

**University of Southern Denmark/  
Danish Institute of Human Rights  
European Master's Programme in Human Rights and  
Democratisation  
A.Y. 2024/2025**

**Neo-Monarchy in the Making: Law, Sovereignty, and  
Resistance in Contemporary Turkey**

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Word Count Declaration: 29283

# Abstract

This thesis examines the paradox of contemporary authoritarianism, focusing on how regimes are increasingly utilizing formal legal institutions to consolidate executive power. While frameworks such as populism or competitive authoritarianism exist, they do not fully capture the specific fusion of law, market logic, and personalized symbolic authority observed in Turkey. This study aims to fill this gap by asking: How has the Turkish government used law to consolidate power? What role have international human rights actors played? And how has civil society responded? To address this gap, the thesis introduces the concept of ‘neo-monarchy’ to theorize the regime form observed in Turkey. Using a qualitative, interpretive methodology, the research analyzes three case studies: the 2016 EU-Turkey migration deal, the political targeting of Istanbul Mayor Ekrem İmamoğlu, and the subsequent civic resistance. The main findings reveal that the regime has repurposed legality as a tool of control, with international actors, such as the EU, playing a role in enabling this through strategic complicity. In response, resistance has adapted by employing creative legal, market, and symbolic tactics. The thesis concludes that Turkey’s ‘neo-monarchy’ represents a sophisticated form of 21st-century authoritarianism. Its use of performative legality to legitimize domination offers a critical lesson and a transnational playbook for similar regimes. These findings have profound implications, indicating that an effective response necessitates both innovative forms of resistance and a fundamental repoliticization of international law.

# Acknowledgements

This thesis is a work that I feel we should all own. It is a debt I owe to so many, and a journey I could not have completed without the continued, stubborn support and compassionate belief of those who stood by me, especially during moments of self-doubt.

First and foremost, I feel incredibly fortunate to have had the guidance of my supervisor, Stéphanie Lagoutte. Thank you for creating such a warm environment in which I could thrive, and for always finding the perfect balance between sharp, constructive critique and immense encouragement. Our exchanges enriched my work in ways I can hardly describe. You've shaped not only this thesis, but also the way I think and work, and I'll carry that forward with deep gratitude.

My time at the Danish Institute of Human Rights was transformative. To my EMA director, Eva Maria Lassen, and everyone at the institute: you showed me what a truly nurturing and principled environment can be. You demonstrated that the critical work of advancing human rights, both domestically and internationally, is possible within a loving, caring, and enriching environment. Thank you for showing me a different and much-wanted reality. To Lars Grassmé Binderup and everyone at SDU, thank you for making our second-semester journey easier. It was so much better than we could have foreseen, thanks to your genuine efforts to make it better for us.

I would also like to thank my line manager, Hassatou Condé-Sambou, and my teammates for providing me with the flexibility I needed to complete this work.

I extend my thanks to all the EMA professors for this well-thought-out program. In a world where human rights work is becoming increasingly complex, your efforts to foster critical engagement and strengthen capacity among young people and professionals worldwide are more crucial than ever. Thank you for pushing forward.

To my friends: no words can truly capture how much you mean to me, Ìdil. You've been my greatest supporter — always there when I needed you, always nudging me in the right direction. Just knowing you're there has brought me comfort and courage through it all.

My lovely roommate in Venice, Elena Zola, you made EMA feel like home from the very beginning. My brilliant friend, Macarena Martinic, the moments we shared will stay with me forever. I love your humor and how you fight through so much; the world is better with you in it. And to Anja Mittelberger, your heart, your drive, and your sense of justice inspire me. You have so much to offer the world, and I look forward to seeing all that you will accomplish in the pursuit of human rights. And last but not least, Daria Katurzhevskaya. Denmark would have been so much greyer without you in it. All the wonderful lunch breaks, coffees, and the silliness and suffering we shared—I consider myself incredibly lucky that I was appointed to SDU with you. I don't even want to think about another possibility.

To my family, there isn't enough space here to express how much I appreciate each and every one of you. From the very beginning, you have shown me what it means to resist and to fight for a better world. I am full of gratitude for each moment we get to spend together. The loving environment you created has helped me grow and shine all my life.

And to my partner, Uygar, thank you. Thank you for joining me on this journey across borders, time zones, and unconventional rhythms. Thank you for helping me rise every time I fall. You are my pillar and the strength behind this work. This work carries your spirit as much as mine.

It is also important to note that this work benefited from AI tools, such as OpenAI's ChatGPT and Google's Gemini, to refine grammar, shorten passages, and assist with titling and proofreading, thereby improving the overall flow. However, all arguments, ideas, and the intellectual core of this thesis are entirely my own, based on the cited sources and my analysis.

Finally, this work is dedicated to all the good and selfless individuals and communities in Turkey and beyond. To those who face immense pressure yet put themselves forward to defend life, the environment, human rights, democracy, and a free and equal world, to those who continue to reclaim law, public space, political imagination, and collective care.

Their struggle is the reason this research matters, and it is the reason we must continue to fight. I cannot, and will not, imagine a world where such injustice goes unchallenged—nor a world where our collective courage fails to make a difference.

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# List of Abbreviations

- AKP** Adalet ve Kalkınma Partisi (Justice and Development Party)
- CEAS** Common European Asylum System
- CHP** Cumhuriyet Halk Partisi (Republican People's Party)
- CoE** Council of Europe
- DBL** DBL Entertainment
- Diyanet** Diyanet İşleri Başkanlığı (Directorate of Religious Affairs)
- ECHR** European Convention on Human Rights
- ECtHR** European Court of Human Rights
- EU** European Union
- FETÖ** Fethullahist Terrorist Organization
- HDP** Halkların Demokratik Partisi (Peoples' Democratic Party)
- HSK** Hâkimler ve Savcılar Kurulu (Council of Judges and Prosecutors)
- HSYK** Hâkimler ve Savcılar Yüksek Kurulu (High Council of Judges and Prosecutors)
- İBB** İstanbul Büyükşehir Belediyesi (Istanbul Metropolitan Municipality)
- Istanbul Convention** Council of Europe Convention on preventing and combating violence against women and domestic violence
- IMF** International Monetary Fund
- LGBTQI+** Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, and others
- MHP** Milliyetçi Hareket Partisi (Nationalist Movement Party)
- MoEUCC** Ministry of Environment, Urbanisation and Climate Change
- NATO:** North Atlantic Treaty Organization
- NGO** Non-Governmental Organization
- OHAL** Olağanüstü Hal (State of Emergency)
- PKK** Partiya Karkerên Kurdistanê (Kurdistan Workers' Party)
- TBMM** Türkiye Büyük Millet Meclisi (Turkish Grand National Assembly)
- TEU** Treaty on European Union

**TİP** Türkiye İşçi Partisi (Workers' Party of Turkey)

**UN** United Nations

**UYAP** Ulusal Yargı Ağı Projesi (National Judiciary Informatics System)

**Venice Commission** European Commission for Democracy through Law

**X** Formerly known as Twitter

**YÖK** Yükseköğretim Kurulu (Council of Higher Education)

**YSK** Yüksek Seçim Kurulu (Supreme Electoral Council)

# Neo-Monarchy in the Making: Law, Sovereignty, and Resistance in Contemporary Turkey

## Chapter 1 – Introduction

*“Democracy is like a tram. You ride it until you reach your destination, then you step off.”*  
— Recep Tayyip Erdoğan, 1996<sup>1</sup>

This quote captures a mindset treating democratic procedures as temporary tools rather than lasting principles. This approach has shaped Turkey’s political transformation. The country has not suddenly collapsed but redefined legal norms to suit a centralized, personalized, and moralized form of rule. While Turkey's democratic institutions formally remain intact, their function has undergone significant changes (Tansel, 2018; Esen & Gümüşçü, 2021). This thesis is based on the observation that law now functions more as a tool of control than as a limit on power, a dynamic that this research aims to understand.

I introduce the concept of neo-monarchy to describe a form of governance where legality, market logic, and symbolic authority converge to reinforce centralized executive power. Though formally a republic, such a regime uses law not to limit, but to perform and legitimize power. The term emphasizes the personalized, moralized, and indefinite nature of rule under a single figure. This is not a classical monarchy based on inherited rights (Elster, 2012), but one operating *through* modern institutions. This fusion of personalized, symbolic rule and the formal apparatus of a modern republic defines neo-monarchy.<sup>2</sup>

This concept offers a framework for interpreting Turkey's political transformation. It invites critique and comparison with alternatives, such as competitive authoritarianism or democratic erosion.

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<sup>1</sup> The original Turkish is: "Demokrasi bir tramvaydır, gittiğimiz yere kadar gider, orada ineriz." (Zileli, 2022),

<sup>2</sup> The term 'neo-monarchy' as used here is an analytical concept and should not be confused with the 'neoreactionary' or 'dark enlightenment' political movements. Whereas those movements prescriptively advocate for a return to non-democratic, hierarchical forms of government, this thesis uses the term descriptively to analyze a contemporary mode of authoritarian rule.

## 1.1 Research Questions

Three interrelated questions guide this thesis:

First, how has the Turkish government utilized law and legal institutions to consolidate power while maintaining its democratic image?

Second, what role have international human rights actors played in this process? Have their challenges constrained this shift, or have they been largely ineffective, inadvertently enabling it, or becoming irrelevant to the regime's trajectory?

Third, how have people and civil society actors, both domestically and transnationally, responded to this shift, and what kinds of resistance have emerged, and where?

These questions are examined through three major case studies: the EU–Turkey migration deal of 2016<sup>3</sup>, the disqualification and criminal prosecution of Istanbul Mayor Ekrem İmamoğlu, and the subsequent wave of civic resistance, including digital and economic forms of mobilization. Together, these cases reflect different scales and forms of power — international, national, and societal — and allow us to see how legality operates across these levels in contemporary Turkey.

## 1.2 Conceptual Framing

The thesis draws on critical legal and political theories, including the works of Wendy Brown, Kim Lane Scheppele (2018), and Tom Ginsburg (2020), to examine the use of law under authoritarianism. Scholars like Wendy Brown (2019) have argued that neoliberalism has reshaped the meaning of democracy by replacing political equality with market rationality. Scheppele's (2018) work on autocratic legalism demonstrates how elections, constitutions, and courts can be reconfigured to serve the interests of authoritarian regimes. Ginsburg's (2020) analysis of authoritarian international law adds another layer by showing how global institutions, once thought to uphold liberal norms, are increasingly shaped by state power and strategic interests.

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<sup>3</sup> The EU–Turkey deal, signed in March 2016, aimed to curb irregular migration from Turkey to the EU. In exchange for Turkey readmitting migrants and increasing border controls, the EU pledged €6 billion in financial assistance for refugees in Turkey (European Council, 2016).

In this thesis, I advance the concept of neo-monarchy to theorise the current Turkish regime. While the term is provocative, it is used analytically, not rhetorically. It describes a system where executive power is personalized, legal procedures remain but lose independence, and symbolic politics support moralized rule.

Unlike other concepts such as populism (Mudde & Rovira Kaltwasser, 2017) or competitive authoritarianism (Levitsky & Way, 2002), which often focus on electoral manipulation or charismatic leadership, neo-monarchy highlights the central role of law, market structures, and moral authority in constructing a regime that is formally legal but functionally autocratic, often culminating in a political project of indefinite rule and potential dynastic succession. It is a regime form where law is not merely instrumentalised for short-term gain, but where legal codification, symbolic sovereignty, and market-oriented governance are structurally intertwined. In this context, opposition is not only criminalised through legal means, but it is also discursively framed as morally illegitimate, economically destabilising, and externally manipulated.

Neo-monarchy, as elaborated here, captures the Turkish case but may also resonate beyond it. As international institutions adjust to accommodate strongman rule and market rationalities displace democratic accountability, a new political form appears to be emerging, one in which the sovereign does not transcend legality but embodies it. This form demands conceptual rethinking, particularly concerning how resistance can emerge within, rather than outside, the legal order.

### **1.3 Methodology**

This research employs a qualitative, interpretive approach (Neuman, 2011), grounded in critical legal and political analysis, which emphasizes meaning, context, and discourse over statistical generalization (Stone et al., 2012). It treats law as a living practice shaped by language, power, and political struggle (Hall, 1997). This approach is particularly beneficial for studying hybrid regimes, where legal systems are formally intact but have undergone substantive alterations.

The study employs three interpretive case studies to examine different dimensions of neo-monarchical rule: international complicity (the EU–Turkey deal), domestic repression (the İmamoğlu prosecution), and civic resistance. The first case explores how external actors

may reinforce authoritarianism. The second examines how domestic legal mechanisms criminalize dissent.

The third case moves to the societal level, exploring the civic resistance that followed İmamoğlu's targeting. It seeks to understand how people create new forms of dissent. It therefore investigates how, even under conditions of repression, avenues for political action can be forged.

Methodologically, this thesis employs a form of critical discourse analysis. The aim is not simply to analyze texts, but to investigate how discourse—in court decisions, political speeches, and media coverage—is used to construct and contest power relations (Baumgarten & Ullrich, 2016). Following a Foucauldian approach, I trace how language works to produce meaning, legitimize authority, and define the boundaries of acceptable dissent (Foucault, 2002, p. 36).

This method enables an inquiry into how legality is not simply violated under authoritarian rule, but transformed. It allows the thesis to read law both as a mechanism of power and as a terrain of contestation. According to Patton (cited in Whyte, 2012, p. 16), a Foucauldian account of rights treats them not as natural, but as the outcome of shifting power relations. Through this lens, legality appears not as a guarantee of rights but as a site where rights are continuously negotiated, suppressed, or reclaimed.

In this study, details regarding the legal proceedings involving Ekrem İmamoğlu and beyond were obtained from publicly available and official sources. Relevant legal documents and legislative texts can be found via institutional platforms such as the Official Gazette of the Republic of Türkiye ([resmigazete.gov.tr](http://resmigazete.gov.tr)), the Turkish Legislation Information System ([mevzuat.gov.tr](http://mevzuat.gov.tr)), the Court of Cassation Decisions Database ([kararlar.yargitay.gov.tr](http://kararlar.yargitay.gov.tr)), and the Council of State Decisions Database ([kararlar.danistay.gov.tr](http://kararlar.danistay.gov.tr)). These sources offer access to finalized judicial decisions, laws, and decrees.

While complete case files and primary judicial documents are not openly accessible due to legal confidentiality and access restrictions on platforms such as the National Judiciary Informatics System (UYAP), essential case details and public commentary have been obtained through reputable news outlets. These platforms provide summaries and updates on major public trials and ongoing investigations concerning alleged offenses by İmamoğlu.

This research was limited to publicly accessible data; no confidential or internal legal documents were used in compliance with ethical and legal standards.

## **1.4 Scope and Limitations**

This thesis is necessarily limited in scope. It does not offer a comprehensive history of Turkish authoritarianism, nor does it account for every instance of resistance or legal reform. Instead, it provides a situated and selective analysis, grounded in close readings of specific cases that exemplify broader dynamics. The temporal frame spans roughly from the 2016 coup attempt<sup>4</sup> to 2025, allowing for an analysis of post-coup legal restructuring and its entrenchment through recent political events.

The research does not include interviews or fieldwork, which limits the depth of personal narratives that can be explored. The deliberate focus on public documents and discourse means that the thesis analyzes the visible performance of legality, including how it is represented, narrated, and contested.

Moreover, this is not a study that seeks predictive conclusions. Rather than prescribing reforms or ideal strategies, this thesis aims to provoke reflection and enrich conceptual debate. It offers a set of analytical tools that may be relevant to other cases, but it does not claim universal applicability. It should be read as a conversation starter rather than a final word. Its ambition is to trace the contours of a political formation that unsettles inherited assumptions about law, rights, and democracy.

## **1.5 Positionality**

As a Turkish citizen with professional experience in human rights, I approach this study with both proximity and critical commitment. Rather than claiming neutrality, this thesis embraces a standpoint of engaged scholarship, grounded in evidence but informed by lived experience.

Acknowledging this positionality resists the abstraction often found in legal and political theory. Turkey is not treated here as just a case to be theorised, but as a context in which legal frameworks, political crises, and civic responses are personally meaningful. The process of

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<sup>4</sup> On 15 July 2016, a group within the Turkish military attempted a coup against the government. It failed, prompting a prolonged state of emergency and mass purges.

writing involves navigating the delicate balance between critical distance and ethical responsibility. This thesis takes shape within that space of negotiation.

## **1.6 Conclusion**

This chapter introduced the research problem, conceptual framing, and methods. It situated the thesis within existing debates and outlined the analytical arc through the case studies.

The thesis is divided into eight chapters. Following this introduction, Chapter 2 provides the theoretical framework, developing the concept of neo-monarchy. Chapter 3 establishes the historical context of Turkey's political transformation. The core of the thesis resides in three case studies: the EU-Turkey migration deal (Chapter 4), the political targeting of Ekrem İmamoğlu (Chapter 5), and the subsequent civic resistance (Chapter 6). Chapter 7 consolidates these findings, and Chapter 8 concludes by revisiting the research questions and reflecting on the study's contributions.

## **Chapter 2 – Literature Review: Rethinking Law under Authoritarian Regimes**

Contemporary authoritarianism presents a paradox for liberal legal thought (Zhang, 2024). While these regimes may sideline law, they increasingly use formal legal institutions to consolidate executive power (Moustafa & Ginsburg, 2008). This raises a core question: how does law enable regimes that erode democratic norms—and why? This chapter builds a theoretical framework to explore that question.

This thesis begins with the concept of authoritarian legality, which sees law not as a check on authoritarian power but as one of its central tools. Drawing on critical political theory and poststructuralist approaches, it explores how legality can be adapted by authoritarian regimes into a form of disciplinary power—a Foucauldian “technology of power”—that works not through direct coercion, but by normalizing behavior across social relations.

Such regimes use tools like selective enforcement and constitutional reform to simulate accountability while restricting real opposition. Control is embedded in the fabric of social and political life, harnessing society’s productive and reproductive capacities in subtle, pervasive ways (Cronin, 1996, pp. 57–64). The case of Turkey offers a lens to examine this dynamic, leading to the central question: how and why has legality become essential to authoritarian consolidation?

This chapter lays the theoretical groundwork. It first situates authoritarian legality within neoliberalism, then examines how law centralizes power and suppresses dissent. Later sections explore the micropolitics of governance, resistance, and the complicity of international human rights law. The chapter proceeds from the idea that in many regimes, law is not disappearing but shifting to enable exclusion, repression, and the performance of legitimacy (Moustafa & Ginsburg, 2008; Hendley, 2022; Jia, 2025).

### **2.1 Neoliberalism as a Mode of Democratic Disassembly**

Understanding authoritarian legality requires unpacking its logic. Neoliberalism is not just an economic policy but a governing rationality that reshapes institutions and law.

Wendy Brown (2019) shows how it reframes subjectivities and legal frameworks, not by attacking democracy directly (p. 62), but by discrediting collective action, undermining

equality, and recasting citizens as market actors (pp. 57–59). Law is retooled to protect market imperatives and shield them from democratic pressure (pp. 63–67), producing a legality that is procedural, hierarchical, and indifferent to justice.

However, Brown’s focus on depoliticization needs expansion when neoliberalism takes on authoritarian traits. Ian Bruff’s (2014) concept of *authoritarian neoliberalism* refines the analysis by challenging views that treat markets as disembodied from institutions. He instead highlights how nonmarket institutions are strategically mobilized for market purposes (p. 114).

What marks the current phase of neoliberalism is the loss of its hegemonic appeal. After the 2008 financial crisis, its promise of prosperity collapsed. Lacking popular consent, it now relies on legal and constitutional insulation, using coercion to preserve the neoliberal order (Bruff, 2014, p. 115).

Authoritarian neoliberalism thus does not break with legality, but instead transforms law into a tool to defend the system against democratic challenges. This transformation is evident in various developments, including constitutional debt brakes, emergency austerity laws, the criminalization of protest, and judicial reforms aimed at disciplining dissent. These mechanisms operate through legal forms that limit democratic contestation and “lock in” market orthodoxy (Bruff, 2014, pp. 115–116).

In sum, authoritarian neoliberalism represents a state-led recalibration of what is politically thinkable and legally permissible, as the Turkish case appears to illustrate a trajectory from consent to coercion that occurs without abandoning legality. This historical process will be detailed in Chapter 3. As Adaman and Akbulut (2021) argue, the concept of a 'three-pillared neoliberalism' in Turkey, which they define as a fusion of authoritarian governance, populist morality, and megaproject-driven development, suggests a dependency on a legal order that facilitates extractivism. This historical process will be traced in Chapter 3.

This underscores a deeper point: neoliberal legality is not just about markets but about managing populations, materially and symbolically. Foucault’s concept of governmentality is key here. Foucault defines governmentality as governing beyond law by shaping conduct through norms and incentives. Under neoliberalism, this takes the form of governing “through freedom”: individuals are encouraged to see themselves as autonomous, self-responsible agents navigating competitive markets. However, this freedom is deeply structured and disciplinary, designed to produce

compliant, risk-absorbing subjects who internalize market rationalities and regulate their behavior accordingly (Foucault, 1997a, pp. 73–79).

These frameworks help interpret the Turkish case. The AKP's shift—from EU-aligned reforms to executive decrees and moralizing governance—reflects a move toward authoritarian neoliberalism (Cook, 2016). Foucault's idea of governmentality helps explain the regime's use of nationalist and religious discourse to cultivate self-disciplining subjects. This complex historical evolution and the interplay between neoliberalism and governmentality in Turkey will be detailed in Chapter 3 and further explored in the analysis of resistance in Chapter 6.

In short, authoritarian legality is not a departure from liberalism, but rather its deepening. Law becomes the tool for lowering democratic expectations and criminalizing dissent. This theoretical landscape prompts a central question for this thesis: Are we witnessing not lawlessness in regimes like Turkey, but rather a fundamental reimagining of law as a technology of exclusion and survival?

## **2.2 Authoritarian Legalism and Rule by Law**

The rise of authoritarian legality is not a break from the liberal legal order, but rather its mutation or repurposing of legal form to entrench executive power, fragment opposition, and simulate constitutional normalcy. This section builds on the insights of Tom Ginsburg, Aziz Huq, and Kim Lane Scheppele, arguing that authoritarian regimes use law strategically.

Authoritarian legalism, as theorized by Ginsburg and Huq (2018), describes how contemporary regimes invert the traditional liberal role of law as a check on power. Instead of lawlessness, these regimes practice rule by law: legal and constitutional mechanisms are used not to constrain the state, but to concentrate and legitimize executive authority. Courts, constitutions, and administrative bodies are maintained, but their purpose shifts.

By preserving the façade of legality, such regimes secure international legitimacy and domestic stability while advancing fundamentally illiberal agendas. For instance, after the failed coup in 2016, Erdoğan invoked Article 120 of the 1982 Turkish Constitution (Republic of Turkey, 1982, Art. 120) and Law No. 2935 on the State of Emergency, which authorizes a state of emergency in cases of widespread violence or threats to the democratic order. These measurements were legalized through emergency decrees that received constitutional approval in the parliament (Venice Commission, 2016). Scheppele's concept of autocratic

legalism refers to the strategic use of constitutional tools, not to break the law, but rather for regimes to undermine liberal democratic principles while preserving the formal appearance of legality. As Scheppele (2018) demonstrates in the cases of Hungary, Venezuela, and Turkey, such regimes rewrite the rules of the game within the legal system, making it difficult to challenge their authority on legal grounds (pp. 549–555).

Scheppele's analysis (2018) suggests a mechanism that seems highly relevant to the Turkish case: the possibility that legality becomes a mode of domination precisely because it appears neutral. By maintaining procedural control, the regime secures its desired outcomes without the stigma of open repression. Trials, votes, and even constitutional referenda become mere formalities, following a script that appears to be written by the president.

Thus, I argue that 'neo-monarchy' distinguishes itself from other fundamental analytical models. For example, Cihan Tuğal's concept of 'democratic autocracy' offers a compelling explanation for the regime's mass base (2024). However, I focus on the leader's highly personalized political project, which often includes dynastic ambition. It identifies a specific variant of autocracy defined by the performance of sacred authority and quasi-hereditary succession, qualities not inherent to all authoritarian systems, such as a military junta or a one-party state.

Furthermore, 'neo-monarchy' incorporates and directs other forms of authoritarian practice. It can be seen as the ultimate practitioner of 'performative authoritarianism' (Levitsky & Way, 2002), utilizing the spectacle of power—rallies, media saturation, and national rituals—to cultivate its cult of personality. Similarly, it employs the tools of 'selective governance,' strategically utilizing state resources and legal enforcement to develop a loyal, patronage-based following (O'Brien, 2018; Yabanci, 2019; Neundorf et al., 2024). In this framework, these practices are not ends in themselves but are instrumental in serving the neo-monarch's personalized rule.

This is where Bruff's (2014) theory of authoritarian neoliberalism intersects productively with authoritarian legalism. Bruff reminds us that the neoliberal state, even at its most authoritarian, relies on the institutionalization of coercion through law. In moments of crisis, whether financial, political, or moral, neoliberal regimes retreat from democratic negotiation and turn to legal instruments to discipline dissent and stabilize elite rule. Theories of authoritarian legalism would interpret the use of anti-terror laws against journalists,

academics, and politicians not as an aberration but as a potential example of the systemic deployment of legality as repression.

Moreover, as Scheppelle (2018) emphasizes, authoritarian regimes employ legality not only for domestic audiences but also for international audiences. For example, in national politics, laws are debated in parliament, trials are held in courtrooms, and constitutional arguments are rehearsed in media statements. But these are legal rituals, not substantive protections. Their function is not to guarantee fairness or equality before the law, but to simulate the appearance of normality, to show that the rule of law is not suspended. And in co-opting it, the regime uses legal language to emphasize themes of order, security, and morality.

This performance of legality extends into the international legal order, where Turkey continues to present itself as a compliant member of global legal regimes. The European Court of Human Rights (ECtHR)<sup>5</sup> has issued multiple judgments against Turkey for violations of Articles 5 and 18 of the European Convention on Human Rights (ECHR), including in the high-profile cases of Selahattin Demirtaş, the imprisoned former leader of a pro-Kurdish political party, and Osman Kavala, a prominent civil society philanthropist.<sup>6</sup> In both cases, the Court found that Turkey's prolonged pretrial detention served ulterior political motives, a theme central to the analysis of the İmamoğlu case in Chapter 5, which involves weaponized prosecution.

Tom Ginsburg's (2020) notion of authoritarian international law argues that authoritarian states are not withdrawing from international legal regimes; instead, they are reinterpreting and reshaping them. These states selectively comply with international law, promote alternative legal doctrines (e.g., sovereigntist interpretations), and use their legal engagement to demand recognition rather than concede to scrutiny.

This dual domestic-international legal strategy must be understood as part of the broader transformation of law into a governing technology under authoritarian conditions. Law retains its symbolic power and remains the language of legitimacy, stability, and order. But its actual purpose is flipped. It no longer protects rights or reflects the people's will. Instead, it becomes a controlled stage where authoritarian power is performed and presented as valid.

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<sup>5</sup> The ECtHR, under the Council of Europe (CoE), adjudicates violations of the ECHR as a member state and legally bound by its rulings, though compliance has declined in recent years.

<sup>6</sup> Selahattin Demirtaş, a Kurdish opposition leader and former co-leader of the HDP (Peoples' Democratic Party), and Osman Kavala, a human rights defender and philanthropist, have both been imprisoned in Turkey. Since 2016 and 2017 respectively. Their detentions have been widely criticized by international bodies, including the European Court of Human Rights, as politically motivated and unjustified.

To conclude, this theoretical perspective suggests that statutes in such regimes can become a medium through which authoritarianism appears democratic, repression appears procedural, and power appears legitimate. The following chapters will examine phenomena such as constitutional redesign, judicial purges, the expansive use of anti-terror legislation, and the strategic performance of international legal engagement in Turkey. The following section examines how legality is both practical, symbolic, and performative, and how it operates through everyday governance, bureaucratic encounters, and moral discourses that render authoritarian power ordinary and even desirable.

### **2.3 Governmentality, Symbolic Politics, and the Everyday State**

Authoritarian legalism refers to the process by which regimes reconfigure the law to consolidate power. In that case, a deeper account is needed to understand how such power is made real, legitimate, and ordinary in the daily lives of subjects, also known as citizens. Law, in this context, is not simply enacted in courts or parliaments; it is also lived, embedded in routines, symbols, administrative practices, and moral discourses. This section draws on Foucault's theory of governmentality and anthropological work by Akhil Gupta and Timothy Mitchell to explore how law shapes daily life through symbols, emotions, and dispersed forms of control.

Foucault's analysis of governmentality, the rationality of modern governance, challenges the idea that power operates solely through juridical or sovereign mechanisms. Instead, modern states govern "the conduct of individuals": they produce subjects who internalize normative expectations, manage their risks, and understand their roles in ways that align with state imperatives (Foucault, 1997b, p.225) This form of power works not through law's prohibitions, but through its infrastructures of normalization such as surveillance, statistics, education, welfare, and security regimes (Baumgarten&Ullrich, 2016, p.25–27).

Governmentality, in this sense, is not opposed to legality; it is legality's substitute, giving it both reach and social intelligibility.

In neoliberal regimes, governmentality takes the form of "governing through freedom" (Rose, 1996, as cited in Baumgarten & Ullrich, 2016, p. 27). The state shapes subjects not through overt coercion but by structuring their choices, aspirations, and responsibilities. In Turkey, neoliberal governmentality is enacted through appeals to moral order and productivity. Citizens are encouraged to internalize state rationality, adopting roles as religious, productive,

and nationalistic subjects, thereby blurring the distinction between coercion and consent (Tuğal, 2009; Yilmaz, 2018).

This dynamic leads to the theoretical proposition that authoritarian legality is sustained not only through courts or security forces but also reproduced through belief, discourse, and embodied conduct. This can be exemplified in Turkey, where individuals frequently tag the General Directorate of Security on social media to report dissent (Yesil & Sözeri, 2017).

Such practices intensified during the state of emergency (Freedom House, 2016), when even private expressions such as perceived insults to the president were reported by family members or neighbors. This dynamic of citizen-led surveillance, where society is encouraged to police itself, provides a crucial backdrop to the forms of both public and digital resistance that will be explored in Chapter 6.

Akhil Gupta (1995) reconceptualizes the state not as a monolithic or distant entity, but as something that is continually produced and experienced in the mundane, everyday encounters between citizens and bureaucracies. Through his ethnography of corruption in India, Gupta shows that state authority is fragmented and negotiated at the local level. The state is not simply “out there”—it is made real in the routine paperwork, queues, and interactions that shape people’s perceptions of legality and power (Gupta 1995, in Sharma and Gupta 2006, pp. 211–242). This approach is beneficial for understanding authoritarian regimes like Turkey post-2016, where repression for ordinary people often operates through banal administrative procedures rather than overt violence. Gupta’s insights enable us to know how bureaucratic control becomes a crucial mechanism of governance and how legality itself is perceived as both ordinary and oppressive — a key theme in the historical overview presented in Chapter 3.

Timothy Mitchell (1999) complements Gupta by arguing that the state is not a pre-given structure, but an “effect” produced by material and symbolic practices. He focuses on how the distinction between “state” and “society” is not natural, but is enacted and dramatized through rituals, architecture, legal discourse, and everyday routines. These practices give the illusion of a unified, sovereign state, even when actual governance is fragmented (Mitchell 1999, in Sharma and Gupta 2006, pp. 169-186). In the Turkish context, Mitchell’s framework helps us analyze the performative dimensions of legality—such as mosque inaugurations or national commemorations—which do not simply reflect state power but actively construct it.

The repetition of symbolic acts sustains the legitimacy and emotional resonance of the state, blending legal authority with moral and nationalist discourses.

Theories of state performance and governmentality suggest that regimes often construct a 'legal-moral order' by drawing on powerful symbolic discourses. This provides a framework for analyzing the use of religious and nationalist discourse under the AKP rule in Turkey. It enables us to examine whether Islamic values and republican traditions are strategically combined to present the law as a righteous force aligned with the nation's moral fabric (Rabasa & Larrabee, 2008; Azak, 2010; Çağaptay, 2018). This, in turn, raises the question of how, and to what extent, power might become emotionally justified through such symbolic means. The specific symbolic strategies used to construct this moralized authority will be examined in the historical overview in Chapter 3.

This framework invites an investigation into the Turkish context, prompting us to ask whether the layered legacies of Ottomanism (Mills, 2011), republican modernization (Tokdoğan, 2024), and state-driven development policies (Borsuk et al., 2022) might continue to influence contemporary legal and administrative practices. The role of these historical legacies will be a recurring theme in the contextual analysis provided in Chapter 3.

## **2.4 Resistance**

If authoritarian legality operates by hollowing out democratic procedures while preserving their form, and if it reproduces itself through moralized discourse and everyday governance, then resistance cannot be confined solely to the institutional terrain of law. Indeed, when the law functions to legitimize domination, the most potent forms of resistance may emerge not through legal claims but through disobedience, refusal, and the reimagining of the political itself. This section examines how dissent unfolds within and against authoritarian legality, and how it manifests in embodied acts, symbolic performances, and affective relationships that challenge the state's claim to define legitimacy.

James C. Scott's theory of everyday resistance offers a foundational framework for analyzing resistance under repressive conditions. In *Weapons of the Weak* (1985), Scott rejects the assumption that resistance must be dramatic or openly confrontational to be meaningful. Instead, he highlights subtle, dispersed, and often hidden practices such as gossip, noncompliance, feigned ignorance, and silent protest—everyday acts that disrupt domination without triggering overt repression. These forms of resistance are further developed in

*Domination and the Arts of Resistance* (1990), where he introduces the concepts of public and hidden transcripts. Scott argues that the hidden transcript—composed of offstage gestures, speech, and behaviors—can contradict or challenge the dominant public discourse. He emphasizes that the boundary between the two is fluid and constantly contested (Scott, 1990, pp. 4, 14, 199). Scott's framework helps theorize practices like consumer boycotts or silent vigils (analyzed in Chapter 6) as forms of 'everyday resistance.'

Judith Butler's (2016) concept of *vulnerability in resistance* further develops this insight. She argues that a protest is not simply an assertion of autonomy but an expression of interdependence and dispossession. Bodies gather in public not just to demand rights, but to insist on the value of lives that the state deems expendable. In doing so, they expose the violent exclusions on which legality rests. For Butler, such assemblies are powerful because they challenge dominant norms, demanding recognition for lives that have been ignored or devalued by legal structures. Butler's concept of performative assembly provides a lens for understanding events like the 2013 Gezi Park uprising<sup>7</sup> (see Gambetti, 2014), whose legacy will be explored in Chapter 6.

Deleuze and Guattari's (1987) concept of *lines of flight* offers a helpful lens. Rather than seeing resistance as a binary opposition to power, they propose that it often takes the form of escape, subversion, or re-routing—what they call deterritorialization. From this perspective, resistance is less about confrontation and more about creating new ways of being and new forms of community that evade state control. This theoretical lens can also be applied to understand the ongoing feminist and pride marches in Turkey, whose symbolic defiance will be explored as part of the ecosystem of resistance in Chapter 6.

Todd May (2012) contributes an essential layer by emphasizing the relational and ethical dimensions of resistance. In his account, resistance is not merely ideological; it is rooted in friendship, solidarity, and shared vulnerability. In contexts where neoliberalism isolates individuals and authoritarianism criminalizes association, deep social relationships become both refuge and resource. They generate the trust and moral vision needed to sustain resistance in dark times. Friendship becomes a site of ethical refusal, a way of being that counters the state's logic of atomization and moral control. This perspective on resistance will also help deepen the analysis of the current and recent waves of activism in Turkey.

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<sup>7</sup> The 2013 Gezi Park protests began as an environmental sit-in but turned into nationwide anti-government demonstrations, widely seen as a turning point in Turkish democratic decline.

What all these practices share is a commitment to reimagining the concept of legality itself. They do not merely demand that the law work better; they contest the moral and epistemic frameworks that determine who the law serves and who it excludes. Resistance, then, is not just about naming rights; it is about creating new languages and practices of justice that exceed the liberal legal imagination.

This leads to a final set of questions regarding resistance. If the formal legal order is co-opted, where does opposition emerge? This thesis will proceed from the theoretical premise that resistance in such contexts may not be a simple effort to restore a lost legal order, but rather a creative force that seeks to unsettle the coordinates of legality itself. This premise will be investigated in Chapter 6.

## **2.5 International Law and Human Rights**

The persistence of authoritarian legality under regimes that remain formally committed to international legal standards necessitates a deeper examination of the structural limitations of international law itself. The weakness of international law is twofold. It struggles with enforcement, and authoritarian governments can skillfully manipulate it to their ends. This section draws on critiques by Martti Koskenniemi, Samuel Moyn, Stephen Hopgood, David Kennedy, and Didier Fassin to interrogate the epistemological and political assumptions of liberal legalism and to explore how international law can be both a terrain of struggle and a technology of insulation for authoritarian regimes.

At the heart of this critique is Martti Koskenniemi's (2005) argument about the ambiguity of international law, which he argues vacillates between normative idealism ('utopia') and deference to state power ('apology'), masking political choices behind a façade of neutrality. For Koskenniemi, the language of international law conceals decisions as if they were deductions, depoliticizing inherently political questions by rendering them technical, procedural, and ostensibly universal (2005, pp. 502–507). Koskenniemi's critique raises essential questions for analyzing Turkey's engagement with the ECtHR. Tom Ginsburg's (2020) concept of authoritarian international law captures this phenomenon. Rather than withdrawing from global legal systems, authoritarian regimes increasingly participate in them strategically, reshaping their norms to reflect sovereignty-centered, security-oriented priorities. Ginsburg argues that this shift marks the rise of a dual-track legal order, in which the procedural framework of international law remains intact. Still, its underlying liberal assumptions are stripped away. His theory offers a useful framework for analyzing

phenomena such as Turkey's continued presence in the ECtHR system despite its non-compliance with key rulings. It prompts an inquiry into whether this continued engagement might be a strategic instrumentalization of international law, aimed at deflecting pressure, securing diplomatic recognition, and displacing accountability.

This process is not only tolerated but enabled by the structure of international human rights law itself. As Samuel Moyn (2010) argues in *The Last Utopia*, the ascendance of human rights discourse in the 1970s was not the triumph of a long moral arc, but a response to the collapse of more transformative political projects, anticolonialism, socialism, and revolutionary internationalism. Human rights emerged as a minimalist moral language, one that focused on protecting individual dignity in the absence of collective political alternatives. As a result, the human rights movement became compatible with neoliberal governance, emphasizing personal autonomy, legal reform, and procedural safeguards over structural change.

For Moyn (2010), this minimalist framework produces a blind spot: it often fails to interrogate the political economy of repression. Moyn's critique prompts us to ask whether a similar dynamic might be at play in the Turkish context, potentially creating a disconnect between the state's economic model and its legal violations. It provides a lens to investigate the extent to which international institutions might criticize violations, such as the detention of journalists, while remaining comparatively silent on neoliberal development projects that have significant human rights impacts. This raises a crucial question about the structural limits of bodies like the ECtHR: while they can address individual procedural rights, are they equipped to challenge the deeper legal architecture of authoritarian neoliberalism?

This critique of human rights minimalism is further developed by scholars who highlight the institutional decline of the human rights regime itself. Stephen Hopgood (2013), for example, argues that the 'human rights empire'—composed of UN bodies and Western NGOs—has lost credibility due to selective enforcement and a failure to address global inequality. This allows states like Turkey to dismiss external criticism as political interference. Compounding this, David Kennedy (2002) describes how the professionalization of human rights has transformed it into a managerial and technical language. Legal framing, he argues, often 'tames' injustice by reducing structural problems to issues of administrative reform or compliance, thereby rendering law more efficient at managing power than at challenging it.

Didier Fassin (2011) introduces the concept of ‘humanitarian reason’ to describe how contemporary law and rights discourse often frame suffering through a moral logic of compassion. In this view, the figure of the victim becomes central, and recognition is granted primarily based on the experience of pain rather than political agency. This creates a moral economy in which protection takes precedence over justice, and survival is valued more than resistance or transformation.

Fassin’s critique offers a crucial lens for this thesis, prompting an examination of international responses to the Turkish case. It allows us to ask to what extent these responses might emphasize the suffering of political prisoners or displaced populations, while paying comparatively less attention to collective acts of protest and solidarity. This raises the further question of whether an international focus on victimhood can inadvertently obscure the political claims made by those who actively contest authoritarian power. This tension will be explored in the case studies in Chapters 4 and 6.

Together, these critiques point to a troubling convergence: international law, far from serving as a brake on authoritarianism, increasingly functions as a scripted arena for its performance.

The potential for such structural complicity can be explored through the case of the 2016 EU-Turkey migration deal. This arrangement, which will be analyzed in detail in Chapter 4, has been described by scholars as a form of ‘externalized legalism.’ (Carrera&Guild, 2016) It therefore serves as a key case for investigating whether and how human rights law can be instrumentalized for geopolitical ends.

In this environment, international legal critique becomes limited. As Koskeniemi warns, so long as law claims neutrality, it will obscure its politics. As Moyn and Hopgood argue, so long as human rights discourse remains detached from questions of inequality, power, and resistance, it will remain vulnerable. The challenge, then, is not to abandon international law, but to repoliticize it, to expose its assumptions, contest its usages, and reimagine its role in emancipatory politics.

This raises a critical question for the analysis of a country like Turkey: what if the problem is not simply non-compliance with human rights norms, but their strategic deployment to sustain a legalistic authoritarian regime? This thesis will explore this question by examining Turkey’s engagement with European institutions.

This understanding is critical for the chapters that follow. If law is a terrain of politics rather than its antithesis, then challenging authoritarian legality requires more than legal reform; it demands an interrogation of the systems, actors, and discourses that allow legal repression to appear lawful. The following chapters examine how these dynamics unfold through Turkey's constitutional restructuring, its relationship with the EU, and the creative responses of civil society actors who seek not only to reclaim the law but also to transform its meaning from below.

## **2.6 Conclusion: Reframing Law, Power, and Resistance**

This chapter presents a multifaceted theoretical framework for analyzing the relationship between law and authoritarianism. It began by drawing on Brown and Bruff to propose that neoliberal rationality can reconfigure law to serve market imperatives over democratic ones. It then turned to Scheppele and Ginsburg to frame the concept of 'autocratic legalism,' posing the question of how legal institutions themselves can be weaponized to consolidate power. Finally, drawing on theories of governmentality and resistance, it established the importance of examining both the everyday, symbolic nature of power and the creative, embodied forms of contestation that emerge in response.

These insights shape the core inquiry: How has legality become a mechanism of authoritarian rule in Turkey? The next chapters move from theory to practice.

## **Chapter 3 – The Case of Turkey and the Legalization of Authoritarianism**

Having established the theoretical framework in Chapter 2, this chapter provides the historical and political context for the subsequent case studies. It traces the AKP government's trajectory, focusing on the legal, economic, and symbolic transformations that reshaped the Turkish state, providing the essential backdrop for the analyses in Chapters 4, 5, and 6.

### **3.1 From Reform to Repression: The Hegemonic Project of the AKP**

The rise of the AKP in 2002 was widely seen as a turning point in Turkey's path toward democratization. Emerging from a period dominated by military influence and rigid secularism, the AKP positioned itself as a party that could balance conservative Islamic values with democratic reform (Öniş & Keyman, 2003). It appealed to a broad base, religious conservatives, small business owners, Kurdish voters, and other marginalized groups. And it received international praise for its commitment to European Union accession and economic liberalization.

Early on, the party introduced EU-aligned reform packages, lifted certain restrictions on expression and minority rights, and presented Turkey as a regional model of what some called "Muslim democracy" (Öniş, 2012, pp. 45–46; Tansel, 2018, p.204). Yet beneath this reformist agenda lay a straightforward populist narrative that claimed to represent the "real people" in opposition to an entrenched secular elite, the judiciary, and certain segments of civil society (Balta & Özel 2023, p. 127).

Tekdemir (2023) analyzes this early period using Laclau's theory of populism and Gramsci's concept of hegemony. From this perspective, the AKP's strategy was not merely ideological, but also performative and coalition-building in nature. It united various social demands around the unifying but vague notion of "the people." Between 2002 and 2010, the party established a fragile yet effective alliance centered on themes such as democratization, neoliberal stability, EU membership, and anti-militarism (Tekdemir 2023, pp. 96–98). This coalition included liberal intellectuals, ethnic and religious minorities, and conservative Muslim communities, allowing the AKP to present itself as the natural successor to Turkey's democratic hopes, while gradually advancing its power agenda. This gradualist approach,

aimed at legally rewriting the rules from within, is a hallmark of what scholars like Kim Lane Scheppele (2018) term 'autocratic legalism.

What made the AKP's approach distinctive in this period was its ability to fuse liberal modernization with Islamic conservatism. Öniş (2012) referred to this strategy as “controlled neo-populism.” It allowed the party to frame its rule as both progressive and culturally rooted. While this framing reassured domestic and international audiences in the short term, it also began to reshape the definition of political legitimacy, laying the groundwork for a shift toward centralized authority (Tekdemir 2023, p. 92).

This coalition began to fall apart by the early 2010s. The 2013 Gezi Park protests, sparked by an environmental sit-in, quickly became a national outcry against perceived authoritarian overreach. The government's harsh response—police violence, arrests, and a media campaign framing protesters as terrorists—marked a turning point in the AKP's discourse. The idea of “the people” narrowed to those loyal to the party, while others were increasingly treated as threats to national unity and morality (Balta & Özel 2023, p. 128; Tansel 2018, p. 198–201), — a discursive rupture that Wendy Brown (2019) has analyzed as a key feature of neoliberalism's attack on democratic foundations.

After Gezi, the AKP's inclusive rhetoric gave way to a more exclusionary form of nationalism. Religion and ethnic identity became more central to its vision of political legitimacy. The breakdown of the Kurdish peace process in 2015<sup>8</sup>, the rise of the pro-Kurdish HDP<sup>9</sup>, and the failure to form a government after the June 2015 elections<sup>10</sup> led the AKP to align itself more closely with the ultranationalist MHP (Sommer, 2024, p.86). This alliance ushered in a political shift that treated opponents, whether Gülenists<sup>11</sup>, Kurdish activists, or secularists, as internal enemies. Erdoğan's speeches increasingly invoked Islamic heritage,

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<sup>8</sup> Known as the "Peace Process" (Çözüm Süreci) in Turkey, these were negotiations initiated around 2013 between the Turkish state and the Kurdistan Workers' Party (PKK) to end the decades-long conflict. The ceasefire and process collapsed in mid-2015, leading to a resurgence of intense violence (See Yeğen, 2015).

<sup>9</sup> The Peoples' Democratic Party (HDP) is a political party in Turkey with a primary focus on Kurdish political and cultural rights. Its success in crossing the 10% national electoral threshold in the June 2015 election was a major political development (See Tekdemir, 2023, p.102). Facing an ongoing closure case, the party has since adopted a strategy of political continuity, for the 2023 general elections, its candidates successfully ran on the lists of the Green and Left Future Party (Yeşiller ve Sol Gelecek Partisi) to preempt a potential ban.

<sup>10</sup> In the general election of June 7, 2015, the ruling AKP lost its parliamentary majority for the first time since 2002, partly due to the HDP's success. The subsequent negotiations to form a coalition government failed, leading to a snap election being called for November 2015 amidst a rapidly deteriorating security environment.

<sup>11</sup> Refers to the followers of the late, US-based cleric Fethullah Gülen. The Gülen movement was a crucial ally of the AKP in its early years, particularly within the state bureaucracy and judiciary. Following a public falling-out around 2013, the Turkish government designated the movement a terrorist organization (FETÖ) and held it responsible for the 2016 coup attempt.

Ottoman nostalgia, and moral decline as rallying points (Baykan, 2018). The result was a redefined national narrative that combined religious identity, nationalist pride, and market-oriented growth into a single governing ideology (Tekdemir 2023, pp. 102–104).

The failed coup attempt on July 15, 2016, was a critical moment. Erdoğan described it not just as a challenge to the government, but as a direct attack on the “national will.” Mass purges in the military, courts, universities, and civil service marked the aftermath. Amnesty International reports that over 130,000 public employees were dismissed, and more than 1,300 NGOs and 180 media outlets were shut down, often through emergency decrees with no opportunity for appeal (Amnesty International, 2018; Cop & Kılıçdaroğlu, 2021).

Importantly, these actions did not occur outside the legal system. On the contrary, the 2017 constitutional referendum (Law No. 6771, 2017)<sup>12</sup> that was held during the state of emergency, formally establishing Erdoğan’s executive presidency. The regime justified the reforms through the language of legal legitimacy and national security, even as they weakened pluralism and checks on power.

What has emerged is a form of executive rule that is deeply personal yet anchored in legal structures. Erdoğan’s role as *reis*—meaning leader or captain—is not merely political; it is symbolic, moral, and almost sacred (Tekdemir 2023, p. 100). The state is no longer depicted as a neutral institution but as a moral force, enacting the will of a purified national body. This mode of rule—fusing law, charisma, and nationalism—is what this thesis terms *neo-monarchy*. It is a personalized sovereignty that employs legal and emotional appeals not to reject democracy, but to reshape it around executive authority.

As the next sections will show, elections, courts, and constitutions remain in place. Still, they now operate within a framework where dissent is criminalized, opposition is moralized, and law itself becomes the tool through which democracy is dismantled.

### **3.2 Institutional Transformation and the State of Exception**

The transformation of Turkey’s legal-institutional order under the AKP cannot be understood without examining the 2016 coup attempt and the subsequent state of emergency (OHAL).

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<sup>12</sup> The 2017 constitutional referendum narrowly passed and replaced Turkey’s parliamentary system with a presidential one, abolishing the prime minister’s office and consolidating executive power under Erdoğan See Ekim & Kirişçi, 2017; Shaheen, 2017.

The groundwork for OHAL was laid by a series of legal and constitutional reforms, often presented as democratization aligned with EU harmonization.

The 2010 constitutional referendum, widely celebrated for curbing military influence, served a dual purpose. While it weakened the military judiciary, it also allowed the government to reshape the judiciary—especially the High Council of Judges and Prosecutors (HSYK)—by increasing executive and parliamentary control over appointments (Republic of Turkey, 2010). This shift marginalized secularist judges and brought the judiciary under the influence of the executive and its then-ally, the Gülenist movement (Tansel, 2018, pp. 209–210).

The AKP further expanded executive discretion through legal reforms framed as security measures. These included amendments to the Police Powers Law (Law No. 2559, 1934) and the Law on Meetings and Demonstrations (Law No. 2911, 1983), which broadened the legal basis for surveillance, preventive detention, and protest suppression. The 2015 Internal Security Law (Law No. 6638) granted governors sweeping powers to detain, search, and restrict public gatherings without prior judicial approval (European Commission, 2015; Yıldırım, 2019). These changes were driven by the Gezi Park protests (2013) and the collapse of the Kurdish peace process (2015), both discursively framed by the regime as existential threats fueled by internal enemies and foreign conspiracies (Balta, 2021; Dinçer, 2022; Sözen, 2022; Somer, 2024).

Incremental centralization since 2007 culminated in a post-coup rupture, where emergency decrees and judicial purges entrenched executive control. This shift aligns with what Giorgio Agamben (2005) calls the “state of exception”: a political space in which the law is simultaneously suspended and preserved, where the sovereign decides not only the content of law but its applicability (pp. 5-6).

The state of emergency declared in Turkey on July 21, 2016, ostensibly a response to the Gülenist network (FETÖ), quickly became the legal basis for a broader purge of dissent. This rupture had a dual legal foundation. Domestically, it sidelined the Turkish Grand National Assembly (TBMM), as presidential decrees (OHAL) gained the force of law without being subject to Constitutional Court review (European Commission, 2018, p. 8; Venice Commission, 2017).

Internationally, the move was grounded in a corresponding derogation from the ECHR. While Article 15 of the convention permits such derogations in a "public emergency threatening the

life of the nation," the Turkish case was notable for its two-year duration and the unprecedented scale of the measures enacted (Lagoutte, 2025, p. 260).

This state of exception was soon normalized and permanently folded into the legal-political order when the 2017 constitutional referendum, held during the emergency regime, constitutionalized these powers into a hyper-presidential system (Dinçer, 2022). This entire process—using a temporary emergency and a popular referendum to enshrine extraordinary powers—is a textbook example of what Scheppele (2018, p. 569) terms "autocratic legalism," where democratic procedures are used to dismantle liberal-democratic functions while preserving an image of legality.

The judiciary was both a target and a tool of this transformation. After the 2016 coup attempt, over 4,000 judges and prosecutors were dismissed for alleged Gülenist ties (Amnesty International, 2017, pp. 6–7). This mass purge and replacement exemplify what Ginsburg and Huq (2018) term *constitutional retrogression*—the use of democratic institutions to erode democratic practice. New appointments were made under emergency decrees, and the Council of Judges and Prosecutors (HSK)<sup>13</sup>, restructured in 2017, became a vehicle of executive control.

These changes enabled the government to shape not only the judiciary's composition but also its function. As the İmamoğlu case will show (Chapter 5), this reflects Scheppele's concept of *autocratic legalism* in action. High-profile prosecutions of opposition figures, such as Selahattin Demirtaş and Osman Kavala, further illustrate how judicial independence has been subordinated to political power (Amnesty International, 2021a; 2021b).

Simultaneously, legal reforms blurred the line between security and dissent. The state deployed vague anti-terror laws to criminalize criticism, while Article 299 of the penal code ("insulting the president")<sup>14</sup> was weaponized against journalists, academics, and social media users.

This consolidation of domestic control was paired with a redefinition of Turkey's relationship with international legal obligations (Kaygusuz & Aydın, 2020). While Turkey remained a

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<sup>13</sup> The Council of Judges and Prosecutors (HSK) is the body responsible for judicial appointments and oversight in Turkey (European Commission, 2018). Reforms after 2017 gave the president greater influence over its composition.

<sup>14</sup> Article 299 criminalizes insulting the President of Turkey and carries prison sentences. The Venice Commission and the ECtHR have criticized this law for excessively restricting freedom of expression and called for its repeal or amendment. They argue that such special protection for heads of state violates European human rights standards and is often used to suppress political dissent and criticism (Venice Commission, 2016).

party to the ECHR and continued to submit to ECtHR jurisdiction, its compliance with key rulings, particularly in cases involving prolonged pre-trial detention or politically motivated charges, declined sharply.

The arrest of Demirtaş and Kavala, despite ECtHR rulings, exemplifies how legality is used to simulate judicial process while enacting political punishment. Both cases demonstrate the law's symbolic function. This disavowal of external constraint was further symbolized by the country's 2021 withdrawal from the Istanbul Convention<sup>15</sup>, which was unilaterally revoked by presidential decree (Official Gazette, 2021), despite the treaty's prior ratification by parliament. The withdrawal, justified by the government as protecting "family values," illustrated the regime's view that international obligations could be unmade by sovereign decision. This exemplifies the practice Tom Ginsburg (2020) refers to as 'authoritarian international law,' where states selectively discard international obligations to assert their sovereign prerogative.

### **3.3 The Market-State Nexus**

This legal and political system is supported by economic structures built on loyalty and trust. The AKP has developed an extensive system of economic patronage and market control, which has been crucial to its ability to maintain popular support and consolidate its political hegemony (Can & Fanton, 2022). As Cemal Burak Tansel (2018) argues, the AKP's regime should be understood through the lens of authoritarian neoliberalism. Tansel (2018) describes it as a system where market mechanisms are not just deregulated but actively shaped by the state to discipline labor, suppress opposition, and strengthen regime control.

This process began in the 2000s, when the AKP capitalized on the post-2001 economic crisis and the IMF structural adjustment program to present itself as a competent financial manager. The party gained support from emerging conservative business classes by offering increased access to credit, subsidies, and infrastructure contracts in exchange for political loyalty". These partnerships, especially in construction and energy, became key tools for both economic expansion and the integration of elites into the regime's networks. As Balta and Özel (2023, p. 134) point out, state contracts became instruments of political alignment, generating a dependent capitalist class that owed its fortunes to the stability of the regime.

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<sup>15</sup> The Istanbul Convention is a Council of Europe treaty aimed at preventing and combating violence against women and domestic violence. While widely seen as a landmark in gender rights, it has faced political resistance in some countries over perceived conflicts with traditional values. Turkey withdrew in 2021 despite being the first signatory.

At the same time, the AKP pursued a strong welfare and clientelist agenda, particularly in lower-income and rural areas. Cash transfers, food assistance, and health care expansion were framed as gifts from the party rather than entitlements of citizenship. These programs were often administered through municipalities and civil society organizations aligned with the party, further blurring the lines between public service and political loyalty. This not only reduced political criticism of economic conditions but also fostered a system in which people viewed support as a favor from the party rather than a right of citizenship (Tansel 2018, p. 210).

During economic crises such as the COVID-19 pandemic, the Turkish government implemented relief measures that appeared to favor pro-government entities while obstructing opposition-led initiatives. In March 2020, the Ministry of Interior banned municipalities from launching independent fundraising campaigns (Republic of Turkey Ministry of Interior, 2020). This led to the freezing of accounts tied to aid programs run by opposition-led cities, such as Istanbul and Ankara. The government also confiscated these funds; for instance, over 6.2 million Turkish Lira raised by the IBB<sup>16</sup> for COVID-19 relief was taken and redirected to state accounts (Duvar, 2022). By using bureaucratic power to block economic solidarity, the central government reinforced the principle that no independent power center, not even one legitimized by an election, would be allowed to challenge its control over the distribution of resources and public loyalty (Kutun, 2020).

Such dynamics illustrate Wendy Brown's (2019) argument that neoliberalism is not simply a withdrawal of the state, but a reorganization of state rationality around market principles. In Turkey, market rationality does not restrain executive power; it authorizes it. Erdoğan's government positions itself as the sole guarantor of economic stability, growth, and moral order, even as it undermines independent regulatory bodies, labor rights, and pluralistic institutions (Sağlam, 2024). The fusion of state and market thus enables not only material control but ideological legitimation, where political dissent can be cast as both a threat to the economy and national values.

State and market interests also converged in media ownership, where over 90% of outlets are controlled by pro-government conglomerates benefiting from state contracts (ECPMF, 2023). Journalists critical of the government are routinely prosecuted, flagged, or imprisoned under anti-terror and defamation laws, while independent outlets face steep fines, license

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<sup>16</sup> İstanbul Büyükşehir Belediyesi (İBB) is the İstanbul Metropolitan Municipality. It oversees vast urban infrastructure, services, and budgetary resources in Turkey's largest city.

revocations, and arbitrary censorship (Esen & Gümüşçü, 2021). This dependence ensures that election coverage, economic news, and nationalist narratives are tightly managed, serving both to promote the regime and to deflect attention from its repressive actions (Akyol, 2021).

The AKP's consistent promotion of mega-projects, which redistributed wealth to loyal conglomerates while being framed in a nationalist-moral discourse, aligns with Ian Bruff's (2014) concept of 'authoritarian neoliberalism'. What emerges, then, is not simply a case of democratic decay, but a political-economic formation in which law, loyalty, and everyday survival are closely intertwined. In such a context, opposition is not only a political act, but also an economic risk.

### **3.4 Strategic International Relations and Sovereign Diplomacy as Pillars of Authoritarian Legality**

Turkey's authoritarian legalism under the AKP must be understood not only as a domestic transformation but also as a regime continuously shaped and shielded by its international positioning. Rather than standing alone, the Turkish regime has skillfully used global crises and shifting alliances to present itself as indispensable, diverting international criticism while tightening control at home. The AKP's foreign policy blends transactionalism with sovereign performance, which helps stabilize its use of exceptional legal measures at home.

A defining moment in this approach was Erdoğan's dramatic rebuke of Israeli President Shimon Peres at the 2009 Davos Summit, where he declared "One minute!" before storming off stage (BBC News, 2009).<sup>17</sup> Although seemingly symbolic, this act served as a recalibration of Turkey's international identity: a shift from a compliant EU candidate to a regional moral power, willing to challenge Western-dominated global forums. This assertion of a separate moral authority on the world stage can be seen as a tactic to counter what David Kennedy (2002) describes as the 'taming' effect of Western-dominated international legal discourse. It resonated across the Arab and Muslim world, elevating Erdoğan's image as a defender of Muslim dignity and affirming Turkey's turn toward an Islamo-nationalist foreign policy—one that would later frame domestic authoritarianism as moral and anti-imperialist (Associated Press, 2009).

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<sup>17</sup> In 2009, Erdoğan walked off stage at the World Economic Forum in Davos after publicly criticizing Israel's actions in Gaza. This moment elevated his popularity among nationalist and Islamist constituencies.

The AKP's regional interventions have been framed as both security measures and civilizational missions, emphasizing Turkey's role as a regional leader. Initially justified through humanitarian and security concerns, these actions evolved into a broader strategy focused on national survival and influence. Domestically, this narrative reinforces the regime's self-image as the rightful heir to regional authority, underpinned by emotional politics of resentment, nostalgia, and national pride. For detailed analyses of these dynamics, see Kirişci (2018), Keyman and Gümüşçü (2014), Cop and Zihnioğlu (2015), Kutlay and Öniş (2021), Taş (2022), Ulusoy (2015), and Tokdoğan (2024).

Most importantly, Turkey has mastered the ability to instrumentalize crises as leverage, to extract strategic deference from its international partners. The EU-Turkey migration deal of 2016 exemplifies this. In exchange for controlling the flow of refugees into Europe, Turkey received billions in aid, visa liberalization promises<sup>18</sup>, and the effective sidelining of EU criticism regarding human rights violations.

The deal was finalized just as Turkey entered its most repressive phase, following the 2016 coup attempt. It enabled the regime to carry out mass purges and emergency decrees without facing serious pushback from European partners. The delayed release of critical EU reports during the key Turkish election in 2015 further illustrates this *realpolitik* approach (Barker & Wagstyl, 2015; Karadağ, 2022).

This dynamic, in which a powerful democratic bloc outsources its legal and moral obligations to an authoritarian partner while presenting the arrangement as humanitarian, can be understood through Fassin's (2011) critique of *humanitarian reason*, which exposes how moral discourse often conceals geopolitical transactions. It also reflects Koskeniemi's (2005) argument that international law tends to collapse into a form of political 'apology' when shaped by power asymmetries.

Additionally, it exemplifies what Stephen Hopgood (2013) describes as the 'endtimes' of human rights, where normative commitments are easily traded for strategic interests. This will form the central argument of Chapter 4.

This strategy extends to Turkey's balancing act in the Russia–Ukraine war by refusing to join Western sanctions (Kurç, 2020; Eurasian Research, 2021) while maintaining NATO coordination, and by brokering the 2022 grain deal in Istanbul, Erdoğan positioned himself as a rare statesman capable of speaking to both sides (İstanPol, 2022). This maneuvering to

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<sup>18</sup> As of July 2025, the process remains stalled. The European Parliament has raised concerns over the increasing rate of Schengen visa rejections for Turkish applicants (16.1% in 2023) and Turkey's lack of progress on key reform conditions (PA Turkey, 2025).

increase sovereign autonomy while selectively engaging with global norms is a clear illustration of what Tom Ginsburg (2020) refers to as 'authoritarian international law'.

This diplomatic strategy is characterized by a flexible ideology (Sözen, 2010), which has been crucial in reinforcing the regime's authoritarian legal framework (Nas, 2019). In effect, Erdoğan has reconfigured foreign policy into a stage of sovereign performance, where engagement with conflicting global powers signals autonomy rather than inconsistency (Tolay, 2011).

International partnerships insulate domestic legality. Legal norms are invoked, rejected, or reframed to affirm sovereign authority. The erosion of domestic accountability is thus insulated by a foreign policy that both forestalls isolation and amplifies nationalist resolve. In this context, international legal norms no longer constrain the regime.

### **3.5 Repression and Legal Regulation of Civil Society: Managing Contention through Law and Delegitimization**

Civil society in Turkey has long been both a site of democratic struggle and a target of authoritarian containment. Under the AKP, especially since the Gezi Park protests and the post-2016 purges, civil society actors—particularly rights-based organizations, academics, students, women, and LGBTQI+ groups—have faced escalating forms of legal repression, financial restriction, and discursive criminalization. Yet the aim is not to eliminate civil society outright. Instead, the regime works to divide, discredit, and control it through laws and regulations, maintaining the illusion of pluralism while neutralizing its democratic potential.

Eleven prominent human rights defenders, including members of Amnesty International, were detained during a training workshop on digital security in Büyükada in July 2017. Charged with aiding terrorist organizations, they were imprisoned for months without trial (BBC, 2017). Although all were later acquitted (Agos, 2025a), the message was clear: even moderate, internationally connected advocacy would be criminalized if it stepped beyond the boundaries of state-defined legitimacy. The arrests occurred in a moment of intensified fear, just one year after the failed coup attempt, and were symbolically potent. They reframed human rights itself as a security threat, further blurring the line between civic participation and criminal activity.

At the same time, civil society organizations have been subjected to financial discipline and structural marginalization, particularly those reliant on international funding. Rights-based NGOs, already excluded from national public funding streams, are increasingly finding it difficult to access EU grants due to tightened regulations, increased surveillance, and nationalist suspicion. New laws permit the government to suspend or replace the leadership of associations on allegations of terrorism, even if no convictions have been obtained. This use of bureaucratic and financial regulation to depoliticize civil society is a powerful example of the 'everyday state' that Akhil Gupta (1995) describes, where power operates not through overt bans but through mundane administrative procedures. This legal climate has also created a chilling effect, where organizations shift away from confrontational advocacy to safer, service-oriented programming that aligns with donor expectations but disconnects from grassroots constituencies (Sözen, 2022).

Beyond civil society organizations, the regime has systematically neutralized the media to control public discourse. Most mainstream outlets are now owned by pro-government conglomerates reliant on state contracts and advertising (RSF, 2025). Critical journalism is suppressed through legal sanctions and financial pressure.

This strategy of containment has been particularly aggressive toward academic dissent. The 2016 purge of the Barış İçin Akademisyenler (Academics for Peace)<sup>19</sup>, who signed a petition calling for a peaceful resolution to the Kurdish conflict, marked one of the most visible crackdowns on freedom of thought. Over 400 scholars were dismissed from their posts, blacklisted, and in many cases prosecuted under anti-terror laws. Instead of treating the petition as protected expression, the courts defined it as a criminal act of supporting terrorism. Even after partial ECtHR vindications, many of these academics remain unemployable, revealing how legal punishment can persist long after official rulings, producing enduring exclusion.

Resistance from students and youth networks has also been criminalized, most notably in the case of the Boğaziçi University protests. When Erdoğan unilaterally appointed a loyalist rector in 2021, students and faculty organized months of peaceful protest, invoking principles of academic autonomy and democratic governance. The regime's response was swift: arrests,

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<sup>19</sup> "Academics for Peace" is a group of over 1,000 Turkish academics who signed a 2016 petition condemning state violence in Kurdish regions. Many faced dismissal and prosecution under anti-terror laws. For further information, see *Academics for Peace*, available at <https://barisicinakademisyenler.net/English> (accessed 09.07.2025).

police violence, and the public labeling of queer student groups as ‘LGBT perverts’ in official discourse. Beyond being physically broken up, the protests were subjected to a campaign of moral discrediting, which reframed them as a threat to the nation's cultural and moral fabric (Binbuğa, 2024). This intersection of legal repression and symbolic vilification, which frames certain groups as morally deviant threats to the nation, is a powerful example of Foucauldian governmentality, where power works not just through force, but by shaping the very definition of a 'proper' citizen.

Women’s rights and LGBTQI+ movements have faced similar tactics (Hülagü, 2020). Pride marches, once permitted in Istanbul, are now routinely banned, with participants beaten, arrested, and charged with “resisting police” or “illegal assembly” (Amnesty International, 2024). Women’s rights groups that speak out on femicide, gender violence, or patriarchy are now portrayed as agents of foreign influence (Hürriyet, 2015). The government justified the withdrawal from the Istanbul Convention through the claim that it “normalizes homosexuality” and undermines family values, turning an international legal instrument into a wedge for domestic culture wars (Bayar, 2024). These moves go beyond conservative backlash. They signal a legal reshaping of citizenship, where claims that challenge the regime’s moral order are rendered invalid.

Rather than silencing civil society entirely, the regime constructs a dual system: one of tolerated, domesticated NGOs that focus on service delivery or religious charity, and another of targeted, rights-based actors who are criminalized, defunded, or exiled from public discourse (Yabancı, 2019). The legal field becomes the arena where this division is managed, not through overt bans, but through selective prosecution, regulatory suffocation, and moral framing. Civil society thus survives, but only under terms that reinforce authoritarian legality, rendering dissent suspect and institutional independence precarious.

### **3.6 Symbolic Power, Personalization, and the Performance of Sovereignty**

Beyond institutional reengineering and legal coercion, the AKP’s authoritarian consolidation has relied heavily on symbolic politics, the production of imagery, narratives, and rituals that cultivate affective loyalty and normalize sovereign hierarchy. This symbolic dimension is a fundamental part of authoritarian legality, not just a secondary feature. Erdoğan's leadership relies not just on legal reforms and economic control but also on constant performances of moral, national, and civilizational authority. These performances normalize centralized power and cast pluralism as a threat (Agence France-Presse, 2015; Çağaptay, 2017; Sağlam, 2024).

A central feature of this symbolic order is the personalization of the presidency. Erdoğan's body itself becomes a site of national unity and sovereign continuity. Since the 2017 shift to a presidential system, he is not only head of government and state, but the symbolic embodiment of the "national will" (Gümüő, 2023). His image is ubiquitous, appearing on billboards, at inaugurations, and on television, often portrayed as a paternal protector, a vessel of divine justice, or a historical redeemer of Turkey's lost Ottoman greatness (Tokdoğan 2024).

This symbolic saturation reflects Ann Stoler's (2008) concept of *imperial debris*, where the afterlives of empire continue to shape the present by repurposing historical imaginaries and hierarchies to reaffirm national identity and marginalize those deemed outside its boundaries. The personalization of power is reinforced by a language of kinship and leadership titles, such as "reis" (chief) or "world leader." This cultic framing does not replace legality, but rather renders legality inseparable from the leader's person. This constant performance of authority is not merely propaganda; it is the very practice that, as Timothy Mitchell (1999) argues, produces the 'state effect', which is the tangible sense of a coherent, centralized, and moral state power.

This personalized power is legitimized through recurring symbolic performances of crisis and salvation. Erdoğan's survival of the 2016 coup attempt is retold as a political turning point, but also almost as a moment of divine deliverance. Annual July 15 commemorations, state-sanctioned martyrdom narratives, and public rituals of remembrance serve to inscribe a moral order in which executive authority is not only rightful but sacred. In this cosmology, dissent is redefined from political opposition to an act of betrayal against the nation and its leader (Önen, 2025).

Religious symbolism plays a crucial role in this cosmology, as exemplified by the conversion of Hagia Sophia from a museum to a mosque in 2020. This decision shows us more than a policy decision; it was a symbolic act of sovereignty, reclaiming Islamic and imperial grandeur from secularist containment. Similar themes recur in Erdoğan's rhetoric about family, gender roles, and youth, where national survival is linked to moral discipline, religious values, and cultural unity. The Directorate of Religious Affairs (Diyanet)<sup>20</sup> has been

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<sup>20</sup> The Presidency of Religious Affairs (Diyanet), founded in 1924, has grown into one of Turkey's most powerful public institutions. Its 2025 budget was set at 130.1 billion TL, surpassing six key ministries (including Interior, Foreign Affairs, and Energy) (T24 Haber Merkezi, 2024). This financial expansion exemplifies its increased role as a site of ideological governance.

expanded, both financially and ideologically, reinforcing a state theology that equates loyalty to God, nation, and leader (Çıtak, 2020).

A recent case involving the satirical magazine *Leman* exemplifies this fusion of symbolic and legal power. After publishing a humanitarian cartoon about Gaza, the magazine was targeted by religious groups who claimed it depicted the Prophet Muhammad, despite the magazine's explicit clarification that the cartoon held no political or religious subtext. Authorities then launched a financial investigation and, most revealingly, charged the cartoonist with 'insulting the President', despite the cartoon having no connection to Erdoğan (Milliyet, 2025).

This case illustrates how the regime stretches legal frameworks to conflate any symbolic critique with political subversion, legally producing the President as a sacred figure who cannot be questioned. It shows that even abstract expression becomes punishable under ambiguous laws that serve as functional and practical tools of repression.

This instrumental use of law is not an isolated tactic but a core feature of the regime's governance, where symbolic power works in tandem with legal mechanisms. The judiciary, for example, often echoes the moral language of the regime in rulings against protestors or dissidents, further blurring the line between law and ethical performance. State ceremonies usually showcase not pluralism but unity, military parades, national hymns, and orchestrated invocations of Turkey's "thousand-year civilization." The *millî irade* (national will)<sup>21</sup>, frequently invoked in speeches and policy justifications, becomes a metaphysical entity expressed almost exclusively through Erdoğan's authority (Bilgiç, 2019).

In this context, legality becomes a stage where the rituals of elections and law remain, but their outcomes are already shaped by symbolic dominance and emotional allegiance. The people vote, but their role is ceremonial; the courts operate, but their decisions affirm the sovereign's will. In this order, neo-monarchy emerges not only as a political form but also as a symbolic configuration, in which the sovereign is not only above the law but is seen as the living embodiment of the law itself.

### **3.7 Conclusion**

This chapter has traced the key transformations in Turkey under the AKP, detailing the restructuring of legal institutions, the creation of a political economy of loyalty, and the

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<sup>21</sup> "Millî irade" means "national will" in Turkish and is a rhetorical cornerstone of Erdoğan's populism, suggesting that electoral majorities confer absolute political legitimacy.

instrumentalization of foreign policy and symbolic power. These developments—the normalization of emergency powers, the capture of the judiciary, the use of law to suppress civil society, and the personalization of executive authority—form the essential backdrop for the analysis to come. With this context established, the thesis now turns to its first case study in Chapter 4, which will examine how these domestic dynamics intersect with international legal regimes through the EU-Turkey migration deal.

## **Chapter 4 – Case I: The EU–Turkey Deal and the Architecture of Strategic Complicity**

This chapter presents the first case study, analyzing the 2016 EU-Turkey migration deal, which builds on the context of Turkey's strategic diplomacy detailed in Chapter 3.4 and utilizes the theoretical framework for international law from Chapter 2.5. In this chapter, I will argue that the deal exemplifies a form of strategic complicity where the EU's market-driven rationale enabled, rather than constrained, authoritarian consolidation in Turkey.

### **4.1 The Deal**

As a candidate country since 1999 (European Council, 1999) and a key strategic partner on NATO's southeastern flank (Özcan, 2008), Turkey was once heralded as a model for the EU's transformative power: the capacity to promote human rights, democratic reform, and rule of law through normative alignment and institutional integration. The relationship between the European Union and Turkey has long been understood in terms of conditionality and democratic convergence. Yet the trajectory of EU–Turkey relations over the past decade has exposed the fragility of this vision (Aydın-Düzgit & Keyman, 2012; Zucconi, 2020).

The EU–Turkey deal allowed for the return of all irregular migrants arriving on the Greek islands to Turkey. In return, the EU committed to resettling one Syrian refugee from Turkey for every Syrian returned—the so-called “one-for-one” mechanism—alongside substantial financial assistance to Turkey, promises of accelerated visa liberalization, and a renewed push in accession negotiations (European Council, 2016).

While publicly framed as a pragmatic and humanitarian solution to irregular migration, the EU's emphasis on the suffering of migrants—rather than on their political rights—reflects what Didier Fassin (2011) critiques as the logic of “humanitarian reason” developed in Section 2.5. This framing allowed the EU to present the deal as a benevolent measure while sidelining deeper legal and moral concerns. Critical scholarship has since challenged both the legality and ethical foundation of the agreement. In particular, scholars have questioned the designation of Turkey as a “safe third country,” pointing to significant legal and procedural shortcomings in its refugee protection regime (Lehner, 2019, pp. 177–180; Rygiel et al., 2016, p. 317). Moreover, the deal's informal and non-binding nature enabled the EU to

circumvent its own legal and institutional frameworks, exposing broader trends of informal governance and legal exceptionalism in EU migration policy (Smeets & Beach, 2020, pp. 130–134).

The European Commission initially framed its migration agenda in normative terms, emphasizing solidarity and shared responsibility, but quickly shifted its focus to security concerns under pressure from member states, particularly through the European Council (Gürkan & Coman, 2021, pp. 287–289). The resulting policy embodied what Casaglia and Pacciardi (2022) describes as a biopolitical bordering and control regime, in which the EU governs mobility through a dual logic of care and control, selecting who may live and who must wait, who qualifies for rights and who remains in permanent limbo (pp. 1663–1667).

The deal thus cannot be understood solely as a response to logistical pressures or institutional dysfunction. It is part of a broader political rationality, one that privileges stability, market order, and border control over fulfilling human rights commitments. Legal scholars have also highlighted how informal and ad hoc negotiations, led by a closed group of institutional elites, facilitated the bypassing of democratic oversight and judicial review (Smeets & Beach, 2020, pp. 133–143). This erosion of legality through procedural means mirrors broader trends identified in authoritarian legalism, in which law is formally preserved but politically manipulated to serve executive interests. Hence, it suggests that manipulation of legality occurs even in strong democracies and in supranational institutions like the EU.

This chapter examines the EU–Turkey migration deal as a case study of how the EU’s role as a human rights actor has shifted due to institutional drift and strategic complicity in its relationship with Turkey. It examines how the deal transformed refugee governance, as well as the relations between the EU, the CoE, and the ECtHR. It also examines how Erdoğan’s government has exploited the context to garner diplomatic and political capital, deflect criticism, and consolidate domestic repression. This diplomatic maneuvering was not an isolated strategy but was embedded in the broader foreign policy pivot towards 'sovereign diplomacy' that was detailed in Chapter 3.4.

## **4.2 The EU as a Market-Driven Human Rights Actor**

The EU has long cultivated an image of itself as a global normative power, grounded in the promotion of human rights, the rule of law, and democratic values (Manners, 2002; Sjørusen, 2006). This identity is codified in legal texts such as the Lisbon Treaty. However, critical

scholars like Gráinne de Búrca (2011) highlight a structural hypocrisy, arguing that the EU promotes rights outwardly while often restricting supranational scrutiny internally, thereby creating an inconsistent rights regime (pp. 681–682).

The 2016 EU–Turkey migration deal exemplifies this normative breakdown. Marketed as a humanitarian and pragmatic solution to the 2015 refugee arrivals, the deal institutionalized the externalization of EU asylum responsibilities to a third country where authoritarian consolidation was already accelerating (Amnesty International, 2016; Karadağ, 2022). Turkey’s legal designation as a “safe third country” was widely contested by human rights bodies; yet, the EU proceeded through informal mechanisms that effectively bypassed legal accountability (Nas, 2019; İneli-Ciger & Ulusoy, 2021). As scholars have noted, the EU maintained a surface-level compliance while outsourcing legal risk and undermining core refugee protections (Carrera et al., 2019; Moreno-Lax, 2018).

As Gürkan and Coman’s discursive analysis demonstrates, the Commission’s rhetoric between April and September 2015 was centered on solidarity and universal norms. However, from October 2015 onward, this language gave way to a logic of “strategic partnership,” which prioritized cooperation with Turkey for the sake of managing borders and protecting the EU’s internal market order (2021, pp. 288–289). This transformation was not merely rhetorical. It was accompanied by a set of institutional practices that relied on informal, ad hoc processes rather than transparent and accountable ones. As Smeets and Beach (2020) demonstrate, the negotiation of the EU–Turkey deal exemplified “informal institutional governance,” where supranational actors, such as the Commission, operated through flexible, behind-closed-doors mechanisms to achieve politically expedient solutions, thereby sidelining both the European Parliament and judicial oversight (pp. 133–143).

The EU’s prioritization of border security over human rights reflects Wendy Brown’s (2019) critique of neoliberal rationality, where risk management displaces democratic commitments. This resonates with Ian Bruff’s (2014) ‘authoritarian neoliberalism’; facing a crisis, the EU used its power to insulate its economic core with coercive external measures, ‘locking in’ a security-first approach. The EU’s preference for soft law, flexible mandates, and voluntary mechanisms in the realm of human rights reveals an institutional discomfort with binding obligations and judicial enforceability. As De Búrca (2011) observes, the EU has often opted for “managerial governance rather than legal accountability” in its external human rights

policy (p. 668). This has allowed the Union to maintain an appearance of rights-based consistency.

At its core, this governance model reveals a market-driven human rights strategy. The EU's primary motivation was not refugee protection but the protection of its own internal market and political stability from the perceived pressures of migration. This was not only a matter of political stability. Key European political actors framed large-scale, uncontrolled migration as a direct threat to the economic order. They warned that it could strain social welfare systems, disrupt labor markets, and undermine the internal mobility that underpins both the Schengen Area and the single market. In this context, migration control came to be seen as essential to safeguarding the EU's core economic project (European Commission, 2020).

This market rationale led the EU to retool its human rights discourse, transforming it from a set of binding principles into a flexible instrument of geopolitical management.

Externalization policies, such as the EU–Turkey deal, transform refugee law from a rights-based regime into a regime of delegated responsibility, where compliance with international obligations is outsourced to third countries with weaker institutional safeguards and ongoing rights concerns (Lehner, 2019, pp. 178–181; Rygiel et al., 2016, pp. 316–317). In this process, the EU has used human rights more as instruments of border control than as principles of protection, tailoring them to serve domestic political agendas and market stability.

The EU is complicit for two reasons. It is silent about its partners' human rights violations, and its own legal and institutional structure enables these situations. As Lehner (2019) emphasizes, Turkey's classification as a "safe third country" remains legally tenuous, given its partial ratification of the Geneva Convention, lack of long-term protection mechanisms, and history of deportation practices under vague anti-terrorism laws (pp. 180–182). The EU, however, has systematically avoided confronting these issues at the legal level, relying on political statements and informal arrangements that minimize its exposure to legal scrutiny under CEAS or the ECHR.

Guild et al. (2016, pp. 5–11) and prominent human rights organizations, such as Amnesty International (2016, 2019) and Human Rights Watch (2016, 2022), have documented repeated instances of unlawful pushbacks, arbitrary detention, and a lack of access to fair asylum procedures in Turkey. The assumption that Turkey met the standards of Article 38 of Directive 2013/32/EU was therefore not grounded in evidence but in political expediency.

Scholars like Peers (2016) argue that while the legal basis may be questionable, the practical objectives of the deal were consistent with broader EU asylum policy. However, such defences fail to account for the structural dynamics underlying the EU's approach to rights externalization. As Carrera, Hertog and Stefan (2019) note, the EU's use of informal instruments and third-country agreements signals a policy of containment, not protection. The externalization of asylum responsibility does not merely reflect political necessity; it demonstrates a mode of governance that maintains legal formalism while displacing core obligations onto external actors.

In this sense, the EU–Turkey deal is not a singular anomaly but part of a broader institutional transformation. Rights, under this system, function less as constraints on power and more as tools for managing geopolitical risk. The EU's legal and policy architecture enables the EU to uphold its rhetoric of rights while engaging in partnerships with states whose practices contradict those values. As de Búrca (2011, pp. 687–688) warns, this ambivalence undermines the EU's credibility as a human rights actor and erodes its claim to normative leadership.

### **4.3 The EU–CoE–ECtHR Triangle: Diffusion, Delegation, Decay**

The relationship between the EU, the CoE, and the ECtHR has long been characterized by institutional diffusion and strategic delegation (European Parliament, 2023; Polakiewicz & Suominen, 2024; Mohay, 2025). Although the EU is not a party to the ECHR, it relies on the CoE's legal framework to uphold fundamental rights (Carrera et al., 2019). At the same time, it projects its own Charter of Fundamental Rights and judicial system as internally sufficient (De Búrca, 2011). This dual structure has generated both synergies and profound limitations. Scholars like Başak Çalı et al. have noted that the EU's dependence on the Strasbourg Court's legitimacy can function as a way to avoid direct responsibility for human rights violations in its external actions (see Çalı et al., 2013).

Although the EU is legally obliged under Article 6(2) TEU to accede to the ECHR, its failure to do so has resulted in a fragmented human rights framework characterized by overlapping institutions and inconsistent enforcement (Chalmers, Davies, & Monti, 2019). Scholars have noted that the EU tends to favor managerial and political approaches to human rights governance rather than judicial mechanisms, which allows for greater flexibility but limits binding oversight (de Búrca, 2011). This approach enables the EU to benefit from the

legitimacy of the ECtHR while selectively avoiding its constraints (Helfer & Slaughter, 1997; Peers, 2023).

The EU–Turkey migration deal serves as a critical illustration of the challenges to human rights accountability in externalized migration policies. While Turkey is a signatory to the ECHR and thus within the jurisdiction of the ECtHR, the very structure of the deal and the EU's approach to its implementation allowed EU member states to bypass direct scrutiny by the ECtHR over asylum processing effectively. This, in turn, has contributed to the Court's marginalization.

For example, the ECtHR's landmark ruling in *Hirsi Jamaa and Others v. Italy* (2012) explicitly extended the principle of non-refoulement to maritime operations conducted in international waters by EU member states. Yet, this judgment notably had no direct binding impact on the EU institutions involved in subsequent externalization policies, which continued to operate as if such legal standards were non-applicable in political negotiations with Turkey (Lehner, 2019, pp. 182–183). This detachment of EU political action from established jurisprudence exemplifies the structural ambiguity that Martti Koskeniemi (2005) identifies, where the universal, normative claims of law (the 'utopia') retreat in the face of political pragmatism (the 'apology').

Moreover, the EU's asylum policies, particularly in implementing the deal, ventured into legal gray zones. Greek asylum law No. 4375/2016, adopted under significant EU pressure, was designed to permit inadmissibility decisions without full substantive review for arrivals from Turkey. This occurred despite initial uncertainty and ongoing critique regarding Turkey's practical capacity to serve as a truly 'safe' third country under international and even Greek law (Lehner, 2019, pp. 178–179). Such delegation of discretion to national authorities, heavily influenced by EU institutions, is seen as undermining both the spirit and letter of the ECHR.

This is not merely a failure of political will; it is a structural consequence of the EU's fragmented rights governance and an alarming display of selective instrumentalization of human rights (İdriz, 2017). When the ECtHR issues judgments against states, such as Turkey, for detaining opposition figures (like Osman Kavala and Selahattin Demirtaş) or undermining judicial independence, the EU does not treat those rulings as formal benchmarks for conditionality or pre-accession funding (Arrested Lawyers Initiative, 2025). The EU has

often remained publicly muted, limiting itself to generic expressions of concern while continuing to prioritize migration cooperation and security dialogue (Netherlands Helsinki Committee, 2025).

This silence reveals an institutional logic where the EU benefits reputationally from its dialogues with the ECtHR and the CoE. Still, it strategically avoids concrete obligations that could limit its flexibility in policy areas such as migration. While scholars like Çalı and Demir-Gürsel (2021) rightly emphasize the continued importance of the Strasbourg Court for protecting individual rights in authoritarian contexts, others, including Helfer (2008), warn that persistent non-compliance by member states and the absence of coordinated enforcement strategies threaten to erode the Court's authority.

A critical accountability gap is embedded in the European Union's architecture, stemming from a fundamental governance asymmetry. While the ECtHR can hold member states liable for rights violations, it lacks jurisdiction over the EU itself. Concurrently, the European Commission's infringement powers are generally limited to enforcing internal EU law, rather than external human rights conventions. This asymmetry enables the strategic evasion described by Gürkan and Coman (2021), where the EU shifts to securitized diplomacy. The ECtHR, a court designed for state-centric accountability and an individual-rights-based framework, is ill-equipped to confront these hybrid governance dynamics.

Such criticisms highlight the growing disparity between the EU's normative claims and its actual actions. While the CoE and Venice Commission (Venice Commission, n.d.)<sup>22</sup> have issued critical assessments, the lack of enforcement mechanisms and political will means that Turkey's non-compliance, despite being formally challenged by these bodies, continues without significant political or financial consequences from the EU. The EU's tacit tolerance of authoritarian drift has enabled Erdoğan to consolidate power with minimal external implications. Therefore, Turkey's strategy of remaining within the CoE while selectively defying its highest court is a precise instance of Tom Ginsburg's (2020) 'authoritarian international law,' where regimes use the performance of legal engagement to demand recognition while simultaneously rejecting substantive scrutiny.

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<sup>22</sup> The Venice Commission is the CoE's advisory body on constitutional law. It provides legal opinions on democratic institutions, human rights, and the rule of law, often in response to requests from member states or institutions.

Ultimately, the CoE remains symbolically and legally significant, especially for individuals, as it serves as a site of legitimacy and hope through ECtHR rulings. But its mechanisms are strategically instrumentalized: cited when convenient, ignored when inconvenient. This arrangement allowed the EU, a key normative actor in human rights, to sideline its foundational principles effectively.

By engaging in such a heavily criticized and legally ambiguous deal, the EU inadvertently enabled Turkey to face less accountability for its human rights practices concerning asylum seekers. When the supposed normative human rights actor acts in this manner, it raises fundamental questions about who holds Turkey accountable, effectively creating a vacuum where human rights concerns are deprioritized in favor of migration control and security.

#### **4.4 Strategic Diplomacy and Authoritarian Leverage: Erdoğan's Use of the EU Deal**

The EU–Turkey Statement served not only as a mechanism for migration management but also as a strategic tool for the Turkish government. From President Erdoğan's perspective, the deal was a strategic opportunity. He used it to re-establish Turkey's regional power, to frame domestic repression as a sovereign right, and to portray the EU as reliant on Turkey, not the other way around. While European leaders presented the Statement as a technocratic response to the crisis, Erdoğan instrumentalized it for domestic legitimation and international leverage (Görener & Ucal, 2011).

The timing of the agreement was crucial. In 2016, Turkey was undergoing rapid autocratization, intensified by the July coup attempt and the subsequent state of emergency. Mass purges, detentions, and the dismantling of institutional checks were already underway. At the same time, the EU's dependence on Turkish cooperation to curb migration placed Erdoğan in a position of considerable bargaining power. This asymmetry enabled him to make veiled threats about “opening the gates” to Europe whenever EU criticism of his human rights record intensified. These threats materialized publicly, most notably in 2019 when Turkish officials announced that the border with Greece would no longer be patrolled as a response to stalled negotiations with the EU (Türkeş-Kılıç, 2023).

This discursive strategy enabled Erdoğan to turn legal defiance into sovereign resistance. By portraying European demands as hypocritical and conditional, he reframed rights criticism as an infringement on Turkish autonomy. This narrative of national dignity, often accompanied

by references to Western double standards, played well with Erdoğan's domestic base. In addition to being a migration deal, it functioned as a symbolic win for Erdoğan's government, helping it control the narrative about Turkey on the world stage.

This logic reflects Turkey's broader diversification of its foreign policy, as detailed in Chapter 3.4. By cultivating diplomatic relationships, Ankara developed a hedging strategy to counterbalance its Euro-Atlantic dependencies, positioning Turkey as indispensable while signaling that it had alternatives.

The EU's muted response to Turkey's post-2016 repression, especially its silence amid continued implementation of the migration deal, further entrenched the strategic asymmetry.<sup>23</sup> Although the European Parliament formally recommended suspending accession talks in both 2019 and 2021 in response to deteriorating rule of law, the European Council deliberately refrained from this decisive step, consistently emphasizing the need for continued engagement (European Commission, 2024). This reflects the EU's drift from normative enlargement policy to pragmatic containment, tolerating authoritarian consolidation so long as it aligns with migration control and securitization objectives (Saatçioğlu et al., 2019; Tocci, 2021).

This political logic is consistent with the broader framework of authoritarian legalism. Erdoğan used international agreements, judicial reforms, and legal rhetoric to consolidate executive control, framing all opposition as illegitimate, foreign-influenced, or security-threatening. The EU–Turkey deal, in this context, served as a legal alibi for a government increasingly hostile to pluralism and fundamental rights. The strategic ambiguity of the agreement—its informal legal status, its lack of enforceable human rights safeguards, and its reliance on executive discretion—mirrored the internal erosion of the rule of law in Turkey itself.

In sum, the symbolic and strategic uses of Europe in Erdoğan's discourse expose the asymmetry between normative rhetoric and material practice in EU–Turkey relations. They also demonstrate how international human rights architectures can be selectively mobilized, not only by liberal actors but also by authoritarian regimes seeking legitimacy, leverage, or deflection. The EU's complicity in this process stems less from silence than from its

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<sup>23</sup> While this thesis focuses on the EU, a similar dynamic exists within the Council of Europe. As Lagoutte (2025) argues, the ECtHR's deferential approach to states of emergency—focusing on procedural safeguards over substantive legality—inadvertently allows regimes to perform legality internationally. A full comparative analysis of the EU and Council of Europe's roles is a valuable area for future research.

structural entanglement with border externalization, market interests, and security logics. These conditions have left it vulnerable to instrumentalization and undermined its capacity to act as a normative counterweight.

#### **4.5 Conclusion: Externalization as Authoritarian Enabler**

The EU–Turkey migration deal stands as a defining illustration of how legal regimes and diplomatic partnerships can be co-opted in the service of authoritarian consolidation. This chapter has argued that the 2016 EU–Turkey Statement and the political architecture surrounding it constitute a paradigmatic case of externalized authoritarian legalism (Zucconi, 2020). This case illustrates how international legal norms can be leveraged to entrench illiberal regimes rather than restrain them. They become valuable tools for diplomatic deflection, geopolitical power, and displays of sovereignty (Karadağ, 2019).

The migration deal marked a shift in EU foreign policy, away from the logic of conditionality and toward a transactional model of cooperation grounded in security and border control. This realignment fundamentally altered the balance of leverage between Brussels and Ankara. No longer was the EU in a position to demand democratic reform or compliance with human rights standards credibly. Instead, it became structurally complicit in a regime that was actively dismantling judicial independence, persecuting opposition figures, and criminalizing civic dissent.

At the international level, the EU’s tolerance of Turkey’s non-compliance with ECtHR rulings, particularly in the cases of *Kavala* and *Demirtaş*, exemplifies the weakening of supranational enforcement. What was once a tool to discipline candidate states into liberal compliance became a mechanism through which an authoritarian regime attempted to discipline Europe—economically, symbolically, and geopolitically. Meanwhile, Turkey’s role as a NATO ally and regional stabilizer provided further insulation, deterring more assertive responses from Brussels.

The Turkish case illustrates a broader crisis in the international human rights regime: that the institutions built to uphold legal constraints on state power may be repurposed to legitimate their expansion. As legality becomes performative and accountability becomes negotiable, authoritarian regimes can weaponize the law as both a shield and a sword. The EU-Turkey deal, therefore, represents a mutation of international law. It is a space where all sides exploit the structural ambiguities identified by Koskenniemi; where human rights discourse, as Moyn

and Fassin critique, is detached from political economy and used as a tool of moral posturing; and where law, as Ginsburg suggests, becomes a vehicle for expressing sovereignty rather than protecting rights.

In the next chapter, this thesis turns to the national dimension of authoritarian legality by analyzing the disqualification and criminal prosecution of Istanbul Mayor Ekrem İmamoğlu. Together with the EU–Turkey deal, İmamoğlu’s case will aim to reveal how international tolerance and domestic repression are mutually reinforcing within a system of legalized authoritarianism.

## Chapter 5 – Case II: The Political Targeting of Ekrem İmamoğlu

This chapter turns to the domestic sphere to analyze the political targeting of Ekrem İmamoğlu. As of July 2025, the situation has reached a critical point: İmamoğlu has been in pre-trial detention since his arrest on March 19, 2025. He is not alone; the campaign has expanded, with 11 other CHP mayors also having been arrested or removed from office. This crackdown provides the urgent context for the following analysis. Drawing on Scheppele's concept of 'autocratic legalism' (Chapter 2.2), this chapter argues that the legal campaign illustrates how the regime instrumentalizes domestic law to eliminate a political rival. This case demonstrates how the international impunity discussed in Chapter 4 emboldened such domestic repression, and it provides the direct context for the civic resistance that will be analyzed in Chapter 6.

### 5.1 Timeline and Escalation

The attempt to politically neutralize Ekrem İmamoğlu was executed through a synchronized strategy of legal prosecution and discursive delegitimization. This dual approach aimed to erode his legitimacy, criminalize his involvement in the political sphere, and bolster the Erdoğan regime's sovereign authority. This section details the progression from İmamoğlu's 2019 electoral victory to his 2025 arrest, specifically analyzing the regime's public discourse and its resonance with concurrent legal and institutional actions. This legal campaign occurred in a new political context: following the 2024 local elections, İmamoğlu's party, CHP (Euronews, 2024), emerged as the leading party nationwide for the first time in decades and has maintained its lead in subsequent polls, making its most popular figure an even greater perceived threat to the regime (Bianet, 2025a).

#### *From Electoral Victory to Existential Threat*

In the March 2019 local elections, İmamoğlu emerged as the unexpected victor against the AKP candidate in Istanbul, breaking a long-overdue hold on the city. He was not a well-known public figure running against a very well-known AKP candidate. The AKP, unwilling to accept this symbolic defeat, refused to concede the loss. President Erdoğan's assertion that "İstanbul'u alan Türkiye'yi alır" ("Whoever wins Istanbul wins Turkey")<sup>24</sup>

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<sup>24</sup> This phrase reflects the strategic importance of Istanbul in Turkish politics. Erdoğan himself began his political rise as Istanbul mayor in the 1990s.

underscores the political weight of this outcome (Bouscaren, 2019). The Supreme Electoral Council (YSK)<sup>25</sup> annulled İmamoğlu's initial victory and withheld his election certificate (mazbata)<sup>26</sup> on contested procedural grounds, only for him to win again with a larger margin in a rerun. These events were not mere bureaucratic irregularities but reflected a deeper unwillingness on the part of the regime to concede political or economic control of Istanbul. This city functions as both a symbolic prize and a central node in the AKP's patronage economy (Tansel, 2018).

When İmamoğlu won the June 2019 rerun by a landslide, the blow to Erdoğan's authority was not just electoral but hugely symbolic. The AKP had turned the election into a moral crusade, casting the opposition as destabilizers. In contrast, İmamoğlu's post-victory speech emphasized inclusion, institutional renewal, and "democracy not through slogans but through practice" (Associated Press, 2019). His rhetorical style, marked by calmness, civic orientation, and non-polarizing qualities, presented a sharp contrast to Erdoğan's accusatory and polarizing populism. This contrast, along with his appeal across partisan lines, began to establish him as a legitimate national contender.

### *Institutional Obstruction and Disciplinary Language*

From 2020 onward, İmamoğlu's mayoralty was subjected to increasing administrative interference. His authority over municipal hiring was restricted, budgetary approvals were delayed, and collaboration with national ministries was blocked. However, the most emblematic attack came via discourse.

In a speech criticizing Ekrem İmamoğlu's visit to Strasbourg, then-Interior Minister Süleyman Soylu expressed strong disapproval by addressing him as "foolish" (*ahmak*) in 2019 (Euronews, 2019).

When İmamoğlu retorted on November 4, 2019, that the decision to annul the 2019 İstanbul election was "foolish", this triggered the defamation case that would become the legal basis for his conviction.

The term 'ahmak' became a political flashpoint. Prosecutors interpreted İmamoğlu's statement as a personal insult to YSK members, not a retort to Soylu. The court ignored crucial context,

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<sup>25</sup> YSK (Yüksek Seçim Kurulu) is Turkey's Supreme Electoral Council, responsible for organizing and validating elections.

<sup>26</sup> "Mazbata" refers to the official certificate of election in Turkey, required for an elected candidate to assume office.

including that Soylu had used the term first. In a highly irregular move signaling executive interference, the original judge was unexpectedly reassigned to secure a politically favorable outcome. (Ahmak Davası, n.d.).

In December 2022, İmamoğlu was sentenced to two years, seven months, and fifteen days in prison and banned from politics under Article 53 of the Penal Code.<sup>27</sup> This verdict, a historically severe punishment for an insult charge in Turkish judicial history (Ahmak Davası, n.d.), was more than a punitive judgment; it signaled a clear warning to future political rivals. The political ban remains in effect while the appeals process (Ahmak Davası, n.d.).

### *2025 Arrest and the Criminalization of Opposition*

In March 2015, this logic reached its peak. In a significant political escalation, İmamoğlu faced a direct challenge to his political future when, on March 18, 2025, İstanbul University announced the annulment of his undergraduate diploma. The university cited alleged irregularities in his 1990 transfer from a private university in Northern Cyprus to its Faculty of Business Administration, a move widely perceived as politically motivated to block the popular opposition figure from a potential presidential bid (Bianet, 2025b).

It is particularly noteworthy that after the judicial panel raised questions about the university's decision later in the judicial process, it was swiftly dismantled by the HSK (T24, 2025a). This action served as yet another clear warning that judicial actors who challenge the regime's desired outcomes will face professional retribution, reinforcing the instrumentalization of the law.

The next day, İmamoğlu was arrested in a sweeping police operation at dawn alongside over 100 individuals, including deputy mayors, procurement officers, and CHP-aligned civil servants. He faces various politically charged allegations, including his high-profile conviction for insulting public officials, accusations of corruption related to a tender, and "terrorism-related" charges, including alleged membership of a criminal organization and embezzlement (BBC Türkçe, 2025a). These legal battles have seen repeated actions; for instance, on March 23, 2025, a court ruled in favor of continuing his pre-trial detention in one of his cases (Gazete Oksijen, 2025). This was followed by another decision on May 16, 2025, to continue the detention (Euronews, 2025a).

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<sup>27</sup> Article 53 of the Turkish Penal Code (TCK) refers to security measures involving the deprivation of certain rights as a legal consequence of being sentenced to imprisonment for an intentional crime.

Pro-government media and Erdoğan himself quickly framed the situation not as mismanagement but as national betrayal, launching a sweeping investigation into all municipal contracts (BBC Türkçe, 2025b; Cebi, 2025; Daily Sabah, 2025).

The discourse of treason, morality, and infiltration converged into legal form: İmamoğlu's university degree, a constitutional requirement for presidential eligibility, was annulled days before his likely nomination by the CHP. The Council of Higher Education (YÖK) justified the move on procedural grounds, but opposition figures described it as "electoral engineering by academic means" (Hürriyet Daily News, 2025). As protests spread across Istanbul and Ankara, the Interior Ministry imposed a four-day protest ban and throttled internet access, framing the response as "necessary to protect public order" (T.C. İstanbul Valiliği, 2025).

The CHP not only condemned the detention of Istanbul Mayor Ekrem İmamoğlu as a "legal coup" (Toksabay & Erkoyun, 2025) but also actively mobilized mass protests and political actions, including organizing nationwide demonstrations that drew millions and calling for a one-day shopping boycott to pressure the government (See Chapter 6); despite İmamoğlu's arrest on politically charged corruption and terrorism allegations, almost 15 million people voted for him in the CHP's presidential primary (Nefes, 2025), signaling broad popular solidarity and resistance against what the opposition and international observers view as a politically motivated crackdown aimed at sidelining Erdoğan's main rival.

Significantly, İmamoğlu's case is not isolated but part of a sweeping, system-wide campaign: so far, 11 CHP mayors and multiple district municipalities have been arrested or dismissed (Medyascope, 2025); trustees have been installed in traditionally CHP-run councils.

Timur Soykan, a well-known journalist, rhetorically suggested that 'defeating the AKP in an election' should simply be added to the criminal code, to save the judiciary the 'burden of pretending' to be independent. He was then detained for his X post but was released shortly after (BBC Türkçe, 2025c). Overall, this marks an unprecedented intervention into local democracy, even within Turkey's complex and often turbulent political history.

### *The Function of Discourse in Authoritarian Legalism*

The progression from political opposition to criminal threat was not merely a legal matter, but also a narratively constructed one. The language used was part of a broader symbolic repertoire. It moralized repression, individualized blame, and redefined legality as a matter of national defense. In this light, İmamoğlu's punishment was not truly about corruption or

defamation. He was punished for what he represented: a viable electoral opponent who had earned genuine civic legitimacy.

As Ginsburg (2020) and Scheppele (2018) have observed, authoritarian regimes increasingly rely on legal form to suppress pluralism. Still, they do so through public rhetoric that renders such suppression not only acceptable but imperative. İmamoğlu's case illustrates this principle precisely. The regime did not need to abolish elections or ban opposition outright; instead, it performed legality as a means of curating the field of political legitimacy.

This fusion of discourse and law defines Turkey's evolving regime structure, which this thesis terms 'neo-monarchy.' In this system, sovereignty is not abstract but profoundly personalized, with legality shedding its neutrality to become an expressive tool of this individualized authority, where words move beyond mere justification to enact repression actively.

## **5.2 Judicial and Administrative Mechanisms of Suppression**

The repression of İmamoğlu was systematic, unfolding through a calculated use of legal and administrative weapons that show how authoritarian legality has solidified its grip in Turkey. Following the rerun of the 2019 elections, the central government, dominated by the AKP, quickly began using a variety of institutional levers to constrain İmamoğlu's mandate. These included presidential decrees and the expanded use of administrative powers under Law No. 5393. Notably, the Ministry of the Interior issued a series of circulars and appointment decisions to assert control over Istanbul Metropolitan Municipality's operations. Proposals from the Presidency further enabled expanded oversight by district governors and restricted the financial autonomy of municipal subsidiaries.

The conviction of İmamoğlu for allegedly insulting election board members by calling them "fools" (ahmak) must be understood within this broader framework. The penal provision used, Article 125 of the Turkish Penal Code<sup>28</sup>, is typically reserved for defamation. While the article has historically been applied in cases involving personal insult or reputational harm, its selective use in major political cases indicates a shift toward using the law as a strategic tool of repression. Past instances involving opposition figures, journalists, and academics suggest a pattern of weaponizing defamation laws to delegitimize dissent. However, such charges

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<sup>28</sup> Article 125 criminalizes defamation and insults that harm a person's honor, dignity, or reputation. The law also increases penalties if the insult is made publicly or via audio, written, or visual communication. Defamation against public officials or based on religious, political, or social beliefs carries heavier sentences.

rarely led to political disqualification or imprisonment before the AKP consolidated executive control. The exceptional nature of İmamoğlu's case lies in the elevation of a loosely defined insult to the level of criminal sanction with significant political consequences. The interpretation of the insult as a direct affront to state officials—combined with the politically charged timing of the trial and its broader consequences—illustrates what Borsuk et al. (2022) describe as the twin logic of autocratic legalism: the delegitimisation of opposition and the consolidation of legal control (pp. 23–25). This aligns with Kim Lane Scheppele's (2018) conception of autocratic legalism, in which formally legal mechanisms are used to achieve profoundly anti-democratic ends.

This strategy aligns with broader efforts to restructure municipal authority in Turkey. Following İmamoğlu's election, the Ministry of the Interior, empowered by amendments to Municipal Law No. 5393, oversaw increased central supervision of mayors and expanded the powers of appointed district governors. Similarly, AKP-led initiatives in parliament and the YÖK have played a role in delegitimizing opposition figures by targeting credentials and personal histories. In İmamoğlu's case, doubts cast on his university diploma served to prefigure administrative exclusion, a mechanism also used in other cases, such as with Selahattin Demirtaş, whose political rights were similarly revoked.

Perhaps the most decisive conflict was over Kanal İstanbul<sup>29</sup>, Erdoğan's \$10 billion mega-project. More than infrastructure, it was a political-economic tool for land redistribution and patronage. Media reports revealed that investors, including Qatari entities, had purchased large tracts of land along the proposed route through opaque intermediaries (T24, 2019; DW, 2020). İmamoğlu became its most vocal opponent, terming it a "betrayal of the city" (Diken, 2020) and challenged the project's Environmental Impact Assessment reports, issued by the Ministry of Environment, Urbanisation and Climate Change (MoEUCC), and filed lawsuits to block its progress. In response, the regime demonstrated the core logic of neo-monarchy: it transferred zoning authority from IBB to the MoEUCC, bypassing local veto power and accelerating tender processes through presidential decrees.

The symbolic stakes of this conflict were immense (Pehlivanli & Eslen-Ziya, 2024). Erdoğan referred to Kanal İstanbul as "not a project, but a matter of sovereignty" (Anadolu Agency,

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<sup>29</sup> Kanal İstanbul is a proposed artificial waterway supported by Erdoğan as a "crazy project," but opposed by environmentalists and the Istanbul municipality on ecological and economic grounds. For the government's official justification and project goals, see Ministry of Transport and Infrastructure (<https://www.kanalistanbul.gov.tr/tr/neden/projenin-amaci>).

2021), invoking both nationalist and geopolitical frames. Analysts linked the canal to potential circumvention of the Montreux Convention, which regulates passage through the Bosphorus. This narrative signaled Turkey's ambition to assert control over maritime flows and reduce its dependency on existing international legal frameworks (Mersin & Bayırhan, 2024).

This conflict epitomized the fusion of state and market power to neutralize an electoral opponent and enforce centralized will over local governance functioned as a deeply political-economic mechanism: redistributing public land, creating new zones of high-value real estate, and transferring enormous public contracts to regime-aligned developers.

These strategies are not isolated. As Borsuk et al. (2021) show, the AKP's mode of governance since 2013 reflects an entrenched authoritarian neoliberalism that relies on administrative decrees, legal manipulation, and the suppression of oversight institutions. Following the 2017 constitutional referendum, the Turkish presidency gained the power to issue executive decrees bypassing parliamentary scrutiny. This enabled a flexible legal environment in which targeted repression, ranging from appointment removals to politically motivated prosecutions, could occur without robust judicial challenge.

The arrest prompted swift and widespread condemnation from the EU. The European Council denounced the arrest as a form of "political pressure" on a key presidential candidate. Top EU officials, including High Representative Kaja Kallas, issued a joint statement questioning Turkey's commitment to democratic standards and linking the rule of law directly to the EU accession process (BBC Türkçe, 2025d).

National leaders also reacted strongly. The German Chancellor called the event "sad" and stated that "political opposition should not be prosecuted." The French Foreign Ministry expressed "deep concern" over the potential consequences (BBC Türkçe, 2025d). However, these expressions of concern were not matched by concrete diplomatic, legal, or financial consequences. Indeed, this pattern of verbal condemnation without material consequences is a direct continuation of the 'strategic complicity' that was analyzed in detail in Chapter 4. The political impunity established through the EU-Turkey migration deal created the space for the regime to carry out such brazen domestic repression without fear of significant external costs, demonstrating the direct link between international accommodation and internal authoritarianism.

This contradiction has not gone unnoticed by Turkish civil society and opposition leaders. As Özgür Özel, leader of the CHP, pointedly remarked in April 2025: “In Europe, they play democracy at home while supporting autocracy in Turkey — turning our country into a refugee warehouse and using the Turkish army as a buffer for Europe” (@tcbuyuksehir, 2025). In the wake of the İmamoğlu crackdown, student protesters asked: “Where is the EU, always preaching democracy and human rights, while our future is being stolen?” (Tol, 2025) Their frustration reflects a broader generational disillusionment with Europe’s selective solidarity.

It is sometimes argued that international pressure still “matters,” whether through reputational damage, economic cost, or the empowerment of domestic actors ( Simmons, 2009; Risse, Ropp & Sikkink, 2013). Yet the Turkish regime has shown considerable resilience to such pressures, often using them to reinforce nationalist narratives of sovereignty and resistance. The repression of İmamoğlu illustrates not merely a case of political persecution, but a systematic pre-selection of acceptable political alternatives under the guise of legality. Through the performance of judicial procedure, the regime enacts a form of legal theater designed to preserve democratic appearances while eliminating substantive pluralism.

### **5.3 Comparative Patterns of Criminalization and Institutional Capture**

The case of İmamoğlu illustrates a broader trajectory of the Turkish regime's systematic effort to eliminate political opposition through judicial means. This strategy has precedent. The long-term imprisonment of Demirtaş and Kavala reveals a consistent pattern: legal tools are mobilized not only to neutralize perceived threats but to reshape the very terms of political competition. Marked by an overt defiance of ECtHR judgments, these cases are emblematic of the regime's assertion that national courts hold ultimate authority. Erdoğan’s legal advisers solidified this position under the doctrines of 'guiding review' and 'primacy' (Borsuk et al., 2021, p. 25).

This expansion of repressive tactics had been foreshadowed years earlier by Selahattin Demirtaş himself (Halk TV, 2025). After the appointment of trustees to Kurdish municipalities, he warned that the same strategy would one day be used against mainstream opposition cities, a prediction now realized against the CHP (Arslan, 2025).

This practice extends beyond autocratic legalism into the domains of criminalization and stigmatization—two of the five mechanisms of authoritarian neoliberalism identified by

Borsuk et al. (2021). Opposition actors are systematically associated with terrorism, disloyalty, or foreign interference. These discursive practices not only mobilize nationalist sentiment but also lay the groundwork for the legal repression of dissenting voices. The “enemy within” discourse allows for the expansion of anti-terror legislation and provides ideological legitimacy for repressive governance. The political targeting of İmamoğlu thus resonates with the labelling of academics as “dark” or “traitorous,” and the demonisation of Gezi protesters as “looters” or “foreign agents” (Konya, 2021).

Meanwhile, institutions meant to provide checks and balances—the judiciary, bar associations, and municipal councils—have been restructured to absorb or suppress dissent. The law establishing multiple bar associations in 2020 fragmented legal opposition and allowed for pro-government legal entities to dilute professional solidarity (BBC Türkçe, 2020). The local judiciary’s refusal to comply with ECtHR decisions, combined with the reconfiguration of the HYSK to include presidential appointees, has effectively neutralized the judiciary’s independence (European Commission for Democracy through Law & DGI, 2020). As demonstrated in İmamoğlu’s case, appeals for justice within the domestic legal system have become performative, functioning less as avenues of redress and more as tools of political attrition.

These transformations fit within a model where legal institutions no longer operate as neutral arbiters but as instruments of political reproduction. A particularly instructive precedent is the case of Enis Berberoğlu, a CHP deputy whose parliamentary immunity was lifted and who was sentenced to prison in 2017 (BBC Türkçe, 2021). A parallel development unfolded in the case of Can Atalay, a human rights lawyer and elected MP from the Workers’ Party of Turkey (TİP), who was imprisoned in connection with the Gezi Park trials. In both instances, lower courts, and in Atalay’s case, even the Court of Cassation (Ministry of Justice of the Republic of Turkey, 2023), openly refused to implement binding release orders from the Constitutional Court (Türkiye Cumhuriyeti Anayasa Mahkemesi, Genel Kurul, 2023), shattering the principle of judicial hierarchy and demonstrating the subordination of the judiciary to executive will.

The CoE and ECtHR, while more normatively consistent, also illustrate the limits of enforcement. The ECtHR has repeatedly ruled in favor of detained opposition figures, finding their prolonged detentions to be politically motivated and in violation of the ECHR (Council of Europe, Committee of Ministers, 2023). Yet the Turkish government has refused to

implement these rulings, arguing either that the judgments were advisory or that national courts take precedence. In response, the Council of Europe initiated infringement proceedings under Article 46 of the Convention (European External Action Service, 2022); however, these have thus far failed to compel Turkish compliance (Duvar English, 2024).

In his defense, İmamoğlu portrays the trials as political retribution for his success. As he powerfully declared in court on June 16, 2025, during the Akın Gürlek case: "We are not being tried—we are being punished" (Euronews, 2025b). He denied all charges, asserting that his prosecution is a direct consequence of defeating the mindset that claims "Whoever wins Istanbul, wins Turkey" not once, but three times, and of his status as a presidential candidate, thereby reducing the domestic legal system to a tool of political attrition rather than a genuine avenue of redress.

Beyond İmamoğlu's stance, his situation has galvanized significant solidarity across the opposition, notably from Özgür Özel, the leader of the Republican People's Party (CHP). Özel has consistently stood by İmamoğlu, actively demonstrating solidarity through actions such as visiting İmamoğlu in prison following his detention, and organizing and continuing to lead rallies, notably in symbolic locations like Saraçhane, where İBB is located. Özel described the proceedings as a form of *düşman hukuku* (enemy law), even referring to it as a "*yargı darbesi*" (judicial coup), where the judiciary is weaponized against opposition figures. This concept, often invoked by critics of the Turkish government's judicial practices, describes a legal system where the law is weaponized against political opponents, stripping them of their fundamental rights and treating them as enemies of the state rather than citizens with legal entitlements (BirGün, 2025a). Özel's stance underscores the extent to which İmamoğlu's case is perceived not only as politically motivated but as emblematic of a deeper breakdown in constitutional order and legal accountability.

This deepened the crisis of legality in Turkey, revealing the judiciary's internal fragmentation and the extent to which the principle of judicial hierarchy has been eroded under authoritarian legalism. This is consistent with the thesis that the AKP has built a "neo-monarchical" order where executive control extends through juridical, symbolic, and material infrastructures.

## 5.4 Conclusion

The political targeting of Ekrem İmamoğlu is neither an anomaly nor an isolated incident; rather, it vividly illustrates a regime that has routinely used the use of law as a weapon against democratic contestation. This systematic instrumentalization of legal processes is a defining characteristic of Turkey's evolving neo-monarchy, where power is increasingly centralized and personalized. The Turkish government, through the coordinated manipulation of legal statutes, judicial control, and symbolic framing, has undermined municipal autonomy and fundamentally reshaped the electoral field. İmamoğlu's case serves as a paradigmatic instance of what this thesis, drawing on Scheppele and Bruff, identifies as the core mechanics of the neo-monarchy: autocratic legalism working in tandem with authoritarian neoliberalism.

These processes are integral to the logic of authoritarian neoliberalism that consolidates this neo-monarchical rule. While the government presents its legal actions as justifiable anti-corruption or security measures, their timing with moments of political dissent reveals their instrumental purpose. Executive centralization, autocratic legalism, and the criminalization of dissent form an interlocking strategy to entrench the regime's power. Consequently, vibrant municipalities like Istanbul become contested terrains of financial and symbolic control, making their suppression a key objective. The effort to neutralize İmamoğlu is therefore not about political rivalry, but about preserving a system that blurs the lines between state, party, and law to maintain consolidated power.

Ultimately, İmamoğlu's case confirms that authoritarian legality is a core governing logic of the neo-monarchy, characterized not by lawlessness but by the performative use of legal processes to legitimize political outcomes and empty democratic forms of their function. Through the orchestration of courts, ministries, and public discourse, the regime constructs an order where political competition is tolerated only so long as it poses no genuine threat. This strategic neutralization of dissent under a veneer of legality is the signature of the neo-monarchy's control.

In the following chapter, this thesis turns to the terrain of resistance. If formal mechanisms have been co-opted or neutralized, how do civic actors, rights defenders, and social movements reassert agency? Where do struggles for justice and political transformation migrate when the sovereign monopolizes the language of legality?

## **Chapter 6 – Case III: “Ya Hep Beraber Ya Hiçbirimiz” – Reclaiming Resistance Under Authoritarian Legality**

“Ya hep beraber ya hiçbirimiz”—either all of us together, or none of us. This powerful phrase, rooted in a long tradition of revolutionary and existential calls for unity in the face of stark choices, and rooted explicitly in Bertolt Brecht's poem "Entweder - Oder" (Either - Or), has recently been brought to prominent political discourse in Turkey by CHP leader Özgür Özel's recitation (Euronews, 2025c). Echoed in protest slogans, street chants, feminist night marches, and student assemblies, this phrase has come to signify more than a refusal to surrender; it represents an insistence on collectivity in an age of fragmentation in Turkey, as it might be elsewhere. Instead of being a demand aimed at the state, it functions as a pledge between people who are determined not to be divided, pacified, or silenced. In a context where legality has been reshaped to authorize domination, and where authoritarian rule is performed through procedures and moralized discourse, this commitment signals a reorientation of political agency: from compliance to contestation, from legal recognition to collective becoming.

This chapter analyzes the wave of civic resistance that followed the legal targeting of Ekrem İmamoğlu, as detailed in Chapter 5. Drawing on theories of resistance from Chapter 2.4, this section explores how citizens employed legal, market, symbolic, and digital tactics to contest the regime's authority. The chapter argues that these acts of resistance, while not aimed at overthrowing the state, represent a creative and multi-faceted reimagining of political agency under the conditions of authoritarian legality.

### **6.1 Legal Resistance: Contesting Power through the Courts**

In an environment where legal mechanisms are increasingly co-opted to suppress dissent, the courtroom itself has emerged as a paradoxical arena, one in which state power is simultaneously asserted and challenged (Alemdar, 2020). Legal resistance in Turkey does not operate within a system that is neutral or rule-bound. Instead, building on the preceding analysis of Turkey's neo-monarchical state and its authoritarian legalism as detailed in the previous chapters, it acts against a state that has weaponized law to disqualify opponents, criminalize protest, and reassert executive supremacy. Yet it is precisely within this terrain that resistance articulates itself through acts of persistence, publicity, and refusal.

This thesis has so far explored the fact that, since the post-2010 constitutional amendments, particularly the 2016 purges, the judiciary has undergone restructuring to consolidate executive dominance. Trials have become spaces of performative sovereignty, where the state stages its moral authority. Yet what has not been mentioned yet is that these same trials are being reclaimed by human rights defenders, lawyers, and ordinary citizens. The bans on Pride Marches since 2015, justified through vague invocations of “public morality” and “security risks,” have been persistently challenged in court. Despite repeated denials, LGBTQI+ organizations continue to file appeals, organize legal observation delegations, and generate international pressure. Although the Ankara Administrative Court lifted a blanket ban on LGBTQI+ events in 2019, local authorities later reissued bans on individual events (Amnesty International EU, 2019). This cycle of repression and resistance shows how legal engagement, while unable to reverse authoritarian rule, can slow its normalization.

Similarly, the legal mobilization against gold mining at Kazdağları demonstrates how grassroots resistance can use environmental law to challenge state-licensed corporate projects. By highlighting procedural violations, activists created sustained legal and public pressure that ultimately led to court rulings, effectively undermining the project's legal viability (Bianet, 2021a). Although the controversial mining operation continued for some time, sustained legal and public pressure ultimately forced the Canadian firm Alamos Gold to abandon the project in 2021 (Duvar English, 2023).

The use of trials as performative counter-stages is obvious in politically charged cases. The prosecution of academics for signing the “Peace for All” petition in 2016 offers a clear example. Many of these scholars, indicted under anti-terror legislation, used their court appearances to reassert their constitutional rights and expose the regime’s manipulation of legal categories. In her defense statement, Professor Füsün Üstel emphasized the constitutional protection of freedom of expression and the ethical duty of intellectuals to speak against violence (Üstel, 2019). Although Üstel served a short prison sentence, her case galvanized academic and civil society solidarity, contributing to broader international condemnation.

Similarly, the Büyükada arrests of ten human rights defenders, including figures from Amnesty International and the Human Rights Agenda Association, marked a pivotal moment in the legal crackdown on civil society. Their 2017 trial was widely criticized for its baseless terrorism charges and lack of due process. Defendants turned their court statements into

platforms of resistance, explaining how their arrest was emblematic of the criminalization of human rights work (Amnesty International Turkey, 2017). The international outcry, driven by associations' campaigns and strategic litigation (Amnesty International Ireland, n.d.), surrounding this case not only led to eventual acquittals but also demonstrated how activists and lawyers can reappropriate even manipulated trials as tools of visibility and legitimacy (Amnesty International, 2025).

In these cases, resistance exceeds the courtroom's physical space. As Deleuze and Guattari's concept of deterritorialization suggests, trials become nodes in wider networks of solidarity and transnational advocacy. Deterritorialisation can "develop new territories" and that assemblages, which involve deterritorialisation, lead to "new means of expression, a new territorial/spatial organisation, a new institution, a new behaviour, or a new realisation" (Parr, 2010, p.28). Defense statements are published in media outlets, circulated on social platforms, and cited in European Parliament debates and NGO reports. The 2020 ECtHR Grand Chamber ruling on Selahattin Demirtaş, which found his prolonged detention to be a violation of Article 18 of the ECHR, continues to serve as a touchstone in rights-based advocacy (ECtHR, 2020). Despite the Turkish government's refusal to implement the judgment, the ruling provided a legal vocabulary that civil society actors use in domestic and international arenas (Çalı, 2021). Likewise, the ECtHR's 2019 ruling on Osman Kavala's pretrial detention similarly documented systemic violations and has been central in campaigns demanding judicial accountability (ECtHR, 2019).

These engagements reflect what Foucault (1997b) identified as the paradox of disciplinary power: even as law disciplines and surveils, it produces scripts that can be appropriated for resistance. In Turkey, appeals to constitutional rights, legal precedent, and even religious or nationalist idioms are used to destabilize the regime's claim to moral authority.

During the Boğaziçi University protests in early 2021, which were triggered by President Erdoğan's appointment of Melih Bulu as rector through a presidential decree, students and faculty turned to legal channels as a form of resistance. Drawing on Article 26 (freedom of expression) and Article 27 (freedom of science and the arts) of the Turkish Constitution, they filed over 70 administrative lawsuits. These legal challenges addressed not only procedural irregularities but also broader concerns about the erosion of institutional autonomy and academic self-governance (Yildiz, 2024).

As Yildiz explains, these legal mobilizations played a transformative role by turning the university into a space of contestation. Legal actions served not only to challenge the state's decisions in court but also to expose the mechanisms of authoritarian governance publicly. Although the courts did not overturn the appointment, and Bulu was later removed by another executive decree, the process of legal engagement kept democratic principles in circulation. It also created visibility, mobilized solidarity among civil society actors, and attracted international attention. These lawsuits became symbolic acts of resistance, utilizing the law not only as an instrument of redress but also as a platform to reaffirm the constitutional values that the regime sought to undermine.

Legal resistance, then, is not only reactive, it is generative. It transforms courtrooms into stages of moral contestation. Even unsuccessful cases serve a political purpose: preserving normative ideals, exposing state abuses, and building memory. This applies to trial observation missions, amicus briefs, and shadow reports, which document abuses, keep human rights violations on the agenda, and lay the groundwork for future advocacy.

In this way, the legal field, while constrained, is neither neutral nor closed. It remains an active site where political agency and sovereign power are negotiated and contested. Engaging with law in Turkey today is an act of principled persistence, an insistence that even in captured institutions, justice remains a terrain of struggle.

## **6.2 Market-Based Resistance: Consumer Politics**

Market-based resistance in Turkey has evolved into a powerful method of symbolic and strategic contestation, particularly under conditions where formal political expression is restricted. A vivid example emerged in 2025 following the arrest of Mayor İmamoğlu, which sparked nationwide protests in Sarayhane and beyond. This form of resistance represents what Charles Tilly termed "contentious performances," which are historically rooted ways of making claims through action, such as boycotting, rather than relying solely on formal discourse (Tilly, 2008). According to Tarrow (2008), these performances are not random acts but are "learned and historically grounded ways of making claims on other people" (p. 4) that form part of a limited but improvisational "repertoire" groups draw upon in their political struggles (p. 14). Tarrow (2008) further explains that Tilly emphasized understanding contentious politics requires examining these actual performances, including actions like "attacking, expelling, defacing, cursing, cheering, throwing flowers, singing songs, and

carrying heroes on their shoulders" (p. 5), rather than just focusing on formal communication or abstract social structures.

Following İmamoğlu's arrest and the media's failure to cover the ensuing mass protests, CHP leader Özgür Özel called for an economic boycott against corporations complicit in the repression. Referencing the Gezi-era 'penguin' blackout, Özel urged citizens to wield their 'power from consumption,' targeting biased media channels and their affiliated companies (Bianet, 2025c). The call triggered an immediate and harsh response from the ruling party. President Erdoğan vowed, "We will not abandon any of our companies to their mercy." At the same time, AKP Spokesperson Ömer Çelik condemned the boycott as "political bullying" and an attack on "national companies" (BBC Türkçe, 2025e). Despite this, the movement gained momentum organically on social media, where numerous #Boycott lists circulated, culminating in a widely supported mass consumer boycott on April 2. Subsequent analyses indicated the boycott had a measurable, albeit temporary, impact on the targeted companies' revenues and public image (Uzunırmak, 2025).

Although Özel did not directly name specific companies beyond media outlets and a few others, protestors soon expanded the boycott organically. DBL Entertainment became a central target after its owner's comments against protestors triggered a viral backlash. Thousands of users flooded the social media accounts of artists affiliated with the company, demanding that they cancel their contracts or performances in solidarity. Norwegian musician Ane Brun, for instance, announced her support for the boycott against DBL Entertainment. (Diken, 2025a). UK-based band Muse pulled out of an Istanbul concert in protest (Euronews, 2025d), while comedian Trevor Noah was the first to cancel his show (T24, 2025b). These gestures represent the kind of transnational solidarity that Hardt and Negri (2004) describe as the multitude's counter-empire, a diffuse and decentralized solidarity that undermines dominant forms of capitalist and state control. In response to all of this, the owner initially apologized, stating that his words had been taken out of context. However, as the boycott continued, he announced that DBL Entertainment would withdraw from all its projects (Diken, 2025b).

The boycott campaign drew attention not only to entertainment and media companies but also to consumer chains like Espressolab, which was targeted for affiliations with pro-government business networks (BirGün, 2025b). Through hashtags, list circulations, and influencer-driven messaging, activists expanded the repertoire of resistance beyond the streets

into the terrain of economic disruption. In response to the backlash, Espressolab issued a press release denying allegations of politically motivated firings, although workers' accounts, circulated by unions, contradicted the official narrative (BirGün, 2025c).

From a theoretical perspective, these boycotts can be understood as expressions of what Antonio Negri describes as *potentia*, the constituent power of the multitude that seeks to prefigure alternative forms of democratic practice from below (de Sande, 2015). Unlike *potestas*, the constituted and coercive form of power, *potentia* embodies agency through collective refusal and creative action, including market disruption. In this context, the consumer boycotts organized on social media represent a fascinating evolution from what James C. Scott (1990) might call the 'hidden transcripts' of individual, everyday resistance into a visible, public, and coordinated political weapon.

While market-based resistance through consumption is a potent contemporary tool, it is essential to situate it within Turkey's broader history of resistance, rooted in the power of *production*. The labor movement, exemplified by iconic struggles such as the 2009-2010 Tekel workers' resistance against the privatization of Turkey's state tobacco and alcohol monopoly, has historically been a primary force in challenging the state and capital (Doğan, 2024). The 2017 Şişecam strike against layoffs also drew national attention before being banned by presidential decree for 'national security reasons,' underscoring how authoritarian legality curtails labor actions (Evrensel, 2017). However, the current digital era has given rise to new, more dynamic forms of economic contention. Consumer boycotts, amplified by social media, enable rapid, decentralized mobilization and provide immediate feedback loops, transforming everyday economic choices into visible political statements. This shift from the factory floor to the digital marketplace represents a significant evolution in the repertoires of resistance available to citizens under the neo-monarchical regime.

However, while these boycotts represent a powerful expression of *potential*, it is crucial to consider their inherent limitations. In their analysis of consumer activism, Kolluoğlu, Dinçer, and Yenil (2025) argue that the true power of a boycott lies not just in its initial spark but in its organization, continuity, and the clarity of its accompanying demands. Without these elements, they continue, a boycott risks degenerating into a fleeting social media "trend" or, at best, a temporary "conscience-soothing tool" for participants, rather than a vehicle for sustained structural change. The motivation to participate, they note, is often tied to the immediate feeling of "being on the right side," which may not translate into long-term

strategic engagement. Their analysis raises critical questions about whether "keyboard activism" can truly substitute for organized, collective struggle, especially in an environment where traditional labor power, as seen in the Şişecam and Tekel cases, has been systematically weakened (Kolluoğlu, Dinçer & Yenal, 2025).

What distinguishes the 2025 boycott wave is not only its continuation of earlier forms of contestation but also its digital amplification, symbolic density, and intersectional coordination, which link party politics, artistic solidarity, and grassroots activism. The material refusal to engage with state-linked corporations became a mode of rearticulating political belonging and moral agency. Slogans like "*Ya hep beraber ya hiçbirimiz*" ("Either all of us together or none of us"), which gained renewed prominence during this period, embodied a collective affect that reimagined the economic sphere as a terrain of resistance, not compliance. These boycotts challenge neoliberal assumptions of individualism and instead affirm a collectivized ethical stance, one that deterritorializes resistance into everyday acts of refusal, thereby constituting new political imaginaries and carving out new political space.

### **6.3 Street and Symbolic Resistance: Post-Gezi Resonances and the İmamoğlu Moment**

The public street has long served as a critical terrain for resistance under authoritarian regimes. Recent protest episodes in Turkey, such as the March and April 2025 gatherings at Saraçhane, highlight the persistence of what Charles Tilly termed "repertoires of contention." As Sidney Tarrow (2008) explains, Tilly viewed contention not as a series of isolated events, but as interactive "performances"—learned and historically grounded actions, such as marching, chanting, and assembling—that constitute the very fabric of claim-making (p. 236).

While the 2013 Gezi Park uprising could be framed as a "liminal event" that triggered a cascade of change, a purely event-focused view is insufficient (Tarrow, 2008, p. 233). Tilly's relational approach emphasizes that such ruptures build upon historically developed routines of collective action. The period of state repression following Gezi suppressed these public performances but did not erase the collective memory or the repertoire itself.

The Saraçhane gatherings are therefore more than just a reaction; they are a reactivation of this repertoire. They function as complex "episodes" of contention, combining multiple performances to reassert the street as a critical site for democratic legitimacy. This demonstrates how protest memory serves as a crucial resource, allowing citizens to draw upon established forms of claim-making to mobilize, even in a restrictive political environment.

In March 2025, the arrest of İmamoğlu triggered a wave of public mobilization that began with students at İstanbul University. In an iconic act of defiance, they rolled down police barricades in protest of the university's decision to revoke İmamoğlu's diploma. These students then marched to Saraçhane, the symbolic heart of the İstanbul Metropolitan Municipality, where thousands soon joined them. The protests rapidly gained momentum as social media amplified their visibility, and CHP leadership responded directly to public sentiment, following student-led cues in shaping its stance.

From a critical left perspective, the 2025 protest wave marked a rupture in the main opposition's strategy. As noted in *Jacobin*, the traditionally centrist and passive CHP was pushed into a more confrontational stance by a student-led grassroots movement (Tuğal, 2025). Yet the analysis also underscores key limitations, including the absence of major opposition blocs such as the Kurdish movement, labor unions, and Alevi communities — reflecting enduring political divides. The movement's long-term potential was seen as hinting on its ability to expand beyond its student base into a broader, organized working-class coalition (Tuğal, 2025).

This momentum sparked symbolic acts of defiance. At a Boğaziçi University graduation in July 2025, a student tore up his diploma on stage, rejecting the authority of the appointed trustee and warning that the regime could revoke degrees or even shut down the university. He was detained in a dawn raid soon after (Diken, 2025c). The act, both performative and political, reflects how youth engage in embodied resistance through ironic, subversive gestures that echo the İmamoğlu case. The state's criminal response highlights how authoritarian legality targets not only opposition leaders but also ordinary citizens who challenge its logic.

Judith Butler's theory of performative assembly provides a conceptual lens through which to interpret these gatherings. As Butler argues, the collective presence of bodies in public spaces constitutes a political claim in itself, particularly under conditions where speech is denied or criminalized (Butler, 2015). In Turkey, where the judiciary has been used as an instrument of political repression, the act of appearing in the street, holding signs, singing songs, banging pots and pans, becomes a form of counter-legality, an assertion of popular sovereignty through corporeal presence.

This dynamic predates the post-İmamoğlu moment and reflects a broader landscape of civic resistance in Turkey. The Saturday Mothers—a group of predominantly Kurdish women who have gathered weekly since 1995 to demand accountability for the enforced disappearances of their relatives—exemplify enduring symbolic resistance. In 2023, despite a Constitutional Court ruling affirming their right to peaceful assembly, their protests in Galatasaray Square remained banned and were met with violent dispersal. This dissonance between formal legality and actual repression reveals how the state has abandoned its constitutional framework, legalizing illegality in the name of order. The Saturday Mothers' persistence, even as they are physically dragged from the square, embodies what Butler (2015, pp. 9–11) calls the "precarious politics of the body."

The reclaiming of public space through embodied, symbolic acts is central to several long-standing resistance movements in Turkey. Feminist activism exemplifies this in the annual March 8 Feminist Night March, which continues despite police bans and tear gas. It has become a ritualized assertion of presence, with protesters expressing defiant, collective emotion through chants like “Kendini yalnız hissedersen bu kalabalığı hatırla” (“If you ever feel alone, remember this crowd”). Similar strategies appear in other movements facing state-led erasure. Since the 2015 Pride bans, LGBTQI+ groups have used tactics like misleading police about gathering locations and asserting queer presence online (Yıldırım, 2022). Student movements, too, have turned campuses into sites of resistance—from Boğaziçi in 2021 to the 2025 mobilizations—using symbolic actions to push back against authoritarian control over education.

Taken together, these movements do more than protest discrete grievances. They form a relational infrastructure of resistance. This is precisely what Todd May (2012) describes when he argues that true resistance is not merely ideological but is rooted in the ethics of friendship, solidarity, and shared vulnerability that sustain movements through dark times.

While rooted in distinct experiences of marginalization, they are united by a refusal to disappear and a shared insistence on reclaiming public space as a site of democratic life. Through visibility, endurance, and symbolic disruption, they reimagine the terrain of politics beyond institutions, insisting that the street, the square, and the body remain vital sites of collective power.

In the İmamoğlu protests and beyond, symbolic resistance operates through repetition, visibility, and endurance. It transforms urban space into a performative arena where competing sovereignties are enacted: the state asserts control through riot police, detentions, and media blackouts, while protesters invoke solidarity, memory, and moral authority. Drawing on Deleuze and Guattari, *The Deleuze Dictionary* (Parr, 2010) describes *detrterritorialization* as the transformation of ordinary spaces into sites of resistance, where new modes of being and experience emerge beyond existing forms of control (p. 34).

Crucially, these forms of resistance do not (yet) signal regime change, but they fracture the illusion of consensus and reinject dissent into the public sphere. They also pressure opposition parties to act more boldly and align with grassroots demands. While the risks of co-optation and protest fatigue remain, the symbolic mobilizations following İmamoğlu's arrest represent one of the most significant episodes of democratic contestation in Turkey since the Gezi protests. They have already reshaped political imaginaries and may help lay the groundwork for future institutional transformation.

In sum, symbolic and street-based resistance in contemporary Turkey constitutes a dynamic, affective, and plural form of democratic practice. From the enduring persistence of the Saturday Mothers to the eruptive force of the İmamoğlu protests, such mobilizations reclaim political agency in contexts where law is wielded against democracy. As Butler (2015) and Tilly (2008) remind us, politics is not confined to institutions. It lives in bodies, in streets, and defiant, precarious gatherings.

#### **6.4 Digital and Transnational Resistance: Networks Against Isolation**

As traditional avenues of dissent in authoritarian Turkey are increasingly policed or co-opted, digital and transnational spheres have become critical sites of resistance. These spaces not only evade state repression but also challenge the symbolic architecture of neo-monarchic rule by disrupting curated images of national unity and

sovereign authority. While street protests, court challenges, and economic boycotts often remain confined within national borders, digital and transnational activism transcends them—enabling new forms of visibility, storytelling, and alliance-building under conditions of censorship and surveillance.

These spaces, however, are not neutral. Digital activism is shaped by the political economy of online platforms, where opaque moderation, algorithmic filtering, and corporate policies often hinder activist goals (Etter & Albu, 2021). Authoritarian regimes also appropriate the aesthetics of dissent, using the same tools to project populist narratives or infiltrate and discredit oppositional movements. Yet, digital platforms remain vital channels for dissent—especially during peak repression.

The 2025 mobilizations following İmamoğlu’s arrest highlighted the strategic use of digital space. Boycott calls and protest hashtags circulated rapidly, often trending nationally and internationally. These acts were both communicative and archival, capturing emotional and political moments in real time. As Butler (2015) notes, public assembly is not only physical but also about rendering shared vulnerability and demands visible (pp. 21–24). Through livestreams, protest footage, viral art, and affective memes, online users created a dynamic record of resistance that countered the silence of mainstream media.

More than amplification, digital media served as a site of truth production. Independent news outlets, social media influencers, and citizen journalists documented arrests, mapped protest routes, and preserved digital memory. Activists relied on VPNs, encrypted apps like Signal, and decentralized archiving strategies to evade state surveillance (DW, 2022).

When İmamoğlu’s account on X was blocked by court order in May 2025 (Bianet, 2025d, Bianet, 2025e), thousands of supporters responded by changing their profile pictures to his likeness (Cumhuriyet, 2025). Many used AI-generated images portraying him as historical, cultural, or fictional figures, accompanied by the hashtag #İmamoğluHerYerde (“İmamoğlu is everywhere”). This campaign pushed back against the attempt to erase his political presence, transforming censorship into a distributed act of solidarity. In this sense, digital resistance has become both infrastructural and affective. It provides logistical scaffolding for mobilization while also creating shared emotional repertoires of rage, irony, and hope.

Transnational solidarity plays a vital role in sustaining resistance movements in Turkey. International artists such as Ane Brun and well-known bands postponed concerts in response to boycott calls, explicitly citing student repression and censorship. Dario Nardella, former mayor of Florence and current Member of the European Parliament, publicly supported Ekrem İmamoğlu by attending protests in Florence and sharing his stance on X (ANKA, 2025; Nardella, 2025). Such gestures exert pressure on governments, inform foreign publics, and offer psychological support to domestic actors facing repression.

Diasporic Turkish and Kurdish communities across Europe have also been instrumental. From Berlin to Amsterdam, they have organized rallies, hosted teach-ins, translated protest materials, and coordinated fundraising. These networks expand the spatial reach of activism, forming a counter-public that challenges the Turkish state's attempt to monopolize truth and visibility. In this sense, the transnational is not an escape from politics but a space for reimagining it.

Digital and transnational resistance also disrupt the logic of authoritarian legality. While the regime asserts sovereignty through border control, information dominance, and narrative management, these forms of dissent undermine such control by producing alternative archives, generating new publics, and invoking global norms the regime cannot fully suppress. In response, the government has criminalized even symbolic gestures of solidarity. After the 2021 wildfires, the viral #HelpTurkey campaign—simply calling for international aid—prompted a formal investigation, with authorities claiming it harmed the country's image (Diken, 2021). This reaction reveals how the regime polices not only domestic dissent but also global perception, reframing empathy as subversion.

This dynamic is especially visible in feminist and women's rights movements, which have long used digital platforms to mobilize solidarity and demand institutional accountability. One of the most striking examples was the response to the 2020 murder of university student Pınar Gültekin. Hashtags like #İstanbulSözleşmesiYaşatır (The Istanbul Convention Saves Lives) and the globally viral #ChallengeAccepted campaign transformed her case into an international reckoning (Bianet, 2020). Social media users demanded justice, named perpetrators, and spotlighted the dismantling of protections once offered by the Istanbul Convention. The digital outcry contributed to prosecutorial action and a conviction—though controversially reduced on grounds of “monstrous feelings” (Bianet, 2025fe).

These campaigns reflect a two-stage strategy of feminist digital resistance. First, platforms like Instagram and X generate visibility, urgency, and collective outrage. Then, these demands are anchored in formal legal channels, turning courtrooms into arenas of feminist contestation. This model transforms symbolic dissent into institutional pressure, reclaiming law not just as an instrument of authoritarianism, but as a site for affirming rights, resisting rollback, and exposing the gendered dimensions of political repression.

Yet these forms of resistance face serious threats: digital surveillance, data harvesting, cyberattacks on independent media, and algorithmic suppression. Transnational activism is also sometimes dismissed by domestic actors as foreign interference or disconnected from local realities. Still, its persistence shows that authoritarianism cannot be fully contained within national borders. Its contests ripple across platforms, borders, and languages.

In Turkey's current regime, digital and transnational resistance do not replace grassroots struggle; they extend and sustain it. These tools and imaginaries enable dissidents to archive their histories, speak beyond the nation-state, and organize in ways that resist linear control. Together, they form a mesh of solidarity against the fragmentation authoritarianism seeks to impose, refusing the isolation it enforces.

## **6.5 Conclusion: Reimagining Resistance in the Age of Authoritarian Legality**

This chapter has explored the plural and evolving forms of resistance in Turkey under conditions of authoritarian legality. Far from extinguished, dissent continues to emerge through legal contestation, symbolic protest, market boycotts, digital mobilization, and transnational solidarity. These practices differ in method, visibility, and impact, but share a common refusal: to concede the meaning of law, public space, or civic life to authoritarian narratives. In doing so, they reveal not just a politics of opposition, but a politics of invention—crafting new terrains, vocabularies, and infrastructures of democratic practice.

As earlier chapters have shown, authoritarianism in Turkey does not operate solely through overt violence or the suspension of law. Rather, it functions through legality itself—selectively enforced norms, moralized surveillance, and bureaucratized repression. Within this system, law is over-present: used to punish, stigmatize, and contain. Resistance, therefore, must be legal, symbolic, infrastructural, and affective. It must move beyond the

courtroom into everyday life, beyond slogans into solidarity, beyond the nation-state into transnational publics.

A key argument of this chapter is that resistance must be reclaimed as generative, not merely reactive. The movements analyzed here do not simply respond to repression; they create new political subjectivities. They reimagine agency, community, and dignity under conditions designed to fragment and silence. Resistance in Turkey today is as much about constructing futures as it is about contesting the present.

This creative resistance is fueled by a pervasive sense of ‘state-lessness’—a feeling of abandonment by official institutions during crises like wildfires, earthquakes, and the ongoing epidemic of femicide. This absence compels citizens to build their own networks of solidarity and action.

Of course, the history of resistance in Turkey predates these recent mobilizations. This chapter—and this thesis—can only gesture toward that longer, richer legacy: from labor uprisings and student occupations to the Kurdish freedom struggle and the Gezi Park protests. What this thesis offers is not a comprehensive history, but a situated account of how resistance is reformulated under contemporary authoritarian legality and neo-monarchic consolidation.

This broader context reminds us that resistance has never been easy, nor evenly enabled. The political imaginaries common in global human rights discourse—tools shaped in liberal democratic settings—do not always translate. In contexts marked by repression, co-opted institutions, and high social risk, activists must continually reinvent both themselves and the very idea of hope. That act of persistence—of rebuilding trust with shattered tools—deserves recognition. It is under such conditions that resistance becomes most radical.

This perspective demands a rethinking of how political crises are narrated. Too often, authoritarianism is framed only as a story of loss: of rights, democracy, institutions. But what if it is also a story of invention, adaptation, and reclamation? What if resistance is not the aftermath of repression, but its constant and inevitable companion?

The 2025 protests following İmamoğlu’s arrest illustrate this possibility. What began as a legal injustice ignited symbolic, economic, digital, and affective responses that moved beyond traditional opposition politics. It was not just a defense of a candidate, but a

reassertion of collective voice, memory, and will. Even under repression, the public reconstituted itself.

As this thesis has argued, authoritarian legality is not only a legal or political structure—it is also a social and affective force. It reorders public emotion, governs through spectacle, and moralizes power. This is why *neo-monarchy* is proposed as a conceptual lens: to grasp how authoritarianism does not simply suppress dissent but enthrones itself symbolically, embedding power in rituals, legal codes, and national myths. It extends into all spheres—courtrooms, classrooms, media, and public space.

Resisting such a formation requires more than institutional appeals or traditional opposition. It demands creative, collective disruptions—forms of resistance that reclaim imagination, unsettle spectacle, and reveal the crown by trusting the crowd. Protest becomes not just defiance, but truth-telling and world-making. It challenges the sovereign's staged omnipotence and refuses the narrowing of political life.

To resist is to remember differently, to speak when speech is policed, to gather when gathering is banned, to imagine when futures are foreclosed. It is, ultimately, to reclaim the democratic imagination from its capture. And in that act of reclamation, resistance becomes not the shadow of authoritarianism—but its undoing.

## **Chapter 7 – Discussion: Neo-Monarchy, Instrumentalized Legality, and Reimagined Resistance**

This chapter synthesizes the analytical insights from the preceding case studies to develop a broader discussion of the Turkish regime's contemporary authoritarian formation, its implications for legality and human rights, and the possibilities of resistance. The concept of neo-monarchy introduced in this thesis enables a sharper reading of how law, markets, and symbolic authority converge in Turkey to sustain a regime that is not post-legal but radically refunctionalized. Across these cases, this discussion highlights how legality becomes performative, dissent is moralized, and resistance persists in fractured yet meaningful ways.

### **7.1 Answering the Research Questions**

Before synthesizing the findings into a broader argument for the concept of neo-monarchy, it is useful to explicitly address the three research questions that have guided this thesis.

First, how has the Turkish government used law to consolidate power while presenting itself as a democracy? This thesis has demonstrated that the regime uses law not by abolishing it, but by repurposing it. The analysis showed this at the international level through the informal, legally ambiguous EU-Turkey deal (Chapter 4), at the national level through the weaponized prosecution of Ekrem İmamoğlu using existing penal codes (Chapter 5), and at the societal level through the use of 'public morality' justifications to ban protests (Chapter 6).

Second, what role have international human rights mechanisms played? The case studies reveal their role to be one of enabling complicity rather than constraint. The EU, in prioritizing its own market and security rationale, created a shield of impunity for the Turkish regime (Chapter 4). This international inaction, as shown in the weak response to the İmamoğlu case (Chapter 5.2), emboldened domestic repression.

Third, how have civil society actors responded? Chapter 6 demonstrated that resistance has been forced to become creative and multi-faceted. In response to the co-optation of formal legality, actors have turned to legal challenges as a form of performance, market-based boycotts as economic pressure, and embodied street protests as a reassertion of civic presence, all woven together by digital and transnational solidarity networks.

## 7.2 Neo-Monarchy: A New Form of Authoritarian Rule

Neo-monarchy, as developed through the Turkish case, is not merely a rebranding of populism or competitive authoritarianism. It names a qualitatively distinct regime form through a personalized executive rule embedded in a legal structure that no longer constrains power but performs and legitimizes it. The Turkish regime has systematically fused itself into the judiciary, the market, media systems, and foreign policy networks. Its transformations are not ad hoc. They are cumulative, institutionalized, and moralized.

Unlike populism, which relies on charismatic leadership and anti-elite rhetoric, neo-monarchy institutionalizes the sovereign figure as the embodiment of the national will. Unlike competitive authoritarianism, which implies the manipulation of institutions, neo-monarchy empties institutions of their autonomy while preserving their form and structure. It operates as a system of controlled uncertainty where no legal decision emerges without executive blessing. The judiciary does not balance power; it echoes it. The sovereign is not merely a political actor but a symbolic redeemer, moral authority, and economic gatekeeper.

The consolidation of this order cannot be explained only by reference to the leader's persona or tactics. It reflects a deeper fusion: law as command, markets as mechanisms of loyalty, and nationalism as an affective infrastructure. While the concept of neo-monarchy effectively explains this fusion in Turkey, it risks overstating the coherence of what can be a fragmented and internally contested authoritarian system.

Further scholarly critique could challenge the concept of neo-monarchy on several fronts. First is the question of redundancy: whether it is sufficiently distinct from established terms, such as 'personalistic rule' or 'sultanism.' While this thesis has argued that its focus on a global mode and its detachment from the Orientalist baggage of 'sultanism' provides unique value, this remains a key point of debate. Second is the challenge of explanatory power. In response to the potential critique that this label merely describes regime behavior, the framework is descriptive because it illuminates the regime's ultimate goal of dynastic succession and its specific fusion of law, markets, and symbolism. Nonetheless, future research is needed to test whether this framework yields better predictive power regarding regime stability or foreign policy than existing models. Acknowledging these challenges is crucial for the continued refinement of the concept.

Ultimately, the value of the neo-monarchy concept may lie in its ability to help us see a transnational pattern. Moving beyond case-specific labels, it allows us to identify a coherent governance script being deployed globally, one uniquely suited to an era that rewards strong executives and personalizes power. The most pressing question is not just how to resist this model in one country, but how to confront it as a globally supported mode of 21st-century rule.

### **7.3 The Instrumentalization of Law**

Law in neo-monarchical Turkey is not abandoned, as this research demonstrates. The legal system does not erode so much as it transforms into an extension of executive will. Legal norms are continually redefined to accommodate shifting political interests.

Legal repression has become routine. İmamoğlu's conviction under a defamation charge and the use of diploma annulment procedures demonstrate how ordinary laws are repurposed for extraordinary repression with unimaginable rationale. The illusion of judicial independence persists through procedural rituals, of course. The hearings are held, verdicts issued, and laws cited, but the outcomes are predetermined, almost as if they are following a script. This is not the rule of law but rule through law.

Such practices are consistent with Kim Lane Scheppele's notion of autocratic legalism, yet neo-monarchy extends this further by linking legal performance with moral authority and international sovereignty. Legalism becomes a public spectacle through performativity. Trials do not just punish but signal the regime's capacity to define legality itself. Courts affirm the sovereign's identity as protector of the nation, reinforcing rather than challenging centralized power.

### **7.4 Markets, Morality, and Diplomacy**

The durability of Turkey's neo-monarchical regime lies in the interplay of three forces: economic clientelism, moralized authority, and sovereign diplomacy. The March 19 operation exposed the neo-monarchy's prioritization of political control over financial stability. İmamoğlu's detention triggered an 11% lira plunge, forcing lenders to sell \$8 billion that day and the Central Bank to deploy tens of billions in reserves (Akman & Özbek, 2025) and raise interest rates to 49% (Akçay, 2025). These measures strained key sectors, especially

labor-intensive industries, warning of unsustainable production costs. Despite this, the regime pressed on, showing its values suppressing opposition above economic consequences.

This domestic system of economic reward and punishment is made viable by the international legitimacy and financial flows secured through the 'sovereign diplomacy' exemplified by the EU-Turkey deal (Chapter 4), showing how the economic and diplomatic pillars are mutually reinforcing.

First, the regime has created a political economy of loyalty. Public tenders, municipal funding, welfare distribution, and regulatory favors are used to reward allies and punish dissenters. This is not a retreat of the state but its reconfiguration through market rationality. As Wendy Brown (2019) argued, neoliberalism does not weaken the state but reprograms it. In Turkey, this reprogramming subordinates economic life to political obedience. The ban on municipal fundraising and the seizure of COVID-19 relief funds reveal the market's absorption into the state's punitive logic.

Second, the regime moralizes its authority. Erdoğan's leadership is framed as both pragmatic and sacred. Through references to Ottoman grandeur, Islamic heritage, and martyrdom, the sovereign appears not just as a political leader but almost like a spiritual custodian. Laws prohibiting insults to the president, the public use of religious symbols, and the personalization of national holidays reinforce this executive sanctification.

Third, the regime has mastered international diplomacy as a means of protection. The EU-Turkey migration deal, for one, and Turkey's mediation role in the Russia-Ukraine grain corridor are not just foreign policy achievements. They are successful instruments of internal legitimation. They allow the regime to frame external critique as imperialism and its geopolitical importance as justification for domestic authoritarianism. This aligns with Tom Ginsburg's (2020) insight that authoritarian regimes increasingly shape international law to protect sovereignty rather than constrain it. Turkey does not abandon international law anyway. It selectively pivots.

This pragmatic and adaptive approach is further illustrated by the regime's surprising policy reversal on the Kurdish issue in late 2024 (Sayın, 2024). After years of a hardline securitized strategy, the government initiated contacts with the imprisoned PKK leader Abdullah Öcalan. This move can be interpreted as a masterclass in neo-monarchical strategy, driven by two distinct but complementary interests (BBC Türkçe, 2025f). Domestically, it served as a

powerful tool to divide its political rivals, creating a wedge between Turkish nationalists and Kurdish voters within the opposition bloc, especially during the new Constitution negotiations (Utucu, 2025; Sayın, 2025). Externally, the recent collapse of the Assad regime in Syria produced a new strategic reality on Turkey's southern border, compelling Ankara to recalibrate its relationship with Kurdish actors to secure its new interests in a post-Assad landscape (Kara-Kaşka, 2025). The outcome of this new process, however, is yet to unfold.

## **7.5 Resistance Reimagined**

Despite these layered forms of domination, resistance persists in Turkey. It is fragmented, imaginative, and often symbolic. Civic resistance is not reducible to isolated protests. It reconfigures public space, speech, and solidarity. İmamoğlu's supporters, LGBTQI+ demonstrators, feminist night marches, and economic boycotts exemplify forms of collective agency that challenge the regime's performative consensus. The very forms of resistance detailed in Chapter 6 are a direct response to the mechanisms of control identified in the preceding cases: the crony capitalism analyzed in Chapter 3 and the weaponized legalism seen in the İmamoğlu prosecution in Chapter 5.

Judith Butler's (2015) work on public assembly helps illuminate this: when formal speech is criminalized, the act of gathering becomes a form of speech in itself. This is evident in the protests after the arrest of İmamoğlu. These acts do not rely on institutional legitimacy; instead, they generate their own. They make visible the violence of the regime's legality by confronting it with embodied dissent.

Resistance also permeates the market and the digital sphere. The 2025 boycott wave following İmamoğlu's arrest disrupted pro-regime consumer flows and asserted political will through economic withdrawal. Transnational solidarity and digital archiving preserve narratives that have been erased from mainstream discourse. These practices reassert political agency not by appealing to failed institutions but by creating new ones, counter-publics, alternative archives, and affective communities of dissent. Though this wave is still unfolding, its breadth and the profound sense of injustice it generates represent one of the most significant challenges to the regime's narrative of consensus in recent years.

## 7.6 Implications for Human Rights and International Law

This analysis aligns with critical international law scholars who warn that the structural limits of international legalism are not accidental but intrinsic. As Koskenniemi (2005) argues, international legal discourse vacillates between normative idealism and political realism, allowing authoritarian regimes to simulate compliance while neutralizing scrutiny. Ginsburg (2020) captures this shift as the rise of authoritarian international law, where states like Turkey selectively perform legality to gain recognition while emptying it of constraint. Likewise, Moyn (2010), Hopgood (2013), and Kennedy (2002) highlight how human rights law, once rooted in emancipatory ideals, has been bureaucratized, individualized, and detached from structural critique. Turkey's engagement with the ECtHR and its exploitation of EU mechanisms illustrate this transformation: international law becomes a stage for sovereign performance, not a boundary on executive power.

Neo-monarchy accepts international law. It exploits its proceduralism and takes advantage of its gaps. The Turkish regime's refusal to implement ECtHR rulings, unilateral withdrawal from the Istanbul Convention, and selective cooperation with human rights mechanisms illustrate the structural vulnerability of the current international legal order.

The problem is not only that authoritarian states ignore international law. It is that international law is too often structured to require the cooperation of precisely those states it seeks to regulate. As Ginsburg and Scheppele argue, the performance of legality can be preserved even in defiance of human rights. This thesis echoes their warning: when legal systems are formalized but hollowed out, international norms cannot rely solely on form.

To respond, international law must be repoliticized. This requires recognizing that human rights violations are not anomalies but structural. The EU's funding of migration containment in Turkey is a political, rather than a technocratic, choice. Future strategies must therefore move beyond judicial compliance toward structural critique and grassroots empowerment that does not rely on state consent.

This focus on systemic failure, however, does not negate the importance of specific interventions. For instance, as detailed in Chapter 6.1, the eventual acquittal of the human rights defenders in the Büyükada trial was achieved mainly due to a significant international advocacy campaign. This serves as a key counter-example, suggesting that while the broader

strategic landscape shows a weakening of global constraints, targeted pressure can still yield critical tactical victories and provide crucial support for domestic civil society.

As David Kennedy (2002) notes, legal framing often reduces complex injustices to administrative dysfunctions, translating structural violence into issues of compliance or reform. Didier Fassin (2011) similarly observes that legal discourse frequently elevates the suffering victim over the resisting subject, privileging humanitarian protection over political transformation. These dynamics are evident in Turkey, where international responses usually prioritize the harm suffered by individuals while overlooking collective, organized resistance. This moral economy can depoliticize dissent, displacing acts of solidarity with narratives of helplessness.

The Turkish case is both a cautionary tale and an analytic frontier. It shows that human rights mechanisms must adapt not just to brutality, but to sophistication. Repression today is juridical, televised, and negotiated. The sovereign does not silence the law but speaks through it. Resistance, therefore, must not only reclaim legality but also transcend it by refusing to remain confined within the frameworks that have been repurposed for domination; instead, it should generate new political imaginaries grounded in solidarity, equality, and transformative justice.

In this light, neo-monarchy is not a phenomenon unique to Turkey. It is a warning sign of a global drift, where sovereignty is personalized, legality is aestheticized, and dissent is moralized to an unimaginable extent. Turkey offers the most fully realized case to date. But its lesson is broader. Indeed, the methods of legal co-optation and sovereign performance honed in cases like Turkey now form part of a transnational playbook for 21st-century authoritarianism (see Öz, 2025).

We can no longer simply label certain states as having "good human rights records" in isolation. In a globalized world grappling with shared authoritarian challenges, the principle of "all of us together, or none of us" must guide the collective re-imagining of justice and legality

## Chapter 8 – Conclusion

This thesis examined how legality is repurposed under authoritarianism to sustain executive dominance while preserving democratic appearances. By tracing this phenomenon in Turkey, it introduced the concept of neo-monarchy to theorize the contemporary fusion of law, markets, and symbolic authority in legitimizing authoritarian power. Through three interlinked case studies—the EU-Turkey migration deal, the political targeting of Ekrem İmamoğlu, and the subsequent wave of civic resistance—the thesis examined the mechanics of legal instrumentalization and the enduring possibilities of resistance.

The Turkish regime does not operate outside the law, nor does it abolish legality. Instead, it performs legality with precision: codifying control through constitutional amendments, court rulings, diplomatic agreements, and ritualized trials. At the heart of this order lies a sovereign figure who embodies not only state authority but national morality and economic command. In doing so, Turkey represents not an anomaly, but an advanced case of authoritarian transformation under the guise of legality. This thesis argues that frameworks of populism or competitive authoritarianism are insufficient to capture the neo-monarchical regime form. It is a distinctly contemporary structure in which power is centralized not through chaos, but through legal choreography.

While this research engages with a problematic and often bleak political context, it has also sought to understand the presence of agency, creativity, and collective resilience within a society grappling with profound institutional and social decay, ranging from a collapsing education system to fraying social trust. In Turkey, resistance persists under pressure and takes on new, adaptive forms. From protests and consumer boycotts to legal advocacy, digital platforms, and the preservation of memory, these actions reflect a refusal to accept imposed boundaries on civic and political life. They mark the struggles of real people, sometimes out of necessity, as there is no other way but to resist, but sometimes for the sake of solidarity.

The study addressed three key questions. First, it examined how legal institutions in Turkey have been used to centralize political power while maintaining the appearance of democratic governance. The findings reveal a pattern of legal adaptation rather than collapse. The regime has rewritten laws, reshaped institutions, and used judicial procedures to silence alternative voices. The result is a framework where legality persists in form but loses its capacity to limit executive authority.

Second, it assessed the role of international human rights mechanisms. Rather than serving as practical constraints, these frameworks have often been sidelined or selectively applied. Turkey's strategic use of the EU-Turkey migration deal, its partial engagement with the ECtHR, and its broader diplomatic posture show how international law can be appropriated to support, rather than challenge, authoritarian governance.

Third, the thesis investigated how individuals and civil society actors have responded. Resistance has shifted in form. It is visible in local initiatives, protest movements, digital organizing, and symbolic challenges to state narratives. These efforts contest both authoritarian policies and the deeper legal, economic, and symbolic structures that underpin them. They work to reopen political space and assert the rights of those who have been suppressed.

The core theoretical contribution is the 'neo-monarchy' concept. This framework integrates perspectives from political economy, legal studies, and symbolic politics to describe a regime that governs through the orchestration of legality, moral nationalism, and market control. Building on the work of Brown, Scheppele, Ginsburg, Foucault, and Butler, among others, the thesis situates Turkey as a prominent case of how formal democratic structures can be maintained while substantive democratic norms are steadily eroded. Neo-monarchy is offered not as a universal category, but as a way to understand contemporary rule in contexts where legality is performed, power is personalized, and dissent is systematically discredited.

The thesis also contributes to debates on international law and human rights by emphasizing the need for deeper politicization of these frameworks. In their current form, international mechanisms often operate through technical procedures and formal compliance metrics. These approaches fall short when regimes engage selectively, using legal participation to deflect accountability while reshaping the norms themselves. The challenge ahead lies in rethinking how these systems can support democratic resilience without reinforcing authoritarian adaptations.

This research has certain limitations; the breadth of Turkey's legal and political developments exceeds the scope of a single thesis. The everyday operations of lower courts, regional differences, and bureaucratic discretion remain important areas for further study. Comparative research across various contexts, such as the USA, Hungary, India, or Israel, could test the broader relevance of the neo-monarchy concept. Domestically, future work

could trace the interconnected nature of societal decay under the neo-monarchy. This would involve a deeper discourse analysis of the regime's rhetoric, an investigation into the role of state-aligned media in disseminating disinformation, and an examination of how these factors connect to the erosion of public trust in areas such as education and healthcare. Further exploration of exile-based and transnational forms of resistance could offer insights into how opposition movements persist and adapt beyond national borders. Additionally, future studies may examine how moments of crisis—whether health-related, environmental, or geopolitical—reshape authoritarian legality and influence international legal responses.

Finally, the events of 2025 test the limits of frameworks like 'democratic autocracy' and reveal the mature stage of the regime I have termed a neo-monarchy. The systematic crackdown on the opposition following its electoral successes suggests a critical evolution. While the neo-monarchy initially relies on the *performance* of a democratic facade to consolidate power, as analyzed throughout this thesis, it has now reached a phase where it can begin to discard that facade when it no longer serves its interests and survival. The prolonged detention of political rivals and the replacement of elected mayors are not signs that the model is flawed, but rather that it has been successful. The regime's logic has evolved from manipulating democratic processes to potentially suspending them, demonstrating that the ultimate expression of the neo-monarch's power is the ability to rule without the very democratic pretenses that brought it to dominance.

The Turkish case illustrates how today's authoritarian regimes rely less on overt repression than on the strategic use of legality, symbolism, and economic structures. Yet it also shows that these systems are not immune to challenge. Civil society, even when constrained, continues to mobilize. Local governments experiment with alternative practices. Public imagination has not been extinguished. Resistance, in this context, is not merely a reaction to power; it is also a means of challenging and transforming it. It creates its playground.

To resist neo-monarchy is not only to confront a regime, but to reclaim the space of legality itself. But the most vital lesson is that legality alone will not save us. If law is a terrain of power, it must also be made a site of imagination. This means resisting not only authoritarian rulers, but the conditions that make their legalism possible.

The path forward requires humility and resolve. It calls for solidarity across borders, recognizing that struggles over law and justice are never solely local in nature.

If neo-monarchy is the name we give to a system that enthrones legality in the service of domination, then the task is not only to dethrone it but to write another script.

The stories of resistance, like those told in this thesis, are not merely background noise to authoritarian rule. They are its counterpoint. They are, if nurtured, the beginning of something else.

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