

## ACADEMIC FREEDOM?

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Good morning! Initially I should express that it is a great joy for me to be here in Oslo and a great honour to be at the University of Oslo. Then, for those who are not familiar with what I have done so far, let me try to explain a little bit: I am a professor of law and politics and have dedicated most of my academic career to analysing the relations between religion, state and society. I grew up in an almost areligious family; I guess this is the source of my fascination since I was a teenager with the impact of religion on people. Never religious myself, I have nevertheless always respected all variants of belief or disbelief. The Turkey in which I was born in the very last year of the 1950s has always been a fruitful laboratory for any social scientist to observe religion, and it has also given me several opportunities to serve as a human rights activist. In my academic work, I have criticized the policies of Turkey's single-party regime (1923–50), especially in terms of religious repression and the treatment of minorities. I have rejected the majoritarian understanding of democracy, rather perceiving it to be a regime where the rights of the minorities especially should be secured. I am stating these facts about me to give you an idea about the lenses I use in my personal and my academic life. In this talk I will try to combine some political history in Turkey, the issue of human rights with a focus on academic freedom, and my personal story to give an example of what I try to express...

In his modernization theory Seymour Martin Lipset formulated authoritarianism as just a passing stage heading towards democracy in time. Alas, it is not true; at least in some cases!!... Turkey has been struggling with processes and institutions to become modernized since late 18<sup>th</sup> century. The Ottoman state was absolutist with the Sultan accountable to practically none and sharing power with no one, thus inclusive institutions that create a pluralistic and democratic system could never be developed. Ottoman modernization was a period of transition into some modern supra-structures for the sake of sustaining the State. Then came the Republican times. Early Republican decision-making elites targeted not only to transform the political body into a modern one as their predecessors, but they also worked on the social corpus.

Enlightenment principles read through strictly positivist lenses made 1920's 1930's and 1940's decades of "iron law of oligarchy" in the sense of Robert Michels.<sup>1</sup> After launching into

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<sup>1</sup> "The iron law of oligarchy" is a political theory, first developed by the German sociologist Robert Michels in his 1911 book, *Political Parties: A Sociological Study of the Oligarchical Tendencies of Modern Democracy*. It

a multi-party regime, the new party in power, Democrat Party that was a source of hope for democratization unfortunately turned out to be a pernicious form of vicious circle in years. 1960's, relatively a decade of democratic opening, was doomed for being initiated by a military coup; consequently 1970's and 1980's witnessed suffocation of democratic institutions as well as basic rights and freedoms through military interventions and ongoing tutelage. 1990's were marked by several atrocities: the Kurdish war and state of emergency in the East; torture; and a code of silence in an overwhelming portion of the population. A severe intervention of military tutelage via National Security Council (*Milli Güvenlik Kurulu*) took place on February 28, 1997. February 28 was not only a military ultimatum given to the government of Necmettin Erbakan, Turkey's first overtly Islamist prime minister, but also the beginning of a "process" that would lead to a major party (Welfare Party: *Refah Partisi*) to be banned and freedoms and rights to be breached. 2001 witnessed an economic crisis; the crash was emblematic of the political and economic problems that had been wearing on Turkey for years. Confidence in the government had been eroded by corruption and the inability to form lasting coalitions.

As I have tried to explain before, Turkey has always experienced cycles of political fortune, but the past 15 years have seen a string of critical junctures prompting an evolution in politics that is really quite unprecedented. The stunning victory of the Justice and Development Party (*Adalet ve Kalkınma Partisi*, AKP) in the parliamentary elections of 2002 marked a profound change in Turkish politics. With this, a new political elite arose from a social base that had been mostly neglected since the founding of the Republic in 1923. The AKP speedily eliminated military tutelage and proposed significant initiatives to empower the citizenry and sustain civil liberties, both important steps towards democratization. I personally never voted for the AKP, but supported their policies in my academic work and in my talks at domestic and international meetings. Positive steps taken towards solving the Kurdish issue and the democratization efforts taken to further European Union membership were remarkable indicators as well. However, from 2007 signs of yet another fundamental transition began to emerge, as the emphasis on democracy appeared to fall away, the AKP's conservative Islamist discourse intensified, and attempts at constructing a hegemonic authoritarian regime appeared.

The Gezi Park protests of 2013 marked another turning point, after which Erdoğan finally took complete control of the AKP. The violent response of the Turkish authorities to

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claims that rule by an elite, or oligarchy, is inevitable as an "iron law" within any democratic organization as part of the "tactical and technical necessities" of organization.

the protests exposed a striking intolerance of opposing voices that seems to be an indication of Erdoğan's belief that conspiratorial rhetoric is the best way to mobilize support.

The coup attempt of July 15, 2016 was the most dramatic and – arguably – the most consequential critical juncture of all. It has touched every Turkish citizen in myriad way and its effects will probably be felt in Turkey for generations to come. I personally experienced this process like no other time of my life. At the time, I had been the chair of the Sociology Department at Gediz University in Izmir for almost a year. This was a particularly rewarding period in my academic career. I remember fondly the intellectual enthusiasm of young colleagues – many of whom had returned to Turkey having completed PhDs at prestigious universities around the world – as well as the intellectual curiosity of the students. Such an environment is sadly all-too-rare in higher education. To my utmost surprise, I received an email on July 21, 2016 from human resources informing me that I had been suspended by the rector of the university because of allegedly anti-putsch tweets sent from my Twitter account. I had *retweeted* four or five tweets after July the 15th; however, each was merely a call for rule of law and to stand strictly against violence, including restoration of capital punishment (a proposal that remerged for debate in the wake of the coup attempt). My past criticisms of governmental policies in the media were, I suppose, a pretext for the university to appear sympathetic to the government. In the event this was pointless; Gediz was one of the 16 universities closed by decree on July 23, 2016.

On 5 October 2016, I was headed to an EU project meeting in Sicily. At the airport, I was informed that my passport had been annulled. At 6.30 am on 20 December 2016, a buzz at the front door of my home in Istanbul marked my own critical juncture. I was taken into custody in Istanbul and later in the day transferred to Izmir. There, I was detained at Yeşilyurt Police Station for eight days with only the clothes I had on and without a book or any other reading material whatsoever. The only thing I could focus my attention on was the box of medication I was immediately given to treat a circulation problem (I have to take this daily). Needless to say, I memorized every word of the pamphlet inside by heart. I was charged with being a member of an armed terrorist organization, however there was no evidence to back this allegation. During the first interrogation, the police googled my name and searched several TV programs on which I'd appeared in my professional capacity. One response I had given about the definition of a terrorist organization was the supposed "smoking gun" for the authorities. I had answered a query as follows: "A judicial decision is definitely needed to characterise a structure as a terror organization. It is still debateable, but certainly an administrative decision is not sufficient for an outfit to be named as such."

This was considered by the Turkish authorities as me advocating for a terrorist organization. The woman judge that I appeared before, with seven others on December 27, 2016 obviously agreed with this opinion, so I was formally charged and placed in remand. I was in jail for 92 days. My wardmates were mostly judges and prosecutors, teachers and academics who had been arrested almost immediately after the coup-attempt. My thirst for reading during my period in custody led me to commit to reading a book every day I was in jail. I really did – some of them one a day, some chapter by chapter. By the day my case was transferred to an Istanbul court and I was released pending trial – 31 March 2017 – I'd finished 92 books. To cut this long story short, I was fully acquitted on 31 January 2018, and the decision got finalized by August 2018.

Like tens of thousands of others suspended or removed from their positions, I struggled with the fact that it is simply impossible – de facto if not de jure – to find employment in Turkey. My loss, however, was primarily intellectual. All my electronical equipment – including my laptop and backups – were taken by the police and they have been returned two years later. Meanwhile, with no access to all I have produced intellectually since my 20s I felt like I've been lobotomised. Worse still, I was not able to travel internationally for three full years – a freedom I've enjoyed since I was seven months old. True enough, nothing lasts forever. On the other hand, the people of Turkey have been deeply wounded and the political, educational, democratic gains over generations virtually wiped out. I am very much afraid that as time goes by, it will not be possible to restore a lasting peace in Turkey.

Going back to political developments we observe numerous violations of rule of law and basic human rights: replacing elected mayors especially in east and south-east provinces of Turkey since the summer of 2015; thousands of court cases for alleged defamations against Erdoğan; cases against the “Petition for Peace by the Academics”; judicial actions against more than 150,000 civil servants that have been dismissed by decrees; crack-downs against critical media and twitter; several violations against judiciary power;<sup>2</sup> violations of the principle of impartiality of the President; stripping immunity for some members of the Parliament<sup>3</sup> are just some examples of the weakening of political institutions and the erosion of rule of law in Turkey. Numbers given by the website “Turkey Purge” reveal as of March 2019 reveal that 150,348 dismissed; 500,650 investigated; 96,885 arrested; 3,003 schools and dormitories shut

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<sup>2</sup> Ergun Özbudun (2015) “Turkey’s Judiciary and the Drift Toward Competitive Authoritarianism”, *The International Spectator*, 50:2, 42-55, DOI: 10.1080/03932729.2015.1020651

<sup>3</sup> Ahmed al-Burai, “What's behind Turkey's bill of immunity: Is it a democratic move or another step towards a one-man rule?”, *Aljezeere*, 29 May 2016, <http://www.aljazeera.com/indepth/opinion/2016/05/turkey-bill-immunity-160529083635081.html> Accessed 21 June 2016

down; 6,021 academics lost jobs; 4,463 judges and prosecutors dismissed; 189 media outlets shut down; 319 journalists arrested since July 15, 2016. In other words, four arenas of democratic contestation (electoral arena; the legislature; the judiciary; the media) stated by Levitsky and Way<sup>4</sup> are severely violated.

As I have mentioned at the beginning, there exists a tendency in the political culture in Turkey. As soon as a political ruling actor (this may be a real person or a political party) assumes that s/he/it has the support of the majority, s/he/it supposes that s/he/it has the knowledge of an absolute truth, and thus narrows the distribution of political power. Turkey has suffered such a malady that had actually been inherited from the Ottoman times, starting from the 1920's to 1960's – once again history repeats itself and AKP/Erdoğan claims to speak in the name of the people in Turkey. I admit that secularist crackdown exposed till the beginnings of the 2000's helps greatly for the religiously-oriented constituency of AKP/Erdoğan to be manipulated through their fears of going back in time. I admit that redistribution politics via neo-liberalization create benefits to various groups that have been ignored previously. I admit that economic progress helped by a favourable global liquidity environment in the early parts of the decade was a key contributor to the party's continued electoral success and to enlarge its electoral coalition. The other side of this coin includes a corrupt regime<sup>5</sup> based upon clientalistic policies sustained by mechanisms of economic and political dependency, rule through repression and bribery, as well as a controlled media by the help of lack of free media and absence of anti-trust legislation to prevent media conglomerates.<sup>6</sup> Erdoğan *per se* consolidates his power through polarization and populism. In this regime rule of law is replaced by a concept of terror where it gets used recklessly through securitization policies. However, the rule of law is in fact a creation of pluralist political institutions and of the broad coalitions that support such pluralism. It's only when many individuals and groups

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<sup>4</sup> Steven Levitsky and Lucan A. Way, "Elections Without Democracy: The Rise of Competitive Authoritarianism", *Journal of Democracy*, v. 13/no. 2 (april 2002), 54-58.

<sup>5</sup> I use the concept "corrupt regime" in the Kantian sense. Corruption, economic growth and the quality of political institutions are related through a complex web. It is also valid that that corruption could increase economic development, mainly because illegal practices and payments as 'speed money' could surpass bureaucratic delays; the acceptance of bribes in government employees could work as an incentive and increase their efficiency and because corruption is possibly the price people are forced to pay as a result of market failures. For a micro-level study that also conceptualize interactions between these concepts, see. Hasan Ayaydin and Pinar Hayaloglu, "The Effect of Corruption on Firm Growth: Evidence from Firms in Turkey", *Asian Economic and Financial Review*, 2014, 4(5): 607-624.

<sup>6</sup> Susan Corke, Andrew Finkel, David J. Kramer, Carla Anne Robbins, Nate Schenckan, *Democracy in Crisis: Corruption, Media, and Power in Turkey*, A Freedom House Special Report (2014) <https://freedomhouse.org/sites/default/files/Turkey%20Report%20-%202014.pdf> Accessed 22 June 2016.

have a say in decisions, and the political power to have a seat at the table with fair treatment.<sup>7</sup> Sustainable democracy and welfare may only be achieved by topping the previous requirements by proper checks and balances in the political system; secure property rights; and freedom to contract and exchange. Using the law for repression of any opposition paves the way towards a patrimonial and hegemonic regime where formal democratic institutions exist on paper but are reduced to a façade in practice.

So far, I have tried to have you picture the political environment in Turkey. Now I want to come to the question of how does academic freedom affect conduct? I should note that I have been inspired by a dispatch on academic freedom by Dr. Shannon Dea , a professor of philosophy and vice-president of the faculty association at the University of Waterloo in Canada.<sup>8</sup> Here are some candidate answers:

- Believing that you have academic freedom can lead you to take chances in your learning, your teaching, your research, your talks and publications, your public remarks, and so on, where taking chances can mean exploring or communicating controversial views, or being at liberty to wander and fail in your scholarship.
- If you have academic freedom, you cannot be disciplined, fired, or expelled by the institution for undertaking controversial work or communications, for changing the direction of your scholarship, for taking a stand on the kind of scholarship you are willing to do, or for criticizing the university or the government.
- If you have academic freedom and someone tries to sue you for your scholarship (whatever form it might take), your university will have your back, which involves, among other things, providing you with legal support, and with good clear paths to receive that support.
- If you have academic freedom and someone harasses you for your scholarship, your university will have your back, which involves, among other things, providing resources to help keep you safe, and if the harassment takes on a prominent public character, issuing a clear public statement of support for you and your scholarship.

Notice that the first point I have made is about what you may do if you have academic freedom, and the remaining three points are about what the university must do if you have academic freedom. The last three are the real test, I think, and are the guarantors of the first

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<sup>7</sup> Daron Acemoglu & James A. Robinson, *The Origins of Power, Prosperity, and Poverty: Why Nations Fail*, Crown Business, New York 2012, 306.

<sup>8</sup> <https://www.universityaffairs.ca/opinion/dispatches-academic-freedom/two-kinds-of-academic-freedom-lessons-from-a-scholar-who-fled-turkey/>

point. It is the practical, material way in which the university has my back that gives me the confidence to take intellectual chances. Thus, the last three points are the means to the end of the first point. Without the institutional protection spelled out in the last three points, academic freedom is merely an ideal with nothing to back it up. Unfortunately, the experience that we have observed shows that that has not been the case in Turkey. No need for further explanation I think, but nevertheless, I will underline once again. The experience in Turkey reveals several facts that are totally contrary to the points I made earlier:

- Several universities of the academics that have been dismissed by governmental decrees did nothing on behalf of their faculty.
- Some of the universities, to add insult to injury, acted against their staff.
- Some of the universities got shut-down themselves.

I would like to repeat again: Since July the 15th, 2016 *coup* attempt, a total of 6021 academics were dismissed/fired from over a 100 universities across Turkey by several government decrees issued between September. 1, 2016 to August 25, 2017 with coup charges. Also, immediately after the failed *coup d'état*, the Turkish government passed a decree ordering the closure of 16 universities and 800 student dorms across Turkey. The shutting down of the universities has left 61,382 students in academic limbo.

For those who are not closely familiar with these events, let me try to brief some points.  
<sup>9</sup> On January 11, 2016, a petition titled “We Will Not Be a Party to This Crime!” signed by 1,128 academics was released by the Academics for Peace Initiative. The petition strongly criticized human rights violations by Turkish security forces taking place during renewed fighting in Kurdish cities in the southeast, and urged the AKP government to resume peace negotiations with the Kurdish movement that had collapsed after the June, 2015 elections. The Turkish military had just launched a major assault upon several Kurdish cities, resulting in more than 100 civilian casualties—including babies, children and elderly people—as well as the displacement of hundreds of thousands of Kurdish people and the total destruction of several urban areas.

A day after the announcement of the petition for peace, Erdoğan accused the signatories of treason and supporting terrorists. Public prosecutors and university administrations quickly started investigations, and the pro-government media launched a smear campaign against the Academics for Peace. Despite these assaults even more Turkish academics signed it, raising

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<sup>9</sup> Muzaffer Kaya "Turkey's Purge of Critical Academia," *Middle East Report* 288 (Fall 2018).  
<https://merip.org/2018/12/turkeys-purge-of-critical-academia/>

the number of signatories from 1,128 to 2,212. In solidarity, 2,279 foreign academics also signed the petition.

Soon after the petition was released, a number of signatories were suspended in several universities and forced to resign from their administrative positions; others were threatened by ultra-nationalist groups inside and outside the campuses. The suspensions began in private universities where employment was more insecure. In some cities, criminal investigations were launched by public prosecutors resulting in home raids and detentions of signatories. The four academics who read a second press release against these investigations and dismissals were imprisoned for 40 days and a criminal case was filed against them for spreading “terrorist propaganda.” Approximately 100 Academics for Peace signatories were dismissed from their positions before the state of emergency was declared in July 2016.

The growing repression within academia significantly worsened after the state of emergency was declared on July 21, 2016, following the failed military coup attempt against Erdoğan. The coup leaders were alleged to have secret relations with the Gülen organization, which had invested heavily in universities and had developed a considerable network of support institutions in the education field, both within Turkey and abroad. The 16 universities that were shut down by a governmental decree was allegedly subsidized by pro-Gülen foundations.

The state of emergency lasted for two years—from July 21, 2016 to July 19, 2018. During this period more than 150,000 civil servants were expelled through emergency decrees without any juridical oversight. The largest share of this enormous purge took place in the educational field: 41,705 employees (30 percent of total expulsions) were expelled from educational institutions. 6,081 academics and 1,427 administrative staff from 122 universities including 300 graduate students studying abroad with state scholarships were also dismissed. 16 private universities were shut down. 2,808 academics working in these universities lost their jobs and 64,533 students were transferred to other universities. Even though the majority of expulsions were of civil servants accused of association with the Gülen organization, many Academics for Peace, civil servants associated with the Kurdish movement, trade unionists and leftist activists were also added to the expulsion lists. A total of 407 Academics for Peace signatories were dismissed from their positions by the emergency decrees, bringing the total number who lost their jobs to 519.

The dismissal of so many academics during the state of emergency was a chaotic and arbitrary process without any judicial oversight. The “to be expelled” lists were prepared by the university administrations. The few universities where massive dismissals did not take place were the ones who did not submit any “to be expelled” lists to the YÖK. The majority of



university rectors, however, submitted “to be expelled lists” with great eagerness in order to ingratiate themselves with the government.

Those dismissed by the emergency decrees were both prohibited from working in another public institution and unable to work in the private sector due to an inscription on their insurance register. They were effectively banned from travelling internationally because their passports were invalidated. In the words of a pro-government columnist, they were sentenced to “civil death.” In some cases, however, this “civil death” led to the literal termination of lives: 37 of the expellees committed suicide out of despair due to these unjust and severe sanctions.

The persecution of the Academics for Peace has not been limited to academic expulsion. Although signing the petition for peace was a collective action, prosecutors have sought to isolate each signatory by opening individual investigations in different courthouses, beginning in December, 2017. There have been several convictions by first instance courts. Eventually, upon examination of the individual applications of 10 Academics for Peace who have been sentenced to prison on charge of "propagandizing for a terrorist organization" for having signed the declaration

Constitutional Court has ruled that the penalization of Academics for Peace on charge of "terror propaganda" has violated their freedom of expression. on 26 July 2019. Since then decisions for the cases have been acquittals.

Purges against alleged Gülenist academics are also part of the broader intimidation of academia and society by the state. This intimidation seems to have worked so far. The academics whom Erdoğan favourably defines as “domestic and national” are currently those occupying the administrative bodies of Turkish higher education. At the present, the government has absolute control over the universities.

In addition to mass expulsions, additional laws and regulations were enacted to increase the recruitment of government loyalists to the academy. Perhaps the most effective procedure to ensure political conformity is the new obligatory “security clearance” required for all academic appointments, granted by the National Security Department only if the person in question is not considered to be a security threat.

So, what might be done in such a situation? Obviously it is not an option to explicitly support academic freedom in a country where academic freedom do not exist. So what to do abroad? Once we take on board the idea that academic freedom depends on institutional support, academic journals and scholarly associations may be called on, to supplement the academic freedom support that universities provide. This is a great way for tenured scholars to use their tenure. Tenured scholars in countries that have academic freedom can demand that

journals, conferences, and scholarly associations create and faithfully observe standards that offer the widest possible academic freedom protections, including protections for precarious and independent scholars. Urging universities to support organizations like Scholars At Risk that defend academic freedom internationally have for instance proved to be a great contribution, as well.

The European Parliament adopted an international declaration on academic freedom and the autonomy of higher education institutions in November 2018. Such a declaration can help identify and address the threats to academic freedom internationally. However it can only be a starting point. The complex and interrelated threats to academic freedom can only be solved if scholars, universities, professional associations and potentially international bodies come together. To respond to direct attacks, there must be more active solidarity. University bodies such as the European University Association have, for example, spoken up on threats to academic freedom in Turkey. More probably must be done to raise awareness at universities of what academic freedom means and to encourage students and staff to engage with this central issue. This can be done by integrating and discussing academic freedom in teaching, organising debates on the topic, and deepening knowledge through existing courses. Universities also need to adopt ethics guidelines for global engagement, drawing on those proposed by [Human Rights Watch](#), and create ethics committees alongside other mechanisms to implement them. And they must speak out, especially when students and scholars in partner institutions are at risk.

Critical thinking has never been more important than it is today – when the world is facing enormous governance challenges. And to be able to contribute to the solutions of these challenges, universities need to protect academic freedom, both at home and abroad.

Thank you all!..