

Introduction to mini dossier on exceptional rule

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In this issue, we feature a two-article dossier on the history of the state of emergency in Turkey and, more broadly speaking, on the emergency powers of the Turkish state. The timing of this dossier has turned out to be apt, though perhaps tragically so. By the time this issue goes into print in October 2016, Turkey as a whole will have spent three months, since the July 15 coup attempt, under an exceptional legal regime. The state of emergency rule that had already been in force in the Kurdish southeast before July 15—the issue that motivated us to prepare a dossier on emergency and exception in the first place—has now become a nationwide regime with no end in sight.

The dossier's articles, by Noémi Lévy-Aksu and Joakim Parslow, both introduce a historical perspective to the question of the state of emergency in Turkey. Lévy-Aksu focuses on the introduction -with the Ottoman Constitution of 1876- of the legal concept of the state of siege (*idare-i örfiyye*), concentrating on its political context as well as its initial practical applications. Parslow, on the other hand, focuses on early republican exceptional powers, and particularly on how those powers came to be legitimized by the work of professors of law.

Although the articles deal with historical moments that are chronologically distant from the present day, they nonetheless offer invaluable insights for an understanding of Turkey's current predicament. Their value is certainly not limited to their contribution to an understanding of today. However, in a political climate where the dazzling speed and intensity of the present sometimes blinds us to its very history, we believe that these articles are especially significant for pointing out that this present indeed has its roots in the past. In this sense, both articles clearly show that recourse to exceptional measures is anything but exceptional in the history of Turkey. Since its early foundations, and arguably extending back to late Ottoman times, the state of Turkey has utilized the state of emergency as a legal tool to expand its powers and legitimize its use of violence. Not only do the institutional pathways suggest lines of continuity with current state practices, but also the manner in which the issues are discussed bear an eerie resemblance to current debates, as these articles highlight. In this regard, as well as in many others, the parallel that Parslow

draws between questions of expropriation in the 1930s and today is especially noteworthy. Likewise for the significance that Lévy-Aksu attributes to international/transnational legal language for conditioning the application of the state of emergency in Turkey, particularly considering the increasing use of emergency measures in other national contexts, such as France, today.

All in all, we believe these articles present highly original and important insights into a hitherto under-researched field of inquiry; that is, the exceptional legalities of the Ottoman and Turkish states. Engaging in such “sociolegal” research, they similarly expand an already growing body of research that focuses on the intersections of law, society, and history in the Ottoman and republican Turkish contexts.