

ALEVIS, THE STATE AND THE SIVAS INCIDENT:
PROBLEMS OF DEMOCRATIZATION

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ALEVIS, THE STATE AND THE SIVAS INCIDENT:
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DECLARATION OF ORIGINALITY

I, Levent Önen, certify that

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ABSTRACT

Alevis, the State and the Sivas Incident:

Problems of Democratization

The Sivas Incident is one of the most tragic and controversial events of the Republican history. It is a multidimensional event involving many critical issues that pertain to democratization of Turkey: the inadequate protection of basic civil rights, the issue of relationship between state and religion, freedom of religion and Alevi Question and the political Islamist challenge. This study aims to understand how political actors in the Parliament, judicial institutions and Alevi organizations politicized the Incident and formed competing narratives around it. I use the political contestation of the Incident between 1993 and 2015 as a novel lens to look at the problematic working of democratic institutions in Turkey and the challenge that Alevi civil society presented to it for further democratization. The methodology of this dissertation rests on the content analysis of the parliamentary records, court documents and the publications of Alevi organizations. I've also made use of interviews with the representatives of Alevi organizations. I benefited from a review of secondary resources including the newspaper records in my research. I show how certain violent incidents are politicized in the Turkish context because of structural vulnerabilities that have been there since the foundation of the nation state. The examination of competing narratives establishes that the dismissal of existence of sectarian motives and tensions has characterized the responses of political and judicial actors. I demonstrate the difficulty of Turkish political system to meet the demands of a marginalized community for recognition and justice.

ÖZET

Aleviler, Devlet ve Sivas Olayı:

Demokratikleşme Sorunları

Sivas Olayı, Cumhuriyet tarihinin en trajik ve ihtilaflı meselelerinden biridir. Türkiye'nin demokratikleşmesine dair birçok önemli sorunu içeren çok boyutlu bir olaydır: temel sivil hakların yetersiz korunması, din devlet arasındaki ilişki, din özgürlüğü ve Alevi Sorunu ve siyasal İslam. Bu çalışma Parlamento'daki siyasi aktörlerin, yargı kurumlarının ve Alevi örgütlerinin olayı nasıl siyasileştirdiklerini, olay etrafında oluşturdukları çatışan anlatıları anlamayı amaçlamaktadır. Olaya dair 1993 2015 yılları arasındaki siyasi çekişmeyi, Türkiye'de demokratik kurumların sorunlu işleyişlerine ve Alevi sivil toplumunun demokratikleşme yönündeki bu kurumlara itirazına yeni bir açıdan bakmak için kullanıyorum. Bu tezin metodolojisi parlamento tutanaklarının, mahkeme kayıtlarının ve Alevi örgütlerinin yayınlarının içerik analizine dayanmaktadır. Aynı zamanda Alevi örgütlerinin temsilcileriyle de mülakatlar yaptım. Araştırmamda gazete taraması gibi ikinci kaynaklardan da faydalandım. Tezimde bu tür şiddet olaylarının Türkiye özelinde ulus devletin kuruluşundan beri gelen yapısal zayıflıklar nedeniyle nasıl siyasallaştırıldığını gösteriyorum. Çatışan anlatıların incelenmesi siyasi aktörlerin ve yargı kurumlarının meseleye dair tutumlarının mezhepsel sebepler ve gerilimleri inkâr üzerinden şekillendiğini ortaya koyuyorum. Ayrıca Türk siyasal sisteminin ötekileştirilmiş bir topluluğun tanınma ve adalet taleplerini karşılamada yaşadığı zorluğu da gösteriyorum.

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ABBREVIATIONS

ABF	Alevi Bektashi Federation (Alevi Bektaşî Federasyonu)
AABF	European Alevi Bektashi Federation (Avrupa Alevi Bektaşî Federasyonu)
AKP	Justice and Development Party (Adalet ve Kalkınma Partisi)
ANAP	Motherland Party (Anavatan Partisi)
CHP	Republican People's Party (Cumhuriyet Halk Partisi)
DYP	True Path Party (Doğru Yol Partisi)
DGM	State Security Court (Devlet Güvenlik Mahkemesi)
HDP	Peoples' Democratic Party (Halkların Demokratik Partisi)
PSA	Pir Sultan Abdal
PSAKD	The Culture Association of Pir Sultan Abdal (Pir Sultan Abdal Kültür Derneği)
Refah	Refah Party (Refah Partisi)
SHP	Social Democratic Populist Party (Sosyal Demokrat Halkçı Parti)
TCK	Turkish Penal Code (Türk Ceza Kanunu)
TBMM	Turkish Grand National Assembly (Türkiye Büyük Millet Meclisi)

CHRONOLOGY

September 1978	The Sivas Pogrom
July 1, 1993	The first day of the PSA Festival
July 2, 1993	Hotel Madımak set to fire by demonstrators
July 6, 1993	The Parliament discusses the Incident in one full session
December 26, 1994	The Ankara DGM delivers the First Judgment
September 30, 1996	The Appeal Verdict of the Court of State
November 28, 1997	The Ankara DGM delivers the Second Judgment
2002	The Conversion of death sentences into life imprisonment
2004-5	The start of Museum Campaign
July, 2006	The first commemorative march from Alibaba district to Hotel Madımak
January, 2010.	The Seventh Workshop of Alevi Opening
November, 2010	The Confiscation of Hotel Madımak
July, 2011	The Opening of Science Culture Center in Hotel Madımak
March 12, 2012	Statute of Limitations Ruling of Ankara Assize Court
July, 2014	The Court of Appeal approves the ruling of March 12, 2012

CHAPTER 1

INTRODUCTION

Sivas Incident is one of the most violent episodes in Turkish political history that targeted the Alevi community. In 1993, Pir Sultan Abdal Culture Association (PSAKD)¹, a fledgling Alevi organization, decided to hold its third Pir Sultan Abdal Culture Festival in the city center of Sivas, a central Anatolian city. The festival had previously been held twice in Banaz, the village of Pir Sultan Abdal. Many prominent authors, poets including Aziz Nesin², Asım Bezirci would also attend the activities in the festival. On the first day of the festival, unknown groups had distributed pamphlets, which called on all Muslims to take actions against Aziz Nesin, who allegedly despised Islam by publishing *Satanic Verses*, the book of British author Salman Rushdie³. On the second day of the festival, demonstrators, who were shouting Islamist-tinged slogans first attacked the Culture Center, one of the venues of the activities. Then they besieged the Hotel Madımak where most of the participants of the festival including Nesin had taken refuge. The siege of the

¹ The PSAKD was founded in 1988. Its founding president was Murtaza Demir. It is generally perceived to stand on the left of political spectrum. Its name derives from Pir Sultan Abdal, one of the greatest poets of the Alevi culture, who lived in Sivas in the 16th century. Though there are varying narratives about his life, it is assumed that he was a supporter of Savafid Iran against the Ottoman state and Hızır Pasha, the governor of Sivas, sentenced him to death in the 16th century for his dissidence.

² Aziz Nesin was a renowned Turkish author whose writing career spanned from 1950s to 1990s. He was prosecuted and cleared for alleged involvement in the September 6-7 pogrom against the Greek minority of Istanbul. It was Ali Balkız who persuaded Aziz Nesin to attend the festival in Sivas (Yıldırım, 2004). He died in 1995.

³ Salman Rushdie is a British author. He was the author of the *Satanic Verses* which was an allegoric novel about the experience of migration published in 1988. Upon its publication, the book caused an uproar among Muslims. Some Muslims were deeply disturbed with its allusions to early Islamic history which they claimed was disrespectful of Prophet Mohamed. Ayatollah Khomeini, the leader of Iranian Islamic Revolution issued a fatwa calling for the murder of Rushdie. Salman Rushdie went into hiding upon this fatwa. Rushdie was displeased with Nesin's initiative of publishing his book in his newspaper *Aydınlık*. He describes Nesin as a provocateur. He narrates that he was informed of Nesin publishing short passages from his book under the title of 'Rushdie charlatan or intellectual?' He is critical of Nesin for 'stealing and denigrating' his book. Rushdie adds that Nesin answered this question as charlatan. He describes the festival in Sivas as a "secularist conference." (Rushdie, 2012, pp. 434-435)

hotel, which is just a few miles away from governorate and the military garrison lasted for seven hours. It culminated in an arson in which 35 people including two hotel employees lost their lives in the hotel.⁴

The people stranded in the hotel did not lose their faith that they would be rescued by the state. Even a few minutes before the arson, when they saw soldiers reaching to the front of the hotel, they thought they had come for their rescue, but soldiers retreated under the slogans of demonstrators. While the representatives of the central authority refrained from intervening and stopping those who besieged the hotel, the officers of local government including the mayor and firefighters were quite ambivalent about interfering with the demonstrators. Alevi community perceived Sivas incident as “revealing the precariousness of their existence” in Sökefeld’s (2008) words. All commentators on the incident agree that it considerably contributed to development of Alevi movement.

The coalition government formed by right-wing Doğru Yol Partisi, (True Path Party, DYP) led by Tansu Çiller and the Sosyal Demokrat Halkçı Parti (Social Democratic Populist Party, SHP) led by Erdal İnönü was in power during the Incident.⁵ The Ministry of Culture headed by Fikri Sağlar and the governorate of Sivas also took part in the organization of the festival. The local administration of the city was in the hands of the Mayor Temel Karamollaoğlu⁶ of the Refah Party. The

⁴ The names of victims are Muhibe Akarsu, Muhlis Akarsu, Gülender Akça, Metin Altıok, Mehmet Atay, Sehergül Ateş, Erdal Ayrancı, Behçet Safa Aysan, Asım Bezirci, Serpil Canık, Belkıs Çakır, Muammer Çiçek, Nesimi Çimen, Serkan Doğan, Hasret Gültekin, Murat Gündüz, Gülsüm Karababa, Uğur Kaynar, Asaf Koçak, Handan Metin, Sait Metin, Koray Kaya, Menekşe Kaya, Yeşim Özkan, Huriye Özkan, Ahmet Özyurt, Asuman Sivri, Yasemin Sivri, Edibe Sulari, Nurcan Şahin, Özlem Şahin, Carina Thuijs, İnci Türk. Kenan Yılmaz and Ahmet Öztürk who were hotel employees lost their lives in the hotel. There were also two demonstrators who lost their lives outside the hotel.

⁵ The Incident took place in a very chaotic period of increasing violence in the Southeast region and assassinations of secular intellectuals such as Uğur Mumcu in 1993. Tansu Çiller was an inexperienced Prime minister and the coalition government was about to seek a vote of confidence in the Assembly.

⁶ Temel Karamollaoğlu is an engineer turned politician. He was first elected to the Parliament in 1977 from the list of the Islamist MSP Milli Selamet Partisi (National Salvation Party, MSP). He became the mayor of Sivas in 1989 from the Refah Party. He was reelected to this post in 1994 local elections.

coalition government did not assume any political responsibility for the incident and the two parties forming the government differed significantly in their understanding of the incident. The Parliament debated the incident in one full session and formed a parliamentary commission to investigate the incident. The prosecution of the perpetrators began right after the incidents and the effort to bring to justice perpetrators of the massacre has been a long and convoluted process continuing till today. Alevis demanded the building to be turned into a museum as a symbol of the recognition of their suffering. However, not only this demand was ignored but a kebab house continued to serve in the building till 2009. There has been also no official apology for the violence inflicted upon Alevis.

1.1 The Argument of the Dissertation and Examination of the Argument

In this dissertation, I argue that the Sivas Incident and its aftermath is a testimony to the institutional weaknesses of democratic norms in Turkey and reflect inadequate protection of fundamental rights and freedoms. The inadequate responses of the institutions of Turkish electoral democracy to the demands for acknowledgement of wrongdoing, accountability, justice, and memorialization related to the Sivas Incident are a testament to continuing weakness of constitutional liberalism (Zakaria, 1997). The politicization and contestation of every aspect of the Sivas Incident by political, judicial, and civil society actors produced competing and irreconcilable understandings of the issues of victimhood, accountability, justice, and memorialization pertaining to the Sivas Incident. My examination of these

He was elected to the Parliament in the 1995 general elections from Sivas. When the Refah Party was closed by the Constitutional Court and later its successor Fazilet Partisi (Virtue Party, FP) splintered into the AK Party and Felicity Party, Karamollaoğlu sided with Felicity Party de facto led by the veteran leader of Refah, Necmettin Erbakan. Karamollaoğlu was elected as the president of Felicity Party in 2017.

competing narratives demonstrates that the dismissal of existence of sectarian motives, tensions and its social roots has characterized the responses of political and judicial actors. This endeavor for obscuring the political and sectarian dimensions has given rise to narratives of provocation, exoneration and even legitimization of violence for alleged crimes of blasphemy. These narratives which also included manipulation of democratic rights and freedoms such as freedom of religion in turn eroded democratic values. The sectarian dimension and accompanying issue of the character of secular regime have prevented them to perceive and address the severity of this attack on the equal exercise of basic civil rights and liberties, most importantly the right to life and security, and civil rights, namely right to freedom of expression, freedom of assembly and freedom of religion and rule of law, which are pillars of a democracy.

Appalled at the failure of the government to prevent violence against them and the following inadequacy of the democratic institutions to provide a meaningful response, the fledgling Alevi civil society actors have asserted their agency and tried to resist the official framing of the Incident. Unlike in the previous cases of violence against them, they strove to communicate their own version of the Incident to the wider society and pressured the state to acknowledge the injustice they suffered and provide accountability for the perpetrators through campaigning for justice and memorialization.

To examine the argument that I put forth, I focus on the political, judicial, and social actors contesting the Incident in formal and informal public spaces (Habermas, 2008). The formal public spaces under consideration consist of the Parliament and the courts overseeing the trial. The informal public spaces are Alevi organizations. Such an institutional approach also helped me to concretely show the

operation of Turkish electoral democracy. The areas of political and social contestation have been the nature of the event itself, the identity of its protagonists, its context, the legal process, and memorialization. I unpack the competing narratives produced by political and social actors in these spaces in line with their ideological leanings. I explore the responses and policies that they produced in response to demands for acknowledgement, justice, and memorialization from society.

I aim to illuminate not only divergences between state actors and Alevi civil society actors but also differences in these supposedly unified units. In the process of contestation, state is not the only actor and does not have all the power (Winter and Sivan discussed in Jelin, 2002/2003). The thesis shows that they are not unified entities which operate with singular logic. They are an amalgam of institutions which have different interests and are involved in meaning production, policy making and contest each other. The dissertation also takes into consideration two periods with very different political configurations, the 1990s and the AK Party period. It traces continuities and ruptures in both the official discourse and Alevi discourse and pays particular attention to understanding how changing political circumstances affected the politicization of the Incident.

1.2 The distinction and importance of Sivas Incident

I describe the Sivas Incident as a difficult, painful past event. Part of this difficulty emanates from the fact that 35 people lost their lives in a fire set by and watched by thousands of civilian people in the spectatorship of law enforcement authorities. It was mass lynching in daylight in the presence of security forces. In other words, it is not a simple case of human rights violation committed by security forces or one that

took place during the military rule as in Latin America. For instance, it differs from Bloody Sunday where British soldiers killed 13 civilians in 1972 (Dawson, 2005).

The difficult nature of the event is also related to the controversy that it created. The later politicization, repudiation and downplaying of the Incident have also added to the controversy surrounding it. It is an incident that is interpreted in fundamentally different ways by political and societal actors. In other words, there have been different Sivas incidents for different political, ideological actors. While the right-wing political actors perceived it as righteous reaction against insults to the religious values of pious people, left-wing political actors saw a fundamentalist insurrection in the mold of Menemen. The Alevi actors on the other hand emphasized the sectarian tensions that animated the “massacre”. Even the fact that some parts of the incident are documented in video records does not prevent it from being subject to dispute.

Studying Sivas event is critical from several points. The importance of Sivas Incident first of all derives from its unique features. The Incident touches upon issues of basic democratic civil rights such as right to life and security, freedom of speech-expression, freedom of religion, minority rights and freedom of assembly. These rights form the very core of democracy. It is a significant multidimensional incident which involves the controversy around Satanic Verses, Aziz Nesin’s decision to support its publication in the name of freedom of expression, the visibility attempts of a fledgling Alevi movement, simmering sectarian cleavage in Sivas and Islamist uneasiness against the secular regime. This multi-layered event provides a strong lens and opportunity to examine debates around the issues around the differing understandings of civil rights and liberties and the critical issue of democratic equality.

Secondly, a sizeable part of Alevi community has also perceived Sivas in a different light from other cases of violence they have endured. This mainly emanated from the fact that unlike in previous massacres in which leftist revolutionary identity was much more prominent than the Alevi identity, Alevi identity was the locus of violence in in this Incident. In the pre-1980 pogroms, it was possible to attribute right wing attacks against Alevis to a conflation of Alevi and leftist identity but this time it was an Alevi festival in the name of Pir Sultan Abdal, an Alevi symbol that was the target. In other words, the incident could not be framed as part of wider left-right clashes or antagonism as in the cases of pre-1980 pogroms. It was impossible to find any excuses such as anticommunism for the massacre. An important difference with the pre-1980 pogroms is that it was not ordinary people targeted by their neighbors at their homes, but prominent people of Alevi community and secular intellectuals were murdered or survived the arson. There was no attack on Alevi neighborhoods. Unlike previous massacres, there was no ground to define Sivas as “intercommunal clashes.”

The most important characteristic of the Incident is that it is a media event. It has a character of a spectacle. The lynching was live recorded and documented not only by police camera but also İhlas news agency. This documentation played an important role in making the Incident distinct from other pogroms in the eyes of Alevis. The video record brought anti-Alevi violence to plain sight in the view of Alevi agents of memory. It also took place in the presence of the military and police. This explains partly the reason behind why it was chosen as a trauma (Volkan, 2001).

It also features continuities with previous pogroms. It took place in Sivas, a province sitting on the ethnic and religious transitional zone of Anatolia. It took

place on Friday, the Muslim holy day. The rumors such as Aziz Nesin's alleged insults against the Quran, the Prophet again played an important role in motivating people to take to the streets. The attitude of local authorities such as the municipality, was also controversial leading to accusation of complicity. The security forces also failed to prevent the Incident (van Bruinessen, 1996).

When the Sivas Incident took place, there were visible signs of an emerging Alevi movement as represented by new associations such as PSAKD, increasing publishing activity on Alevilik. Thus, it is also interpreted as an intervention against Alevis' attempt to be visible (Zırh, 2011). Prominent members of Alevi community such as Arif Sağ, Lütfi Kaleli witnessed it and lost their lives and others survived the arson. While it is hard to establish causality between the Incident and the development of Alevi movement there are several studies (Massicard (2005/2007); Schöler (2000); Özkul (2015); Dressler (2008)) on Alevilik and Alevi Question that point out the impetus that the Sivas Incident provided to the development of Alevi movement. In the words of one prominent Alevi activist, it was the martyrs of Sivas that gave rise to the organized existence of Alevi movement ("Sivas katliamı için adalet talebi Meclis'te artık daha güçlü," 2015). It also gave rise to new political initiatives by Alevi actors whose confidence in the ability of the center left SHP to protect Alevis took a serious blow (Aslan, 2008, p. 103).

Another important feature of Sivas Incident was the role of Refah Party, the party of political Islam. The most prominent or visible actors and slogans belonged to the Islamic movement. The fact that mayor Temel Karamollaoğlu and Cafer Çakmak, a member of municipal assembly who attacked Aziz Nesin during his rescue from the hotel were prominent actors in the Incident contributed to associating the Incident with the Refah Party. It is an important political event that has been

popularly interpreted as a milestone to February 28 process that toppled Erbakan government in 1997 (Birand and Yıldız, 2012, p. 29). This makes Sivas different from the pogroms against Alevis in the pre- 1980 coup period as mostly ultra-right wing MHP members were at the forefront of those pogroms. Moreover, the defense lawyers who were involved in the legal process later rose to prominent positions in the parties of political Islam and state machinery (Sirmen, 2012).

The politicization of the Sivas Incident also presents an opportunity to examine the tools employed by political actors to address and remedy violence against a marginalized social group. Unlike the pre-1980 pogroms, the parliament formed a commission composed of members of the Parliament to investigate what happened in Sivas following the incidents. It produced a report on the Incident. The issue was again subject of official debate and investigation during the Alevi Opening. The fate of Hotel Madımak, one of the most notorious sites of trauma in Turkey, has long been a public issue and the government took official action to address and “resolve” it. There is a marker commemorating the victims of the Incident in the place where it happened. There have been annual state-sponsored memorial events (Hite, Collins & Joignant, 2013) in Sivas since 2010. The state has not also staged any commemoration for other difficult pasts such as pre-1980 pogroms that targeted Alevis or pogroms that targeted non-Muslim communities. In other words, the case also presents an opportunity to understand how the state responded to and manipulated demands for acknowledgement and memorialization of a contested incident. The public opinion also mostly debated the issue of crimes against humanity and statute of limitations in the framework of Sivas incident.

1.3 The value of the research

The need for this research into this issue emanates from persistence of the Alevi question and the memorialization of the Sivas Incident continuing to be one of the basic items on the agenda of the Alevi movement. Alevi Question is still one of the questions that preclude the democratization of the country and prevents a democratic government turn into a democratic regime. It shows limits of democratization in Turkey. Alevis, being the largest religious minority⁷, still cannot enjoy freedom of religion on a par with the majority even though most of the problems related to religious freedom of the Sunni majority such as wearing hijab in universities were addressed and solved. Alevi grievances such as compulsory religious courses and the status of cemevis has been lingering on.⁸ The Alevi-Sunni difference still constitutes a crucial social and political fault line that has the potential to unleash communal violence. Even specter of violence is still a possibility as door markings of Alevi homes in provinces such as Ankara, Adıyaman after the Syrian Civil War showed (Mutluer, 2016, p. 152). Studying this issue reveals why there has been no progress in addressing other problems such as cemevis. It is a part of wider problem of non-recognition of Alevis as a legitimate religious community.

⁷ There are several estimates (Açikel&Ateş (2011); Tambar (2010)) of Alevi population in Turkey ranging from 10 % of the general population to 20 % though there is no census data. It is important to note that the term ‘minority’ is a very controversial and sensitive issue in Turkey. In the Turkish context, the label minority is generally attributed to non-Muslim minorities who are recognized as such in the Lausanne Treaty in 1923 (Oran, 2018). The Alevi avoidance from demanding to be recognized as a ‘minority’ mostly stems from the fact that it subjects a group to accusations of separatism in the Turkish context.

⁸ Compulsory religious courses and cemevis are two important components of Alevi question. The courses were introduced to the curriculum of Turkish secondary schools in the 1982 Constitution enacted by the military junta. The instruction of these courses is based on the teachings of Sunni Islam and Alevi students are not exempted from these courses. The European Court of Human Rights ruled that Turkey violated freedom of religion of its Alevi citizens in a few cases brought to it by Alevi plaintiffs. However, Turkey only undertook some Alevi-related subject additions to its content but no serious change to the structure of the courses. Cemevis are worship houses of Alevis in urban settings. However, they are not recognized as places of public worship by the Turkish state. Though they are not historical institutions, they still have precedents in the Bektashi lodges in the cities and ocaks, sacred places in some villages. They emerged as a response to the needs of urban Alevi communities for places to hold social, cultural, and religious activities.

This research constitutes a novel look at the Alevi Question and Alevi-State relations through the lens provided by the politicization of the Sivas Incident. Most studies on Alevi and Alevilik concerns the rituals and beliefs of Alevi faith, the emergence of Alevi movement, Alevi organizations, the different understandings of Alevilik among them and the unresolved issues of freedom of religion such as the status of cemevis, Alevi houses of worship. This research on the contested nature of the Sivas Incident also sheds light on the obstacles to the solution of the Alevi Question. It demonstrates that even such a lynching that cost 35 lives has been politicized in service of different political ends both at the level of the parliament, the judiciary as well as the Alevi organizations.

This issue has been understudied even though Alevi constitute the largest religious minority in Turkey although they do not accept to be labelled as such because of the political implications of minority label in Turkish context. There are many memoirs, journalistic works, compilations of official documents and reminiscences of survivors since many witnesses such as Lütü Kaleli, Ali Balkız of the Incident are part of Alevi literati. However, there are very few academic writings over the issue compared to the fairly large number of popular publications.

Few studies focusing on the Sivas Incident concern remembrance of the Sivas Incident in the Alevi diaspora. They mostly focus on the crafting of politics of memory by Alevi organizations in the European diaspora. For instance, Sökefeld (2008) deals with the politics of memory of diaspora Alevi organizations in Germany as part of his study of Alevi recognition politics. He states that Sivas is remembered in the framework of what he calls master difference of Alevi and Sunni. Alevi perceive of Sivas as an event that affirms the difference between them and Sunni. In a narrative shaped by this difference, Alevi portray themselves as just, victim,

modern and tolerant in contrast to perpetrator, backward, intolerant values attributed to the other. While the remembrance and commemoration of Sivas is informed by master difference, Sökefeld (2008) points out that parts of narrative such as Aziz Nesin are omitted from the narrative. This is an example of selective exploitation of memory. Sökefeld (2008) also pays attention to the relationship between remembrance and identity as he gives accounts of young Alevi who at first saw just an ordinary fire incident in television changed their reactions after seeing their parents' reaction to the event. Sökefeld (2008) states that remembrance of Sivas is utilized by Alevi activists and organizations to remind Alevi of the importance of Alevi movement. In other words, it is implied that for new events like Sivas not to take place again, Alevi should participate in Alevi organizations. As Madımak is emphasized as the exposition of "precarious position" of Alevi, the victims are also defined as "martyrs" to call attention to the fact they sacrificed themselves for their community.

Following Sökefeld, Verkuyten and Yildiz (2011) focused on the building of inclusive victimhood by Alevi diaspora organization in Europe through examining the publications of European Alevi Bektashi Federation (AABK) regarding Madımak. They examined how the discourse of AABK creates inclusive victimhood. They argue that Madımak as 'chosen trauma' is used to create a common 'we' identity among Alevi who are divided even among the definition of Alevilik. They state that Alevi not only resort to master difference to make meaning of Sivas, but also try to come together with other victim groups, which they term as inclusive victimhood. However, one should keep in mind that this effort for inclusion can be restricted to only diaspora.

The first academic article in Turkish about the Sivas Incident is that of Ayhan Yalçınkaya (2011) focusing on the memory war between Alevis and the state. It points out the distinction of the Sivas Incident from the pogroms in laying anti-Alevi resentment of Sunnis bare. In his long article, Yalçınkaya (2011) states that Alevis misses the point that not everyone sees what they see in Madımak. While they see a massacre, others celebrate it as a jihad. He questions the widespread belief held by Alevi actors that the state aims to make Madımak fade into oblivion. While he confirms that many actions of the state such as the judiciary's statute of limitations ruling give them reason to believe in this, the state in fact tries to shape the memory of Madımak. Focusing on the arrangement in the new Science Culture Center and the banning of 2011 commemorations, he cautions Alevis not to be wary of government's refusal of turning Madımak into a museum but making it a museum. The article is unique in focusing on actions of the government to shape the commemoration of the issue. The article also points out tensions around the concept of martyrdom and the rift between families and PSAKD over the ownership of memory. Yalçınkaya (2011) points out that not only AK Party but also those actors who seem more friendly to Alevis such as socialists, Kurdish nationalists aim to guide Alevi remembrance of the past to further their own political aims.

There are recent studies of the Incident that focus on the sociological aspects of the memory. For instance, the dissertation of Ozan Çavdar (2020) explores the remembrance of victims by their families. It situates the remembrance of the Incident in the theoretical framework of trauma, mourning and place. It dissects their private mourning practices at their houses, at the site of trauma and their relationship with the PSAKD.

As it is seen in the above-mentioned studies, the research mostly focused on Alevi organizations' politics of memory regarding Sivas and its relationship with Alevi identity. They mostly refrain from exploring into formal official actors' actions contestations over the issue. They have not examined the parliamentary debates. Only some popular compilations and journalistic works included the transcripts of the first debate over Sivas and text of the report of the Parliamentary commission. There has been no exploration of parliamentary debates over the issue of memorialization of the building. They are also not interested in researching the issue of how the judicial organs dealt with legal dimensions of the Incident and how it conceived of basic issues related to the Incident such as freedom of expression, free speech, and freedom of religion. I thus explored all the trial documents of the Sivas Trial to give a full picture of the judiciary's take on the issue.

The contention over the nature of relationship between state and religion is one of the main fault lines of Turkish politics and society. It constitutes an important source of polarization in Turkish politics. The sectarian division in Turkish society also overlaps with this fault line closely. The exploration of politicization of the issue sheds light on the perspectives of conservative nationalists, secular nationalists, Kurdish nationalists regarding secularism and issues of freedom of expression and religion. Through a concrete case, it demonstrates what political actors understand of secularism and how they interpret and challenge official secularism. The exploration of Sivas issue enables us to gain insight into the working of secular system. Even the courts with a secular outlook could not be free from the shallow nature of Turkish secularism. Its rumination over secularism is indicative of the limits of Turkish secularism. It never occurred to them to think of secularism as requiring religious freedom of Alevis. The Turkish version of secularism which removed religion's

influence over the constitutional framework but de facto instituted a state religion and the conservative discourse that challenges it had tremendous difficulty in recognizing the distinct nature of Alevilik.

Another contribution of this thesis is to the understanding of working of the judiciary through the exploration of a concrete case. The case demonstrates the level of politicization of justice in the Turkish polity as it swings according to the dominant political influences. The study of this case enables us to observe the contestation over democracy, secularism, freedom of expression and religion in the judicial branch. It also lays bare the disputes in the judiciary branch which was widely perceived as a secular bastion.

The Sivas Incident is not a case related to transitional justice as it did not take place during military rule or authoritarian rule. It differs from human rights violations committed under military rule in South American countries or Turkey. The legal proceedings were started against some of the perpetrators in the immediate aftermath of the incident. The judicial process of Madımak differed from those of the pre-1980 pogroms in that the perpetrators of these pogroms were tried in military courts and later released due to amnesties. It was an extraordinary civil court with a military member that tried defendants in Sivas.

This research also illuminates the causes of failure of democratization. The AK Party claimed that its rule represented a new break and opened a new chapter in Republican history as it baptized its period as “New Turkey”. In the post-2007 period, the government claimed to wage a war against deep state⁹ forces which were

⁹ Deep state is a term pointing out a nebulous entity the agents of which operate outside rule of law and conduct destabilizing activities against democratic government. In the case of Turkey, it is also alleged that it is responsible for various crimes such as assassinations of intellectuals whose perpetrators and planners could not be uncovered. It is assumed that they are part of state, especially military bureaucracy.

claimed to be one of the factors that stifle democratization of Turkey. It addressed the Sivas Incident as part of Alevi opening which was part of the larger democratization drive of the government. The examination of the response the government produced to Alevi demands including memorialization of the Sivas Incident indicated that the AK Party followed a strategy of containment. This thesis points out problems related to the top-down nature of democratization initiatives. The examination of debates over the museum issue demonstrates why these openings were no more than mirages of democratization.

1.4 Methodology

In this dissertation, I undertake a qualitative case study of the Sivas Incident. As I focus on the politicization of the Incident by political and social actors in its aftermath, qualitative method fits the research subject well. The research for this dissertation mainly depends on the content analysis of the official documents: the transcripts of the debates in Turkish Grand National Assembly between 1993-2016, the court documents between 1993 and 2004 and the records of the workshops of the Alevi Opening. I obtained the parliamentary records from the official website of the Turkish Grand National Assembly. I acquired the court documents using the four volumes including all related legal documents published by the Union of Turkish Bar Associations and the two volumes edited by Şenal Sarıhan of the Ankara Bar Association. The review of newspapers of the period between 1993 and 2016 have also contributed to the understanding of the context of official documents.

In Chapter 6, I mostly rely on the accounts of the left wing of Alevi movement as represented by the PSAKD, Avrupa Alevi Bektashi Federation (AABF), Alevi Bektashi Federation (ABF), Hacı Bektaş Veli Culture Association,

the families of victims such as Yeter Gültekin and survivors, most prominently Lütü Kaleli, Murtaza Demir, Arif Saę and Cem Foundation, an important centrist Alevi organization. The main research material consists of publications of these organizations¹⁰ and the statements of the representatives of Alevi organizations and relatives of victims in the media. I obtained these publications from the library of Şahkulu Sultan Foundation. Since it is the PSAKD and AABF which have campaigned for the remembrance of Madımak, it is mostly their publications that I explored. The two prominent survivors of the arson, Lütü Kaleli, Murtaza Demir also wrote books about their reminiscences of the Incident. The records of the workshop meetings on the Incident as part of Alevi opening has also been beneficial. I obtained the workshop records via the website of Necdet Subaşı, the moderator of the meetings. Since the families pursued the judicial process diligently, I gave primacy to the views of the families whenever possible.

I have made five interviews with the representatives of Alevi organizations and foundations, namely the PSAKD, Hubyar Sultan Foundation, Şahkulu Foundation and a relative of a victim in 2018.¹¹ However, it has not been possible to meet with important actors of the Incident such as Murtaza Demir¹² the founding president of the PSAKD due to political conditions and personal concerns. The interview with Hüseyin Karababa, the brother of Gülsüm Karababa, has been very

¹⁰ The *Pir Sultan Abdal Magazine* is the bi-monthly publication of Pir Sultan Abdal Association since it was first published in June 1992. *Alevilerin Sesi* is a journal published by the European Alevi Bektaşî Federation (AABF) since 1994. Its first editor was Necdet Saraç. *Nefes* was published by Cemal Şener and Reha Çamuroęlu who left Cem magazine in November 1993. Hüseyin Erdoğan, a businessman, sponsored the magazine. Cemal Şener was the first editor of the magazine. *Cem magazine* was started to be published in June 1991. Its editor was Abidin Özgünay. Şener and Çamuroęlu were also part of the editorial board at the beginning. The Cem Foundation bought the magazine in July 1995 (Kaleli, 1995, pp. 77-109).

¹¹ Onur Şahin, the general secretary of PSAKD, Hüseyin Karababa, the brother of Gülsüm Karababa, Atilla, an official of Şahkulu Sultan Foundation, Aydın Deniz, the chairman of Hubyar Sultan Foundation.

¹² Demir kindly declined to the author's request for an interview because of his decision not to talk publicly about Sivas any longer.

helpful and provided insight into the perspective of bereaved families. Compared to the abundance of material related to the pro-left organizations such as PSAKD, I made only one interview with a representative of Cem Foundation, the local chairman of Cem Foundation in Sivas in July 2014.¹³ For a perspective outside these main associations, I made an interview with a representative of Şahkulu Sultan Foundation in Istanbul and the chairman of Hubyar Sultan Foundation in Istanbul.

The fact that most of the interviewees hailed from pro-left wing of Alevi movement has not been due to my preference. It results from the fact that it has been left-leaning organizations that purposefully have acted to uphold the memory of the Incident. My observant participation in the commemoration marches of 2014 and 2015 in Sivas also helped me understand the dynamics and tensions of commemorating the Incident in Sivas. During my field research, I often encountered the divisions between the Alevi organizations. They often expressed their criticism of other Alevi organizations. For instance, Hüseyin Karababa slammed the PSAKD for keeping the library which contained documents related to Sivas locked (Hüseyin Karababa, personal communication, 2018). The secretary of the PSAKD at first handed me some old issues of the Pir Sultan Abdal magazine but she wanted the magazines back after my interview with Karababa.

1.5 Chapter Summaries

Chapter 2 lays out the theoretical basis of the thesis. It first discusses the definition of democracy. It distinguishes between electoral and liberal democracy. It does not see

¹³ Concerning the perspective of the Cem Foundation regarding the Sivas Incident, I mostly relied on statements of its chairman, İzzettin Doğan, during the Alevi workshops. I made an interview with the local chairman of the Cem Foundation in Sivas in 2014. The restriction of research on the viewpoint of the Cem Foundation is related to its conscious policy of seeing the Sivas Incident not as an Alevi issue and the resultant policy of not making it part of its agenda.

democracy simply as a competitive mechanism of choosing rulers through popular vote but perceives fundamental rights and freedoms as an intrinsic part of it. It then discusses the issue of hybrid regimes in the post-Cold War period. It also deals with the discussion over the issue of whether it is right to classify these hybrid regimes as a type of authoritarianism or democracy. It then addresses the issue of the relationship between human rights and democracy. It discusses what kind of democracy is suitable for a rights-protective regime. It also explores the issue of what happens when democracy and human rights are in conflict. In the second part of the chapter, I explore the building of an authoritarian regime with multi-party politics in the aftermath of the 1980 coup in Turkey. Then I focus on the efforts to democratize the regime in the three decades following the coup.

Chapter 3 provides a brief account of Alevi-state relations. It deals with the historical background of State-Alevi relations to the Sivas Incident. It lays out the main features of each critical period in the Alevi-state relations. It especially pays attention to issues of violence and marginalization that constitute a historical background to the Sivas Incident. It demonstrates that the relationship has been one of non-recognition and misrecognition despite periods of democratization. It first explores the basis of the marginalization and persecution of Alevis during the reign of Selim the Grim in the 16th century. It then looks at the nature of relations between Alevis and the Kemalist state during the founding period of the Republic. It argues that though the republican regime did not recognize the distinct identity of Alevis, its exclusion of Sunni Islam from law, education and politics led mostly Turkish speaking Alevis to embrace it. It then examines the initiatives at the recognition of Alevis in the liberal atmosphere of 1960s. It makes a detailed examination of pre-

1980s pogroms as cases of violence that preceded the Sivas Incident. Finally, it gives a short account of the start of assimilation policies with renewed vigor in the 1980s.

Chapter 4 aims to explore the competing narratives of Sivas Incident expressed by political actors in the Parliament during the period of 1993 and 2016. Focusing on the debates in two different time frames of the 1990s and the AK Party period in a consecutive manner highlight similarities and differences between two periods and adds a comparative dimension to the research. The chapter demonstrates their politicization of the Incident according to their ideological leanings. It pays attention to the silences and voids in these narratives. Their interpretive frameworks mostly rely on their attitudes toward secularism. The polarization over the issue along the left and right axes reflects contestation over understanding of secularism. It identifies three groups who conveyed widely different interpretations of the incident: representatives of the right-wing parties, the representatives of the left-wing parties and a third group composed of Kamer Genç and Muzaffer Demir, a representative of pro-Kurdish party. The members of right-wing parties interpreted what happened because of the provocation of atheist author Aziz Nesin and dubbed what happened as an incident. Even though they focused on the issue of definition of ‘secularism’, they never discussed secularism in terms of Alevis’ right to free religious and cultural expression. On the other hand, this chapter indicates that while secular-leftists condemned what happened as atrocity, they framed the issue as a fundamentalist revolt against secular Republic. The exploration of debates shows that both conservative discourse and secular Kemalist discourse work to the effect of making Alevis invisible. In other words, even those who sympathize with the Alevi cause manipulate it to defend issues that are more important for them such as secularism.

The last part of the chapter deals with debates about its memorialization and commemoration by politicians in the AK Party period till 2016. Through the examination of Assembly debates over the museum issue, the last part of the chapter identifies the position of parties regarding the memorialization of Madımak. CHP and pro-Kurdish parties proposed several bills to turn Madımak into a museum in the post-2005 period. This last section of the chapter indicates that CHP parliamentarians' emphasis has not been on the victimization of Alevis but on memorializing an attack against the secular Republic and intellectuals. It illuminates the reasons why museumification or monument building raised so much opposition of the AK Party. The AK Party rejected every bill and tried to deflect criticism levelled at it by reminding Başbağlar massacre¹⁴, the conduct of previous governments and touting its record of fighting undemocratic forces.

Chapter 5 examines the judicial process based on the court records. Its focus is courts as legal battlefields. It sheds light on the judiciary's handling of the legal process and demonstrates politicization of the issue by the actors of judiciary. It addresses the question of how the judicial branch, commonly seen as a pillar of Kemalist secular state framed the issue and dealt with the demands of justice for victims. It points out the differences and similarities with the narratives articulated by the politicians in the Parliament. In the first part, it deals with judiciary's dealing with the issue on a thematic base till 2002, when the main verdicts were completed in the trial. The politicization of the event caused widely divergent perspectives in the judiciary between the lower court and high courts and resulted in two dramatically different verdicts. In its first verdict, the lower court ruled that it was the provocation of Nesin that caused the demonstrations and had nothing to do with sectarian

¹⁴ Başbağlar is a Sunni village of Erzincan. Just five days after the Sivas Incident, there took place murder of 33 villagers in Başbağlar carried out by the terror organization PKK.

antagonism or opposition to the Republic. It was only a simple case of murder committed under the unjust provocation of Nesin. After the appeal process, the second verdict represented the incident as a revolt against the Republic. Since it dwelled on the issue of whether it was an attack against secularism or not, it failed to be a legal reckoning with the violence inflicted on Alevis.

The second part of this chapter focuses on the AK Party period, basically on the issue of applicability of statute of limitations for crimes against humanity. The judiciary faced with the question of whether the statute of limitations could apply to cases of crimes against humanity. It ignored international norm of non-applicability by affirming that it was a crime not against humanity but state as the second verdict argued.

Chapter 6 delves into the oppositional narrative formed in informal public spaces by the actors of Alevi movement. It traces how the representatives of Alevi organizations, survivors and bereaved families frame Sivas incident, respond to and devise strategies to counter the official discourse and appropriate the incident to strengthen their level of organization. Firstly, it deals with how Alevi organizations have described what happened. Most of them view the ‘Incident’ as a massacre right from the beginning. The chapter demonstrates that they have a different historical narrative. It shows the impact of past on the present as Sivas is linked into a long of history of persecution stretching back to Kerbela. It examines the bestowing of martyrdom on the victims in the immediate aftermath of the incident. It then explores their approach towards the role of the state in the Incident. It examines the politicization of the issue to encourage Alevis to get organized in Alevi organizations. Many Alevi commentators have interpreted it as a blatant demonstration of their precarious position and of political powerlessness.

It then turns to the issue of how Alevi organizations made the reuse of the hotel building a public issue through the museum campaign and turned symbolic commemorations into mass rallies. It explores their struggle for the closure of the kebab restaurant operating in the building. It examines how Alevi organizations responded to reuse of the building as a Science Culture Center in 2011 and the new memorial arrangement. The representatives of organizations such as PSAKD and members of bereaved families have criticized the controversial memorial arrangement in the building because of its blurring lines between victims and perpetrators. This chapter argues that the impetus of Alevi movement was influential in forcing the government to take action to address the Alevi issue and Sivas. It is in this period that new terms such as coming to terms with the past, apology has been introduced into the discourses of Alevi organizations.

The chapter shows their internal differences regarding the nature of the Incident and its subsequent memorialization. Their differing perceptions about the incident are related to the political positions of these agents. The Alevi organizations, mainly the Cem Foundation who are more supportive of engagement with the state and incorporation in the existing state structure on present terms do not portray the event as a predicament directly related to Alevis. They do not want the constant resurfacing of the issue to disrupt relations with the state. Thus, they do not actively promote the materialization of memories of the Incident in a museum or other vehicle of memory.

CHAPTER 2

THE THEORETICAL DISCUSSION AND ITS RELEVANCE FOR TURKEY

This chapter aims to lay out the theoretical framework of the thesis. I examine the Sivas Incident as a problem of democratization in Turkey. I shall first explore what we mean by democracy. I rely on the basic and simple distinction between electoral and liberal democracy in this chapter. This parsimonious use of terms aims to avoid confusion over terms. After defining the minimal or procedural conditions of democracy, I examine features that make an electoral democracy liberal. The theoretical part focuses on fundamental rights and freedoms as indispensable part of democracy. It underlines that democracy cannot be reduced to elections and is more than majority rule. The civil and political rights and liberties derived from constitutional liberalism constitute the necessary if not the adequate condition of democracy in this definition. I assume that that a regime which does not respect rule of law and systematically violate the fundamental rights and freedoms of individuals cannot be described as a democracy even though it holds competitive, regular elections. In other words, I adopt liberal democracy as the standard when I discuss the relevancy of theoretical discussion in the case of Turkey.

In the second part of the chapter, I focus on the case of Turkish democratization in the light of this theoretical discussion. I depict the building of an authoritarian regime with elections at the beginning of 1980s by the military, the timid efforts to dismantle it in the following decade and a short period of intense reform aiming at building a rights-protective regime and institutionalizing rule of law with the push of an external factor, the EU candidacy process. I then shortly discuss the failure of reform and gradual democratic backsliding in the first half 2010s.

Turkey has held free and fair elections since 1950 though interrupted with military interventions. There have been many turnovers between governments. The electoral dimension has also not met any political or social challenge. I demonstrate the main difficulty that Turkey encountered has been transforming the electoral democracy into a liberal one in the Turkish case. I argue that the problem of Turkish democratization has been the institutionalization of a regime based on the protection of fundamental freedoms and rights and rule of law. The Sivas Incident is related to the fragility of the liberal constitutional dimension of democracy in Turkey. The political regime in Turkey could not gain the feature of a rights-protective regime since 1980. In other words, what has been missing in Turkey has been the adequate protection of political and civil rights under a system of rule of law.

2.1 The Minimal Definition of Democracy

The first task in discussing democratization should be to define what we mean by the notion of democracy. The minimalist or procedural definition of democracy focuses on the holding of free and fair elections. The classical definition that is purely procedural is that of Schumpeter who conceived democracy as a method and defined it as ‘that institutional arrangement for arriving at political decisions in which individuals acquire power to decide by means of a competitive struggle for people’s vote’ (Schumpeter, 2003, p. 269). The essential dimension of minimalist democracy described by Schumpeter is electoral competition (Diamond, 1996). The widely criticized aspect of this definition is that it equates democracy with holding of elections.

Diamond (1996) points out that the focus on minimal definitions is prone to give rise to electoral fallacy that Karl (1995) described. In her examination of

countries in Central America, Karl (1995) had argued that these countries displayed features of hybrid regimes in 1990s. She warned against the ‘fallacy of elections’, equating democracy with the existence of elections. The focus on elections causes other dimensions of democracy to be ignored. Even though the civilians came to power after elections in these countries, the unaccountable actors such as military continued to hold sway over politics and restrict the realm of elected authority. The widespread human rights violations also continued to mar these countries (Karl, 1995).

There have been elaborations of this procedural definition to clarify its meaning. The most widely accepted definition of procedural democracy has been made by Robert Dahl (1971) who made a list of the necessary minimum conditions of a procedural democracy. Dahl (1971) expanded procedural of democracy by adding fundamental rights and freedoms to political competition and participation. In his seminal book *Polyarchy*, Dahl states that democracy requires three conditions. Firstly, citizens should have full chances to make their political choices. Secondly, they should be able to communicate their choices to their compatriots and the government through acting individually and/or collectively. Lastly, these choices should carry equal weight in the running of the country. In other words, their content or origin should not be a matter of discrimination in their evaluation (Dahl, 1971).

There are eight ‘institutional guarantees’ for these three conditions to be realized in a representative democracy. These guarantees are civil and political rights. Civil rights are freedom of expression, freedom of association, alternative sources of information. Freedom of expression consists of both “a right to hear what others say” and “a right to be heard” (Dahl, 2005, pp. 195-196). Sen (1999) agrees with Dahl that ‘informed and considered choices’ depends on freedom of expression

and free press. The contenders must have freedom of expression and association to make their cases to the electorate (Sen, 1999). If there is no security in criticizing politicians, government or regime, then the mechanism of free elections does not work properly. When there is unauthorized surveillance by the state, no one will dare to engage in political activity. If there are no alternative sources of information, then the possibility of citizens making knowledgeable choices decreases. Freedom of association is also critical for people to articulate and promote their interests through other channels. These rights and freedoms are vital to the ability of citizens to form and voice their political choices in a meaningful way. Without these rights and liberties, it would not be possible to hold free and fair elections in which rulers are held to account for their conduct.

Political rights include right to vote, political officeholders' right to campaign and solicit for votes and eligibility of adults for public office. There should be free and fair elections for the communication of political preferences. Elections are the means through which citizens maintain influence over the government and hold it accountable. The last guarantee is "institutions" which will ensure that the decisions of government are influenced by popular expressions, most importantly votes (Dahl, 1971, p. 15). All of them are indispensable to the realization of the three conditions of democracy.

Diamond (2002) defines polities which comply with minimum criteria as electoral democracy. Invoking Huntington's (1997) definition of democracy as the determination of officeholders through 'free, honest, periodic' elections. Diamond (2002) questions what makes elections "free, periodic, honest". While Huntington adds that there must "some measure of freedom" such as criticizing government without fear of retribution, according to Diamond (2002), it is not possible to hold

free and fair elections without the protection of political and civil rights and freedoms.

Diamond (1996) argues that the existence of multiparty competition does not prevent a certain section of population to be deprived of voicing and promoting their interests in the political realm. In other words, it is no guarantee of effective enfranchisement of the whole population. Another caveat regarding the privileging of electoral contestation is the influence exerted by unaccountable tutelary powers, mainly the military over policy making. They may act as guardians of the system or bar elected officials from involvement in certain policy areas. One of the countries that Diamond (1996) gives as an example of such a situation is Turkey. Diamond thinks over the question of whether the violent suppression of Kurdish insurgency or the limitations on the expression of Kurdish identity disqualifies Turkey from being a democracy. He argues that countries such as Russia, Turkey comply with the necessities of electoral democracy, but they fail to reach the criteria of liberal democracy (Diamond, 1996, pp. 22-23).

Not only is the equation of democracy to elections problematic, the rule of majority also does not do justice to what democracy is. Amartya Sen (1999) underlines that in addition to free and fair elections, the citizens should be able to form their choices through access to different opinions, news uncensored by ruling authorities. Contestants should have the means and opportunity to convey their case to people. If they cannot, then the electoral mechanism is also flawed (Sen, 1999). In the same vein, Kolakowski (1997, pp. 47-50) argues that it is the existence of other institutions such as an independent judiciary that separates democracy from ochlocracy. Law will have the function of playing an arbitrating role between individual, state, and business interests. In other words, it should not be a tool of the

executive. The legal system should also include fences that can be imposed to ensure compliance with equality before law and fundamental rights of individuals from freedom of religion to right to property. These three are components of a democracy.

2.2 Liberal Democracy

The distinction between electoral democracy and liberal democracy emanates from their approach towards the question of whether free electoral participation and contestation is enough for democracy. The electoral democracies hold free and fair elections with respect to minimal criteria (Diamond, 1996, pp. 20-35). According to Schedler, while holding free and fair elections is enough for electoral democracies, it is not sufficient for liberal democracies. The electoral democracies fail to institutionalize other dimensions, most notably rule of law (Schedler, 2002, p. 37).

Liberal democracy is a product of first and foremost the constitutional liberal tradition and democracy. As Zakaria (1997) points out, democracy and constitutional liberalism denote historically and conceptually two different processes. It is liberalism which introduces the notion of inalienable rights that precede the organization of political order to democratic rule. The inalienable rights of the individual restrict the scope of what the state can do. In other words, it does not leave individual at the mercy of neither the state nor majority. In this way, constitutional liberalism restricts the operation of democracy which literally means the rule of people (Zakaria, 1997).

Constitutional liberalism does not concern how the collective decision makers are selected but how they use their power and goals they can pursue in governing. Zakaria (1997) argues that while constitutional liberalism aims to limit power, democracy aims for the accumulation of it. The constitutional dimension brings the institution of rule of law, which bounds all the agents of the state by law.

He argues that while constitutional liberalism led to the introduction of democracy in the West, it is not certain that democracy will lead to a constitutional liberal regime (Zakaria 1997, p. 6). In other words, the introduction of democratic elections does not guarantee that a regime respecting fundamental rights and freedoms will ensue.

The incorporation of rights and freedoms and rule of law into a democratic system of political participation and contestation creates liberal democracy. The ensuring of supremacy of elected civilians over unelected authorities, the lowering of barriers in front of the participation of marginalized groups in political life and the rigorous protection of political civil rights liberalizes electoral democracy (Zakaria 1997, pp. 23-24). Diamond (1996, pp. 3-16) proposes eight conditions that a democratic polity must comply with to be labelled as liberal. Firstly, those whom the public entrusted with governing through free and fair elections should have authority over unaccountable actors such as the military. The elected officeholders must have the power to wield full authority over policymaking from economy to defense.

The second condition is vertical accountability means that the rulers account for their actions to the electorate through free, competitive, and regular elections. The protection of political and civil rights is again critical for rulers become answerable to the public. The vertical accountability that is obtained through free and fair elections should be accompanied by horizontal accountability. Horizontal accountability is about scrutinization and limitation of power. Its most basic guarantee is the existence of separation of powers. Constitutional bodies such as the independent judiciary, parliamentary committees, independent electoral commission curb the power of the executive and hold it accountable. Horizontal accountability works through the mutual answerability of the institutions, checking the lawfulness of the actions of each other. The freedom and fairness of political competition is also

related to horizontal accountability. For instance, the existence of an independent and competent electoral commission is essential to the holding of fair elections (Diamond & Morlino, 2004).

The other conditions that Diamond (1996) enumerates as conditions that define a liberal democracy correspond to Dahl's criteria for a Polyarchy: the freedom of individuals to form associations and political parties to represent their interests as long as they stick to the principles of the constitutional order, the existence of the 'alternative sources of information', which means the existence of independent media, citizens' right to enjoy freedom of opinion, speech, assembly, and demonstration. Without these freedoms, it is unthinkable that a free electoral competition can take place. Lastly, the working of an independent and impartial judiciary is critical to uphold these conditions (Diamond, 1996).

Diamond (1996) perceives the right of the ethnic, religious, or cultural minorities to articulate their interests in the political life as part of liberal democracy. In this respect, he includes the right to language and culture as necessary to the characterization of a democracy as liberal. Beetham (1997, pp. 354-355) also justifies the cultural rights as part of freedom. He states that the majority principle applies to settings where there are no fixed, permanent majority or minorities. It assumes alternation in roles between them. This suppose that their conflicts, disagreements concern policy matters such as economic policy amenable to negotiation, debate. When the political cleavages converge with ethnic, religious cleavages in the society, then the political system is polarized. In these cases, the issue is about who belongs to the national body or not. When there are fixed minorities, then their right to equal say on public decisions is impaired. Beetham argues that in these cases the majority principle ceases to apply. Thus, there must be

special provisions to guarantee that those in minority have an equal say in collective decisions (Beetham, 1999).

These civil and political rights, which can also be termed as human rights, are ‘built’ into the definition of democracy through the adjective ‘liberal’. It is the ‘adjective liberal’ that gives the feature of right-protective to democracies. If we drop out this adjective, then what remains is electoral democracy, which as Donnelly (1999) points out, has a fragile connection with human rights. The distinction between the two is also not one of a ‘maturity’. In other words, liberal democracy does not come into being through the ‘evolution’ of electoral one. The function of liberal adjective is that it moderates the electoral democracy by making state limited and endowing individuals with inalienable rights (Donnelly, 1999).

Constitutional rule prevents democratic decision makers from making choices that abuse rights. One way of preventing power abuse is barring the democratic decision makers from enacting certain laws. For instance, the First Amendment to the US Constitution bars the Congress from making law partial to a religious belief. Another way is directing democratic authorities to make ‘right protective choices.’ The constitutional articles stating “Everybody has right to ...” are an example of rights protection (Donnelly, 2013, p. 224).

There is also the question of what happens when there is a conflict between the demands of electoral majority and rights and freedoms granted by the constitutional order. According to Donnelly (2013), the rights and liberties of the individuals must prevail over democratic element in a regime that defines itself as liberal. In other words, fundamental rights and freedoms set the boundaries of democratic decision making. In other words, fundamental rights and freedoms define the limits of how the people will exert their sovereignty through their representatives.

It sets limits on what a democratic majority can do. It means sovereign power's acceptance of limitations on its actions and interests. Donnelly (2013, pp.224-225) points out that human rights are "antidemocratic" in this respect.

There are 'generic modes of subversion' of rights. The most common ones are arbitrary policing in quelling protests, the resort to extraordinary rule or anti-terror legislation to circumvent usual judicial protections and the inadequate independence of courts to uphold rights effectively. The denial of rights protection to certain groups such as minorities, immigrants is also a case of generic subversion (Beetham, 2004). There is also what Beetham (2004, pp. 67-68) calls "subversion of specific types." The threat to individual life and security is a case of violation against right to life. Freedom of expression may also be subverted. The concentration of media ownership in certain groups and defamation laws are also cases of subverting freedom of expression. The associational freedom may also be restricted through laws that is exclusive towards certain groups. The mechanism that prevents these subversions are not only independent judiciary but also supranational bodies such as European Court of Human Rights. The subversion of political rights includes gerrymandering, discriminatory voter registration rules, electoral cheating. A distorted playing field in which the government enjoys greater access to public resources is also an example of subversion of political rights (Beetham, 2004, pp. 67-71).

2.2.1 Rule of law as a requirement of liberal democracy

The rule of law is the condition upon which the existence of all the other conditions depend on for the existence of liberal democracy. The rule of law is crucial for the working of democracy in that it is rule of law that protects citizens against serious

abridgements of rights and freedoms such as torture, indefinite detention (Diamond, 1996). O'Donnell adds the adjective 'democratic' to rule of law to separate it from the minimal meaning of rule of law. Democratic rule of law is not only about compliance with what is written in the law. It is a known fact that an action may comply with existing law, but it may be discriminatory. Firstly, it means equality before the law. The legal system must behave uniformly towards all with no regard to class, ethnicity, religion. It must "treat like cases alike." Rule of law requires that "no one, including the most highly placed official is above the law" (O'Donnell, 2004). Both the holders of high public offices and the ruled are all bound by clear, non-retroactive and universal law (O'Donnell, 2004, pp. 34-35).

The democratic character of rule of law emanates from the existence of a legal system that protects civil and political rights. O'Donnell argues that rule of law necessitates measures that outlaw and penalize discrimination. The protection of the individual and group rights requires the existence of an independent and impartial judiciary. This means that there must be separation of powers for the operation of rule of law. It also requires the supremacy of the constitution. The Supreme Court must have the authority to construe and protect the Constitution (O'Donnell, 2004, pp. 43-44).

The rule of law does not only uphold political and civil rights but also guarantees the working of vertical and horizontal accountability. Rule of law upholds horizontal accountability by the existence of a legal system that ensures the lawful behavior of all public and private agents through properly and legally established controls on their actions. In this way, it upholds political equality of citizens and curbs the abuse of state power by those in power. In the absence or deficiency of rule of law, the effective working of mechanisms of vertical and horizontal accountability

may be interrupted due to the pressure and blocking by state agents. It is rule of law that prevents such attempts (O'Donnell, 2004).

All of the above dimensions form a system in which they interact and reinforce each other. For instance, vertical accountability is not enough in a democracy. It needs to be reinforced by horizontal accountability. An independent media, strong civil society will buttress institutions of horizontal accountability in their task of checking the government. In the same vein, O'Donnell states that a good polyarchy is a result of “synthesis of three historical traditions”: democratic, liberal, and republican. The participation and competition dimensions are provided by the democratic tradition. The liberal dimension brings a rights-protective regime that operates under law. The republican tradition institutes supremacy of law and ensures the compliance of public officials with public interest (Morlino & Diamond, 2004, p. 30).

2.2.2 Elections without democracy: Competitive authoritarianism

In 1990s, scholars such as Zakaria described polities which hold elections but fail to protect and respect fundamental rights and freedoms of individuals and rule of law as illiberal democracies. The attribution of the label ‘democratic’ to these countries who fail to uphold rule of law and protect freedoms and rights has been subject to criticism over the following decade. The problem has been that whether the regimes which are classified as diminished subtypes of democracy are in reality types of authoritarianism. Levitsky and Collier (1997) had already questioned the validity of classifying diminishing subtypes as types of democracy rather than authoritarianism. Critics such as Schedler (2002) argued that such labelling is deceptive regarding the

nature of these regimes and disputed the classification of regimes that are deficient in terms of procedural democracy as type of democracy.¹⁵

In a seminal article in 2002, Levitsky and Way argued that it is misleading to describe these polities as types of democracy. They label these regimes that stand between authoritarianism and democracy with varying degree of each as ‘competitive authoritarian’. The gist of their argument is that they do not turn authoritarian through a collapse such as a military coup but come into being through the gradual erosion of democracy and rule of law. In other words, these regimes mainly come into being through slow death of democracies. It is not possible to determine a certain point of democratic regression. The erosion of democratic institutions mostly takes place through the actions of elected leaders (Levitsky & Zibblat, 2018, pp. 6-12).

The elected leaders do not openly resort to outright oppression. They use subtle, incremental methods to erode the democratic institutions. They gradually amass power in their own hands and emasculate other institutions that can check their power through politicizing them. The elected leaders such as Hungary’s Prime Minister Orban legitimized their politicization and purge of independent institutions by claiming that there is a “deep state” that tries to subvert the elected government (Levitsky&Way, 2020, p. 63). In response to these alleged subverters of democratic rule, they pack institutions such as judiciary with their loyalists. For instance, Orban packed the Supreme Court with right wing judges (Lendvai, 2016). They also

¹⁵ Schedler (2002, pp. 36-50) defines seven conditions in the absence of which a polity cannot be described as a democracy. The existence of them guarantees effective democratic choice. He underlines that if one of them is not there, then that polity cannot be described as ‘partial democracy.’ Schedler argues that Zakaria’s description of countries which do not respect individual rights as illiberal democracy as wrong. The regimes where there are domains reserved by unelected players, violation of civil and political liberties, uneven playing field between opposition and incumbents, obstruction of the access of opposition to media and public funds and intimidation of independent media cannot be described as democracy.

weaponize the institutions such as tax authority against their rivals, critics. The supposedly impartial law turns into a weapon in their hands against their opponents.

2.3 The relevance of the theoretical framework for Turkish democratization

In this section, I examine Turkey's political regime in the post-1980 period in light of the theoretical debate over democracy above. Turkey is not one of Third Wave countries that made transition from authoritarian regime to democracy in the 1970s and 1980s. It replaced its one-party regime with a competitive multiparty system in 1946. It held its first free and fair multiparty elections in May 1950. Özbudun (1996, p. 127) thus describes Turkey as a second-wave democracy.¹⁶ However, the democratic experience of Turkey was interrupted by the military interventions in 1960, 1971 and 1980. The interruptions of multiparty politics did not result in prolonged periods of military rule as in countries such as Chile, Argentina.¹⁷ The most problematic aspects of the polity have been the institution of democratic rule of law and political and civil liberties. The liberal part of liberal democracy has always been a deficient one in the Turkish case.

The hierarchical military coup of September 12 started a period of military rule that lasted longer than the previous military interventions. The 1980 coup was a reaction against the liberal regime brought by the 1961 Constitution. Ahmad interprets the 1980 coup as a “counter-revolution” against the political regime instituted by the 1961 Constitution (Ahmad, 1993). The military laid the basis of an authoritarian regime with multiparty politics between 1980 and 1983. In this period, the military controlled all affairs of state including the writing of the new

¹⁶ Samuel Huntington (1991) described the democratization wave in the aftermath of the Second World War as the second wave.

¹⁷ Özbudun (2000) describes the military interventions as ‘moderating’ in that the army pledged return to democracy as soon as possible.

constitution, the Political Parties' Law, and Electoral Law. It started a comprehensive restructuring of the political system to make future interventions unnecessary (Özbudun, 1995, 238). The military's cure for political chaos and division of the 1970s was the building of a regime that Ahmad (2003, p. 151) describes as "democracy without freedom".

The junta also suppressed both the extralegal and legal wings of the left to put an end to political activities of urban youth. Kalaycıoğlu (2005) argues that the "liquidation of left" by the military facilitated the rise of political Islam. It can be argued that the military itself aided the development of Islamist challenge against the Republican order that became increasingly visible in 1990s. The Left's own failure to devise solutions to the economic malaise also contributed to its retreat in front of Islamist challenge (2005, pp. 135-136).

2.3.1 The 1982 constitution and the establishment of a protected democracy

The 1982 Constitution, authoritarian was produced in a non-consensual way. The *Milli Güvenlik Konseyi* (National Security Council, MGK) determined the final shape of the text adopted by the Consultative Assembly. It thus had weak legitimacy from the beginning (Özbudun, 2000, p. 51). At the same time with the start of constitution writing process, the junta dissolved all pre-1980 political parties including CHP in 1981 (Özbudun, 2000). It held a referendum on the new constitution on November 6, 1982. The temporary Article I of the Constitution presented both the approval of the Constitution and the presidential candidacy of General Evren to the public in the same referendum. The public approved both the new constitution and Evren as the new president. The military obtained exit guarantees in the new constitution. The temporary Article 15 of the Constitution

granted the military immunity from prosecution for their actions during the military rule. It also banned the constitutional review of the laws enacted during the military rule (Özbudun, 2000).

The 1982 constitution represented the reversal of the liberal democratic path opened by the 1961 Constitution (Kalaycıoğlu, 2005, p. 127). It was a reaction against the liberal 1961 Constitution. It founded an authoritarian regime with multiparty politics. Its attitude towards the system of checks and balances such as the review powers of the judiciary and fundamental rights and freedoms reflected the criticisms of the 1961 Constitution by Demirel's Justice Party (Adalet Partisi) in the pre-1980 period. The pre-1980 right had constantly bashed the liberal constitution for obstructing the "national will" (2005, 129). The constitutional system brought by the military were in line with the demands of the center right AP in 1970s.¹⁸

While designing the new system, the military opted for a 'governable democracy' rather than one with strong representativeness (Arat & Pamuk, 2019, 59). In line with this aim, it created a strong executive that would prevent political paralysis of the previous period. The constitution enshrined the supremacy of the executive at the expense of other branches. It thus significantly increased the powers of the Presidency (Özbudun, 1995, p. 239).

The new constitution also diluted the independence of the judiciary. It abolished the High Council of Judges and formed a new judicial organ which

¹⁸ The Democrat Party, the predecessor of the AP, which won the first free and fair elections in 1950 had a conception that the popular mandate gained through elections bestowed unlimited power on the winners of elections (Özbudun, 1995, p. 232). Many members of the Democrat Party (DP) perceived democracy as the right to vote and freedom of religion (Demirel, 2005, pp. 519-520). The right-wing parties following the DP had a similar understanding about popular mandate. Demirel, the leader of Justice Party, also adhered to a majoritarian understanding of democracy and reduced democracy to 'full and unlimited use of executive power.' His constant questioning of 1961 Constitution emanated from his opposition to the constitution's institutionalization of separation of powers (Bora, 2005). ANAP was no exception. This was also not limited to the center right as Insel argues that the Turkish right with its center, Islamist and nationalist variants have opposed to the separation of powers brought by the 1961 constitution against the majoritarian rule of the DP in the 1950s (İnsel, 2013).

gathered judges and prosecutors under the same roof. The Minister of Justice would preside over the Council of Judges and Prosecutors. The decisions of this Council were also not subject to judicial review. It curtailed the review powers of the judiciary to supervise the actions of the Executive. The Constitutional Court would only be able to review the compliance of constitutional amendments with the procedural requirements (Özbudun, 2000, p. 59). The Article 143 of the constitution also made the State Security Courts (Devlet Güvenlik Mahkemeleri, DGMs) part of the legal system. These courts would also have a military judge (Kalaycıoğlu, 2005, pp. 127-129).

The new Constitution made the restriction of fundamental freedoms and rights a rule, not an exception as in the 1961 Constitution. The reasons of limiting the scope of freedoms and rights increased in the new Constitution. The preamble withheld constitution protection from “any opinion” that conflicts with the Turkish national interests, the indivisible unity of state and nation and principles of Atatürk (Hale, 2003, p. 104). The Article 13 also enabled the restriction of fundamental rights and freedoms based on protection of “the indivisibility of state with its country and nation, national sovereignty, the Republic, national security and public order and the reasons set in the related articles of the Constitution.” This article did not stipulate the principle that the restrictions imposed on fundamental rights and freedoms could not violate their essences. Rather than adopting this principle as in the 1961 Constitution, it stated that the restrictions had to be in line with the requirements of the “democratic societal order” (Özbudun&Gençkaya, 2009).

The Article 14 further expanded the limitations set on the use of fundamental rights and freedoms. No one could benefit from these freedoms and rights to establish a class-based system, to create discrimination based on religious, sectarian,

linguistic and racial grounds, to endanger indivisible unity of the state and nation or to destroy fundamental rights and freedoms (Özbudun&Gençkaya, 2009, pp. 50-51). These were very broad and vague grounds to restrict fundamental freedoms and rights. These two articles vividly shows that the Constitution creates a very large ground to restrict fundamental rights and freedoms. These articles represent the illiberal nature of the Constitution.

2.3.2 The period between 1983-1990

The junta allowed the holding of general elections in 1983 and manipulated the first general elections after the military coup. It did not allow the participation of the successors of CHP and AP in elections (Özbudun, 2000, p. 113). Kalaycıoğlu (2005) likens the 1983 elections to the controversial 1946 elections in being unfair. Motherland Party (Anavatan Partisi, ANAP) led by Özal, who was the vice-Premier of outgoing military regime won the elections. In contrast to the democratic transitions in Southern Europe and Latin America, the democratic forces who were opposed to the military regime did not win elections and replace the military rule in Turkey. For instance, Raul Alfonsin, a human rights campaigner, had won the presidency in Argentina in 1984. In other words, political forces who did not have much problem with the authoritarian restructuring of Turkish polity continued to win elections in Turkey. Moreover, the military regime adopted the political vision, namely the Turkish-Islamic synthesis, developed by right wing intellectuals in shaping the new political system and Turkish society (Akin&Karasapan, 1988). One of the demonstrations of this was the introduction of compulsory religious courses in the constitution (Kalaycıoğlu, 2005, p. 130).

The strong presence of military in politics inevitably made the subjugation of military to civilians the most critical issue of the Turkish democratization. Prime Minister Özal led the de facto civilianization of the regime. He asserted the supremacy of the civilian authority over the military by imposing his choice of chief of staff in 1987 (Özbudun, 2000, p. 118).¹⁹ Özal also continued liberalizing the economy. His economic reforms facilitated the global integration of Turkish economy. This also contributed to the development of civil society in Turkey (Arat&Pamuk, 2019, p. 57). However, his economic liberalism did not extend to the political realm. While Özal, a fervent advocate of free market economics, led the opening of the economy to the World, a national security state that sacralized state and national unity was in place in the domestic realm.²⁰ For instance, the ANAP government even made the abolition of bans of political activity by the leaders of pre-1980 parties a referendum issue and campaigned against the abolition of the ban in 1987. This confirms Feroz Ahmad's (1993, p. 192) assertion that ANAP was conservative rather than democratic and liberal.

In short, the period of 1983 and 1990 was a period in which Turkey did not even conform to the necessities of a procedural democracy because of restrictions on democratic participation and civil liberties. The following decade witnessed the return of lively multiparty politics in an illiberal regime.

¹⁹ Özal asserted civilian supremacy over the military by rejecting the military's candidate for the Chief of Staff and provided his choice General Torumtay to be the next of Chief of Staff. Torumtay later resigned his post when he clashed with President Özal over the latter's policies about Iraq's invasion of Kuwait. This was also a sign of the military's de facto subservience to the civilian rule (Özbudun, 2000).

²⁰ According to Özel and Sarıkaya (2005, p. 593), Özal continued the cultural and social policies of the junta which aimed to create docile citizens. Murat Belge describes the Özal government as 'MC a la Özal' invoking the polarizing right-wing Nationalist Front governments of 1970s. He had brought together the Nationalist Front coalitions of 1970s under the roof of ANAP.

2.3.3 The illiberal democracy and the limited democratization of the regime in the 1990s

The political regime of Turkey can be characterized as an illiberal and tutelary democracy in 1990s (Rodriguez et al., 2013). Both the internal and external conditions impeded the democratization of the regime. The war against terror in the Southeastern region brought a significant deterioration of human rights situation in Turkey. It imposed extraordinary rule in the Southeastern region in 1987 to cope with PKK terror. The suspension of rule of law under extraordinary rule led to widespread violations of human rights and restrictions on the freedom of expression and association (Alpkaya, 2006, p. 199). The Law against Terror which was enacted in 1991 made a broad description of terror and further limited freedom of expression (Alpkaya, 2006). In addition to the PKK terror that impeded democratization of the polity, the developments in the neighborhood of Turkey such as wars in Bosnia, Azerbaijan created a ‘siege mentality’ in the 1990s that prevented the initiation of a democratic reform process (Kalaycıoğlu, 2005, 150). Nonetheless, the 1990s witnessed some modest reforms to liberalize the tutelary democracy established by the junta through constitutional amendments. Arat and Pamuk (2019, p. 76) characterize the 1990s as a decade when the military continued to hold tutelage over politics while civilians endeavored to ease the shackles of 1982 system.

The first serious democratization reform took place in 1995 through the cooperation of political parties in the Assembly (Özbudun & Gençkaya, 2009). After lengthy negotiations among parties, 14 amendments achieved to garner enough votes without necessitating referendum. The Assembly voted to remove the paragraphs in the Preamble of the Constitution that legitimated the 1980 military coup. It got rid of phrases that describe the state as “exalted” and “sacred” which expressed the

viewpoint of the junta that prioritized the existence and security of the state over the protections of human rights. Most of the amendments concerned the conditions of political participation such as the lowering of the voting age from 21 to 18. While these amendments did extend the limits of political participation, they did not make any significant changes to the issue of protection of fundamental rights and freedoms that would turn Turkish multi-party electoral democracy into a liberal democracy (Özbudun & Gençkaya, 2009, pp. 34-38).

2.3.4 Democratization reforms between 1999-2005

In contrast to 1990s, the 2000s witnessed the most important reform process of Turkish polity after 1980 coup. According to Özbudun, there were two challenges facing democracy in Turkey at the beginning of 2000s: Kurdish Question and political Islam. They were critical challenges since they raised questions about the essence of Republican constitutional order. The challenges they represented were not simple issues of public policy but fundamental issues of identity and nature of the Turkish republic (Özbudun, 2000, p. 135). Arat and Pamuk (2019) argue that the secular system failed to deal with the demands of Kurdish nationalists and Islamists through democratic channels within the confines of secular nation state. The only tools at its disposal were party closure of pro-Kurdish and Islamist parties and military crackdown against the Kurdish insurgency.

Political and social culture has also impeded democratization in Turkey. Özbudun (1995) argues that ‘gemeinschaft outlook’ contributes to the elusiveness of liberal democracy in Turkey. The widespread fear of national disintegration in 1990s especially stifled democratization efforts. He argues that there is difficulty in accepting the legitimacy of opposition at cultural level. In other words, there is not

much willingness to tolerate different opinions. The equation of dissent with treason, skepticism of criticism and prioritization of community over individual as part of political culture are not elements that contribute to the flourishing of liberal democracy (Özbudun, 1995, p. 246).

Two crucial political developments in 1999 started a decade of political reform in Turkey. These were the capture of terrorist leader Öcalan and subduing of PKK and the declaration of Turkey as a candidate in the Helsinki Summit. These two developments provided an opportunity to liberalize the regime (Kalaycıoğlu, 2005, p. 161). The capture of Öcalan and his call on PKK to stop terrorist attacks deprived veto players such as the military of one of their excuses against political reform. The widely held perception among nationalist circles and institutions such as military, judiciary was that political concessions in the face of terror could embolden separatism and create a Sèvres-like scenario for Turkey. This led them resist any opening to satisfy demands for political reform (Keyman & Düzgit, 2013, p. 80).

The second development, the EU's recognition of Turkey as a candidate in the 1999 Helsinki Summit started the second and more significant phase of democratization took place between 1999 and 2005 (Sancar&Akgönül, 2006).²¹ The EU stated that if Turkey fulfill the Copenhagen Criteria, then it would start accession negotiations with Turkey. The Copenhagen Criteria included not only formal requirements of democracy such as elections but also respect for human rights, rule of law and minority rights (Özbudun & Gençkaya, 2009, p. 83). In other words, it conceptualizes human rights as an intrinsic part of democracy. Keyman and Düzgit (2013, p. 83) state that Copenhagen criteria denoted a process of democratization of

²¹ Sancar and Akgönül (2006) point out that the external factor, namely the West, historically played a significant role in the modernization of Turkey, especially in the fields of human rights and democracy.

state society relations through the protection of individual and group rights. They also credit the EU with the introduction of a ‘language of rights’ into Turkish politics. The conditional nature of EU process aimed to push Turkey to undertake reforms to democratize its political regime. This reform process enabled Turkey gradually to comply with the necessities of expanded procedural democracy as it eliminated the military guardianship.

Following Helsinki Summit, the coalition government of DSP-MHP-ANAP led by Bülent Ecevit started a substantial reform process. It was an unlikely candidate to carry out such a reform process because of both ideological incongruency between them and their stances towards the EU process and democratization (Arat & Pamuk, 2019, p. 85).²² However, the coalition government realized the most significant democratizing reforms since the 1983 elections. The coalition government enacted a package of constitutional amendments in October 2001 (Hale, 2003). The package included issues from freedom of expression to the role of the military in the political system.²³ Unlike the amendments of 1995, these changes considerably liberalized the articles of the Constitution that regulate freedom of thought and expression. The following section especially focuses on reforms related to the extension of political and civil rights. Though the reforms related to the eliminating the tutelary power of the military in politics are crucial, I refer to them only in passing since they are not directly relevant to the subject of dissertation.

²² MHP is an ultra-nationalist party which is very sensitive about the Kurdish Question. Ecevit was also known for his lukewarmness about the EU in the past.

²³ The death penalty was also gradually abolished in all cases in this reform process (Hale&Özbudun, 2010).

2.3.5 Reforms in the realms of freedom of expression, freedom of association and rule of law

The reform package of October 2001 crucially targeted the general restrictions that the Constitution placed on the exercise of fundamental rights and freedoms. Firstly, the sentence in the preamble of the 1982 Constitution that stated that ‘no opinion or idea that opposes ‘Turkish national interests, the indivisibility of the state and nation, historical and spiritual values of Turkishness and the nationalism, principles, and reforms of Atatürk’ will enjoy constitutional protection’ was amended to ‘actions’ (Özbudun & Gençkaya, 2009, 50). Secondly, the amendments rewrote Article 13 and 14 which imposed broad and vague limitations on fundamental rights and freedoms. The new Article 13 brought back the principle that fundamental rights and freedoms can only be limited based on reasons set in related articles in the Constitution with the condition that their essence cannot be violated. These restrictions should be in line with the word and spirit of the Constitution, in accordance with necessities of a democratic social order and secular Republic. It also brought the principle of proportionality. The Article 14 was shortened and established the unconstitutionality of violating the indivisibility of state with its territory and nation, the secular and democratic order. It also stated the principle that no article in the Constitution can be interpreted as authorizing to neither state nor individuals to eliminate fundamental rights and freedoms. It thus accepted that the state can also violate the constitution (Özbudun & Gençkaya, 2009).

The sixth package granted the non-Muslim communities the right to open places of worship conditioned on the approval of relevant authorities (Hale & Özbudun, 2010, p. 60). However, the houses of worship cited in the law did not include cemevi, Alevis’s house of worship among them (Sancar & Akgönül, 2006, p.

721). The compulsory religious courses which is entrenched in the Constitution continued despite the decisions of the ECHR (Sancar&Akgönül, 2006, pp. 765-66).

In 2000s, the EU process also contributed to the strengthening of legitimacy of civil society organizations (Keyman & Düzgit, 2013, p. 75). The civil society in Turkey developed with the liberalization of economy by the ANAP government in 1980s (Arat & Pamuk, 2019). Many factors have impeded the development of civil society in Turkey. The political culture which values community over individual and is wary of diversity and dissent also has also posed difficulties for the development of civil society. Social tolerance for dissent is not strong in Turkish culture. Another factor is the fragmentation among civil society. Rather than cooperating with each other, organizations try to obtain the support of state against their rivals (Kalaycıoğlu, 2002).

The Turkish state has not had a uniform approach towards civil society organizations. It adjusts its attitude according to the nature of the group in question (Kalaycıoğlu, 2002). For instance, while it tolerates organizations such as mosque building associations, it has been hostile to organizations that challenge or protest the main ideological pillars of the Republic such as the unitary state. The state sees the organizations challenging its ideological pillars as part of a conspiracy. In these cases, the state abandons its ‘benign neglect’ and resort to ‘aggressive exclusion’. For instance, their protests are suppressed by the police. It opens lawsuits against them. If they fail to attract mass support and cannot be successful in attracting popular sympathy, they are subjected to the harsh treatment of the state. Kalaycıoğlu (2002) notes that this attitude is not only limited to the state but also to the majority.

The reform packages liberalized the articles that regulate the associational activity. The reforms facilitated the opening of new associations and made it difficult

to close associations. The adjustment package of August 2002 allowed foreign organizations to open branches in Turkey. The ban on associational activity that aim to develop and promote non-Turkish cultures and languages was abolished (Sancar&Akgönül, 2006). The government enacted a new liberal law of associations in 2004 (Özbudun&Gençkaya, 2009, p. 75).²⁴

The reforms also aimed to reverse the negative impact of the 1982 Constitution on the principle of rule of law which was introduced by the 1961 Constitution. One of the most important issues in this respect was the existence of the DGMs in the legal system. The ECHR had decided that the inclusion of a military judge in the composition of DGMs violated the principle of fair trial in 1999. In anticipation of the problem this will create in the trial of terrorist leader Öcalan, Ecevit government made amendments to the law removing the military judges and public prosecutors from the DGMs. The Constitutional amendments of May 2004 eliminated the Article 138 of the Constitution which established the DGMs (Sancar & Akgönül, 2006, p. 722).

The constitutional amendment package of May 2004 further improved the protection of human rights in Turkey. The Article 90 was amended to ensure the primacy of the international agreements regarding fundamental rights and freedoms signed by Turkey over the internal laws in case of conflict between them (Arat&Pamuk, 2019, p. 86). The new Turkish Penal Code of 2005 also included crimes against humanity and genocide in Article 77 (Hale&Özbudun, 2010, p. 62). The reform packages also gradually abolished death penalty.

²⁴ Among the changes the new law brought does was the abrogation of the requirement that associations to get permission before receiving foreign funding and collaborating with foreign actors. Associations can hold their general assembly meeting without notifying the local authorities about its date and location. They were also relieved from the obligation to invite a government official those meetings.

2.3.6 The Post-2005 period

The newly elected AK Party government continued the reform process because the EU process provided the AK Party with the opportunity to buttress its legitimacy (Keym & Düzgit, 2013, p. 75). The EU Accession process started to stall after 2005 due to developments both in Turkey and the EU (Düzgit, 2013).²⁵ This contributed to the halt of the liberalization of the Turkish electoral democracy. Rather than continuing the path towards democratization, the regime gradually gained the features of a polity with elections but increasingly little concern for the protection of fundamental rights and freedoms. The democratic backsliding has not been limited to Turkey as Diamond (1995) states that the global democratic recession started in 2006.

The most important development of the period was the enactment of a package of constitutional amendments through a referendum in 2010. They changed the structure of the higher bodies of the judiciary and put an end to the dominant position of secularists in the high judicial bodies. Özbudun (2014) praises the constitutional amendments adopted in 2010 referendum for especially creating a pluralistic structure in the higher Judiciary. However, the referendum did not start a new period of democratic opening in Turkey. Özbudun (2014) also points out that it also gave confidence to the AK Party to further consolidate its power. It put an end to “the tutelary democracy” and enabled the AK Party to prevail over the actors with veto power (Esen & Gümüşçü, 2016, p. 1586).

²⁵ The electoral victories of conservatives such as Nicola Sarkozy in France and Angela Merkel in Germany who were skeptical of Turkey’s membership process contributed to the dimming of Turkey’s membership prospects. The elusiveness of a political settlement in Cyprus and the EU membership of Cyprus despite this further complicated the fate of accession negotiations. (Keyman&Düzgit, 2013)

After the electoral victory of the AK Party in 2011, Turkey's transformation into a system of elections without democracy became increasingly visible. The democratic openings such as Alevi Opening also proved to be ephemeral as they did not lead to expansion of rights and freedoms of the excluded and marginalized groups such as Alevis. As with its right-wing predecessors, the AK Party has tended to sacralize the national will and perceive the ballot box as the "only instrument of democratic legitimacy" (Özbudun, 2014, p. 163). The elimination of military tutelage has not resulted in the building of a liberal democracy. The democratic regression has taken place this time not under the military but civilian leaders (Özbudun, 2014).

2.4 Conclusion

The question regarding democratization of Turkish polity has been that while multi-party politics was generally accepted, the rule of law and human rights components of democracy have always been problematic. In other words, the constitutional liberal part of democracy has been the problematic element until 2010s. Turkey has failed to turn the multiparty competitive regime into a liberal democrat regime. The post-1980 period demonstrates Turkey's failure to make an "embracive constitution"²⁶ that includes all socially, politically excluded groups through an inclusive process of negotiation and compromise.

The easing and removal of large and vague restrictions put on basic civil liberties, most importantly freedom of expression and association and dismantling of military tutelage was a slow and protracted process. While the reforms eventually put

²⁶ I borrow this term from the late US Supreme Court Judge Ruth Bader Ginsburg. Ginsburg explained what she meant by embracive by stating that 'Embracing the left-out people as part of the community, not grudgingly, but with open arms' (Rosen, 2019, p. 215).

an end to the tutelary powers over the civilian actors in the late 2000s, this did not lead to democratic deepening. On the contrary, an incremental process of democratic backsliding has taken place. The reform process was also a highly selective reform process. For instance, while it focused on eliminating the influence of the military in politics, it did not deal with the issues of freedom of religion such as the recognition of Alevi houses of worship, the abolition of compulsory religious courses. In other words, the recognition of the basic human rights of marginalized groups as in the case of Alevis has also been insufficient.

CHAPTER 3

THE HISTORICAL BACKGROUND OF THE SIVAS INCIDENT

This chapter gives a short history of Alevi-state relations to understand the historical background of the Sivas Incident. It focuses on issues that will facilitate understanding of the debates over Sivas Incident: The Ottoman persecution and stigmatization of Alevis, the emancipation brought by Republican secularism, the adoration of Atatürk by Alevis, the support of Alevis for the left in 1970s and the violent episodes preceding the Sivas Incident. It pays special attention to the pogroms that precede Sivas in this chapter: Malatya, Sivas 1978, Maraş and Çorum.²⁷ It demonstrates that the Sivas Incident is not the only difficult past episode in the tense history of Alevi-State relationship. The examination of this historical background facilitates making sense of the debates that surround the Sivas Incident such as the sectarian tension, the issue of provocation. It enables us better to understand the novelty of the Sivas Incident and its place in the long history of oppression endured by Alevis.

This chapter argues that Alevi-state relations are not simply a history of ceaseless oppression. It shows that the problem is not only a state-society problem but also a problem with deep social roots. However, it also argues that the state has had a persistent policy of denying the distinct character of Alevilik. The values of democracy and inalienable human rights have never become lenses through which

²⁷ There are very few academic sources about the pogroms of the late 1970s. While there are a few academic and popular sources about the Maraş Pogrom, there is a dearth of sources about the other three pogroms. For instance, there are only two articles in English written about the Maraş Pogrom, even though it is the most violent and devastating pogrom in the Republican period. The first one was written by Benhabib (1979) and the recent one by Webb-Sinclair (2003). The Alevi authors and other pro-left journalists who wrote books about these pogroms mostly rely on the court documents and newspapers. In this chapter, I also rely mostly on these few accounts and newspapers.

the state views the Alevi Question. Freedom of expression and religion as part of human rights never became an element let alone a dominant one in state's approach to Alevis. It has tried to mold Alevilik according to precepts of Sunni Islam. In certain periods, it securitized and problematized their political preferences. In other words, it has had an inability to allow Alevis figure out Alevilik on their own. In line with this non-recognition of Alevilik as it is, the state has also not acknowledged the violence inflicted on Alevis. There has been also denial of deep social roots of sectarian tension.

3.1 The persecution and marginalization in the Ottoman Period

Alevilik²⁸, the current name of Kızılbaşlık, is an esoteric and syncretistic belief system that is shared by the four main linguistic groups in Turkey: Turkish-speaking Alevis, Kurdish-speaking Alevis, Zaza- speaking Alevis and Arabic-speaking Alawites. The term 'Alevi' which has no pejorative connotations like Kızılbaş has been in use since the end of 19th century to describe people who adhered to an esoteric understanding of Islam. The Kızılbaşlık, the historical name of the Alevilik till the end of the 19th century, emerged at beginning of the 16th century. It was Shah

²⁸ There are various perspectives regarding the nature of Alevi faith. I am aware of debates around the issue of who is Alevi and the definition of Alevilik, however they are out of scope of this dissertation. Scholars such as Melikoff (2011, 126), Ocak (2011, pp. 56-57) define Alevilik as a heterodox and non-conformist belief system. Ocak (2011) describes Kızılbaşlık as a Turkish heterodox interpretation of Islam rooted in the Central Asia. Kızılbaşlık shares with the Shia Islam the reverence for the Imam Ali and his eleven descendants. The cult of Twelve Imams constitutes one main pillar of Kızılbaşlık. The other cult is the Kerbela mourning cult. The Caliph Ali of Alevilik is very different from the historical Ali. In Alevilik, the God shows itself in the form of human. Melikoff (2011) states that Kızılbaşlık includes a belief in the transmission of the spirit from body to body and reincarnation. In this way, the cruelty and martyrdom personified in Yezid and Husayn are reborn in different personalities in the following centuries. The Ayin-i Cem constitutes the main Alevi religious ritual (Ocak, 2011). It involves the recitation of nefes (poems) of the great Kızılbaş poets such as Hatayi (Shah Ismail). The semah, a religious dance, and playing of saz, a stringed fiddle are part of this ceremony. Most sources on Alevilik describe its rituals based on its significant differences from the Sunni Islam. There is no five times daily prayer in Alevilik. Alevis do not observe fasting in Ramadan. They fast for 12 days in the month of Muharram. Alevilik also does not have the religious duty of the pilgrimage to Mecca (Dressler, 2008).

Ismail, the founder of the Safavid state in Iran and his followers who first described themselves as “Kızılbaş”. He brought together the various heterodox groups in Anatolia. The adherents of his path were most probably described as Kızılbaş (Redheads) because of the red headgear they were made to wear by the leader of Safavid *tariqa* (Melikoff, 2011, pp. 51-53).

Endorsing Shah Ismail, the Turcoman leader of the Safavid *tariqa*, in its struggle for hegemony with the Ottoman Empire in Eastern Anatolia, the Kızılbaş provoked the ire of the Ottoman state led by Selim I commonly known as Yavuz (the Grim). The Ottoman-Safavid border was crossing through Eastern Anatolia and the two states were trying to extend their sovereignty over this part of Anatolia. Turcoman Kızılbaş tribes were leaving Anatolia in droves for Iran. This was not just because of the religious appeal of the Shah but also the economic difficulties in Anatolia (Kehl-Bodrogi, 1988/2012). The Ottomans perceived the Kızılbaş as a fifth column against the state in the struggle between Safavids and Ottomans (Mardin, 1983).²⁹

Unlike his father’s mild politics, Selim I decided to confront with the Safavid danger head on. He defeated Safavid Shah Ismail in the battle of Chaldıran in 1514. As a preparation for this military campaign against Iran, Selim I ordered the massacre of Alevis in Anatolia and according to some historical sources about 40000 Kızılbaş were murdered (Altınay, 1994, p. 27).³⁰ Against the institution of Shite Islam as the official religion in Safavid Iran, he promoted Sunni Islam as the state

²⁹ Mardin (1981, p. 38) terms the Kızılbaş living Anatolia as Shi’ites who constituted a fifth column against the state in the struggle between Safavids and Ottomans. Mardin mistakenly describes Kızılbaş as Shi’ite and uses the term Shi’ite-Alevi in some instances. Ateş (2011) points out this mistaken use of the terms.

³⁰ The Turkish historian Altınay (1994) states that ‘He ordered the murder of any Rafizi in Anatolia who support Shah Ismail.’

religion.³¹ Selim the Grim not only terrorized and massacred the Kızılbaş population of Anatolia but also lay the basis of social ostracizing of Alevis from the wider society. Kehl-Bodrogi (1988/2012, p. 31) states that the name of Selim I even today denotes “violence and humiliation” for Alevis.

The ulama provided Selim with religious justification for the murder of Kızılbaş. It declared that it was a religious duty to kill Kızılbaş because they were heretics (mülhids). There are many examples of these religious rulings (fatwa) from the 16th century. The fatwas referred to Kızılbaş as “mülhid” and “Rafizi”. In 1511-1512, Mufti Hamza issued his fatwa denouncing Kızılbaş as both infidel and irreligious to render the murder of Kızılbaş legitimate (Melikoff, 2011, p. 53). The fatwa of Mufti Hamza makes a list of the sins of the Kızılbaş: belittling Islam and the Quran, cursing the Caliph Ebubekir and Omar and permitting transgressions. It also accuses the Kızılbaş of trying to abolish Sharia. According to the Mufti, the Kızılbaş is worse than infidels because they are both infidel and irreligious. It warns Muslims not to eat anything cut by Kızılbaş. It declares their marriages null. It also does not recognize their profession of repentance and still condemns them to death. The fatwa of Sheikh-ul-Islam Ibn Kemal again declares the animals slaughtered by the Kızılbaş as impure. It allows Muslims to seize their wives and property in wartime (Öz, 2014, pp. 103-117).

³¹ Terzioğlu (2012-2013) challenges the idea that the adoption of legalistic Sunni Islam as state religion during the reign of Yavuz was simply a political response against the adoption of Shi’a as state religion by the Safavid empire. She argues that the embrace of Sunni orthodoxy at the beginning of the 16th century was not just an invention of Ottoman state elites who wanted to legitimize Ottoman rule against the Safavids but was a process that dated back the reign of Yavuz and resulted from various reasons. The two main causes of this development were the gradual increase of the power of ulama and the spread of knowledge about Islam in Ottoman lands. In this period, the Sunni ulama coming from Shi’ite Iran and Mamluk lands also played a prominent role in the campaign of Sunnitization. In short, Sunnitization continued ‘with its ups and downs in different forms till the end of the Empire’.

The state not only levelled accusations of deviance from proper Islamic rituals against Kızılbaş but propagated to the society still simmering beliefs about Alevis such as the allegations of incest and impurity. To deter people from any contact with Kızılbaş, the state systematically spread misleading propaganda that Kızılbaş would not only disrupt social order but also lead people astray from Islam and turn them into infidels. These accusations of deviance from true belief and immorality justified violence against Kızılbaş. To wage jihad against these heretics is the most valuable jihad. Concerning his status in the eyes of Islamic law, he is worse than a “Dhimmi” since he has no legal status. Not only is he considered a non-believer, but he is also disloyal to Islam and promote an incorrect version of Islam (Karolewski, 2008).

The persecution did not come to an end after the death of Selim I. Altınay states that ‘The practice of the murder of Rafızis through keeping their record, some of them dumped in the river Kızılırmak, some of them subjected to *ihrak-ı binnar* (burning alive) was implemented in a systematic way (Altınay, 1994, p. 33).³² Faced with Ottoman persecution, Kızılbaş groups retreated to desolated, mountainous areas formed a religious social organization that required minimum dealing with the state and outside society. Secrecy became a key feature of Kızılbaş religion. Religious rites were started to be performed secretly and simulation was utilized as a tactic to avoid outside hostility (Kehl-Bodrogi, 1988/2012, p. 35). The secretly performed religious rituals further contributed to accusations of incest against Alevis.

The Ottoman state did not recognize Kızılbaş as a distinct community in the millet system of Ottoman Empire. Nonetheless, it should be emphasized that the

³² Altınay (1994, 33) states that ‘Rafızilerin ‘defterleri tutulup’ öldürülmeleri, bazılarının Kızılırmak’a atılıp bazılarının ihrakı binnar edilmeleri yani ateşte yakılmaları düzenli bir sistem içinde uygulanmıştır.’

relationship of Kızılbaş with the Ottoman state has not been one of constant hostility. The rivalry between Ottomans and Safavids gradually lost its previous importance in 1630s and the Safavids no longer posed an imminent danger for Ottomans. Çamuroğlu defines the 16th century as one of disappointment and withdrawal from the larger society for the Kızılbaş. They formed the structures of their belief in this century. The Kızılbaş were tolerated to an extent since the 17th century. In the following two centuries, the relations between the Ottoman government and the Kızılbaş was kept to a minimum and mutual violence was limited (Çamuroğlu, 2008, p. 18). Though no longer persecuted, Kızılbaş was marginalized in the Ottoman society. The 17th and 18th centuries can be interpreted as the silence period of Kızılbaş groups.

The Kızılbaş reemerged in the accounts of Protestant missionaries in the 19th century. The missionaries who came to Anatolia as educators, travellers took interest in this community whose faith they perceived as having proto-Christian features. These accounts demonstrated that they were still socially an isolated and humiliated society. The accusations of immorality against them originating from the 16th century were very much alive. For instance, Austrian anthropologist Von Luschan who made research among Tahtacı, a distinct heterodox group living in the forests in the Southwestern Anatolia in the 1910s reported that his local Sunni guides told him that they commit incest (mumsöndü) (Karolewski, 2008, p. 447).

The interest of missionaries in Kızılbaş awakened the interest of Ottoman government in them. Çamuroğlu (2008) states that the state discovered its subjects due to “fear” of Western interest. The reports sent to Istanbul by provincial administrators toward the end of 19th century are illuminating concerning not only the state’s approach towards Alevis but popular prejudices about Alevis. The reports

included rumors and stories widely told about Alevis. The reports portray Alevis as ignorant and deviant. They advised that they should also be civilized like other savage tribesmen. Since they are ignorant and gullible, they can easily be seduced by Protestant missionaries. The reports state that while they seem Muslim, their beliefs are in fact falsehoods, and they hate Muslims in reality. For instance, the governor of Tokat states that they are also untrustworthy and very similar to Armenians. In the period of Abdulhamid II, the state officials were wary that Kızılbaş could make common cause with Armenians. The solutions they offer to educate Kızılbaş is the construction of mosques and schools in Alevi villages (Akpınar, 2014).

3.2 The relations between Alevis and the state during the Republican period

During the War of Independence, Mustafa Kemal tried to form a common front of all Muslim groups against foreign occupation and non-Muslim groups. As part of this effort, he also reached out to Alevis through his visit to the head of Bektashi tarikat, Cemalettin Çelebi in 1919 (Kehl-Bodrogi, 2003, p. 59).³³ There is an important symbolic dimension to Kemal's visit to Hacıbektaş. By going to Hacıbektaş to demand their support for national salvation, Kemal gave the impression that he does not ignore them but holds them in esteem. This visit later gave rise to narratives that Mustafa Kemal was fond of Alevis or that he had confided his plan to declare Republic after the war in Cemalettin Çelebi.

³³ A telegraph Mustafa Kemal sent to military authorities in Amasya shows that he had some information about Alevis. In the telegraph, he said that most of the Muslim population in the region of Amasya-Tokat is of Alevi denomination and that Alevis would follow the lead of their religious authorities. Thus, it is understandable that he went to Hacıbektaş to get the support of Alevis for national struggle through appealing to their traditional leaders (Kehl-Bodrogi, 2003, 59).

3.2.1 The one-party period

The Republican Regime undertook serious reforms to secularize the political and social life of Turkey.³⁴ Through these reforms, the republican rulers ideally aimed to relegate Islam to conscience of individuals. If Islam is restricted in private realm, then the founders assumed that it would cease to be a tool of social pressure over individuals (Mardin, 1981).³⁵ However, rather than separating religion and state and guaranteeing impartiality of state against all religious groups, the Republican founders placed Sunni Islam under the control of the state through the creation of the Directorate of Religious Affairs (Diyanet). The state did not recognize intra-Islamic diversity and Alevis have not been represented in the structure of Diyanet. Alevilik has also not been recognized as a distinct religious identity. Still, the secularization reforms which broke the power of Sunni Islam in the realms of law, education and politics created a social environment that enabled Alevis to integrate with the wider society.

The secular nationalists revalued the heresy represented by Alevilik as the ancient Shamanic culture of Turks originating from Central Asia in line with Young Turk intellectuals. However, Kehl-Bodrogi (1988/2012, p. 59) underlines, the hatred against them was not forgotten. The Republic did not change the dynamic of “mutual mistrust and contempt” between two communities. In 1988, Kehl-Bodrogi (1988/2012, p. 185) wrote that the Sunnis still warn visitors against “misdemeanors” in Alevi villages.

³⁴ These were most critically the abolition of the Caliphate, the dissolution of Ministry of Islamic Foundations and madrasas, the adoption of Civil Code and the removal of article that stated Islam is the religion of the state in 1928.

³⁵ Mardin (1981, pp. 191-219) perceives the crux of Kemalist reforms as the liberation of individual from the ridiculous restrictions of traditional community life. He argues that Atatürk hated the Islamic ‘mahalle’ (gemeinschaft) which enforced individuals to behave hypocritically to escape the gaze of mahalle. In the age of nation-state, mahalle morals no longer made sense and would give way to individual responsibility.

In this period, the main confrontation between Alevis and the state took place in Dersim, the sole Alevi-majority province in Turkey in 1937-1938. The Ankara government had suppressed brutally the first revolt of Kurdish Alevis of Kocgiri Tribe in Sivas in 1921. The second and wider confrontation in Dersim started with the efforts of the central government to assert its authority in Dersim in the 1920s and 1930s. The revolt of Dersim tribes in 1937 gave it the opportunity to realize this aim. However, the scale of violence and cruelty³⁶ unleashed on the people of Dersim was extremely disproportional to the threat of insurrection. The suppression of the revolt culminated in ethnic cleansing. The ferocity of suppression of the Koçgiri revolt and the policies in Dersim such as the adoption of orphans implemented in the Armenian Deportation suggests that Alevi identity played a role in the treatment of the people of the region.

These violent confrontations lead one to question the widely held assumptions about the Alevi-Kemalist alliance. In the literature on Alevis, it is widely assumed that all Alevis enthusiastically supported the Kemalists during the Independence War (Bozarslan, 2003). They demonstrate that not all Alevis were supportive of the newly emerging Kemalist regime in Ankara. Çamuroğlu (2003) disputes the belief that Kemalist revolution emancipated Alevis from the shackles of Ottoman tyranny and carried them into a golden age of prosperity and freedom and terms this as the myth of ‘Alevi Paradise Anatolia’.

Zeidan (1999, p. 76) underlines the pride that Alevis feels for their cooperation with Kemalist during the Independence War. He points out the reverence Alevis hold for Atatürk and his period as the ideal state. Paul White (2003, p. 25) criticizes such a conception of Alevis as composed of a group with no internal

³⁶ According to then police chief İhsan Sabri Çağlayangil, the army gassed people who took refuge in caves (Özcan, 2016).

difference. Likewise, Kieser (2003) argues that the Kocgiri and Dersim Revolts refute the suggestion that Kemalists enjoyed unanimous Alevi support is not reasonable. However, we still can argue that the active opposition to the new regime mostly emanated from the Kurdish Alevis. As Paul White (2003) argues, it can still be safe to argue that this endorsement or tacit approval of the Kemalist cause both during the Independence War and the foundation of the Republic was mainly limited to Turkish speaking Alevis of Western and Central Anatolia.

3.3 The Alevi-state relations after the transition to the multiparty system

The transition to electoral democracy did not lead to liberalization concerning the freedom of religion of Alevis. The last years of the CHP rule and the DP period witnessed the abandonment of Kemalist policy of limiting religious faith into the realm of private conscience. Şerif Mardin (1983, pp. 144-145) states that the cooperation of the Democrat Party with the Sunni groups in the 1950s unsettled Alevis and reminded them of their marginalized status in the Ottoman period. However, the coup of 1960 opened a more favorable period for them (Mardin, 1983). The 1960s witnessed political initiatives to address the status of Alevis, however they all foundered in the face of conservative opposition. The period culminated in the large-scale pogroms targeting Alevi populations in Anatolia at the end of 1970s.

Alevilik was still a very sensitive issue in this period despite the liberalization brought by the 1961 Constitution. For instance, When Fikret Otyam (1997, pp. 163-164), a journalist, gave an advertisement about his reportages with Alevis in Anatolia to the Ankara radio, the radio did not broadcast the advertisement which included the word “Alevi”. This proves that Alevi and Alevilik was still a taboo issue that was not appropriate to be talked about in the public realm even in the 1960s.

It was in the aftermath of 1960 coup that the Alevi Question came to the agenda for the first time. A delegation of Alevi intellectuals led by lawyer Cemal Özbey visited General Cemal Gürsel, the leader of the coup. They also applied to the Commission of Constitution which was appointed to write the new constitution. They presented a petition to the commission demanding the recognition and constitutional protection of Alevi faith. This was the first time that the leading members of Alevi community voiced such a demand in the public space since the foundation of the Republic. President Cemal Gürsel appointed state-minister Hayri Mumcuoğlu to deal with this issue. The minister stated that Alevis would have the right to represent themselves in the structure of Diyanet. However, this did not result in any legislative effort to make Diyanet more inclusive (Kansu & İlknur, 2014).

In 1963, the coalition government led by İsmet İnönü proposed the formation of a “Department of Sects” in the body of Diyanet during the assembly debates over the Law of Directorate of Religious Affairs. In response to this initiative, the right-wing parties and press launched a ferocious campaign that denigrated Alevis and İsmet İnönü. The right-wing dailies such as *Zafer*, *Adalet* claimed that if the state recognizes the right of Alevis to be represented in Diyanet then Alevis would dare to stage their “mum-söndü”, the alleged ceremony of incest in mosques. In the newspaper articles, they expressed their disdain of Alevilik by equating it with superstition. They claimed that it could never be on an equal par with Sunni Islam. Heralding the discourse of 1990s, they supplemented this discourse of denigration with the idea that since Alevis were Muslim and Diyanet serving all Muslims

regardless of sect, then there was no ground for discrimination. The government withdrew the draft law in the face of right-wing opposition. (Otyam, 1997, p. 106)³⁷

However, while this legislative initiative failed, this campaign of anti-Alevi propaganda did not go unanswered. About 50 Alevi students enrolled in the universities in Ankara published a declaration condemning the denigration of Alevis by the right-wing press. They asserted the moral rectitude of Alevis as followers of family of the Prophet but also their role as the guardians of Kemalist principles. In the same vein, the Alevi university students in Istanbul condemned a play called ‘‘mumsöndü’’. They underlined that Alevis were supporters of Atatürk during the Independence war and loyal to the revolution. Despite their sacrifices for liberation they had not had their fair share of liberty. They slammed the play as demonstrating the mentality of Muaviye which according to them had been destroyed by Atatürk. They also criticized the government’s indifference against the deprecatory play (Otyam, 1997, pp. 106-108).

In short, these initiatives failed in the face of the opposition of both right-wing parties and Sunni clergy represented in the Diyanet. CHP was also unable or unwilling to counter the attacks of the right. The initiative was doomed to failure since the right-wing parties representing electoral majority refused to perceive the demands of Alevis in terms of inalienable human rights.

3.3.1 The Elmalı statement and Ortaca Incident

One of the most controversial developments of this period was the statement of İbrahim Elmalı, the head of Diyanet that ‘Alevilik faded away (Alevilik söndü)’

³⁷ Otyam (1997, p. 106) states that the right-wing newspapers denigrated Alevilik as ‘Alevilik which is based on legend and fallacy’ and ‘Alevilik which is not historically and scientifically based on any truth’.

evoking the common “mumsöndü” accusation against Alevis. The center-right Justice Party led by Süleyman Demirel had appointed İbrahim Elmalı who allegedly belonged to Nur tarîqa as the head of Diyanet in 1965. It generated widespread reaction among Alevis. Elmalı defended himself by saying that that Alevilik was not a religious schism but a political matter, so it had lost its relevance at the present time (Azak, 2010, p. 140).

Another event that jolted Alevis in this period was Alevi-Sunni clashes in the Ortaca district of Muğla in June 1966. Alevis of Feyziye village and Sunnis of Kızılyurt village had a land dispute. However, it is claimed that the dispute quickly turned into a matter of sectarian conflict with the incitement of Nurcus, a Sunni tarîqat. Sunni villagers destroyed the bridge that linked the village and put Alevi village under blockade. In response, Alevi villagers were armed in the fear of an attack. The Demirel government denied that the incident was related to sectarian conflict and acted indifferently. President Sunay also maintained that there was no sectarian division in the secular Turkey. On the other hand, the pro-CHP newspapers such as *Ulus*, *Cumhuriyet* described the incident as a sectarian conflict. Kemalists such as İlhan Selçuk claimed that the Kemalist revolution had ended the sectarian divide in Turkey, but it had reemerged because of exploitation of religion by politicians and incitements of Diyanet (Azak, 2010, p. 159).³⁸ The clash subsided in Ortaca and later the government dismissed Elmalı under pressure (“Bir Uzun Mücadele,” 2008).

³⁸ Mardin (1983) also observes that the military and intellectuals in Turkey sees sectarian divisions as ‘artificially created’ but they have deep roots in reality.

3.3.2 The Alevis and the left

Alevis increasingly aligned themselves with the left after the second half of 1960s. In the 1970s, the dominant belief was that the advent of a socialist society would solve all the problems related to equality and freedom. The socialist society would bring the end of Sunni dominance. Believing that the socialist society was imminent, they were not concerned about discarding their Alevi identity (Küçük, 2008). Until the 1970s, they had not supported a political party overwhelmingly. In the 1970s, they mostly voted for center-left CHP (Öktem, 2015, p. 58). The rise of the left and the visible role of Alevis' in this rise made them the target of right-wing violence.

3.4 The pogroms of 1970s

In the 1970s, the polarization between the right and the left gradually increased and culminated in the military coup of 1980. The violence took the form of a civil war in the last years of the decade. The pogroms in the central-eastern provinces of Anatolia were the most extreme forms of this violence. While they are generally described as intercommunal clashes in the mainstream discourse, the Alevi and left-wing commentators describe them as ‘‘massacre’’. The pogroms differed from Dersim in that they were not military operations targeting the civilian population. In the pogroms, the majority turned on the defenseless minority (Oran, 2009).

There are common features of the pogroms that took place between 1978 and 1980. All of these pogroms against Alevis took place in provinces where ethnically and religiously diverse populations lived side by side. These provinces are part of what van Bruinessen (1996) calls a ‘‘transitional zone between what he calls ‘Turkish Kurdistan’ and the rest of the country’’.³⁹ These pogroms did not only

³⁹ Bayrak (2015, 559) states that the fact that most of the massacres took place in the geography populated by Alevi Kurds is something that needs to be dissected.

target members of leftist movement or CHP but also life and property of ordinary Alevi people. They had an economic dimension to them. Cemal Şener (1989, p. 174) states that the participation of Alevis in urban economic activity dominated by Sunnis contributed to the competition between Alevis and Sunnis. In religiously mixed areas, it was the incitement of the MHP that turned competition into attacks against Alevis and their property. Feroz Ahmad (2003), a historian of Turkish politics, also argues that the pogroms aimed to undermine the economic power of Alevis.

Another important dimension of the pogroms is the role of ultranationalist MHP. Not only Alevis authors, intellectuals such as Cemal Şener and left-wing public opinion perceive that the Greywolves (Ülkücü), but also historians such as Feroz Ahmad (2003) and Eric Zürcher (2015) attribute the responsibility of these pogroms to the Greywolves, the militants linked to MHP. They point out the strategy of MHP to increase its electoral support through the exploitation of sectarian divisions. Ahmad states that the fact that Türkeş was vice premier in Nationalist Front governments earned these governments a ‘‘neofascist complexion’’. They aimed to terrorize social democrats to undermine their electoral strength. The Nationalist Front governments also provided the nationalists with the opportunity to colonize the state. Alevis became the target of this violence because of their support for the CHP (Ahmad, 2003, p. 142).

Alparslan Türkeş⁴⁰, the leader of MHP, defined this zone encircling Central Anatolia as golden arc (Birand et al., 2006, p. 80). MHP then had a strategy of creating a chaotic environment to gain power or to pave the way for an anti-left

⁴⁰ Alparslan Türkeş, the founder of extreme right MHP, was born in Cyprus in 1917. He later moved to Turkey and joined the army. He was prosecuted for involvement in racist activities in 1944. Türkeş was among the leading cadre of the 1960 coup. He was later dismissed from the army. He assumed the leadership of CMKP and changed its name into MHP (Nationalist Action Party) in 1967.

military coup. The voting statistics in the 1970s show that the extreme right particularly gained strength in these provinces. The ultra-right MHP obtained electoral support above its national average.⁴¹

The MHP slandered them as supporters of communism (Moscow) as they supported Safavids in the past (Kehl-Bodrogi, 1988/2012, p. 61). The *ülkü* discourse equalized Alevi identity with Kurdish and communist identity. They described this formula as the ‘3K (Kızılbaş, Komünist and Kurdish)’. The MHP discourse erased the distinction between socialism and CHP in this period. Alevis as supporters of CHP came to be represented as the personification of communist threat. The erasure of the distinction between Alevi and communist identities meant that since the communists are atheists, Alevis were also atheists. The atheism of the left was a threat to religion and its association with Alevis was a demonstration of this threat. They deserved to be exterminated. In other words, it was legitimate to kill these infidels (Sinclair-Webb, 2003, p. 216).

There are multiple witness accounts that the perpetrators perceived victims not as fellow Muslims. The testimonies show that the attackers called the victims as ‘gavur’ a term used for non-Muslims. The equation of Alevilik with atheism is demonstrated by various acts during the pogrom such as asking victims to prove their Muslim identity by reciting the Islamic statement of faith or showing status of circumcision (Sinclair-Webb, 2003). For instance, the minister of Interior narrated to the Assembly his encounter with two boys in Maraş. The ten-year old boys had told him that they had shot dead one infidel, and another had escaped (Tüleylioğlu, 2010, p. 42).

⁴¹ In the 1977 general elections, MHP got 6,4 % of the national vote. In these provinces, it exceeded this share of the vote: 15,5 % in Maraş, 13,2 % in Sivas, 12,7 % in Çorum and 9,2 % in Malatya.

The attitude of the public law enforcement in these pogroms was also controversial. There are witness accounts that claim that especially the police were indifferent or involved in violence against them. Sinclair-Webb (2003, p. 216) also notes the connivance of security forces in violence, but she adds that in the absence of inquiry it is very difficult to prove them. The compromised position of security forces emanated from the stuffing of these cadres by the Nationalist Front governments (Ahmad, 2003, p. 143).⁴² Though its response was tardy, it was the army that stopped the violence at the end.

In the aftermath of the pogroms, the right-wing parties and the pro-right press attributed the blame to the Ecevit government and communists. It has also been also a common discourse to attribute the blame to external actors and groups coming from outside these provinces in these pogroms. There are also Alevi commentators such as Nedim Şahhüseyinoğlu, an Alevi author, who attributes the responsibility of the organization of these pogroms to outside powers such as United States. (Şahhüseyinoğlu, 2012)⁴³

On the other hand, the leftist groups interpreted the anti-Alevi violence as fascist attacks against revolutionaries. The fascists attacked them because of their class position as laborers. However, Küçük (2008) asks the questions why similar attacks against “laborers” did not take place in provinces such as Konya. The explanations based on class are insufficient. The target of attacks was not simply against villagers who settled in Maraş, but “Alevi villagers.” Küçük (2008) argues

⁴² The Nationalist Front governments denote the two governments founded by the right-wing parties in the National Assembly between 1973 and 1979 against the rising center-left CHP: The center-right Justice Party of Demirel, the Islamist National Salvation Party of Necmettin Erbakan and the far-right Nationalist Action Party of Alparslan Türkeş (Ahmad, 2003).

⁴³ Şahhüseyinoğlu (2012) specifically accuses peace volunteers sent by the United States to other countries. He claims that these volunteers are mostly stationed in ethnically and religiously diverse places and exploit these differences to create political clashes among previously peacefully cohabiting people.

that the cultural baggage bequeathed by Kemalism to the left has prevented it to understand the real sources of tension. The left did not accept Alevilik as a political matter. Alevis also facilitated this by immersing themselves in the left just as they previously did in the case of Kemalism.⁴⁴

Another important common dimension of these incident is the role played by rumors in mobilizing local people against Alevis. Rumors are perlocutionary in that the words which are “medium of communication” turn into ‘an instrument of force.’ They act as “trigger” in directing people to do something (Das, 1998). The most common rumor was that Alevis had bombed the mosque in the city center. In some cases, the inciters claimed that Alevis had poisoned the water sources of the city. These rumors are similar to those used against Jews in Europe in the medieval age.⁴⁵

3.4.1 The pogrom in Malatya

The pogrom in Malatya started in the aftermath of the assassination of right-wing mayor Hamid Fendoğlu in 1978.⁴⁶ Following the assassination, violent demonstrations that targeted shops owned by Alevis, the party buildings of CHP and buildings of the left-wing organizations started. The streets of Malatya were filled

⁴⁴ Küçük (2008, pp. 915-928) argues that the left ignores the tendency of Sunni fundamentalists for violence against Alevis. He criticizes the left for its inability to see that sectarian animosity has deep roots. He describes this attitude as ‘the left’s insistence not to recognize the social reality’. Instead of seeing reality, the left frames the issues in terms of opposition between progressivism v reactionism or fascist v revolutionary. This is partly to do with its underestimation of the role of religion as an institution of super structure. It does not want to accede to the fact that the super structure may play a more important role than economic relations. Küçük finds the explanatory narrative that Alevis’ migration to the city and economic rivalry with established Sunni townsmen problematic in that this narrative ignores the fact that ‘religion on its own may be cause of conflict.’

⁴⁵ Aykan Erdemir points out similarity between Aleviphobia and anti-semitism. He also adds that it is no coincidence that most of the Aleviphobic politicians are also anti-semitic in Turkey (Ertan&Zırh, 2015).

⁴⁶ Fendoğlu had gained mayoral election as an independent supported by the right-wing parties, AP, MSP and MHP. The Incident started with the sending of three bombs via post to the CHP district chairman of Pazarcık, Mayor Fendoglu and another person. While the chairman of Pazarcık did not take the suspicious package, Fendoglu received the package. The bomb explosion killed him, his daughter in law and niece at his home.

with burnt commodities looted from the shops. The witnesses claim that police was indifferent and sometimes complicit in violence as one Alevi witness recounted that “Fascists are coming freely with their arms and burning down houses. The police are also coming, but they do not arrest them, but arrest us as responsible. Let’s the state say to Alevis that you have no business in the city, you cannot open shops ... cannot educate your children, go back to your villages, herd. What is this? ...”(Şahhüseyinoğlu, 2012, p. 58). This witness account points out the newly urban status of Alevis.

The attacks in Malatya lasted for three days till the evening of April 20. In the pogrom, 8 persons were murdered, and a hundred shops and homes were destroyed. In the aftermath of the pogrom, Şahhüseyinoğlu (2012) states that Alevis started to migrate from Malatya as it was impossible to continue life as usual with their homes and livelihoods destroyed. He claims that the migration did not stop after the September 12 Coup as torture and custody disproportionately targeted Alevis and left-wing people. Devoid of economic power, some Alevis returned to their villages. As a result, according to Şahhüseyinoğlu, this pogrom and continuing harassment of Alevis and leftists caused the ethnic, religious, and cultural diversity and political structure of Malatya to undergo significant change (Şahhüseyinoğlu, 2012, p.67). This can be seen in the election results. The CHP garnered 52.3 % of the vote in the 1977 general elections. The vote share of its successor, the Populist Party, declined to 32.7 % in the 1983 general elections (Sayarı & Esmer, 2002).

3.4.2 The pogrom in Sivas in 1978

The second pogrom broke out in Sivas. Sivas has had a prominence in the eyes of Alevis because of its status as the city of Pir Sultan Abdal. The Sivas Congress

during the Independence War and Atatürk's statement that they lay the basis of the Republic in this Congress further has further enhanced this cherished status of Sivas not only in the eyes of Alevis but also supporters of secular Republic. However, as Coşkun (1995) points out, this conception of the city has met with the reaction of the "native". The 'native' here denotes the Sunni majority of the province. He therefore perceives the pogrom as a 'revenge' by this majority against both the minority and the secular regime that praises this minority. He states that Sivas resolved its social cleavage which started in the second half of 1960s through this bloodbath in 1978 (Coşkun, 1995, p. 300).

In Sivas, the extreme right composed of the MHP and the MSP garnered votes well above their national averages. Both parties based their political strategy on the exploitation of the sectarian divide. While the MHP portrayed Alevis as communists, the MSP targeted them as atheists. As in other cities, the Nationalist Front governments had also contributed to the rightist colonization of the public cadres in the city. The Ecevit government failed to evict these militants from their posts (Coşkun, 1995, pp.291-293).

The Incident in Sivas began with a fight between an Alevi and Sunni child in the city bazaar on September 3, 1978. The people tried to stop it but the involvement of *ülkücüs* caused the death of two women. Then, the violence spread throughout the whole city. Fuat Bozkurt (2006), an academician who was a direct witness of the Incident, narrates that a crowd of 150-200 people started to damage the shops of Alevis and pro-left Sunnis with the slogan of "even if spill our blood, the victory belongs to Islam". The rumor that "Alibaba Mosque was bombed" also spread through the city to incite people. At the noon time, the violence spread from city bazaar to the suburbs. Bozkurt (2006) states that "the state was not in Sivas on that

day''. The arrival of a military unit from Yozgat quelled this first phase of violence (Bozkurt, 2006).

The fourth of September was Ramadan holiday. The holiday prayers witnessed anti-communist and anti-Alevi incitement in mosques. They claimed that the communists murdered their brethren and called for a holy war against communists and Kızılbas. The incitement worked and people besieged Alevi districts, especially the Alibaba district. They set fire to shops and houses. The ülkücüs also prevented the fire brigades intervene in the fire. The violence caused 12 people lose their lives including some of the attackers. The pogrom came to an end with 9 people dead, around a hundred wounded, 97 houses and 350 shops razed down (Bozkurt, 2006, pp. 296-298).

The preliminary Inquiry report of the Prosecution described what happened as a ‘‘campaign of annihilation’’ fueled by sectarian and political divisions that targeted both the property and lives. It states that the Sunnis-Rightists were dominant in this campaign. As with other pogroms, Sivas was not only about the local sectarian issues, but also the political strategy of the MHP. It perceived either military coup or civil war as a method to obtain the power. The aim was to intimidate and paralyze the administrative and security apparatus of the Ecevit government. (2006, pp. 289-290)

The incitement to violence did not come to an end with the pogrom. After the pogrom, a leaflet was distributed by unknown persons throughout the city read: ‘‘Attention Alevis... do not be an instrument. Take into consideration history. Once upon a time you were calling ‘‘Shah Shah’’. Now you support not Shah but communism. We will certainly prevent you from this way’’ (Bozkurt, p. 298). The leaflet invoked the snippet from Ziya Pasha’s poem that if one does not set himself

right through advice, then he deserves to be beaten. They threatened Alevis that if they do not heed the warnings, then they will be again subjected to violence. The threat of future violence led Alevis to migrate from the city.

3.4.3 The pogrom in Maraş

The third and most harrowing pogrom⁴⁷ took place in Kahramanmaraş, a city in the southern edge of Central Anatolia. The Maraş massacre is generally perceived as the milestone towards the coup. Benhabib (1979) notes the special status of Maraş as being a province with a Kurdish Alevi population. The large-scale pogrom against Alevi population of Maraş began on 19 December 1978.⁴⁸ Firstly, an unknown person, later revealed to be the Ökkeş Şendiller, bombed the Çiçek cinema full of Greywolves watching “Güneş ne zaman doğacak”, a movie with nationalist themes on December 19. There was no casualty. In response, crowds led by Ulkucu vigilantes destroyed shops owned by Alevis and leftists in the city center. On the following day, unknown assailants murdered two leftist teachers. The public hospital, whose chief physician was a candidate of MHP in general elections, postponed the delivery of the bodies until Friday, the Muslim holy day. When the convoy carrying the coffins reached the mosque, a large crowd gathering around the mosque prevented them from reaching the mosque. The people under a rain of stones left the funerals there and fled (Tüleylioğlu, 2010, pp. 41-45). There were also rumors

⁴⁷ Historian Zürcher (2015, p. 263) describes it as the worst pogrom that was organized by Grey Wolves.

⁴⁸ After the Malatya Incident, Türkeş, the leader of MHP, had claimed that if the pro-left police continued its maltreatment of nationalists, similar events like Malatya were likely in provinces such as Erzurum and Kahramanmaraş. According to MHP, there was widespread torture of its members by pro-left police. In April 1978, the security forces made an operation upon a report and arrested people involved in murder and other illegal activities including the son of a parliamentarian from MHP. The prosecution revealed two organizations ‘Turkish Commandoes’ and ‘The Army of Salvation of Turks’. The prosecution also revealed that it was MHP militants themselves who threw bombs in their own places so to put the blame on leftists and cause unrest. This operation in a way postponed the incident that will break out in Maraş (Şahhüseyinoğlu, 2012).

circulating in the city that Alevis had burnt down the main mosque in the city center or Alevi had poisoned water sources. In the following three days, a bloodbath took place in the city.

On December 23, armed militias besieged the districts such as Yörükselim inhabited by Alevis. Alevis were in the majority in just one district of Maraş and were scattered among Sunnis in other districts. Armed with various weapons from rifles to axes, the perpetrators stormed Alevi houses, brutally murdered people and then burnt the houses. The governorate declared curfew, but the attackers did not comply with it. They were shouting various slogans mainly targeting the leftists, Alevis and the Ecevit government such as “Death to communists”, “Long live MHP, long live Türkeş”, “Türkeş is here, where is Ecevit?”, “Maraş will be a grave to Alevis”, “the one who kill an Alevi go the heaven” (Tüleylioğlu, 2010).⁴⁹ The only place victims could take refuge was the mansion of governor in the city center (Tüleylioğlu, p. 73). In a few cases, Sunni neighbors sheltered Alevis from assailants. Doğan, the parliamentarian of the CHP, narrates that when they went to Maraş, it was devastated and even the governorate was besieged. It was only the use of antiaircraft fire by the soldiers that prevented them from storming the building (Tüleylioğlu, 2010).

In the documentary on the September 12 coup, Birand, prominent journalist, states that “How strange is that there was no state in Maraş for three days” (Birand et al., 2006). The armed forces were ineffective in stopping the carnage in the city because they had spread through the city and implemented a policy of neutrality because they perceived it as an Alevi-Sunni conflict rather than a one-sided massacre (Tunç, 2012, p. 330). The attitude of local government was also ambivalent at best.

⁴⁹ I quoted the excerpt of the Judgment of the Maraş Trial from Tüleylioğlu (2010, pp. 179-181).

The fire department was reluctant to intervene to extinguish the burning houses. For instance, İrfan Özyıldırım, the minister of Interior Affairs, recounted how the firefighters did not bother to extinguish the burning houses across the city despite his orders in his speech in the National Assembly (Tüleylioğlu, 2010, p. 104). When the military battalion from Kayseri arrived in Maraş, the carnage stopped.

It is important to note that it was not a few militants or agents that were involved in violence in Maraş. According to Tunç, at least 30000 people, a fifth of the city population were involved in the massacre. It is claimed that those involved in the violence included all kinds of people, from imams to district heads (Tunç, 2012, p. 319). In many cases, the victims knew the assailants. İnci Aral, an author, went to Maraş one year after the pogrom and visited the Alevi villages where Alevis took refuge and talked with several survivors. She later wrote “‘Kıran Resimleri’”⁵⁰, a book of stories based on her observations in Maraş. She narrates that the survivors first told her their surprise about the perpetrators. Their neighbors and even some distant relatives were among the mob. According to the survivors, when they told them that they were neighbors, they had responded that “‘Set aside neighborliness, you are not even Muslims’” (Başaran, 2011). İlknur (2011), an Alevi journalist, describes “‘Maraş Massacre’” as an exemplary event that indicates how people could turn into monsters in an instant even though they are neighbors.

Many commentators resort to socioeconomic explanations to make sense of what happened in Maraş. They point out the role of propaganda based on the Alevi economic visibility and empowerment in inciting and encouraging Sunnis to violence. Maraş was an exception to the general settlement pattern of Alevis in Anatolia. They were living in fertile plains rather than mountainous areas in Maraş.

⁵⁰ The book ‘*Kıran Resimleri*’ was firstly published in 1984.

The building of Karakaya Dam and agricultural subsidies enabled Alevis to grow cotton and reach a certain level of capital accumulation in Maraş in the 1970s. This led them to settle in the city center and participate in the urban economic activities. On the other hand, the urban Sunni population endured relative economic deprivation because of inflation. Sırrı Süreyya Önder (2011), a filmmaker and politician, argues that economic causes were a motivating factor behind the pogrom. İnci Aral also points out this aspect of the anti-Alevi hostility that “Alevis were economically in a better position in Maraş. The Sunni sector was poor. ...before (the pogrom) it was propagated to people that “Alevis enjoy the fruit of this land and leave nothing for you” (Başaran, 2011). In the same vein, Tunç argues that people were lured to participate in the massacre with the prospect of seizing Alevi property (Tunç, 2012, p. 262). Sinclair-Webb (2003) argues that to focus on the conspiracies of foreigners, unknown forces obscure the fact that the perpetrators were not composed of a few conspirators but ordinary people from villagers to imams. The discourse of “peaceful coexistence” also serves the same aim of obscuring sectarian tensions.

There is also the political dimension related to the MHP’s political strategy in that period. Benhabib argues that Maraş was not simply a reemergence of centuries old religious animosities or a reenactment of those dormant religious rivalries. It was closely linked to the modern political context. It has to do with the political strategy of the extreme right MHP to create conditions for a military coup (Benhabib, 1979). It is plausible that the pogrom was staged to force the Ecevit government to declare martial law. The government which had resisted martial rule it succumbed to the pressure after Maraş. The Ecevit government unwillingly declared martial law in 13

provinces (Ahmad, 2003, 144). The right-wing parties welcomed the declaration of martial law by the Ecevit government (Mumcu, 2011).⁵¹

In the debate over Maraş in the Assembly, the center right Adalet Party lay blame on communists. It held the leftist organizations of teachers and police, TÖB-DER and POL-DER responsible for the incidents. The Islamist MSP of Erbakan attributed the responsibility to communists, Zionists and external powers. The representative of MHP told an altogether different story. Sadi Somuncuoğlu attributed all the actions that the greywolves were accused of to Maoists of *Aydınlık* newspaper. Somuncuoğlu's discourse in the Assembly reveals an important dimension of the right's discontent with Alevis. According to him, after İnönü stepped down from the leadership of CHP, there had taken place a realignment in the vote distribution of parties. Alevis had started overwhelmingly to vote for CHP under Ecevit. However, there did not take place a similar change in the voting patterns of Sunnis. Somuncuoğlu interpreted this as the result of exploitation of Alevis (TBMM Minutes of the fourth Session 26.12.1978).

The defendants of the pogrom were tried in the military court of the martial rule.⁵² The Prosecution accused 804 people of various crimes from armed rebellion and causing armed clash to looting and arson. The court sentenced 37 defendants to death penalty. However, the Court of State later overturned this verdict and none of

⁵¹ Süleyman Demirel, the leader of the Adalet Party in opposition, deflected the question about Maraş by stating that 'You cannot make me say that nationalists, rightists are murdering people.' Tercüman, a prominent right-wing newspaper, greeted the declaration of martial law with 'Merhaba Asker' (Mumcu, 2011).

⁵² The Indictment of Maraş Trial put blame for violence equally on both right and left. It narrates that the 'peaceful coexistence in Maraş' or balance was upset because of Alevis' settling in the town. Their adoption of leftist ideology paved the way towards polarization. In this narrative, the right-wing ideology of Sunnis is normal. The sham that provoked Sunnis is leftist ideology of Alevis, new town dwellers. In other words, the newcomer in the urban setting made the social order upside down. It ignores the role of sectarian animosity and evades cleavages that animated conflict. It holds not Alevis themselves responsible but the leftist ideology. The question why the new migrants embraced left is unanswered (Sinclair-Webb, pp. 232-234).

the death sentences was implemented (Tüleylioğlu, 2010). Nusret Senem, a lawyer of plaintiffs, states that the victims could not participate in the trials due to fear. In the process, 3 lawyers of the victims were murdered. At the end, all the 92 defendants were released with the enactment of the Anti-terror law in 1991 which granted amnesty to those convicted of violating the Article 149 of the Penal Code (Sinclair-Webb, 2008).⁵³

In the aftermath of the massacre, Alevi residents started to migrate from the city. Tunç (2012, pp. 406-407) states that the authorities facilitated the migration of Alevis from the city whose houses had been burnt down. The migration of Alevis also contributed to the changing of political map of Maraş. The exodus of Alevis from the city dented the electoral support for CHP in the city. Before the pogrom, CHP had won 3 out of 7 seats in the 1977 general elections. In the 1983 elections which took place after the coup, the Populist Party got only one seat in Maraş (Köse, 2014).

There is no official commemoration of the victims of Maraş Pogrom. The Alevi-Bektashi Federation could hold a commemoration ceremony in Maraş city center only once in 2010. Since then, the public authorities in Maraş ban the Alevi organizations from commemorating the pogrom in the city. For instance, the governorate did not allow the entry of the Alevi associations into the city in 2012 (“Katliam yine anılamadı,” 2012). Hüseyin Doğan, who was a member of parliament from CHP during the incidents states that

Hundreds of people were murdered, thousands of homes were razed down, people migrated, some have graves, some do not. There took place Solingen in Germany, 8 people died, everyone including the president commemorates them, erect a monument. Cannot there be a commemoration for people who were murdered like

⁵³ Uğur Mumcu pointed out that the Greywolves had been sentenced for the violation of this article in the Maraş trial. However, the same amnesty excluded the members of left-wing organizations who were convicted of violating the Article 146 (Uğur Mumcu quoted in Tüleylioğlu 2010, p. 189).

dogs in Maraş? A monument built for them? The bare apology has no value, action is needed. There is no Alevi in public sector. ... How is peace built? (Köse, 2014)

He contrasts the attitude of Germany which memorializes the Neo-Nazi murder of Turkish immigrants in 1993 with Turkey's indifferent attitude to the Alevi suffering in Maraş. However, he also does not see monument building and apology to remedy the harm Alevis suffered in Maraş but wants the state to stop discrimination that Alevis still encounter today. Doğan also wants the reopening of the trials for a reckoning with the violence. However, the problem is that there has not been change in the right's dominance of political balance of power in Turkey that will make such a reckoning possible.

3.4.4 The pogrom in Çorum

The last pogrom took place in Çorum, a central Anatolian province with a mixed sectarian population. Alevis constitute a minority in Çorum. Milönü, which was the main scene of attacks against Alevis in Çorum in 1980 was the main Alevi district in downtown Çorum. It was a place where city waste was dumped and turned to an inhabited area with migration from rural areas (Şahhüseyinoğlu, 2012, p. 202). The tense political polarization of the 1970s was again the general context of the pogrom. The Demirel government had appointed a new governor and a police chief before the massacre. The left-wing commentators such as Ethem Eken, a parliamentarian of CHP claim that they were partial towards the right wing and unrest started with the appointment of governor (Şahhüseyinoğlu, p. 162).

The left-wing and Alevi commentators claim that it was the constant incitements of the ultra-nationalist MHP that turned this polarization into violence. The catalyst of the pogrom was the assassination of Gün Sazak, the deputy chairman of MHP on May 27, 1980. The murder of Sazak provided the Greywolves the

opportunity to start the incidents (Şahhüseyinoğlu, pp. 163-164). Ali Ayhan Çetin, a candidate for the National Assembly from the Adalet Parti, attributes the reason of the pogrom to the purpose of MHP to turn Çorum into a 'liberated area'. Using the assassination as an excuse, Greywolves started to attack shops owned by Alevis, leftists with the slogan of "Victory belongs to Islam even if we spill our blood" on May 28. Sadık Eral, a witness, recounts that the right-wing militants acted as in a war. It is claimed that the militants of MHP planned the pogrom district by district and determined who would attack which district. The militants mounted an attack on the Milönü Mahallesi mostly populated by Alevis. However, remembering the experience of Maraş the inhabitants of the district had prepared for the attack and put barricades around the district (Şahhüseyinoğlu, pp. 165-168).

The governor declared curfew, but the attackers did not comply with it. He pressed the lieutenant colonel Güride to remove the barricades surrounding Milönü, but the colonel refused by arguing that forcibly removing the barricades around the Alevi neighborhood would cause bloodletting (Şahhüseyinoğlu, 168-169). The pressure of parliamentarians from MHP on the government led to the dismissal of Güride whom they perceived as an impediment to their goals. Throughout the massacre, according to witnesses, police either acted as indifferent or actively participated in the attacks on the side of the Greywolves. General Şahabettin Esengül recounts that the two right-wing parliamentarians who wanted the army to remove the barricades around the Alevi district and unarm Alevis who had armed in response to attacks. He had not accepted their demands because forcefully removing the barricades would lead to bloodshed. Esengül explains this insistence by stating the goal of the members of MHP that "What did they want? The protection of one side and the destruction of the other. ... You will not take full security precautions. One

side which you can call the Sunni side mainly squeezed Alevi in an area and want to attack and eliminate them” (Birand et al., p.116).⁵⁴ This is another testament to the role played by the MHP in the pogroms.

In this first phase of events, the attackers could not reach their aims of Maraş-style cleansing because of both the preparation of the Alevi population and the lukewarm participation of Sunni majority (Şahhüseyinoğlu, 2012, pp. 186-187). After this initial phase, an internal migration in which Alevi living in majority Sunni districts left for Alevi-majority neighborhoods and Sunnis living in Alevi districts relocating to Sunni majority areas.⁵⁵ According to the official records, 57 people lost their lives in the pogrom. It is said that if there was no army involvement then the number of deaths would be much more. The then Chief of Staff Kenan Evren, who visited Çorum, described what he saw in Çorum as a ‘small scale Maraş’ as he stated that “Alevi citizens were harmed badly there. There are casualties, 7 at first then 33. Of course, the reason why the incidents reached such a scale is due to the partiality of the security forces” (Birand et al. 2006, p. 117). The accounts of witnesses show that in the minds of perpetrators communist was equal to Alevi and both could not be human. One attacker said that “you communists are not fasting, you are infidel.

⁵⁴ He states that ‘İsimlerini dahi hatırlamak istemiyorum. Bu milletvekilleri devamlı suretle yaranın kabuklanması değil, kanamasını istiyorlardı. ... Bu iki milletvekili olayların tarafımdan bastırılmasını memnuniyetle karşılamadılar. Yani ne istiyorlardı? Bir taraf korunsun, diğer taraf öldürülsün. Yani katalizör rol oynamayacaksınız. Güvenlik tedbirleri tam olarak almayacaksınız. Bir kesim ki ona Sünni kesim diyebilirsiniz, Alevileri esasen sıkışmış bir bölgede çevirmiş, onların üzerine saldırıp imha etmek istiyorlardı’ (Birand et al., 116).

⁵⁵ The second phase of the pogrom which was much bloodier started on July 1. Ulkucus intensified their efforts for mobilizing Sunni community to stand against communist murders. On July 1, the ülkücüs started to fire at Alevi and leftist homes and loot, burn down shops. Villagers from around Çorum also participated in the massacre. The fourth of July turned into a bloody Friday. The militants incited people attending Friday prayers that Alevi had burnt down the Alaaddin Mosque. Upon the news that mosque was in flames, people armed with knives, rifles went raid the Milönü Neighborhood. The police phones and TRT, the state broadcaster, also reported that the Alaaddin mosque had been set to fire. Since the phone network of the city was cut down, it was impossible to get healthy news (Şahhüseyinoğlu, 2012).

Aren't you Alevi?" (Şahhüseyinoğlu, 2012, p. 176). This testimony again shows the erasure of distinction between communist and Alevi.

There has not been violent sectarian clash in Çorum since 1980. However, Sadık Eral, who witnessed the second phase of the pogrom, while affirming that there is no longer Alevi-Sunni tension in Çorum adds that "... But if you hit the nerve of someone tomorrow, 5 ISIDs⁵⁶ would emerge in Çorum. Everyone has a fear of massacre. They don't tell you, but they tell me... The green line that separates Alevis from Sunnis in the city is still intact in the city". ("Çorum 35 yıldır kanıyor," 2015).⁵⁷

3.5 The 1980s: Turkish Islamic synthesis

The 1980 coup put an abrupt end to the ideological conflict of 1970s. It aimed to solve the political and social polarization that led to the civil-war condition of late 1970s through the suppression of the left. It chose 'Turkish-Islamic Synthesis' developed by conservative intellectuals in the Hearth of Intellectuals (Aydınlar Ocağı) in the 1970s as the ideological basis of the new regime (Akın & Karasapan, 1988). In line with this choice, it accelerated efforts to assimilate Alevis into Sunni Islam. The state started to instruct Alevis that they are Muslims just like everybody else. Just like Alevis who in vain tried to prove that they belong to Islam for centuries, the state and Sunni theologians started to persuade Alevis that they are Muslims since the 1980s. Fuat Bozkurt (1998) terms the new policy of state as "painless assimilation". In this approach, Alevis are perceived as 'ignorant Muslims' who estranged because of previous alienating policies. The marginalizing

⁵⁶ He refers to the terror organization 'Islamic State' that captured Musul in Iraq and parts of Syria in 2014.

⁵⁷ Eral states that 'Ama yarın birinin damarına basın Çorum'dan 5 tane IŞİD çıkar. Herkesin bir kıyım, katliam korkusu vardır. Size söylemezler, bana söylerler...' ("Çorum 35 yıldır kanıyor," 2015)

policies of the past caused Alevis forget their true faith and abandon its rules such as daily prayers, fasting. In this narrative, there is no difference between the Sunni and Alevi versions of Islam as both communities revere Ali. Thus, the state now calls on Alevis to return to the fold (Bozkurt, p. 111).

The junta made the religious courses compulsory (Eligür, 2010). It started a new campaign of mosque building in the Alevi villages (Zeidan, 1999, p. 77). These policies may be interpreted as a response of the September 12 regime to the mobilization of Alevis in the left-wing organizations and parties in the 1970s.

The increasing visibility and importance of Islam in the public space and the accompanying rise of political Islam became the main political factor that gave impetus to the revival or politicization of Alevi identity in the late 1980s. The fear caused by the rise of Islamic movement played a potent role in this process. The Sivas Incident made this threat visible and strengthened the “defensive instinct.” Another factor was the elimination of leftist alternative with the collapse of communism. The increasing salience of identity as demonstrated by the challenge posed by Kurdish movement also contributed to the Alevi revival. Another critical factor was the development of an Alevi diaspora in Europe (Özyürek, 2009). The sociological factors such as the increasing urbanization and education level of Alevis and the resulting emergence of an Alevi bourgeoisie also played an important role (Çamuroğlu, 2008, pp. 2-4).

The Alevi declaration was first published in Hamburg in 1988. The republication of this Declaration in *Cumhuriyet* in 1990 marked the beginning of Alevi revival in Turkey (Kehl-Bodrogi, 1997). The declaration called for equal treatment of Alevis (Kaleli, 1997).⁵⁸ Alevis started to reveal their identity and

⁵⁸ Kaleli (1997, pp. 181-187) shares the whole text of this declaration in his book.

establish organizations to protect their interests against the increasingly assertive and powerful political Islam.⁵⁹ At the very beginning of this “coming out” (Kehl-Bodrogi, 1997, p. 14) process, the Sivas Incident took place.

There were legal impediments created by the Constitution and the law of associations that prevented Alevis use freedom of association. The ban on associations was relaxed in 1989 and this facilitated the opening of Alevi organizations (van Bruinessen, 1996). They did not have “Alevi” in their names since the law banned associational activity based on sectarian affiliation (Massicard, 2006). For instance, an association which included the aim of cemevi construction in its charter was sued for violating the law.

3.6 Conclusion

This chapter which focuses on the painful past episodes that precede the Sivas Incident demonstrate that the belief that Alevis have been subject of persecution is not totally baseless. The examination of Alevi-state relations demonstrates a history of non-recognition and misrecognition of the Alevi identity by the state. The ‘Alevi openings’ have failed to transform the inability of the state to recognize Alevis as they are.

The official discourse has always found excuses to explain the violence Alevis were subjected to. It was “insurrection” in the case of Dersim and “right-left clash” in the case of pogroms. The pogroms are framed as part of the right and left conflict of pre-1980 period. The blame was attributed to provocateurs from

⁵⁹ Some leftist groups interpreted the revival of Alevilik in the post 1980 process as a plot of the state to divide the left. For instance, the revolutionaries of 1970s who started to publish *Pir Sultan Abdal* magazine in 1988 took action to prevent such a development. They opposed to the convening of an Alevi Congress to discuss Alevi issues because they had no problem called ‘Alevilik’. They were of the conviction that Alevilik’s coming to the agenda was weakening left (Küçük, 2008, pp. 918-919).

American agents to rogue elements in the military. It has also resorted to the discourse of “a thousand-year-old of peace and brotherhood” to obscure the sectarian divisions. There has not taken place a genuine reckoning with this history of violence visited upon Alevis. The state and the pro-right actors have denied that the target of violence was Alevis. The word that defines the attitude of the state to the remembrance of these violent episodes has been denial as Cengiz (2011) states that

There are a thousand ways of denial. Forgetting, not to remember, not to commemorate, to blame the provocateurs, to advise understanding the conditions of that past, to represent the incident as a clash, to gloss over, all of these are different ways of denying the past.

The state has not acknowledged that its conduct varying from negligent to directly responsible was unacceptable and has not apologized to the victims of the military campaign in Dersim and the pogroms of 1970s. Most important of all, the sectarian resentment against Alevis especially in the social realm that animated these pogroms has never been acknowledged but obscured. None of these provinces memorialize the victims of these pogroms through a museum, monument, or commemorative plaques. Most important of all, the understanding that the victims endured injustice in these pogroms does not prevail in every sector of the society.

On the other hand, Alevis prioritized the ideological identity over the Alevi identity in 1970s and they also could not recover the memory of these pogroms as part of their own for a very long time. The politically oppressive conditions of 1980 coup, the non-existence of Alevi movement and the accompanying lack of mnemonic capacity such as absence of Alevi organizations prevented the attempts at the remembrance of these painful episodes. This situation changed in late 2000s and Alevi organizations took initiative to commemorate the victims of pogroms.

The failure to establish an inclusive and democratic regime shows itself in the continuing main problem of the non-recognition of the Alevi faith as equal and legitimate. This in turn leads to the non-acknowledgement of past anti-Alevi violence, the persistent lack of accountability for the perpetrators of violence and justice for the victims and continuing discrimination against Alevis in social life.

CHAPTER 4

THE COMPETING NARRATIVES OF THE SIVAS INCIDENT IN THE NATIONAL ASSEMBLY BETWEEN 1993-2015

This chapter focuses on how the political actors in the Türkiye Büyük Millet Meclisi (Turkish Grand National Assembly, hereafter referred to in its Turkish initials, TBMM) frame the Sivas Incident in the period between 1993 and 2015. The exploration of the debates on the Incident allows us to see how different parties and members of the parliament politicize and instrumentalize the issue according to their different interests and ideologies. This chapter explores how the representatives of political parties disputed the main aspects of the Incident, their positions on the issue of judicial process and the issue of memorialization. This chapter shows that political ideologies and partisanship shape the construction of conflicting narratives on the Sivas Incident. In this chapter, I rely on the records of the TBMM between 1993 and 2015 and the report of Inquiry Commission of TBMM. It firstly explores the immediate debates over the Incident in 1993. In the following period, the anniversaries of the Incident, the bills to memorialize the Incident and the developments in the trial process precipitated the coming of the incident on the agenda of the Assembly. As the date of Sivas Incident coincided with the recess period of the Parliament, no commemorative speeches could be made in most of the years.

The exploration of debates over the Sivas Incident in the Assembly brings into focus issues that are problems of Turkish democracy: a very restricted understanding of democracy, a disregard of basic individual liberties and non-recognition of the right of disadvantaged cultural groups to express their identity in

the democratic public realm. The debates show the weakness of the normative appeal of both democracy and civil rights in Turkey. Most of the political actors in the Parliament discussed the issue not as a serious violation of the right to life, free speech, freedom of expression, freedom of assembly and freedom of religion but as an issue of provocation, sensitivity of pious people in Sivas, insults against Islamic values, and secularism as freedom of religion. The right-wing actors especially did not interpret the Incident as an example of a serious failure on the part of the state to protect basic civil rights, most importantly the right to life. In other words, the issue was squeezed into a polarized debate about Islam, secularism, provocation of religious sensibilities and fundamentalism.

The political actors in the Parliament polarized over the issue into right-wing and left-wing ideological groups. When they debated the Sivas Incident in the Assembly three days after the Incident, they put together irreconcilable narratives of the same incident. The parties⁶⁰ of the right wing and left wing in the Assembly have articulated two main competing narratives. The center right DYP and center left SHP⁶¹ which formed the ruling coalition government did not determine a common stance concerning the Incident but took opposing positions in accordance with their

⁶⁰ On the date of the incident, 8 parties were represented in the Assembly. The right wing was composed of the center right Doğru Yol Partisi (True Path Party, DYP), center right Anavatan Partisi (Motherland Party, ANAP) with 115 MPs, Islamist Refah Partisi (Welfare Party, Refah) with 62 MPs, conservative nationalist Great Union Party (BBP). DYP was the largest group in the Assembly with 178 members. The left wing was composed of Sosyal Demokrat Halkçı Parti (Social Democratic Party, SHP) with 88 MPs, Demokratik Sol Parti (Democratic Left Party, DSP) with 7 MPs, and center left Cumhuriyet Halk Partisi (Republican People's Party, CHP). Halkın Emek Partisi (People's Labour Party, HEP) was also represented in the Assembly, and it was pro-Kurdish.

⁶¹ The 1980 military coup closed CHP along with other pre-1980 political parties and banned its leading cadres from politics. The Social Democracy Party (SODEP) was founded as the successor of CHP in 1983. The military on the other hand authorized the foundation of the Halkçı Parti (Populist Parti, HP) as a loyal left-wing party. The two parties merged in 1985 to form the SHP. Deniz Baykal, a prominent member of both pre-1980 CHP and the SHP reopened CHP in 1993. He and his supporters in the Parliament left the SHP and joined in the new CHP. In 1995, the SHP and CHP reunited under the roof of CHP under the leadership of Hikmet Çetin, a former Minister of Foreign Affairs. His brief leadership as caretaker gave way to the leadership of Deniz Baykal which lasted until his resignation amid a scandal in 2010.

ideological stances. These two narratives nearly differ in every aspect of the Incident: the issue of provocation, the role of Aziz Nesin, understanding of freedom of religion and expression, the role of local newspapers, the responsibility of governor and mayor of Sivas, the identity of provocateurs and perpetrators. The exploration of these debates is significant in that it not only illuminates the political actors' framing of what happened in Sivas on July 2 but also their conception of freedom of expression, freedom of religion, secularism and democracy.

The spokespeople of right-wing parties articulated what I name as “provocation narrative”. Their main argument was that the Incident had broken out because of Aziz Nesin’s provocation: his attendance to the festival, speech in Sivas, publication of Satanic Verses and comments about the intelligence level of Turkish nation. They focused on the causes of the Incident rather than its result, the death of 35 people. They avoided mentioning the unpleasant issue of how the victims lost their lives in Sivas. The last phase of the Incident “the setting fire to the hotel” rarely featured in their narrative. They asserted that innocent and pious people had reacted against the trampling of their religious values. In other words, they were engaged in exonerating the mass of demonstrators of any responsibility. They strongly asserted that the incident did not have a sectarian dimension. In other words, it was not sectarian animus, but Aziz Nesin’s denigration of Islam that had motivated the people.

The representatives of center left parties dismissed the publication of Satanic Verses by Aziz Nesin and Nesin’s expression of his ideas about religion as an excuse. Aziz Nesin had not insulted religion and he had just used his freedom of expression, which should be perfectly normal in a democratic regime. They basically perceived the attack as against secularism. They perceive the Incident as a

demonstration of fundamentalist insurrection against secular state which had resulted in a “massacre” of innocent people. The use of the word “massacre” indicate that they perceived what took place as a deliberate and brutal murder of people.

Especially the representatives of the CHP framed the Incident as a fundamentalist revolt of Sharia supporters and claimed that ordinary people had nothing to do with it. The pro-Sharia slogans, bearded men, the stoning of the Statue of Atatürk were all proof of a revolt of fundamentalism (*irtica*). They sidestepped the Alevi Question while discussing issue of secularism. What they criticized was deviation from Kemalist secularism such as the opening of prayer leader and preacher’s schools (*imam hatip okulları*), not the absence of equidistance of state to religious groups in the society. The left wing read the Incident as one that confirmed that secularism was in danger in the face of political Islam.

After the initial debates and the Report of the Inquiry Commission, the issue came on the agenda of the Assembly through developments in the judicial sphere and bills for the memorialization of the Incident. It was the parliamentarians from the SHP-CHP who brought the developments in the judicial process to the agenda of the Assembly. In the second half of 2000s, the parliamentarians from CHP presented various bills for the conversion of Hotel Madımak to a museum. These bills met the stiff opposition of the AK Party. The last part of the Chapter explores the content of these bills and the causes of the rejection of them by the AK Party.

4.1 The contestation over the issue between 1993-2002

All the main political currents in Turkish politics were being represented in the Parliament of 1993. The representation of these diverse political strands in Turkish society from Turkish nationalists to Kurdish politicians to Islamists gives us a

valuable opportunity to take a glimpse of how they interpreted the incident. The center-right DYP and the center-left SHP had formed a coalition government after the October 20, 1991, general elections. However, the right-wing parties had a preponderant majority in the Assembly and their perspective shaped not only the course of debates on Sivas in the Assembly but also the writing of the Assembly Investigation Report.

The Assembly debated the Sivas incidents in a full session on July 6, 1993. The spokespeople of political parties in the Assembly had given motions for the investigation of the incidents. This debate ended with the unanimous resolution of the Assembly for the formation of an investigation commission on Sivas Incident. It invested the Commission with a mandate to write a report about the incident. The commission was composed of 12 members.⁶² While the Speaker wanted a three-month period for the operation of the Commission, the ANAP members instead demanded the Commission work to be completed in 15 days due to the “specialty and difference of the issue.” The chairs of parliamentary groups agreed with this offer and the work of commission was limited to 15 days starting with the election of its chairmanship. The Assembly also granted the Commission to conduct investigation outside Ankara (TBMM Minutes of 123rd Session, 6.7.1993).

The period following the debate on the Inquiry in November 1993 was a period of unstable coalition governments. The Sivas issue was mostly absent from the agenda of the Parliament in this period after the two main debates. Apart from the first two long debates over the Incident and the report Inquiry, there were a few

⁶² In its meeting on July 8, the commission elected Osman Seyfi as its chairman, Nami Çağan as Seyfi’s deputy, Cemal Öztaylan as the representative and Haydar Oymak as its clerk. There were five MPs from DYP (İbrahim Yaşar Dedelek, Mehmet C. Öztaylan, Kadir Bozkurt, Osman Seyfi, İsmail Köse), 3 MPs (Bülent Akarcalı, Münir D. Ölmeztoprak, Fahrettin Kurt) from ANAP, 2 MPs from SHP (Mustafa Kul and Nami Çağan), one MP from CHP (Haydar Oymak) and one MP from Refah (Abdüllatif Şener, Sivas) in the Commission (TBMM Minutes of 123rd Session, 6.7.1993, 103).

sporadic occasions that Sivas came on the agenda of the Assembly until 2002. Kamer Genç⁶³, as the Speaker of the Assembly, condemned the Sivas incidents on its anniversaries a couple of times. This was an exceptional situation, and it is because Kamer Genç was an Alevi parliamentarian from Tunceli. There was no mention of Sivas issue in the Assembly records during the years 2000, 2001 and 2002. Its absence may be due to the loaded agenda of those years: the 1999 earthquake, the 2001 financial crisis, the illness of Prime Minister Ecevit and the resulting crisis of the government.

The absence of the issue from the agenda of the Assembly between 1998 and 2002 is also related to the composition of the Parliament. CHP under the leadership of Deniz Baykal had failed to pass the electoral threshold of ten percent in the 1999 general elections. Alevis have been one of the most stable and loyal constituencies of CHP since early 1970s. After the 1980 coup, they lent their support to SHP, too. For instance, Arif Sağ who survived the fire in the hotel, had been a member of Parliament from the SHP. CHP has not won the support of Alevis thanks to its recognition-based policies. On the contrary, it has been very timid in clearly making the rights of Alevis as part of its platform. However, its secular stance has been a lifeline for them in the face of right-wing parties which catered to impulses of conservative constituencies. CHP has also seen Alevis who has a tolerant religious outlook as a natural support base for secular regime.

⁶³ Kamer Genç, a native of Tunceli, was elected to the Parliament from the SHP list in 1987. He later joined the center right DYP and became the vice-president of the National Assembly. He returned to the Parliament in the 2007 general elections as an independent from Tunceli.

4.2 Freedom of expression versus freedom of religion: the issue of Aziz Nesin's participation in the festival

Aziz Nesin's attendance and speech in the festival is the most controversial part of the Sivas incidents. Aziz Nesin attended the festival as the invitee of the *Pir Sultan Abdal Kültür Derneği* (The Culture Association of Pir Sultan Abdal, PSAKD) and made the opening speech of the festival. The spokespeople of right-wing parties attributed the responsibility of the incidents to the incitement of Aziz Nesin. In the conservative framing of narrative, he is the main culprit and all else is just a footnote to the incidents, including the death of 35 persons. The demonstrators enraged against blasphemy of Aziz Nesin had thronged the streets spontaneously. During the debates in the parliament, they acted like a defense attorney who tries to exonerate the demonstrators involved in the incidents. They relentlessly tried to prove that Aziz Nesin provoked people through his publication of Salman Rushdie's controversial *Satanic Verses* in *Aydınlık* Newspaper, his remarks about the validity of the teachings of Quran after 1500 years, the cowardice of Muslims in his speech in Sivas and his previous remarks about the intelligence level of Turkish nation. This "intense provocation" in Emiroğlu's (ANAP) words led to the break-out of incidents. They made selective quotations of the speech of Aziz Nesin to form a narrative that he insulted Islam.

The most severe vice of Nesin was his translation and publication of the *Satanic Verses*, the controversial book of Salman Rushdie in 1993. While Köse (DYP) claimed that he did not want to establish a connection between the murder of 36 persons and the publication of the book, he still underlined that a sound analysis of incident could not be done by ignoring this issue. He argued that a correct understanding of what happened in Sivas required taking into consideration this

factor as he stated that “sidestepping this factor, no one has a right to sentence citizens of Sivas and accuse those modest, blessed people especially because of their religious thoughts” (TBMM Minutes of 123rd session, 6.7.1993, p. 81).⁶⁴ In other words, the provocation of Nesin clears the local people of any wrongdoing.

While none of the parliamentarians claimed that they read the book of Rushdie, the spokespeople of right-wing parties such as Köse⁶⁵ (DYP), Abdüllatif Şener⁶⁶ questioned the scientific and literary qualities of the book. They did not bring up the fact that this was a novel, a work of fiction so that it does not have any scientific pretensions. According to spokespeople of right-wing parties, Nesin had ignored and insulted the sensitivities of Muslims by publishing an “illogical opus about Quran” of a “despicable person” in Köse’s (DYP) words. In their view, the book had degraded the Quran, which “debates of thousands of years failed to prove that it has any flaws” (TBMM Minutes of 123rd session, 6.7.1993, 81). While Şener (Refah) claimed that Refah Party was the most ardent supporter of freedom of thought and expression, he underlined that they did not interpret this freedom as giving someone the right to insult other people (TBMM Minutes of 123rd session, 6.7.1993). In other words, since it was a book that insulted the faith of Muslims, it could not be evaluated as part of freedom of expression. Such an understanding clearly contradicts with the requirement of liberal democracy that basic civil rights determine the dictates of democratic rule (Donnelly, 2013).

⁶⁴ ‘Bu faktörü bir tarafa iterek, yalnız Sivaslı vatandaşlarımızı mahkûm etmeye, onların, özellikle dinî dinî düşüncelerinden dolayı o sade, mübarek insanları burada suçlamaya da kimsenin hakkı yoktur.’

⁶⁵ İsmail Köse was elected to the Parliament from the DYP Party list in 1987. He represented Erzurum province in the Parliament from 1987 to 1999.

⁶⁶ Abdüllatif Şener, a native of Sivas, was elected to the Parliament from the Refah party list in 1991. He became the Minister of Economy in the Refahyol government in 1996. He was one of the founders of the AK Party. He assumed the post of vice premier and minister of state in the AK Party governments until the 2007 general elections. He then left the AK Party due to disagreements. He was elected to the Parliament from the CHP party list in 2018.

The spokespeople of right-wing parties did not pay attention to why Nesin did want to publish the book. Among them only Şener explained Nesin's attempt to publish the book with his getting mired in emotional trouble because his name had faded into oblivion and the circulation of his magazine fell short of expectations. Thus, he had decided to publish *Satanic Verses* to come on the agenda again (TBMM Minutes of 123rd session, 6.7.1993). He suggested that the book had to be banned as some Western countries did. He reminded of deadly disturbances in Bangladesh and Pakistan five years ago created by the publication of the book. Şener noted that the pirated publication of the book by Aziz Nesin caused disturbances in other provinces and lawsuits had been brought against him. In contrast to the Western states, which did not allow the publication of the book, Aziz Nesin could publish this book, which offended and ridiculed a 99 % Muslim nation. They also accused Nesin of publishing the book without the permission of Rushdie. Şener claimed that Salman Rushdie was also discontented that Nesin infringed the copyright of his book and exploited it for his own political interests (TBMM Minutes of 123rd session, 6.7.1993, 72).⁶⁷

The spokespeople of right-wing parties also expressed their difficulty in understanding why the organizers of festival had invited Aziz Nesin, an atheist writer to a festival about Pir Sultan Abdal. For instance, Yazıcıoğlu questioned this invitation in that Nesin did not have any knowledge about Pir Sultan Abdal (TBMM Minutes of 123rd session, 6.7.1993, p. 94). Emiroğlu (ANAP) reproached the Minister of Culture for enabling regular provocateurs spoil the festival of Pir Sultan Abdal who “belonged to people with his beautiful poems”. He argued that even Pir

⁶⁷ Aziz Nesin had started to publish parts of ‘*Satanic Verses*’ in his newspaper *Aydınlık* on May 27, 1993. According to Murat Belge, a Turkish author, Rushdie was furious at Aziz Nesin for both publishing the book without permission and poor translation. Belge states that Rushdie would open a lawsuit against Nesin but he had written a letter to Rushdie that Nesin's intention was benign. Rushdie then gave up pursuing the matter legally (“Yaşlı bir komünistin son dakika telaşı,” 2012).

Sultan Abdal would himself confront with these people who have nothing to do with him and exploit his name (TBMM Minutes of 123rd session, 6.7.1993, p. 68).

Although the spokespeople of right-wing parties did not openly mention it not to implicate Alevis, their speeches implied that the hosts of the festival were responsible for bringing Nesin to Sivas. They had laid the ground for Nesin to utter his infamous opinions about Islam and Turkish nation. In other words, they did not pay attention to the sensibilities of the majority just like Nesin.

In dwelling on the alleged provocations of Aziz Nesin, the conservative spokespeople discussed issues of freedom of expression, freedom of religion and blasphemy. They maintained that they supported freedom of expression but asserted that this freedom cannot be used to insult religious beliefs. In their opinion, the freedom of expression ends when it violates the border of freedom of religion. In other words, unless one is engaged in blasphemy, one is free to exercise his/her freedom of expression. They also legitimate freedom of expression not as a necessity of democracy but of religion. For instance, Emiroğlu stated that it was Islam, the high religion, itself that commands toleration. While there is no compulsion in Islam, he added the crucial caveat that everyone must respect the freedom of religion and thought (TBMM Minutes of 123rd session, 6.7.1993, p. 67).

The spokespeople of right-wing parties also drew the boundaries of toleration. For instance, Emiroğlu (ANAP) argued that toleration does not mean that a person can defile freedom of religion travelling from city to city under the veneer of freedom of thought in a society with a 99,5 % Muslim population.⁶⁸ The condition of enjoying freedom of expression is respecting the religious freedom of the other

⁶⁸ He stated that ‘Yüzde 99,5’u Müslüman olan bir toplumda bir kişinin çıkıp şehir şehir dolaşıp düşünce hürriyeti kılıfına sığınarak, karşısındakinin dini özgürlüğüne tecavüz etmesi mümkün değildir’ (TBMM Minutes of 123rd session, 6.7.1993, p. 67).

and not offending others with anti-Islam remarks. The freedom of expression of a person comes to an end when it tramples on the religious freedom of the other. When Emiroğlu asked the Assembly what would happen if one transgressed this boundary, the benches of DYP responded that “This happens”. Faced with such a blunt reply, Emiroğlu repeated his question himself and stated that offending religion does not deserve the punishment of death. He stated that the laws enacted by the previous ANAP government to punish those who swear the religion, and the God were enough to deal with them (TBMM Minutes of 123rd session, 6.7.1993, pp. 67-68).

The representatives of DYP, ANAP and Refah are not clear about who will draw the boundaries of Islamic sensibilities. Their arguments imply that respect for Islamic sensibilities determines the boundaries of freedom of expression. They do not invoke the constitutional framework of secularism which does not establish any state religion. The constitution also does not stipulate that criticism of religion is not included under the scope of freedom of expression and that certain opinions cannot be articulated in certain parts of the country. The right-wing spokespeople never state that the speech of Aziz Nesin in Sivas was a closed-hall speech. There was no obligation to attend it. If there is freedom of expression in a democracy, then it should be perfectly normal for an atheist writer to question ageless perfection of Quran. Non-Muslims do not have to profess that Quran is an unblemished book. They did not bring a clear explanation about why the refusal of Aziz Nesin to be identified as Muslim insulted Islamic sensibilities.

What Nesin did was expressing his belief that thoughts or systems of thought developed hundreds of years ago can wear out. He questioned dogmas and stated that there could not be ageless beliefs. What he called for was a renewal and a reconsideration of thought system of Pir Sultan Abdal who hailed from the 16th

century. His speech criticized Alevilik from this perspective.⁶⁹ Moreover, there is the question of whether insults to religious feelings justify murder. The spokespeople of right-wing parties claimed not to justify it, but the logical progression of their arguments makes it hard to reach such a conclusion.

On the other hand, the representatives of left-wing parties challenged the idea that Sivas incidents was principally a reaction against the provocations of Aziz Nesin. For instance, Ercan Karakaş (SHP) dismissed the claim that it was Nesin's attendance to the festival that caused the break-out of the incidents. He perceived the speech of Nesin in terms of his right to freedom of expression. He emphasized that there is freedom of expression in a democracy and this right does not depend on the agreement of others. In Karakaş's opinion, a real democracy required tolerating the expression of an opinion different from one's own ideas (TBMM Minutes of 123rd session, 6.7.1993). Kamer Genç (DYP) also countered the focus on Nesin's speech and role in previous speeches by calling on the Assembly to be respectful of faiths. He reminded the Assembly that though an atheist, Nesin had also told in his speech that his mother and father were Muslims. Genç questioned how such a speech can give the right to burning down 35 persons (TBMM Minutes of 123rd session, 6.7.1993, p. 90).

The report of the Inquiry Commission of the TBMM also attributed the incidents to the presence of Aziz Nesin. While it used a more restrained language

⁶⁹ Nesin stated that 'I do not support the constant remaining in force today of any ideas, words that were expressed 400 years ago regardless of the truth they hold. The same holds for Mevlana of 700 or 750 years ago. There are of course ageless statements in them, but that philosophy cannot be implemented in its original shape in today's conditions. It is for that reason I am not a Muslim. Otherwise, there are good statements in Quran too. But I believe that the words of 1300-1400 years ago will ultimately age regardless of who articulates them. Worn out...' ('Ben genelde, 400 yıl önceki -ne olursa olsun, en doğru sözler olsun- bugün aynen onların yürürlükte kalmasından yana değilim. 700 yıl önce, 750 yıl önceki Mevlâna da öyle. Tabii bunların içinde ölümsüz değerde sözler vardır elbet. Ama (sic) o felsefe bütünüyle bugüne ait uygulanamaz ve o yüzden ben Müslüman değilim. Yoksa Kuran'da da güzel sözler var. Ama 1300-1400 yıl önceki sözlerin kimin sözleri olursa olsun eskiyeceğine inanıyorum. Eskimiştir...') (Aşut, 1994, pp. 309-310).

regarding Aziz Nesin, it still tried to prove that if Nesin was not there, these incidents would not take place. The report argues that if Nesin was not in Sivas and went to the Lake of Zara as planned, the Incident would probably not take place. Some of the people they interviewed in Sivas claimed that the target was Nesin. The Report notes that the governor was concerned when he learnt that Nesin gave up his plan of going to Zara but stayed in the city. It also notes the testimony of Cevat Geray that the demonstrators passed by the hotel until they learnt that Nesin was there. The crowd around the hotel started to form when they got news of Nesin's whereabouts. It concludes that the constant slogans against Nesin and the direction of anger towards the governorate once Nesin is saved from the hotel again confirm this (TBMM Minutes, 28th Session 16.11.1993).

The report concludes by invoking the Articles 25 and 26 of the 1982 constitution which guarantees the freedom of thought and expression. However, unlike the constitution, the report stipulates a limitation that this freedom could not be exploited to insult ideas and beliefs of others (TBMM Minutes, 28th Session 16.11.1993, p. 24).⁷⁰ This implies that Aziz Nesin misused this freedom guaranteed by the Constitution.

4.3 The issue of Alevi-Sunni conflict

The Sivas Incident took place during an Alevi festival commemorating an Alevi saint-poet who rebelled against the Ottoman state in the 16th century. Most of the attendees and victims were also prominent members of Alevi community. This inevitably makes the sectarian issue an important dimension of the Incident. The representatives of right-wing parties vehemently denied that the Incident broke out

⁷⁰ It states that ‘‘Düşünce ve kanaat hürriyetinin de hiçbir kimseye başkalarının fikir ve inançlarına hakaret etme şeklinde kullanılamayacağı açıktır.’’

because of Alevi-Sunni conflict. While they were sure that Sivas was not a sectarian conflict, they pointed out the danger that there could be those such as Devyol, a revolutionary leftist organization, which may aim to exploit the issue. They claimed that the aim of the provocation was to cause antagonism between Alevis and Sunnis as in efforts to create difference between Turks and Kurds.⁷¹ For instance, Köse (DYP) claimed that “if it was a sectarian conflict, then it would be impossible for security forces to control it” (TBMM Minutes of 123rd session, 6.7.1993, p. 84).⁷² Although they stated that it is not a sectarian conflict, what they wanted to prove was that this was not a sectarian attack of Sunnis against Alevis in Sivas. They thus warned Alevis not to be deceived by these exploiters and remember that they are “true owners of this land”.

The spokespeople of right-wing parties tried to prove that they knew Alevis and there were no problems between Alevis and Sunnis so that they underpinned their thesis that the whole issue was about Aziz Nesin who had nothing to do with Alevis. For instance, Köse (DYP) shared his knowledge about Alevis based on his familiarity with them while he was the district governor of Hafik. He argued that though Alevis, who are Muslims and mostly Turkish, were staunchly loyal to the country, they were susceptible to manipulation of “old comrades”. Disenchanted after the collapse of communism, they were trying to exploit “our Muslim Turkish citizens, Alevi citizens” (TBMM Minutes of 123rd session, 6.7.1993, p. 81).⁷³ Muhsin Yazıcıoğlu⁷⁴ (BBP) also denied the existence of a sectarian conflict. He

⁷¹ In this period, a low intensity war was raging between Turkey and PKK, a terror organization in the southeast of the country.

⁷² ‘Eğer, orada olay, Alevî-Sünnî meselesi olsaydı, oradaki mevcut güvenlik kuvvetleri onun üstesinden gelemezdi.’

⁷³ ‘Eski Tüfekler’ denotes those who adhered to communist ideology before the collapse of the Soviet Union.

⁷⁴ Muhsin Yazıcıoğlu, a native of Sivas, was the head of the Hearths of Greywolf’s before the 1980 coup. He was elected to the Parliament from the alliance list of the Refah Party, the MÇP (Nationalist Work Party) and Reformist Party. Türkeş ousted him and his supporters from the MÇP (later renamed

warned against ‘‘old comrades’’ who can exploit the incidents to drag people into a ‘whirlwind of terror’ as they ideologically exploited them in the past (TBMM Minutes of 123rd session, 6.7.1993).⁷⁵ He alluded to the ideological conflict of 1970s. In Yazıcıoğlu’s mind, it is not normal or legitimate that Alevis consciously support an ideology, but they were involved in left-wing cause because of exploitation. In other words, these comrades deceived Alevis as they were deceived in the 16th century by the Shah, too.⁷⁶

On the other hand, while Demir (HEP) perceived that the aim of the incidents was to create conflict between Alevis and Sunnis, what differentiated Demir’s approach from both the right and the left is that he saw a continuity to the persecution of Alevis by state. The Republican state was also not much different from its predecessor. His account did not imply that there is sectarian conflict in which Alevis and Sunnis attack each other. On the contrary, the examples he gave witnessed to a long history of persecution of Alevis by the state. He reminded the long line of persecutors from Hızır Pasha who executed Pir Sultan Abdal to Kuyucu Murat Pasha. This account caused fury among Refah members as they accused Demir of ‘provocation’ for talking about issues that took place hundreds of years ago. This exchange between Demir and MPs of Refah revealed their uneasiness about this historical record (TBMM Minutes of 123rd Session, 6.7.1993, pp. 40-41).

MHP) in 1992. He founded the BBP (Great Union Party) in 1993 and became the president of the party.

⁷⁵ Yazıcıoğlu stated that ‘There is not Alevi-Sunni issue in Turkey. There is no problem between Alevi citizens and Sunni citizens. As in the past when our Alevi citizens who were aimed to be exploited because of ideological reasons were dragged into incidents, now there is the danger of some old communists forming a whirlwind of terror through the exploitation of this incident’ (Türkiye’de bir Alevî-Sünnî meselesi yoktur. Türkiye’de Alevî vatandaşlarımızla Sünnî vatandaşlarımız arasında hiçbir mesele yoktur. Geçmişte, İdeolojik sebeplerle istismar edilmek istenen Alevî vatandaşlarımız olayın içine nasıl çekildiye, şimdi, birtakım eski tüfeklerin bu olayı istismar ederek yeniden terör girdabına çekme tehlikesi vardır.). (TBMM Minutes of 123rd session, 6.7.1993)

⁷⁶ A document distributed in Sivas in the aftermath of the 1978 Pogrom warned Alevis not to support the left as they did Shah in the 16th century (Bozkurt, 2006).

In a similar vein, Kamer Genç (SHP) identified two dimensions of the Incident. The perpetrators not only aimed at the destruction of the Republic and foundation of a regime based on Sharia, but also set a conspiracy against Alevis. Genç reasoned that if it was not against Alevis, they would not be enraged at and destroy the statue of Bards. In other words, anti-Alevi resentment also played an important role in motivating the perpetrators. He argued that such kinds of violent acts against Alevis are committed because of lack of knowledge about Alevilik. In other words, the lack of knowledge about Alevilik caused people to perceive Alevis as unbelievers and see it legitimate to kill Alevis. It is due to this belief that Genç called on the state to explain “what is Alevilik”. He criticized that the Diyanet (The Directorate of Religious Affairs) for serving only Sunnis and not enlightening the society about Alevilik even though it operates thanks to the taxes collected from both Alevis and Sunnis. To convey the issue of discrimination that Alevis face, Genç (SHP) reminded the Assembly that it was Alevi holy month, Muharrem and Alevis numbering 15 to 20 million fasted during Muharram. However, he pointed out that the state channel does not broadcast any program about Alevilik while it broadcasts programs during the Ramadan. Genç also reminded the Assembly the ‘mumsöndü’ accusations levelled against Alevis by Muslim preachers (TBMM Minutes of 123rd Session, 6.7.1993, p. 90). In short, Genç perceived widespread anti-Alevi prejudices in society as the cause of violence inflicted on Alevis.

While the spokespeople of right-wing parties made Aziz Nesin the chief villain of the narrative, they also incriminated the organizers of the festival for their decisions. Şener (Refah) stated that the relocation of the festival from Banaz to Sivas, the invitees and the length of the program had given the local people the impression that the festival would be used as a show

of force by a political ideology. Şener reminded Nesin's statement during his opening speech that he was not an expert on Pir Sultan Abdal. According to Şener, the invitation of Nesin, despite his lack of knowledge about Pir Sultan Abdal to the festival had strengthened this impression of the public opinion (TBMM Minutes of 123rd Session, 6.7.1993, p. 70). This shows that there was reaction against the festival itself apart from the participation of Nesin. The main 'provocation' among these was the decision to hold festival in city center.

4.3.1 The relocation of the festival to the city of Sivas and the sensitivity of Sivas

In 1993, the PSAKD had decided to hold the festival in the city center rather than Banaz. The spokespeople of right-wing parties perceive this decision as one of the factors that contributed to provoking people. They all underline that they respect Pir Sultan Abdal, but it is wrong to hold a festival in a sensitive province like Sivas. They do not openly explain why Sivas was a sensitive place. They invoked previous violent incidents such as the 1978 Incidents to prove Sivas' sensitivity. Köse (DYP) was the most outspoken one in this respect. While he claimed that they all respected Pir Sultan Abdal, he questioned the reasoning behind the relocation of the festival to the city center since they all knew the ethnic and sectarian structure of Turkey. He stated that there was an uneasy peace between communities in Sivas due to its ethnic and sectarian structure. Moreover, Sivas was a province where "bloody incidents" took place before 1980. According to Köse, Sivas is a "province with a sensitive structure", because the two communities live separately from each other. The districts are side by side, but people shop from separate markets in those districts. He

added that increasing toleration led to mutual shopping but there was still no full integration (TBMM Minutes of 123rd Session, 6.7.1993, p. 86).

The spokespeople of right-wing parties implied that the festival participants had ignored this sensitive structure at their peril and ‘stirred up a hornet’s nest’ in Yazıcıoğlu’s (BBP) words (TBMM Minutes of 123rd Session, 6.7.1993, 94). Şener (Refah) also revealed that the reaction of protesters was more than about Aziz Nesin as he put it “this was conceived as a show of force of certain ideology” (TBMM Minutes of 123rd Session, 6.7.1993, p. 70). They did not openly accuse the PSAKD for this decision but generally attribute the responsibility to the Ministry of Culture and the local administration for allowing and abetting it. On the other hand, the left did not interpret this decision as a provocation. They emphasized that this was a festival hold with the official permission of the Ministry and the governorate. Genç (SHP) criticized the assertion that the holding of festival in city center had led to the Incident as he stated that “Pir Sultan Abdal is a great poet. You cannot restrict him to a village. You all use his words in your electoral campaigns” (TBMM Minutes of 123rd Session, 6.7.1993, p. 92).⁷⁷ The Inquiry report of the TBMM also perceived this relocation as one of the factors that led to the break-out of the incidents (TBMM Minutes, 28th Session 16.11.1993).

4.3.2 The destruction of Statue of Bards

As part of the festival, the governorate had erected a Statue of Bards in the city center. The statue became a focal point of tension and the target of protests during the Incidents. It was offered to the governor to dismantle the statue to assuage the demonstrators during the Incident. It was expected that demonstrators would disperse

⁷⁷ ‘Pir Sultan büyük ozan, köye mahkum edemezsiniz. Hepiniz, seçim propagandalarında, onun sözü olan ‘Gelin canlar bir olalım’ diyorsunuz, kullanıyorsunuz.’

seeing that one of their demands were met. Doğukan Öner, the police chief, decided to display the dismantled statue close to hotel for demonstrators to see it. However, rather than calming down the mob, this act made them get out of control. They smashed the statue and burnt it. There were even those who bit it out of anger (Kaleli, 1995).

The spokespeople of right-wing parties did not make any negative comments about Pir Sultan Abdal in the Assembly. Yazıcıoğlu and Köse praised Pir Sultan Abdal as a ‘national poet’, ‘courageous Turcoman poet’ (TBMM Minutes of 123rd Session, 6.7.1993, p. 81). They were silent about why the demonstrators were so much outraged at the statue of the ‘national poet’. They implied that the Ministry of Culture had done a reckless job by erecting the statue in a sensitive place like Sivas. In response to these criticisms, Fikri Sağlar, the Minister of Culture, defended himself that the Ministry had commissioned the Statue of Bards in response to the written request of the provincial administration on April 12, 1993. He emphasized that this was not an unusual act for the Ministry since it responded favorably to similar requests in other provinces. In short, Sağlar tried to deflect criticism of the Ministry by attributing the blame to the governorate (TBMM Minutes of 123rd Session, 6.7.1993, p. 101).

The report of the Inquiry Commission acknowledged that the demonstrators had perceived the Statue of Bards as the statue of Pir Sultan Abdal and they had chanted slogans against the statue (TBMM Minutes, 28th Session 16.11.1993). It does not also explain why the demonstrators took offense against the statue perceived as the statue of Pir Sultan Abdal. It does avoid from stating that the demonstrators reacted against the representation of an Alevi symbol in the city center. The report is not clear about who proposed to the governor that the removal

of the statue would calm down the demonstrators. According to the report, the police chief ordered the statue to be brought in front of the hotel hoping that the demonstrators would end their protests seeing that their demand had been met. As the report stated, it caused the crowd to go out of control and surpass the barricade put by the police rather than calming the crowd. The report concluded that the dismantling of the statute had contributed to the violent turn of events (TBMM Minutes, 28th Session 16.11.1993).

In his dissent to the report of the Inquiry Commission, Kul states that the right-wing parties omit the anti-Pir Sultan Abdal publications of the local newspapers. While they described Pir Sultan Abdal as a Turcoman poet or national poet, the local newspapers label Pir Sultan Abdal anarchist, terrorist, agent of Iran. They slam the governor for allowing such an activity in the name of Pir Sultan Abdal. They claim that the governor violates the principle of continuity in the state administration. In other words, Karabilgin contradicts with his predecessor, Hızır Pasha. They are critical of the official commemoration of a person who is executed for sedition against the state (TBMM Minutes, 28th Session 16.11.1993).

4.3.3 The leaflets

The leaflets distributed by unknown persons on the eve of the festival throughout the city form another important dimension of the Sivas Incident. They condemned the publication of Satanic Verses by Aziz Nesin. The representatives of both right-wing and left-wing parties referred to the leaflets distributed in the city. However, while spokespeople of right-wing parties chose to sidestep them, only secularist representatives such as Karakaş (SHP) read some excerpts from these pamphlets and pointed out their role in provoking masses. He underlined that the pamphlets openly

called on believers to resort to violence to protect their religion and prophet from being humiliated (TBMM Minutes of 123rd Session, 6.7.1993). They avoided from speaking about the content of these pamphlets. They did not raise any questions over who wrote or distributed these pamphlets throughout the city. Muhsin Yazıcıoğlu (BBP) claimed that the pamphlets provoked people “at one point” without talking about their content (TBMM Minutes of 123rd Session, 6.7.1993). In other words, the role of pamphlets was negligible compared to the role of Aziz Nesin.

The report of the Inquiry Commission also does not say anything about the content of these pamphlets. According to the Report, the governor had news of these leaflets a day before the incident. However, both the police and intelligence services did not have any information about who wrote these pamphlets, and their investigation had not yielded any satisfactory results (TBMM Minutes, 28th Session 16.11.1993).

4.3.4 The local newspapers

Another issue that the spokespeople of right-wing parties and secularist diverged on is the publications of local newspapers. The spokespeople of left-wing parties claimed that the local newspapers had incited people. The titles such as ‘Snail is not sold in Muslim neighborhood’⁷⁸ had provoked people against the festival. On the other hand, Şener (Refah) and Emiroğlu (ANAP) ruled out that local newspapers had incited people against the festival participants. According to Şener, the newspapers, on the contrary, aware of the sensitivity of Sivas and the incidents of 1978, warned people that incidents could break out so that they take care not to be moved by

⁷⁸ The headline of the local newspaper ‘Bizim Sivas’ read ‘Snail is sold in the Muslim neighborhood’ and the headline of Hakikat read ‘Snail in the Muslim Neighborhood’ invoking the common proverb that ‘Müslüman mahallesinde salyangoz satılmaz’ (Kaleli, 1994, p. 88).

provocations and called upon administrators to be careful-vigilant. Şener quoted the title of a local newspaper “Be careful, people of Sivas” (TBMM Minutes of 123rd Session, 6.7.1993, 71). However, they selectively did omit the content of newspapers that was interpreted as provocative by secular and Alevi groups.

4.4 The Sivas Incident as a fundamentalist revolt

The representatives of left-wing parties, such as Özdiş (CHP) and Hacaloğlu (CHP) framed Sivas incidents as a premediated revolt of fundamentalists against the Secular Republic. Haydar Oymak (CHP) likened it to past fundamentalist riots such as Menemen (TBMM Minutes of 28th Session, 16.11.1993, p. 392). They based their assertion that this was a revolt of fundamentalists on two aspects of the incidents: the slogans such as “the Republic was founded here and will be destroyed here” shouted by demonstrators and the dismantling of the Statue of Atatürk.

In their account, Sivas is not a spontaneous incident that resulted from ordinary people taking to streets in reaction to provocations of Aziz Nesin or PSA Festival. According to Özdiş, the fundamentalists planned the incidents “at least one week before the incident” and realized it in the spectatorship of the security forces. The festival presented an opportunity to the fundamentalists to stage their bloody act of fundamentalism. He accused the fundamentalist ideology of the destruction of the Statues of Bards and Atatürk through the manipulation of poor, ordinary people. He accused 300-400 organized Islamist militants for starting the attack so that he spared the “ordinary people” of Sivas from involvement in the incidents. He claimed that bearded men had chanted ‘Burn’ in response to screams of women caught in fire in the hotel. The inaction of security forces had turned this fundamentalist group into a crowd. He asserted that it was Sharia that emerged in the streets of Sivas on that day

and state surrendered itself to Sharia (TBMM Minutes of 123rd Session, 6.7.1993, 75-76). In short, in this secularist narrative, they had revolted to institute Sharia on that day.

The policies of September 12 regime also featured in the secularist narrative. They accuse the religious policies introduced after the coup of paving the way towards Sivas Incident. For instance, Özdiş accused the September 12 regime of Kenan Evren and the following right-wing governments of Özal and Demirel for creating and strengthening the “deplorable group” who thronged the streets of Sivas with yells of “We want Sharia”. He claimed that their concessions from secularism had helped grow fundamentalism. The most important concession was diluting the Law of Unification of Education by allowing the opening of religious schools and Quran courses. Moreover, these governments had been silent over the fundamentalist infiltration of the state administration for a long time. The left was accusatory of state for tolerating and not supervising the educational facilities of these groups such as dorms which were functioning to inculcate the dogmas of Sharia in students. Moreover, they pointed out that even some mosques were serving as bases for radical Islamists to mount attacks against secular Republic and Atatürk. The solution Özdiş proposed was the restoration of the unity of education. He also alluded to principle of Islam that Islam never commands the killing of any human by fire to defending his position against spokespeople of right-wing parties (TBMM Minutes of 123rd Session, 6.7.1993, 76-78).

4.4.1 The stoning of Statue of Atatürk

Another controversial part of what happened on July 2 is the fate of Statue of Atatürk in front of the Sivas Congress Museum. It became subject of divergence in the

Assembly between the right and left. The statue of Atatürk was not at its plinth when the incidents subsided on the night of July 2. The spokespeople of right-wing parties claimed that the demonstrators did not harm the statue and it was removed by the officials of the museum. On the other hand, the members of the left-wing parties claimed that the fundamentalists stoned and toppled it. Özdiş claimed that when the government conceded to the demand of fundamentalists for the dismantling of the Statute of Poets, this emboldened the demonstrators to destroy the statue of Atatürk (TBMM Minutes of 123rd Session, 6.7.1993). This attack was confirming their belief that Sivas represented an insurrection against secular regime. Karakaş stated that the stoning of statute of Atatürk who is the symbol of the Republic proved that this is also an attack against the secular republic (TBMM Minutes of 123rd Session, 6.7.1993). Hacaloğlu interpreted the destruction of the statute of Atatürk as a demonstration of their aspiration of the destruction of the Republic. The representatives of CHP and SHP claimed that the report of the museum which stated that the statute came down after the demonstrators were dispersed was so arranged to cast doubt about what happened to the statue (TBMM Minutes of 28th Session, 16.11.1993, 23).

This claim stood in stark contrast to the thesis of the spokespeople of right-wing parties that the incidents had broken out in response to the provocations of Nesin. They contested this account to uphold their narrative. For instance, Şener claimed that the statute of Atatürk was neither stoned nor broken. He claimed that the photos that they had showed that the officers of the museum had carried it to the High School of Congress after the curfew was put in place (TBMM Minutes of 123rd Session, 6.7.1993). The Inquiry Commission also states that there was no solid

information about who dismantled the statue and when (TBMM Minutes, 28th Session 16.11.1993).

During the debates on the report in the Assembly, Şener gave further information about the fate of statue and reiterated his position that the demonstrators had nothing to do with the toppling of the statue since they had returned to their home after the intervention of security forces. Moreover, he argued that, so if the demonstrators caused the statue which weighed around 200 kgs fall, then it would smash its plinth or harm flowers around it. However, there was no sign of it there. Şener claimed that the statue had been removed to depict the incidents as against Atatürk and secular regime (TBMM Minutes of 28th Session, 16.11.1993, 389).

4.5 The issue of accountability: The central government, security forces and the local administration

In April 1993, President Özal died and the Assembly elected Prime Minister Demirel as the new president. Tansu Çiller, the minister of Economy, replaced Demirel as the leader of the DYP. She formed a new coalition government with the SHP a few days before the Sivas Incident. The vote of confidence for the new government had not even taken place. The Assembly debates indicate that the spokespeople of right-wing parties of both government and opposition did not take much issue with the accountability of the central government. They did not perceive the state mechanism as responsible for the incidents but attributed responsibility only to the negligence and weaknesses to local administration, particularly the governor. They avoided from implying that the state had acted as a spectator in the face of incidents.

The spokespeople of right-wing parties did not refer to any remarks of Demirel or Çiller during the incidents. Even the members of the conservative parties

in opposition refrained from criticizing the Prime Minister Çiller, the Interior Minister Gazioglu and President Demirel. On the contrary, Köse defended the Interior Minister of his party in the coalition government and praised him for putting incidents under control after the fire. Concerning the accountability of the coalition government, the SHP called on the Interior Minister to assume political responsibility and resign. Karakaş underlined that it was the Minister who presided over the course of incident and thus he had to resign (TBMM Minutes of 123rd Session, 6.7.1993, pp. 59-60). In response, DYP, the other party of the coalition threatened that in that case they would demand the resignation of Fikri Sağlar, the Minister of Culture (TBMM Minutes of 123rd Session, 6.7.1993). They also didn't find fault with the conduct of the military in Sivas. For instance, Yazıcıoğlu credited the restrained manner of the police with preventing the aggravation of the situation.

On the other hand, the spokespeople of left-wing parties held the state mechanism responsible for what happened. They did not focus on the role of provincial administration but emphasized the responsibility of the central government which acted as a spectator and accommodated the mob. They invoked the revelation of Gazioglu (DYP), the Interior Minister, that the state had acted to ensure not to pit the security forces against the people. In other words, its efforts during the crisis did not focus on saving people from the hotel but working towards preventing a clash between the mob and security forces. They perceived that what was at issue here was not just simple negligence of the central government, but a 'willful blindness' in Hacaloğlu's (CHP) words (TBMM Minutes of 123rd Session, 6.7.1993, p. 88).

They accused the coalition government of appeasing the mob through concessions rather than confronting it if necessary, through use of force. The

dismantling of the statue that the government itself commissioned was a crucial concession that emboldened the mob. The proof of state's accommodation of the mob was that the mob had rampaged through the three barriers of security in front of the hotel without any resistance from security forces. It had effectively "surrendered Sivas to fundamentalists for 12 hours" in the words of Özdiş (CHP). If the state had approached with the same sensitivity to those stranded in the hotel, then they would not lose their lives in the fire. Özdiş criticized the inability or inaction of all the state structure in stopping a murder "that is almost live broadcast". In short, it was state's acquiescence to the murder that turned a festival into a massacre (TBMM Minutes of 123rd Session, 6.7.1993, pp. 75-76).

In contrast to the silence of the right-wing spokespeople over the role of military, the spokespeople of the CHP brought up the issue of how the military acted during the incidents. They reminded the Assembly that there was ample time that the additional forces from surrounding provinces could reach Sivas. Even though there were 6 thousand soldiers in the garrison, the military could not prevent the incidents (TBMM Minutes of 123rd Session, 6.7.1993, p. 88). Hacaloğlu (CHP) invoked the official report of the governorate about the course of the incident to underline the inaction of the military. While the governor called the commander at 14.15 and asked him for the sending of more forces, he declined the request. At 14.30, he had informed the minister and PM about the incidents. The chief of Staff only called the governor at 19.10. The Chief of Staff Doğan Güreş's promise of help, had not prevented the fire take place at 19.45. This account led him to agree with Cevat Geray, who stated that "the state did not have determination to save us but if it is talked about any determination then it is a determination to abandon us to death"⁷⁹

⁷⁹ 'Cevat Geray'ın deyişiyle 'devletin bizi kurtarma kararlılığı yoktu; tam tersine bir kararlıktan bahsedilecekse bizi ölüme terk etme kararlılığıydı'.

(TBMM Minutes of 123rd Session, 6.7.1993, 88). According to Hacaloğlu, if the security forces dealt with the bullies by firing above their heads, then these deaths would not take place (TBMM Minutes of 123rd Session, 6.7.1993). Muzaffer Demir also emphasized if the military willed to stop incidents, it had 5000 soldiers at its disposal. However, the soldiers had just watched the fire (TBMM Minutes of 123rd Session, 6.7.1993, 99). Dismissing the claims about the cluelessness of the governor, Kamer Genç also argued that that the use of force by police or gendarme such as firing into air would deter demonstrators from attacking hotel (TBMM Minutes of 123rd Session, 6.7.1993, p. 90).

The left-wing spokespeople also invoked the usual practices of the security forces against left wing groups to make their point that the security forces intentionally did not want to suppress the incidents. They made comparisons of security forces' attitude in other situations with Sivas. Özdiş (CHP) contrasted the tolerant attitude of security forces to fundamentalist mob to their ruthless suppression of any demonstration of workers or civil servants (TBMM Minutes of 123rd Session, 6.7.1993, p. 76). Kamer Genç stated that if the demonstrators were leftists, the police and gendarme would open fire and kill hundreds of people. Reminding the extrajudicial killings of police officers, Genç underlined that if they just shot the leg of person, who tried twice to climb the first floor of the hotel and ignite the curtain, they would prevent him from igniting the curtain again (TBMM Minutes of 123rd Session, 6.7.1993). Demir also made a comparison between the attitude of security forces against Kurds and fundamentalists in Sivas. In the Nevruz demonstration of 1992, the security forces had responded with armored police vehicles and bullets to dancing and singing people (TBMM Minutes of 123rd Session, 6.7.1993, 100).

The spokespeople of the CHP did not spare the SHP wing of the coalition government from criticism. Those who had split from SHP had founded CHP in 1993. They criticized İnönü, the deputy prime minister, for being ineffective in preventing the incidents even though people trapped in the hotel had called him for help. Hacaloğlu (CHP) accused İnönü of letting down people who trusted him and the state. This trust had resulted in the loss of their lives and becoming martyrs. He characterized the situation of the coalition government as a third Nationalist Front. This evocation of National Front implies that the government itself condoned these attacks against leftists if not involved in them. Thus, they made an appeal to fellow social democrat SHP withdraw from the government (TBMM Minutes of 123rd Session, 6.7.1993).

In response to this accusation, İnönü, the deputy Premier, defended the conduct of the military. According to him, if the army had acted as a spectator of the incident as it was claimed, then so many people would not survive the fire. The problem was that they could not predict that the incidents would reach such a violent level. According to İnönü, this unpredictability was a feature of violent incidents, and such cases even took place in “democracies that we aspire to” (TBMM Minutes of 123rd Session, 6.7.1993, p. 102).⁸⁰

4.5.1 The role of governor Ahmet Karabilgin

The DYP-SHP government appointed Ahmet Karabilgin as the governor of Sivas in 1991. He was previously an adviser to Erdal İnönü, the leader of SHP. The issue of

⁸⁰ In response to Demir’s claim about the inaction of the military, İnönü stated that ‘Demir says that the soldiers watched but he is wrong. Demir asker seyretti dedi ama yanlış diyor güvenlik güçleri uğraşmasa o insanlar kurtulmazdı diyor. Kurtarmak için uğraşılmasa nasıl kurtulurlardı. Şiddet olayları kontrol edilemeyen noktalara varabiliyor. Özendiğimiz demokrasilerde de böyle olaylar oluyor.’

how the governor managed the situation became one of the most disputed aspects of the Incident. While the spokespeople of right-wing parties spared the central government from criticism, they raged at the conduct of the governor during the incidents. They portrayed the governor as an inexperienced, reckless public servant as Muhsin Yazıcıoğlu characterized the conduct of the governor as ‘imprudent, coward and incompetent’ (TBMM Minutes of 123rd session, 6.7.1993, 95). As proof of his cowardice, they reminded his remark to the commander that ‘Our end has come’ when the demonstrators sieged and stoned the building after burning down Hotel Madımak (TBMM Minutes of 123rd session, 6.7.1993, 66). Kayalar (ANAP) claimed that the reason of the appointment of such an incompetent person was coalition government’s sharing of governorships among themselves and disregard for merit (TBMM Minutes of 28th Session, 16.12.1993, p.381). According to them, the lack of experience and prudence caused the governor not to be able to take necessary decisions on time to overcome such an incident. They also approvingly invoked the testimony of the commander of gendarme that the governor had not accepted the use of force despite his offer to disperse the demonstrators at the beginning of the incidents (TBMM Minutes of 123rd session, 6.7.1993, 65). It was also the governor who decided the removal of the statue of bards, which increased the frenzy of the crowd.

The spokespeople of right-wing parties slammed him for being not only negligent but also being a provocateur in his own right. Firstly, they accused him of bringing Aziz Nesin to Sivas. He had the authority to ban the meeting which had the potential to disrupt public order but did not. He further inflamed the feelings of people by participating in the opening meeting of the festival and stood for a minute of silence for martyrs of revolution. Moreover, he did not react when Atatürk was not

commemorated with a minute of silence in this meeting. He listened to the speech of Aziz Nesin and did not react against his insults to religion (TBMM Minutes of 123rd session, 6.7.1993).

It was not only Nesin's speech that was provocative, the governor, as Köse (DYP) reminded, also made a provocative speech, and talked about 'sarıkadı, karakadı' in his opening speech on July 1. What Köse means here is that Karabilgin had insulted the clergy of Islam. Köse characterized these remarks as the demonstration of the partiality of the governor. In Köse's opinion, given his provocative speech, it was not surprising that the demonstrators stoned the governorate (TBMM Minutes of 123rd session, 6.7.1993). In other words, the governor brought it on himself by his insults to religion and partiality to certain ideologies. This is a blatant justification of lynching by spokespeople of right-wing parties.

In response to these accusations, the representatives of left-wing parties defended the conduct of the governor during the incidents. Karakaş (SHP) labelled the accusations against the governor as an effort of scapegoating him. He also rejected the claim that the governor had invited Nesin to Sivas. The SHP demanded the removal of all local officers involved in the incidents from their positions though it acknowledged the sincerity of the governor (TBMM Minutes of 123rd session, 6.7.1993, p. 25).

While the Inquiry report of the TBMM is silent or positive about the role of the mayor, commander, and the police chief during the incidents, it attributes responsibility to the recklessness of the governor. Compared to the debates in the Parliament, it characterizes the conduct of the governor in a more restrained manner. It asserts that the unfounded assumptions of the governor that the incident could turn

into a sectarian clash and his indetermination led to the incident getting out of control (TBMM Minutes, 28th Session 16.11.1993). The Inquiry Report also holds him responsible for failing in his responsibility in coordinating the different branches of security forces. The report quotes the commander that his offer of intervention in the crowd had not been approved by the governor (TBMM Minutes, 28th Session 16.11.1993). It seems that the report disregards the report of the governorate, which states that the governor called the military for help at early hours of the incidents.⁸¹ Most importantly, the report makes no comment about the fact that the commander came in front of the hotel, spoke to the demonstrators, and then left the scene as shown by the footage of incidents.⁸²

As the report is silent about the role of President, Prime Minister, and Interior Minister, it does not address whether the central government ordered intervention and the governor did not heed it. It does not say anything about what Ankara commanded the local officers during that seven hour-long crisis. In this conservative account, it is as if the governor acted independently in the absence of a central government. The dissenting opinion of secularist MPs to the report criticized the report for just focusing on the weakness of provincial administration and they emphasized that if there is any neglect or weakness, it belonged to all the levels of the government (TBMM Minutes of 28th session, 16.11.1993, p. 37).

⁸¹ The report states that ‘14.15: Assistance was demanded from the Brigade Command.... 14.45: Assistance demanded from the commander of the Brigade, Ahmet Yüçetürk’ (Kaleli, 1994, 71).

⁸² According to the report of the Governorate, the Chief of Staff Doğan Güreş called Yüçetürk at 19.10 and pledged that he would help with all forces at his disposable. However, he came in front of the hotel with only a group of soldiers. The protesters then started to shout, ‘Our soldier is the greatest, army to Bosnia’ (Kaleli, 1995, 72).

4.5.2 The role of Temel Karamollaoğlu and Refah Party

Temel Karamollaoğlu won the mayoral election in 1989 as the candidate of Refah Party. As mayor, he was the most prominent elected leader in Sivas during the Incident. His conduct during the Incident has been one of the most controversial aspects of the Incident. The representatives of the right and the left differed on the issue of whether the mayor tried to calm down or provoke people. The spokespeople of right-wing parties did not dwell much on the role Karamollaoğlu played in the Incident. They agreed with the assessment that he had made speeches to the crowd to calm them down. They did not refer to any statements that the mayor allegedly made during the Incident. Abdüllatif Şener, who was from the same party, defended Karamollaoğlu against the criticisms. According to him, Temel Karamollaoğlu strove to calm down the crowd. He narrated that Karamollaoğlu had made a calming speech at 15.30 in front of the Culture Center at the request of the Governor. Then, Karamollaoğlu had made two more speeches in front of the PTT to lesser effect. They proved ineffective as people started to gather in front of the hotel after 17.00 when they learnt that Nesin was staying at the hotel. The end of workday also contributed to the swelling of the size of the crowd in front of the hotel, thus it was not the fault of Karamollaoğlu (TBMM Minutes of 123rd session, 6.7.1993, p. 71).

The attitude of fire department and the involvement of workers of the municipality during the incidents were other contentious issues concerning the mayor and the municipality. The fire brigade of the municipality had failed to intervene in the fire on time. It is contested that whether they could not intervene because of the crowd intercepting them or because of their own unwillingness. For instance, Şener stated that the firefighters of municipality played a prominent role in saving people from the hotel. The fire brigade of the municipality was there to put out the fire, “but

it was not possible to bring the fire brigade near to the hotel because of the crowd and interception''. Şener attributed the responsibility to make the brigade reach the building to the police. He underlined that it was the firefighters of Sivas Municipality that saved Nesin from the fire and the wounded people later. He further argued that even though other public institutions had fire brigades in Sivas, they did not bother to send them to the hotel during the incidents. In contrast to their inaction, the fire brigade of municipality had gotten on the way towards the hotel immediately. Şener also disputed the statement of Nesin that the fire brigade had not wanted to save him but to kill him in press conference after the incident (TBMM Minutes of 123rd session, 6.7.1993).⁸³ This emphasis on the role of firefighters seems to be aiming at deflecting the criticisms of Refah municipality in the incident.

Şener also tried to make clear that his party Refah, bore no grudges against Alevis. He claimed that the Refah municipality in Sivas was especially friendly towards Alevis. For instance, the municipality prioritized Alevi neighborhoods in its infrastructure projects such as road paving. Moreover, he criticized the efforts to implicate Refah, a party of four million voters, in the incidents as a conspiracy of foreign powers (TBMM Minutes of 123rd Session, 6.7.1993, p. 74).

On the other hand, the representatives of left-wing parties accused the mayor of inciting and emboldening the demonstrators through his speeches. For instance, Karakaş (SHP) quoted an excerpt from the speech of the mayor: ‘‘May your holy war be blessed. We displayed the necessary reaction, now let’s disperse. No one defended those who stayed for 15 years in prison in 1980 because of their beliefs. Now let’s disperse’’ (TBMM Minutes of 123rd Session, 6.7.1993, 58).⁸⁴ When Demir

⁸³. In the press conference following the Incident, Nesin stated that the firefighter cursed him and pushed him from the stairs (Kaleli, 1995, 100-101).

⁸⁴ ‘Gazanız mübarek olsun. Gerekli tepkiyi gösterdik, şimdi dağılın.’ Some survivors said that the governor had told the crowd that ‘May your holy war be blessed’.

(HEP) questioned what ‘gaza’ that Karamollaoğlu was talking about, the parliamentarians of Refah responded that Karamollaoğlu had saved people. When he disputed this assertion, Abdüllatif Şener confirmed that the mayor saved people by saying that ‘I was there’ (TBMM Minutes of 123rd Session, 6.7.1993, p. 99).

The spokespeople of the parties on the left claimed that not only his speeches, but also his decision to dismantle the Statue of Bards had further provoked the mob. Karakaş claimed that it was the mayor who order the removal of the statue. The mayor’s claim that the Minister of Interior had ordered its removal was a lie. He based this claim on a tape record that they had in which the mayor told that “Ankara wanted the removal of the statue.” The Minister also denied that he had given such an order (TBMM Minutes of 123rd Session, 6.7.1993).

Karakaş also invoked the claim made by some of the festival participants that there were paving stones amassed in front of the PTT building right across the hotel despite the absence of such paving work in other parts of the city on July 2. He cited the claim that these stones were brought just a day before the incident (TBMM Minutes of 123rd Session, 6.7.1993). The implication was that the municipality knew that the building would be besieged and had prepared stones for that aim. Other spokespeople of the left-wing parties also brought the issue of how so many young people turned out for protests on a summer day in Sivas. They claimed that these young men were students who stayed in the dormitories of the municipality. The municipality had not just provided accommodation for these students, but also had arranged an activity called “Hicret Koşusu” to bring militants from other cities to Sivas to stage the incidents. The workers of the municipality had also participated in the demonstrations. The most prominent of these was Cafer Erçakmak, a member of the Municipal Assembly, who had been caught on cameras while trying to slap Aziz

Nesin whom the firefighter threw off the stairs of fire brigade (TBMM Minutes of 123rd Session, 6.7.1993, 58).

The Inquiry report of the Parliament agreed with the conservative perception of the role of Mayor Karamollaoğlu. His first speech had at first soothed the demonstrators, but his later speeches did not prove effective (TBMM Minutes, 28th Session 16.11.1993). The report did not quote any part of these speeches. The Inquiry Report excluded claims about dormitories and *Hicret Koşusu* because it maintained that there was no definite proof to support the claims concerning those claims. It does not imply that the mayor impeded the intervention of the fire brigade in the fire. It just includes the talks between the governor and mayor about the use of fire brigade. The mayor was opposed to the use of water cannon to disperse the crowd in case that a fire could break out in the shopping center of the city (TBMM Minutes, 28th Session 16.11.1993). However, when the governor called him, he acceded to it immediately. However, Kul (SHP) who wrote a dissenting opinion to the report, disputes this account. He implies that the mayor may have known that a fire will break out in the building (TBMM Minutes of 28th Session, 16.11.1993, 367).⁸⁵

4.5.3 The mob

The spokespeople of right-wing parties chose to ignore the involvement of thousands of ordinary people in the incident. Rather than focusing on their violent acts, they emphasized their innocence and piety. They avoided from incriminating them. The people had no responsibility for what happened. For instance, Şener (Refah)

⁸⁵ ‘The mayor rejected the offer to use by saying that ‘maybe a fire breaks out and we cannot extinguish it. Did the mayor know about the fire or the fire will break out?’ (Belediye Başkanı itfaiyenin göstericilere tazyikli su sıkmasına ‘belki yangın çıkar, yangını söndüremeyiz’ gerekçesiyle karşı çıkmıştır. Acaba belediye başkanının yangından, yangının çıkacağından haberi mi vardı?).

characterized accusations targeting the local people of Sivas as “inappropriate”. He resorted to the concept of mass psychology to explain their actions. In Şener’s opinion, it makes sense to “assess the Sivas incidents as a product of such kind of mass psychology regarding the people, society”. In other words, he legitimized their behavior with “mass psychology”. He argued that this was normal because mass psychology caused masses get out of control even in Western countries. He cited examples such as the Rio festival and calamities in football stadiums (TBMM Minutes of 123rd Session, 6.7.1993, p. 73).⁸⁶ This talk about mass psychology enables to strip perpetrators of their agency by claiming that they did not do it. It exonerates perpetrators from what they committed. It shifts focus to responsibility of the security forces to anticipate and take measures to control them.

4.5.4 The foreign forces

Unlike the members of left-wing parties, the spokespeople of the right-wing parties relate Sivas with the external developments taking place in that period. They talked about attacks on Turkey’s interests from Bosnia to Azerbaijan: the formation of an Orthodox Alliance around Turkey, the civil war in Bosnia and the overthrow of President Elçibey of Azerbaijan. Emiroğlu (ANAP) interpreted these negative developments as part of an operation to encircle Turkey. He argued that the dark forces which were behind the anti-Turkey political developments taking place in Cyprus, Bosnia and Azerbaijan also plotted Sivas Incident (TBMM Minutes of 123rd Session, 6.7.1993). Koray Aydın (MHP) described Sivas as a ‘bloody conspiracy’ of dark hands. These external political developments and the incident in Sivas served

⁸⁶ ‘It is necessary to evaluate Sivas incidents as a product of mass psychology concerning the people and society’ (Sivas olaylarını da halk açısından toplum açısından böylesi bir kitle psikolojisinin ürünü olarak değerlendirmek gerekir.).

the same purpose of undermining the opportunity of Turkey to become a great state. Şener also framed the Sivas incident as part of the division strategies of external and internal forces which are producing scenarios over Turkey (TBMM Minutes of the Session, 8.7.1993, p. 190). In this framing, the external powers staged Sivas Incident to divide and destroy Turkey. This allusion again served to cover up the role of visible elements such as the agency of thousands of people in the Incident.

4.5.5 Coupling Sivas with Başbağlar

Başbağlar is a Sunni village in Erzincan. Three days after the Sivas Incident, PKK, the terror organization, raided Başbağlar and murdered 33 peasants. It was claimed that the perpetrators who burnt down the village told villagers that they were revenging the dead of Sivas Incident. They allegedly left leaflets that stated that they carried out the massacre in retaliation to Sivas. The fact that Başbağlar followed Sivas in a few days enable conservative politicians to couple Sivas with Başbağlar from the beginning. This coupling of two distinct incidents has the effect of forgetting the uncomfortable fact that thousands of people besieged people stranded in a hotel in Sivas in broad daylight. The association of Başbağlar with Sivas implied that it is a continuation of Sivas and those related to the victims of Sivas committed the Başbağlar massacre for revenge. They implied that Alevis had carried out Başbağlar massacre in retaliation to Sivas. As Başbağlar is a terror incident, it is implied that Sivas was also carried out by terrorists. In short, they blurred this distinction between the two: while people of Başbağlar, was murdered in a terrorist attack, the victims of Sivas were murdered in the presence of thousands of people and security forces.

There are many examples in which any mention of Sivas Incident by the representatives of left-wing parties is countered by reminding of Başbağlar. For instance, a parliamentarian of Refah accused a MP from the SHP of applying double standards by condemning only Sivas but not Başbağlar. Derin (Refah) criticized Halis for not seeing “32 Muslims murdered by PKK in Başbağlar” as citizens in contrast to those ‘burnt persons in Sivas’ (TBMM Minutes of 126th Session, 13.7.1993, p. 257). The phrase “32 Muslims” can be interpreted as a lapsus linguae that reveals Refah’s doubts about the religious identity of victims of Sivas.

4.6 Different understandings of justice

The debates on the trial and punishment of perpetrators in the Assembly reveal that there are two widely different perspectives on this issue of justice. Both the right and the left described the Sivas Case as a legal scandal. However, what they understand of legal scandal or unlawfulness in the Sivas Case has differed widely. The members of left-wing parties perceived legal scandal as the partiality of governments such as the visit of Minister of Justice to the prison, the law enforcement’s inability to arrest the defendants on the run which suggest that not only negligence but intention to protect defendants and the notorious instances of defendants who continued their lives freely without any interruption.

The spokespeople of right-wing parties emphasized the presumption of innocence in the first debates following the incidents. They warned against any hush to declare defendants as culprits and limited the guilt just to those who set fire to the hotel. They were very careful about not to declare people guilty before the judicial process is concluded. Though they did not voice opposition to the prosecution of those guilty, the only culprits in their opinion were the ones who took gas and ignited

fire. For example, Şener (Refah) explained that his party was not against the punishment of culprits, but against “the production of culprits”. Muhsin Yazıcıoğlu (BBP) also demanded those who ignited the fire, burnt the hotel, and provoked the people to be held responsible (TBMM Minutes of 123rd Session, 6.7.1993, 97).

Şener also expressed his displeasure at the publication of photos of Erçakmak in the newspapers though he did not mention his name. He criticized the portrayal of Erçakmak as the sole instigator of the incidents since there were so many people involved. Although the video records and testimonies of survivors show that Erçakmak attacked Nesin while he was saved from the burning hotel, Şener invoked the testimony of police chief that rather than inciting the crowd Erçakmak was there trying to calm down people. He had just got enraged when he saw Nesin and cursed him for causing incidents (TBMM Minutes of 123rd Session, 6.7.1993).⁸⁷

On the other hand, the members of left-wing parties demanded the government to adopt a tough stance against fundamentalists. Instead of giving concessions to the supporters of Sharia as it did in the issue of Statue of Bards, they wanted the government to confront fundamentalists. For instance, Karakaş (SHP) stated if it is not thoroughly investigated and punished, similar incidents would follow Sivas (TBMM Minutes of 123rd Session, 6.7.1993, 54). While they refrained from referring to previous pogroms against Alevis, Kamer Genç (SHP) recalled that the perpetrators of Maraş massacre who murdered hundreds of people had gone unpunished. He warned that sectarian conflict was highly like in case of the perpetrators of Sivas benefiting from the same impunity that applied to perpetrators of Maraş (TBMM Minutes of 123rd Session, 6.7.1993, 91). Genç’s concern showed

⁸⁷ The police report states that Erçakmak attacked Nesin while he was pushed down from the stairs by the firefighter. Erçakmak hit Nesin’s face with a radio (Sarıhan, 2002a, p. 34). In 2012, the Prime Minister Erdoğan too said that Erçakmak was chosen as a scapegoat by the media.

that even at the immediate aftermath of the incident there were doubts that justice for victims of Sivas would be served.

After the initial debates on the Sivas Incident, the long judicial process mostly came to the agenda of the Assembly thanks to the initiatives of parliamentarians from CHP in this period. They especially brought to agenda of the Assembly the issues of political interference in the court proceedings, the conditions of execution of sentences of convicts and the defendants who could not be arrested by law enforcement in the period of 1993-2002. The news about the defendants in the media led them to believe that the security forces were intentionally neglecting their duty to bring the perpetrators to justice. When the news broke out in the media that Yunus Karataş, a defendant of Sivas Case, had continued his life freely in Sivas for 14 months, Fuat Çay (CHP) asked the DYP-SHP government whether it was neglecting its duty of bringing the perpetrators to justice. He also wanted to learn about whereabouts of Cafer Erçakmak. In response, the minister denied both the accusation of neglect and the claim that Karataş was in Sivas (TBMM Minutes of 50th Session, 12.12.1994, pp. 129-130). In another instance, Karakaş asked Meral Akşener, the Minister of Interior, about whether a defendant became a police officer. The ministry responded that there was no such application from Sivas in 1997 (TBMM Minutes of 110th Session, 24.6.1997).

Another important issue concerned the independence of the court. In 1993, the Ministry of Justice removed Colonel Erunga, the military judge from the Sivas Case and replaced him with Yılmaz Çamlıbel who had overseen the trials of DİSK (The Confederation of Labor Unions of Revolutionary Workers) and Peace

Association in the post-1980 coup period.⁸⁸ Fuat Çay brought this change to the agenda of the Assembly through a written question to the Ministry. He argued that this was a political interference in the trial rather than a simple appointment. He also wondered whether Urunga was removed due to his Alevi identity. The Ministry responded that it was all according to procedures and all these appointments had been determined before the Sivas trial (TBMM Minutes of 98th Session, 12.4.1995, pp. 189-190). Gürsoy, a parliamentarian from the CHP, also claimed that Urunga had been removed because he had differed from the defendants, judges and witnesses who perceived Aziz Nesin as the target under the influence of rightwing newspapers. He also pointed out that there was no judicial action against the commander in Sivas neither as a defendant nor as a witness. The minister responded that the *Yüksek Askeri Şura* (The High Military Council, YAŞ in its Turkish initials) retired the commander because of lack of available cadres (TBMM Minutes of 98th Session, 12.4.1995, pp. 207-209).

The Sivas trial also came to the agenda of the Assembly with the prison visits of Abdüllatif Şener and Şevket Kazan, the Ministers of Economy and Justice respectively to the perpetrators in the 1990s. In the aftermath of the incident, Şevket Kazan⁸⁹, a MP from Refah, had volunteered to become a lawyer of the defendants but the court rejected his involvement in the trial. When he became the minister of justice of the Refahyol government, there was concern that he would steer a new course for the Sivas Case. He had pledged that the case could be reopened when they

⁸⁸ In 1996, one of the judges overseeing the trial, possibly Erunga, gave an interview to Cumhuriyet. He stated that there was political pressure on the judge panel to decide for the exoneration or release of the defendants. (“Sivas davasına bakan askeri yargıçtan itiraf: Baskı altındaydık,” 1996)

⁸⁹ Kazan was not only a controversial minister of justice because of his involvement in the Sivas case but also because of his ‘mumsöndü’ remarks about Susurluk protesters. These remarks led Ecevit to describe Kazan who had been a volunteer lawyer of ‘Madımak arsonists and perpetrators of genocide’ as ‘an enemy of democracy and colors of Islam.’ What he meant here is that Kazan was hostile towards Alevis.

came to power. This caused suspicions that the government would start an initiative about the case. Yüksel Yalova asked whether the government would take action to realize the promise of Kazan. The transfer of perpetrators from Kırşehir prison which is for terror suspects to the prison in Sivas had also fueled suspicions that they were getting preferential treatment in the criminal system. Kazan denied any partiality regarding the defendants. He stated that since they were just sentenced for ordinary crimes in the first trial, they could be transferred to Sivas. It was all according to the procedure that was in place well before the Ministry of Kazan (TBMM Minutes of 22nd Session, 26.11.1996).

Not only Şevket Kazan but another minister of Refahiyol government, Abdüllatif Şener, also paid visit to the Sivas convicts in prison. When the left-wing spokespeople criticized their conduct, they defended themselves that their visits were just humanitarian initiatives (TBMM Minutes of 13th Session, 13.11.1996). The parliamentarians of the CHP retorted that they were discriminating between victims and perpetrators as they did not pay a visit to the families of victims. Önder Sav (CHP) reminded that the ministers were applying double standards in their visit to the defendants in jail. He challenged their impartiality by arguing that if their care was based on humanitarian grounds as they claimed, they would also be interested in the trial of Metin Göktepe⁹⁰ (TBMM Minutes of 60th Session, 25.2.1997).

Some spokespeople of right-wing parties also brought forth the claim that there were people killed by bullets in the hotel. It helped to undermine and blur the fact that people were burnt by the mob who razed the hotel. For instance, Musa Demirci (Refah) asked the Ministry whether it is true that 16 people in the hotel were killed not because of “choking” but because of bullets. He even claimed that Arif

⁹⁰ Metin Göktepe was a reporter of pro-left *Evrensel* newspaper. He died in custody in 1996.

Sağ, a prominent Alevi singer who survived the fire, and his guards may have been behind killing these people and demanded ballistic examination. The Ministry openly stated that the autopsy reports were clear that those 2 people killed by bullets were outside the hotel. Moreover, there were not a single person who was shot inside the hotel (TBMM Minutes of 126th Session, 21.6.1995, pp. 285-286).

The discourse of the Refah Party in the 1990s particularly indicates that the defendants who were sentenced to various jail terms were not real criminals but innocent people who were wrongly convicted. In other words, Sivas trial was a big case of miscarriage of justice. For instance, Uzunkaya (Refah) candidly revealed his party's approach to the Sivas trial. He claimed that there was miscarriage of justice and the real murderers had escaped from justice. Thus, he described the sentencing of 33 persons to death penalty in the second trial as a scandal (TBMM Minutes of 31st Session, 19.12.1997). However, Uzunkaya did not explain the identity of the real perpetrators if those in jail were innocent.

4.7 The debates over memorialization

The main issue that came to the agenda of the Assembly has been what to do with the building of Hotel Madımak. Parliamentarians from CHP and pro-Kurdish parties (DTP, BDP and HDP) presented several bills to the Parliament to turn Hotel Madımak into a museum. Most of the bills for museum have emanated from CHP members of Parliament. It is not unexpected that CHP take an initiative on this issue as it has a large Alevi constituency and a considerable number of parliamentarians from Alevi background. It has also been a politically expedient act to appeal to Alevis as none of these bills stood a chance of becoming law because of the opposition of AK Party majority in the Assembly.

It came to the agenda of the Assembly for the first time with the question of Ali Rıza Gülçiçek (10.7.2003, 658), a parliamentarian from CHP to the Minister of Culture Erkan Mumcu on July 10, 2003. He asked the Minister whether the government had any intention to hold commemoration ceremony for Sivas as Germany does for victims of Solingen and turn the hotel into a museum to prevent similar incidents to take place again. In the debates over these bills, AK Party defended its position by reminding the inaction of previous governments. Thus, these bills mostly served as instruments of keeping the Sivas issue on the agenda of the Assembly by recording it, revealing the attitude of AK Party government towards Alevi issues.

The mentioning of Madımak annoyed the government as demonstrated by the reactions of the members of the AK Party. This was because of the relationship between the Refah Party and the AK Party. Temel Karamollaoğlu, one of the main protagonists of the Incident, was the mayor of Sivas elected from the Islamist Refah Party. The AK Party splintered from Virtue Party, which was the successor of the Refah Party. Many of the defense lawyers of the Sivas Trial also assumed important positions in the AK Party. Abdüllatif Şener, a member of the Parliament from the Refah Party who had defended his party and Karamollaoğlu in the Parliament was a minister in the first AK Party government. Thus, the AK Party was annoyed at the mentioning of Madımak since it felt that it was implicitly incriminated.

Another example of the unease the AK Party felt towards the Incident emerged in the dispute over the performance of the renowned Turkish pianist Fazıl Say's Metin Altıok oratorio. In the original plan, the video of burning hotel would accompany the musical performance in the background. However, the Minister of Culture Erkan Mumcu demanded Fazıl Say to remove the fire images from the

performance because he stated that he could not explain these images to the Prime Minister Erdoğan. This example demonstrates the unease of the AK Party with the Incident (“‘Ceset görüntülerini çıkarmak için Fazıl Say’ı eşi ikna etti,” 2003).

According to their framing of the narrative, the parliamentarians offered various names for the future museum. Even the members of the same party offered different names for the proposed museum. This may be a demonstration of lack of a consistent party policy about the issue. The parliamentarians of CHP preferred names that will underline that what was targeted in Sivas was the Republic and Kemalist enlightenment in the personality of intellectuals: from “‘Museum of Enlightenment’” (“‘Aydınlanma müzesi isteği,” 2008) to “‘Museum of Martyrs of Democracy’”. The “‘Museum of Martyrs of Democracy’” (Şevket Köse, 9.1.2009, 154) evoked the assassinations of other Kemalist intellectuals such as Uğur Mumcu, Bahriye Üçok. The victims of Sivas were linked with these slain intellectuals in the Kemalist network of events. The first bill “‘Museum of Peace Culture and Art’” proposed by Berhan Şimşek (CHP) again focused attention on the targeting of a cultural festival and intellectuals (Berhan Şimşek, 28.6.2005, 324).

The parliamentarians from CHP resorted to the example of how Germany dealt with the aftermath of Solingen arson and memorialized the Turkish victims.⁹¹ The invocation of Solingen enabled them to justify their demand for a museum and indicated the way of memorializing the Madımak victims. For instance, Ali Rıza Gülçiçek compared how Turkey and Germany dealt with the aftermath of Sivas and

⁹¹ Neo-Nazis set the house of a Turkish immigrant family to fire in Solingen in 1993, a few months before the Sivas Incident. Five members of the family lost their lives in the attack. The PM Kohl did not attend the commemoration ceremonies as one of his advisers openly stated that they saw these events as ‘beileidstourismus (condolence tourism).’ The authorities at first thought to erect a monument commemorating the victims in the city center, but then concerned of harming social peace, they placed it in front of the primary school attended by one of the victims (Miteinander in der Stunde des Schmerzes,” 2008).

Solingen massacres respectively. Neo-Nazi skinheads had murdered 5 members of a Turkish immigrant family by setting fire to their home in Solingen, Germany, in May 1993. Germany erected a monument to commemorate the victims and President Rau led the effort to turn the place of arson into a museum. Moreover, the representatives of German government attend the annual ceremonies commemorating the Turkish victims. On the other hand, he stated that Turkey allowed not only the operation of the hotel there but the opening of a restaurant in a place where humans were burnt. They slammed the government for applying double standards because its representatives attended the commemoration of Solingen in Germany while it avoided from holding official commemoration in Sivas until 2010 (TBMM Minutes of 121st Session, 29.6.2005).

When we examine the reasonings of bills, we see that parliamentarians primarily demand a museum in the belief that it will prevent a recurrence of similar incidents in the future. The museum is supposed to serve as a bulwark against forgetting. For instance, Tanal (CHP) proposed a bill to found a Museum of Madımak Shame that will prevent the erasure of the massacre from the memory of the society in 2015. The function of this museum would be to prevent “racist murderers” fade into oblivion and memorialize the victims (Mahmut Tanal, 23.11.2015, 242). In other words, the museum would keep the memory of not only the victim but also the perpetrator alive. Moreover, the museum should not only demonstrate who is perpetrator but also display their ideology (TBMM Minutes of 117th Session, 20.6.2006). Gülçiçek also perceived the museum as a vehicle to sentence the crime (TBMM Minutes of 121st Session, 29.6.2005). It can be said that in an environment where there is widespread conviction that justice was not properly served, museum assumes the function of bringing retribution for the crime.

They perceived another function of the museum as serving as a tool of redemption for the people of Sivas. It would clear the reputation of Sivas stained by this infamy. It will restore Sivas' position as a center of Anatolian Enlightenment and founding city of the Republic. The first bill for turning Hotel Madımak into a "Museum of Peace, Culture and Art" proposed by Berhan Şimşek and a group of CHP parliamentarians in June, 2005 suggests that the opening of a museum would not only remove the disgrace of operating a kebab restaurant but also would prevent the associating of Sivas, the city of enlightenment and Pir Sultan Abdal with this incident (Berhan Şimşek, 28.6.2005, 324). The reasonings of these bills still show that they have a mythic conception of Sivas province detached from reality on the ground. It seems that they don't pay attention to the question of what most of Sivas feel about this museum issue. It is an open question that whether most of local people are hungry for such kind of enlightenment and await their salvation through a museum.

Most of the bills proposed by parliamentarians of CHP underline that this incident was not only about a "sect." They even avoided from mentioning the term "Alevi" in the bills. They perceived the main target of Sivas incidents as the secular Republic and intellectuals. For instance, the bill of Malik Ejder (CHP) proposed to turn Hotel Madımak into a "Museum of Enlightenment" in March 2008. Madımak had to be kept in memory through a "Museum of Enlightenment" because it was not a different incident from Menemen. The word enlightenment indicates that this riot against the secular republic targeted intellectuals who represent values of secular republic. In Ejder's opinion, the museum would serve as a symbol of espousal of Atatürk revolutions (Malik Ejder Özdemir, 21.03.2008, 78). Köse's (9.1.2009, 154) proposal for a "Museum of Democracy Martyrs" in 2009 is also in the same vein.

The name of the museum itself points out the victimhood of intellectuals. The bill avoids from mentioning Alevilik and underlines that the attack is not only against a sect as the martyrs belong to different sects. Such a museum will help to keep alive the memory of ‘‘martyred intellectuals.’’ He also demanded a monument to symbolize the Incident (Şevket Köse, 9.1.2009, 154).

The only proposal from a CHP member mentioning Alevis was that of Sezgin Tanrıkulu for the foundation of a museum of ‘‘Shame and Reckoning’’ in 2015. Tanrıkulu perceived the meeting of this demand as the requirement of being a democracy. He too stipulated that museum will be a confidence building measure that will signal to Alevis that the state is committed to equal citizenship. The museum would entrench the idea that persecuting people for their beliefs, thoughts, is a crime against humanity in the memories of people (Sezgin Tanrıkulu, 24.11.2015, 196-236). The distinctness of Tanrıkulu may be due to him being a prominent Kurdish lawyer.

The bills show that the ideologies of politicians also shape their conception of the identity of the victims. The parliamentarians from CHP generally refer to the victims as intellectuals and artists. The focus on intellectuals in CHP discourse may be related to their Kemalist identity which champion the values of enlightenment. This reinforces their main argument that the demonstrators targeted the secular republic in Sivas. It is as if the perpetrators targeted the secular Republic in the personality of the intellectuals such as poet Metin Altıok or literary critic Asım Bezirci. In just a few cases, they state that 37 humans⁹² including children lost their lives. They ignore the identity of other victims and lump them all together under the

⁹² Many commentators mix up the number of people who lost their lives in Hotel Madımak. This confusion is not limited to politicians but also many Alevi commentators. Thirtyfive people lost their lives in the Hotel. Two demonstrators were shot by security forces outside the hotel.

label of intellectuals. In the speeches, one can hardly avoid the impression that the fact that intellectuals, writers, artists lost their lives is more appalling than the murder of ordinary people.

Most of the bills do not specify what the proposed museum will display or conserve in its collection. During the debates on the bill of Berhan Şimşek in 2006, Muharrem Kılıç (CHP) suggested that the museum should display photos about the massacre, documents and personal belongings of the victims. In addition to a museum, he also offered the building of a monument in front of it with the names of victims and a statement that they were murdered by fundamentalist powers be inscribed on it. As the arrangement in Solingen indicates that the racists are the perpetrators, the museum in Sivas should expose who did it, too (TBMM Minutes of 117th Session, 20.6.2006). Another example is Vahap Seçer (CHP) who proposed that the museum should display the photos and personal belongings of the victims to keep alive the memory of what happened there (TBMM Minutes of 128th Session, 2.7.2010).

Another critical issue is that of what the museum will say about the incident. Apart from a few members of the Parliament, the bills do not deal with this issue. For instance, the first judgment of Ankara DGM stated that ‘The real perpetrators of our Incident number around ten thousand people. In other words, more than ten thousand people gathered in front of Hotel Madımak to protest Nesin in a way’ (Merdol et al., 2004b, p. 555). The report of the police force also stated that the number of people reached ten thousand and then 15000 (Sarihan, 2002a, p. 29). Will the museum include this crucial aspect of the Incident? There are also video records of the Incident both by the police camera and Ihlas, a private news agency. These

bring up the question of whether the museum will include or exclude these video records which show people shouting ‘burn burn burn’ in its narrative.

There is also the issue of the mission of the museum. A museum can simply display objects related to a historical event or person. It can also serve as an institution of education that warns about what intolerance and incitement can lead to. For instance, it can give information about the historical background and context of the Incident: the historical persecution of the Alevis, the emergence of the Alevi movement and their current precarious situation due to the hegemonic position of Sunni Islam. It is not clear what message the museum will convey to its visitors. It can be a museum that conveys a message of “Never again” concerning lynching of people because of their differing opinions, faiths, or ethnicities. The texts of the bills and debates over the bills show that their drafters do not ruminate on these issues.

The other issue is that these bills entrust the foundation and administration of the future museum to the Ministry of Culture. This means that it will be the state that will control the narrative presented in the museum. It is quite possible for the state to open a museum that commemorates all the dead with no distinction to victim and perpetrator and present what happened simply as the result of Aziz Nesin provoking innocent, pious people. None of the bills proposed that Alevi associations or families of victims co-administer the museum. They seem to ignore the possibility that even if the government had opened a museum in Hotel Madımak, there could be a contentious arrangement like the current memorial that drew the ire of families of victims.

On the other hand, the bills proposed by pro-Kurdish political parties differed from CHP-led ones in that they emphasized the Alevi identity of most of the victims. We can interpret this as a result of Kurds’ openness to recognition-related demands

of cultural or ethnic groups as they also waged a struggle for the recognition of their identity. This can also be interpreted as an appeal to Alevis. For instance, the proposal of Şerafettin Halis (BDP) (10.2.2010, 167) called for the foundation of “İbret Müzesi” because Sivas massacre reflected the mentality of decimating a whole people. The Turkish word ‘İbret’ means that the museum would show visitors what happened there, and they would draw lessons from that. He perceived an instance of genocidal intent in Sivas. Not only did he underline that the majority of victims were Alevis, but also situated Sivas Incident in the long line of Alevi massacres. Thus, the museum would function as a safeguard and warning against this perennial threat against Alevis. It will contribute to preventing history repeat itself and coming to terms with the past. He expressed his belief that the foundation of a museum by the state will build confidence among Alevis that they will gain equal citizenship rights. Halis perceived the foundation of a museum as a condition for the consolidation of Turkish democracy (Şerafettin Halis, 10.2.2010, 167).

The AK Party majority in the Parliament rejected this bill as it did later bills. The parliamentarians of AK party defended themselves by blaming the previous governments for inaction on the issue and emphasizing unity instead of remembering sad incidents. In 2005, Tınastepe (CHP) asked the government whether it had any intention of turning the hotel into a museum, apologize for this crime against humanity like Germany and attend the commemoration ceremonies (Erol Tınastepe, 23.2.2005, 3758). The Minister of Culture Atila Koç responded that it was up to the owner of the hotel to decide how to make use of the building as it was not part of cultural and natural heritage. He even offered that it could be used as a private museum. He emphasized that strengthening social peace and unity was more important than reminding the details of this sad incident to the society (Atila Koç,

5.04.2005, 5046). This approach in effect proposed letting bygones be bygones and focus on the future.

The AK Party members in the Assembly mostly defended the record of their government and AK Party itself by responding that previous governments had not taken any action about Madımak. For instance, during the debates on Macit's (DSP) bill for a "Museum of Brotherhood, Commemoration, Culture and Art", Minister of Culture Günay criticized Macit's party DSP which was a leading member of the coalition government before the AKP rule and other previous coalition governments that served between 1993 and 2002 for lack of action. He labelled the bill as "a late proposal" and criticized them that until he expressed his abhorrence regarding the restaurant in Hotel Madımak, these previous governments had not bothered to act about Hotel Madımak. Although he pledged that they would realize a new arrangement that will enable a reckoning with what happened, he dismissed the need for a law (TBMM Minutes of 58th Session, 5.2.2008, p. 555-556).

The members from the AK Party did not only oppose to the museum but also to the remembrance of the 'sad event'. For instance, Yılmaz Tunç stated his belief that that "the constant remembrance of such events or initiatives which cause their remembrance is not right"⁹³ (TBMM Minutes of 58th Session, 5.2.2008). He claimed that constantly bringing Madımak on agenda disturbed both families of victims and the souls of the victims. The remembrance of the "sad event" caused the families of victims relive their sorrow. Moreover, Tunç praised his party for bringing political stability, economic progress, and a wave of democratization to Turkey in five years. This had turned Turkey into a country negotiating with the EU. In such a positive environment, he claimed that the nation no longer wants the remembrance of divisive

⁹³ 'Bu tür olayların sürekli hatırlanması ya da hatırlanmasına neden olacak girişimlerin doğru olmayacağı kanaatindeyim.'

past events but wants to focus on development. Tunç perceives the EU process in terms of an economic vehicle that will contribute to the development of Turkey. He does not conceive the EU process in terms of a vehicle that will enable Turkey to turn its democratic government into a democratic regime through a reckoning with past crimes (TBMM Minutes of 58th Session, 5.2.2008).

The AK Party also countered this demand for memorialization of Madımak through a museum by reminding authoritarian past of CHP during 1920s and 30s. For instance, when Tufan Köse reiterated the demand for a museum of shame, massacre, Hamza Dağ responded that the display of photos of “Single Party” would make it a museum of shame (TBMM Minutes of 130th Session, 2.7.2012, p. 613). The rigorous opposition of the AK Party shows it perceived that what was at stake was to embarrass the AK Party.

The existence of a kebab restaurant in the building of Hotel Madımak also came on the agenda of the Assembly. The parliamentarians questioned Günay whether the government would act about this issue. In his question to the Minister, Fatma Kurtulan (DTP) interpreted the kebab restaurant as an indicator of the state’s approach towards Alevis. She reminded that the public authorities ignored the applications of citizens for this restaurant to be closed. She asked the Minister whether he would pursue the cancellation of the license of this restaurant and confiscate this place “which hurts Alevis” (TBMM Minutes of 109th Session, 27.5.2008). Günay responded that the prerogative to cancel the license belonged to local authorities and cited technical and physical qualifications stipulated by the statute of private museums as factors that prevented the opening of a museum in Hotel Madımak. However, he informed that the Ministry was following actions for

the replacement of the restaurant with a facility with social and cultural functions (“Günay: Madımak müze olamaz,” 2008).

The parliamentarians from CHP and pro-Kurdish parties levelled criticism at the government’s disregard of museum demand. They described the new arrangement as a palliative solution that ignores the demands of Alevi associations and families of victims (TBMM Minutes of 128th Session, 2.7.2010). During the negotiations on the 2010 budget of Diyanet, Halis (BDP) stated that this arrangement was a mockery of their demand for museum which would enable people draw lessons from the Incident. He also criticized the remarks of Günay who had remarked that ‘he would not let the state be cheated’ because of high price of confiscation. According to Halis, as if the state makes no superfluous expenditure, it was begrudging over this (TBMM Minutes of 32nd Session, 14.12.2010). In response to these criticisms, Faruk Çelik ended the debate by saying that “Madımak issue is solved”:

The government dealt with the problems of Alevis for the first time. It is for the first time that the state recognized Alevis as partners. It is for the first time that the memory of state about this subject is updated. I believe that we have made great strides. Do you know why? The real issue that we need to make strides is the breaking of prejudices. There are so many prejudices with lots of examples. ...The issue of Madımak has been resolved (TBMM Minutes of 32nd Session, 14.12.2010, p. 190). (Appendix, 1)

Çelik sidestepped Alevis’ demand for a museum or monument and reduced the problem to “breaking of prejudices” between Alevis and Sunnis.

4.8 Conclusion

The contestation over the issue in the Parliament indicates that the parties on the right and the left of the ideological spectrum put forward two conflicting narratives with very different political implications. The representatives of the political parties disputed nearly every aspect of the issue from the nature of provocation to the meaning of justice. This chapter demonstrated the old distinction between the right-

wing parties versus CHP as still valid in the debates over the Sivas Incident. The division over the issue did not emerge between the parties of the government and opposition in the Parliament but between the conservative right and the secular left. For instance, the ANAP and BBP in the opposition did not criticize the government for its failure to prevent the violent turn of the Incident. It was their political ideologies that politicized and determined their attitude to what happened. The continuing salience of great fault line of Turkish politics, the relationship between secularism and religion and the related issue of Alevilik caused polarization at the beginning and prevented reckoning with this severe violation of human rights later.

In the parliament, the representatives of the right-wing parties preferred to refer to what happened in Sivas as an “incident”. They generally describe it as a sad event (*müessif olay-elim olay*). They attributed the violence to provocation of Aziz Nesin and then shelve the issue for good. They chose to sidestep unsavory aspects of the Incident: thousands of demonstrators besieging a hotel full of unarmed people, their cheerful chanting of “burn it down”, the setting fire to the hotel and the prevention of the intervention of the fire brigade. They had to cover up the role of the mass in the Incident by finding justifications for the Incident since they could not afford to upset their conservative-nationalist constituency in Sivas.

This chapter argued that the involvement of Nesin contributed also to denial of the existence of sectarian animus. The spokespeople of right-wing parties avoided from acknowledging that there had taken place an injustice that primarily harmed Alevis. The acceptance of sectarian tensions in effect would necessitate reckoning with the antipathy towards Alevis at the social level that led to violence at certain political conjunctures. They had to find excuses to deny any sectarian motivation and uphold the narrative of brotherhood, toleration, and harmony. This narrative itself

worked to cover up the marginalization and injustices inflicted on minority groups in the society.

The spokespeople of the right-wing parties levelled criticism at the holding of the festival in the city center of Sivas. They interpreted the holding of a cultural festival allowed by the legal authorities as a provocation and criticized the governor for allowing it. They perceived this as a ‘provocation’. This implies that certain provinces are ‘sensitive’ thus the constitutional guarantees of freedom of expression and assembly do not apply in them. The demonstrators had also been enraged at and had destroyed the Statue of Bards which they perceived as the Statue of Pir Sultan Abdal. The right-wing spokespeople interpreted the statue as ‘provocation’ rather than as intolerance for the representation of Alevi culture-in the city. This was again an instance of intolerance for the expression of Alevi cultural values and symbols in the public realm.

The representatives of right-wing parties also ignored that leaflets distributed in the city right before the Incident openly called for violence, even though they cannot be interpreted as free speech. They sidestepped the question of who wrote and distributed them. They denied that local newspapers had any role in provoking people. On the contrary, they interpreted the publications of local press as a warning that incidents could break out in Sivas. They also related Sivas to conspiracies of external powers which want to divide Turkey and negative developments in Turkey’s neighborhood such as civil war in Bosnia. They did not pay any attention to the role of central government and the municipality.

The exploration of debates on Madımak demonstrates that what the right with its various colors understood from secularism was the untrammelled religious freedom of the majority. The spokespeople of right-wing parties discussed the issues

of how to define freedom of expression and freedom of religion. They conditioned freedom of expression on freedom of religion. This chapter demonstrates the right-wing actors' misconception of freedom of religion as the free expression and practice of majority Islamic denomination. In their opinion, the problematic aspect of secularism in Turkish case concerned the restrictions placed on the religious freedom of the majority such as the visibility of Islamic symbols in the public sphere. An understanding of freedom of religion as state's impartiality towards religious groups in the society is also weak. The right-wing spokespeople in the Parliament ignored sectarian prejudice vibrant among the populace against Alevis.

On the other hand, the members of the left-wing parties saw an insurrection of violent fundamentalism against secular regime. They perceived Sivas Incident as the confirmation of their fears about the growth of fundamentalism. In the opinion of the leftist representatives, the erosion of secularism accelerated under September 12 regime had started to bear fruit. They accused the religious policies of the military administration (1980-1983) of creating conditions for the growth of fundamentalism. The implication of secularist narrative was that the secular regime was in danger in the face of political Islam and the state had to take steps to restore secularism.

This chapter makes it clear that the left wing's perception of the incident in the confines of 'fundamentalism (*irtica*)' trope caused them to sidestep the resentment against Alevi visibility and prevented discussing the frailties of secularism in the framework of Alevi Question. This emphasis on the framing of Sivas as an attack of fundamentalism against secular regime shifted the issue away from the plight that Alevis endured in Sivas. The spokespeople of parties of the left did not directly take aim at the specific injustice inflicted upon Alevis in Sivas and the general injustice of non-recognition of Alevilik in unequivocal terms. Especially

the representatives of the CHP made no direct reference to the freedom of expression and religion of Alevis. They did not question why the expression and visibility of Alevi culture in the public space become a matter of provocation. They also did not remind the previous pogroms against Alevis, especially the one that took place 15 years ago in Sivas. In short, the debate over freedom of religion did not put the religious freedom of Alevis at its center and they failed to develop a defense based on the basic civil rights of all citizens including Alevis. This weakness constitutes a strong obstacle in front of the inclusive democratization of the Turkish polity.

The debates which focused on the memorialization of the Incident through the initiatives of CHP and pro-Kurdish parties after 2005 took place in a period of expanded freedom of expression and democratic opening and talk of coming to terms with the past debates. The bills proposed by the members of CHP portrayed the Incident primarily as a fundamentalist revolt against the secular Republic, intellectuals, and the values of Enlightenment. The pro-Kurdish parties on the other hand underlined the victimhood of Alevis because of state's discriminatory identity policies. The representatives of AK Party defended themselves by stating that they were not in power during the Sivas Incident and raised the issue of Başbağlar Massacre in response to the reminding of the Sivas Incident. They consistently rejected the bills for the conversion of Hotel Madımak into a museum and perceived the attempts to keep the issue on the agenda as "exploitation."

CHAPTER 5
THE JUDICIAL PROCESS OF THE SIVAS INCIDENT
BETWEEN 1993-2014

This chapter analyzes the competing narratives of the Sivas Incident articulated in the process of long Sivas Trial by the actors of the Judiciary from 1993 to 2015. It explores the judicial process based on court documents to indicate how the judicial branch interpreted the incident compared to the political actors. As the judiciary forms the politically independent branch of the state in theory, it aims to show how this supposedly independent institution addressed and interpreted the issue. This chapter explores both the legal argumentation and political conditions to explain the take of the Judiciary on the Incident. It highlights the contestation over the framing of the Sivas Incident by the actors of Judiciary. It also aims to show at what points the judiciary agreed with or diverged from the competing narratives articulated in the Parliament.

This chapter argues that the courts overseeing the trial were preoccupied with the competing conceptions of the Incident as a provocation of religious sensibilities versus an insurrection against the secular regime. Meanwhile, it ignored its role as the guarantor of fundamental rights and liberties recognized by the Constitution. Rather than perceiving the Incident as a severe violation of right to life and security, freedom of expression, freedom of religion and discussing secularism in a frame of fundamental rights and freedoms, it was polarized between these two positions. In addition to the impact of this polarization between two irreconcilable positions, the long duration, the procedural problems, blatant negligence about defendants on the run and political interference has failed to provide that accountability for the

perpetrators, justice for the victims and restore rule of law. These defects moreover prevented the Sivas trial to give an unambiguous message that violence against those holding different opinions is wrong and similar incidents will not be tolerated in the future.

The examination of the legal process is important since the analysis of the Sivas incident has implications for many issues including secularism, freedom of expression, sectarian divide, and fundamentalism. This multidimensional nature made it inevitable that the court would focus on these issues. The issue of crimes against humanity and application of statute of limitations for such crimes were also debated widely in the case of Sivas Trial. It was worth to explore the proceedings of Sivas trial to understand the judiciary's take on these issues. The Sivas Incident later came on the public agenda with the developments in the judicial process apart from its remembrance on its anniversaries. The “irruptions of memory”⁹⁴ caused by controversial developments in the process led to the debates in the parliament. For instance, the ruling concerning the applicability of statute of limitations for crimes against humanity in 2012 caused heated arguments in the Parliament and public opinion.

The legal process started in July 1993 with the opening of first lawsuits against the defendants. The prosecutors of Sivas Assize Court and First Instance Court opened two lawsuits against the defendants: murdering people through arson and unlawful marching, respectively. This caused the division of the trial of the defendants into two cases. The Kayseri State Security Court (*Devlet Güvenlik Mahkemesi*), hereafter referred to in its Turkish initials, DGM)⁹⁵ whose jurisdiction

⁹⁴ I borrow this term from the article of Wilde (1999).

⁹⁵ The DGMs were founded in 1973 as a result of a constitutional amendment (Article 136 of 1961 Constitution) after the memorandum of March 12, 1971. These types of courts originated in Mussolini Italia. The criticism of these courts was that they were applying the rules of extraordinary rule under

includes Sivas province opened a third lawsuit against the defendants for the violation of the Anti-terror Law (*Terörle Mücadele Kanunu*, hereafter referred to in its Turkish initials, TMK)⁹⁶. The Court of Appeal ruled in favor of transferring the trials to Ankara upon the request of the Ministry of Justice.

However, the Assize Court and First Instance Court of Ankara declared themselves incompetent to try the defendants. They asserted that the defendants must be tried to find out whether they committed terror crime described under the TMK or endangered the constitutional order of the state described in the Article 146⁹⁷ of Turkish Penal Code. In other words, it was the Ankara DGM which had the jurisdiction to try the defendants. However, the DGM did not perceive the Incident as a case of terror despite the very extensive definition of the term in the Anti-Terror Law of 1991. It declared itself incompetent and argued that the defendants were accused of ordinary murder through setting fire and illegal march. The crimes attributed to them were not political. The Court of Appeal solved this jurisdictional

normal circumstances. The Constitutional Court revoked this amendment in 1975. The military junta reinstituted the DGMs in the 1983 Constitution. The DGM as a special civil court includes a military judge. It has also a distinct procedure of trial that restricts the defendants' access to legal counsel. According to critics, these courts were not courts of expertise as it was claimed but were special courts ("DGM dönemi bitiyor," 2004).

⁹⁶ The Parliament adopted this law in 1991. The first Article of the Law defines terror as 'Terrorism is any kind of act done by one or more persons belonging to an organization with the aim of changing the characteristics of the Republic as specified in the Constitution, its political, legal, social, secular and economic system, damaging the indivisible unity of the State with its territory and nation, endangering the existence of the Turkish State and Republic, weakening or destroying or seizing the authority of the State, eliminating fundamental rights and freedoms, or damaging the internal and external security of the State, public order or general health by means of pressure, force and violence, terror, intimidation, oppression or threat' ("*Terörle Mücadele Kanunu*," 1991).

⁹⁷ Under the title of 'Crimes against State Forces', the Article 146 of previous TCK reads as 'Those who attempt to alter or abolish in whole or in part of the Constitution of the Republic of Turkey or to overthrow the Grand National Assembly which is formed through this Constitution or prevent its operation by force are condemned to death penalty.

Even though the mischief committed does not go beyond attempt, those who encourage these crimes through creating trouble by oral, written or in deed, or through making speech, distributing publication in squares, streets and places where people gather, alone or together with a few persons, in ways and manners cited in the Article 65 are condemned to death penalty.

The secondary accomplices who participate in the crime written in the first clause in ways other than those cited in the second clause are condemned to heavy imprisonment from five years to 15 years and are barred permanently from public service.'

dispute which continued to be at the heart of Sivas Trial by ruling that it is the Ankara DGM that must try the defendants. In short, the DGM, an extraordinary court founded by the military rule to deal with crimes against the state, started to oversee the trial.⁹⁸

In this legal process, the Prosecutors' office of Ankara DGM, the Ankara DGM and the Court of Appeal produced different narratives of the Incident. The Prosecutors' Office of DGM presented a hybrid narrative of provocation and fundamentalist encouragement. In line with the arguments of right-wing parties in the Parliament and President Demirel's description of the Incident, the DGM Prosecution perceived the provocation of Nesin and the transfer of the Festival from Banaz to Sivas as the causes that paved the way for the incident. However, in a dramatic departure from the right-wing narratives, it argued that these provocations had resulted in a fundamentalist insurrection against secular state.

The Ankara DGM produced two judgments with strikingly different ideological outlooks concerning the same incident. The first judgment which the court issued in December 1994, represents the first selective narrative. The judges of the first trial had a conservative outlook in that they made meticulous use of legal argumentation to prove that the issue was solely about popular reaction against Aziz Nesin's publication of Satanic Verses. They ignored the political dimensions of the incident and perceived what happened as an ordinary act of murder under unjust provocation of Aziz Nesin. The first judgment was in line with the right-wing framing of the incident in the Parliament. It ignored the size and seriousness of the incident. It resorted to emphasizing certain aspects of the Incident such as the

⁹⁸ The Sivas Trial differs in this respect from the trials of pre-1980 pogroms the perpetrators of which were tried in military courts. Those convicted in the trials of these previous pogroms were later released with amnesties.

publication of Satanic Verses by Aziz Nesin to justify the reaction of the mass. The court wanted to wrap up the issue quickly to cover up both resentment against secularism and Alevis. It was in line with the approach of right-wing spokesmen in the Parliament who tried to obscure societal cleavages underlying the Incident. Both the report of the Grand National Assembly and the first Judgment of the Ankara DGM do not talk about fundamentalism or the involvement of fundamentalists and denied any sectarian motive to the incidents. They also both did not accept an organized involvement in the incident.

The first judgment of the DGM differed from the conservative discourse in the Parliament in that it perceived that the provocation was not due to Nesin's expression of his atheism or speeches but his publication of the book. The judges of Ankara DGM argued that the publication of the book constituted "unjust provocation" and it had created "psychological stress" for the demonstrators (Merdol, 2004b). The incident was no more than a reaction against this unjust provocation. The reaction the demonstrators showed was part of the general reaction shown in other provinces against the publication of the book. It dismissed all evidence that may indicate a more serious incident than outpouring of anger against Nesin. The leaflets were calling for violence against Aziz Nesin not targeting secularism. The reaction against the governor was not against the state but against his provocative conduct. The judgment is silent about the destruction of Pir Sultan Abdal Statue because it was not possible to interpret the rage against the Statue with resentment against secularism or Aziz Nesin. It was adamant in its opposition to linking the incident with anti-secularism or sectarian resentment as it would harm national unity.

The Prosecutors' Offices of the Court of Appeal and DGM both appealed the first verdict. The Court of Appeal overturned the verdict. The Court of Appeal stated that Aziz Nesin was only a pretext, and the real intent of the demonstrators was to overthrow the secular regime. It saw the Incident as part of fundamentalist activity targeting the secular republic and prioritized the protection of the secular regime. They thought that if it is not quashed with the toughest legal sanction, it would pave the way for similar incidents. It criticized the judgment of the lower court for legitimizing the reaction of the mob through application of unjust provocation.

In the second trial, the lower court complied with the Court of Appeal and found defendants guilty of attempting to overthrow the constitutional order of the Republic. The second judgment interpreted the incident as an attempt to endanger constitutional order. It referred to the attack against the Museum of Sivas Congress and siege of the building of the governorate after setting the hotel to fire as proof of the intent of the demonstrators. While Aziz Nesin was the villain in the first one, fundamentalists were the villain in the second one. The appeals decisions and the second Judgment were in line with the secular framing articulated in the Parliament.

This chapter argues that the Court ignored the political dimensions of the Incident in its first ruling by maintaining that the incident was no more than a reaction of pious people enraged at Aziz Nesin's publication of Satanic Verses. The severity of the Incident as pointed out later in the appeal process stood in contrast with such a framing of the incident. The second ruling on the other hand elevated the Incident to a widely different plane, that of destruction of the secular order and creation of Sharia-based order. While it is questionable that the defendants on that day took to the streets to topple the constitutional order, it is nonetheless plausible that it was an act that endangered the constitutional order in the light of the fact that

thousands of people besieged the governorate after setting fire to the hotel. In this respect the argument of the center-left parties in the Parliament that a fundamentalist insurrection took place is not misplaced.

In explaining the difference between the two verdicts, this chapter took into consideration the composition of the court and political circumstances. The judges of the first trial were completely replaced in the second trial. The first trial had taken place in conditions when Islamist Refah party was on the rise and all right-wing actors including the then President Demirel had taken appeasing attitudes towards the violence unleashed by the mob in Sivas. The court delivered its second verdict under the conditions of February 28. The political and especially military establishment now described political Islam as a critical danger to the Republic.

What the two radically different legal judgments (and two conflicting framings) of the incident shared was the invisibility of victims, specifically Alevis, in both trials. This is despite the fact that their festival and symbols had been targeted in the incidents. The erection of the Statue of Bards was also to a certain extent a nod to Alevi culture and thus the demonstrators who perceived it as the statue of Pir Sultan Abdal destroyed it before setting fire to the hotel. The Judiciary also ignored the fact that the Incident had taken place in a province where Alevis had been subjected to a pogrom in 1978. However, even the word “Alevi” is absent from the text of judgments. In other words, the court ignored the violation of civil rights of Alevis, most importantly the right to life and security but also the right to freely express their culture in public spaces and their freedom of assembly.

The first part of this chapter focuses on the trial process between 1993 and 2003. It starts with problematic investigation stage because of its limiting influence over the trial. It explores the three lawsuits opened in three different courts for the

same incident at the beginning. The jurisdictional dispute between them resulted in the overseeing of the trial by a court that is least equipped for trying a crime of lynching targeting Alevis and secular intellectuals. It then examines the arguments presented by the Prosecution, the defense, and witnesses at the court. I include these because they are the material that the court reckoned the case with in its judgments. I then focus on the judgment of the court, the following appeal process and the second judgment. In the second part of this chapter, with the bulk of the trial completed, I turn to the issues of application of amnesties and particularly controversial statute of limitations rulings of the judiciary in the AK Party period.

5.1 The investigation phase and the opening of first lawsuits before the trial

The issue of whether the law enforcement and Prosecution made a proper investigation of the incidents has been controversial right from the beginning. Negligence and willful faults marred the legal process. Most critically, the security forces did not make a serious investigation of who published and distributed the leaflets. Firstly, the security forces did not arrest anyone during the incidents.⁹⁹ The most common criticism of the initial phase of investigation was that there were thousands of demonstrators and despite this fact, only 150 persons had been put under custody. Moreover, the security forces had not undertaken any additional searches after the first search.¹⁰⁰ On the other hand, the defense claimed that there

⁹⁹ The lawyers of plaintiffs stated this crucial aspect in a petition: ‘Despite the fact that the incidents lasted throughout the day, the security forces did not arrest anyone until the moment of dispersal’ (Sarıhan, 2002a, p. 276).

¹⁰⁰ When asked about the issue of whether those punished in the court were really involved in the incidents, Şenal Sarıhan, one of the lawyers of the plaintiffs stated that she is sure that they were involved in the incidents, but they constituted only a small fraction of those demonstrators “Yürekteki yangın sönmüyor,” 2013).

had been a “hunt” for defendants. They fed the impression that those caught were not real criminals.

The opening of three lawsuits for the same incident also created problems for the safety of evidence. According to lawyers, this helped the defendants have information about the charges brought against them and destroy the evidence. The demand of the Office of Chief Prosecutor of Sivas for lawyers to be appointed for the defendants were not in accordance with the procedure regarding political crimes. The Bar Association rejected this demand asserting that it fell under the jurisdiction of DGM. The Kayseri DGM then appointed only one prosecutor to investigate the incidents with no regard for the seriousness of the incident. Even though they were accused of violating the TMK, their interrogation was not conducted according to this law. During the interrogation, the law enforcement officers allowed defendants to get into contact with each other and have recourse to legal counselling. This enabled the defendants to make their testimonies harmonious with each other (Sarihan 2002b, p. 11).¹⁰¹

There were also alleged irregularities in the collection and evaluation of material evidence crucial to the identification of perpetrators. The lawyers of plaintiffs claimed that the evidence including photos was not collected on time. According to Sarihan (2002b, p. 13), even though there was more than one video recording the incidents, only 202 photos were taken of these records. These photos were also withheld from eyewitnesses and were shown only to police officers for identification. The law enforcement did not allow the witnesses to identify the defendants under custody. The security forces did not form an album of those who are searched for. There was also no call to people to identify the perpetrators

¹⁰¹ In contrast to this treatment of suspects, Sarihan noted that these procedural rules of the law were rigorously enforced in the case of leftist political defendants.

(Sarihan, 2002b, pp. 118-121). There were familiar connections between the defendants of 1978 Pogrom and Sivas Incident, but the court also did not inquire into this aspect of incidents (Nebiler, 1994).

Most critically, the security forces could never bring to justice Cafer Erçakmak, the chief suspect who was a public servant working in the municipality and caught in cameras while attacking Aziz Nesin during his rescue from the hotel. Another critical defect of the process was that none of the political or administrative protagonists of the incidents did stand as a witness in the trial.¹⁰² The court never issued subpoenas for administrative and political actors such as the mayor. If they did, this would be a big deviation from the usual practice concerning political (un)accountability in Turkey. Likewise, the commander of military garrison in Sivas stood neither as a witness nor as a defendant to account for his controversial conduct in the court.¹⁰³ The court also did not bother to investigate the publishers of local newspapers.

5.1.1 The bill of indictments: Court of First Instance of Sivas, Assize Court of Sivas, and Kayseri DGM

Sivas has two regular courts, the First Instance Court, and the Assize Court. There was no DGM in Sivas province, but it was under the jurisdiction of Kayseri DGM.

These three courts opened three lawsuits against the defendants for the same incident. This division of the Incident into three parts marred legal process from the

¹⁰² The Council of State investigated the conduct of the administrative personnel during the incidents and decided not to open lawsuits against them). According to the Council of State, the administration had avoided from using force in case it would lead to sectarian conflict in the city. It had opted to persuade the crowd rather than confronting them. The problem was that despite the request for additional forces, the military enforcements had arrived too late and too little after the arson (Kaleli, 1995, p. 395).

¹⁰³ The army later retired him because of lack of cadres.

beginning. The division of the case into three was a harbinger of a long and chaotic trial process. The Prosecutors in Sivas opened two lawsuits in the First Instance Court and the Assize Court. Kayseri DGM opened a lawsuit against defendants for violating the law against terror. The prosecutors prepared the indictments in less than three weeks despite the scale of the Incident.¹⁰⁴ They brought different charges against the same defendants in three different courts.

The Chief Prosecutors' Office of Kayseri DGM brought charges against 94 defendants of violating the TMK. The prosecutor accused all the defendants of violating Article 7-1/2 of Law 3713. The Prosecutor of DGM stated that the actions of defendants fit with the definition of terror made in the TMK. The leaflets distributed in Sivas were a demonstration of their targeting the state. According to the prosecutor, the crowd had made use of appeasing and soft attitude of the administration. He stated that the organization "Muslims" had incited and encouraged people to join demonstrations. Based on video records, photos, identification records, the Prosecutor concluded that the demonstrators acted as defined in the pamphlets on July 2 and brought to life the organization that the Article 1 of the TMK describes. The anti-laicity slogans they shouted were an expression of their aspiration for an order based on Sharia. In short, it was the duty of DGM to try defendants who violated the Law of Terror (Merdol et al., 2004a).

The other two lawsuits were opened in Sivas by the office of Chief Prosecution of Sivas. While the Office of Prosecutor of Sivas informed the DGM of Kayseri that the accusations against some defendants fell under the jurisdiction of Kayseri DGM since they were accused of violating 3713, it (1993/902) indicted 78 defendants for insulting, harassing law enforcement officers, harming property,

¹⁰⁴ The lawyers of plaintiffs perceived this not as concern or care to immediately bring those responsible to justice but to wrap up the issue (Sarihan, 2002b).

causing the death of 35 persons through arson and intending to murder 45 persons and aiding and abetting these two crimes in the Assize Court of Sivas. The bill of indictment referred to reactions against Nesin, the leaflets and slogans. The demonstrators had caused the fire in the hotel by burning down the cars in front of the hotel and the curtains of the first floor of hotel. They also prevented the fire brigades to intervene in the burning hotel. The indictment stated that the defendants were fully aware of what they were doing: “... known that there were many persons inside the hotel and clearly anticipated the possibility of the death of all of them because of a fire” (Merdol et al., 2004a, p. 262). In other words, the prosecution did not see the murder of Nesin as the sole target of the crowd. The prosecutor wanted the defendants to be punished 45 times for violating the Article 450/6¹⁰⁵ of TCK. On the same day, the Prosecution opened another lawsuit against 102 defendants for violation of Law 2911 (Law of Demonstrations and Marches) in the Sivas Court of First Instance.

5.1.2 The relocation of trial from Sivas to Ankara

The place of trial was transferred from Sivas to Ankara due to concerns of public safety. It was the Union of Bar Associations of Turkey which applied to the Ministry of Justice to transfer the trial to Ankara (Merdol et al., 2004a). The Ministry agreed with this demand and wanted the Court of State to change the location of the trial. It argued that the high number of defendants and their relatives could cause disturbance during attendance to the trial. He was concerned that there could be “sad incidents” that the security forces cannot prevent. The Governorate of Sivas had also informed the Ministry that although they continued precautions taken after the incidents, there

¹⁰⁵ The article sanctions those actions such as setting fire which result in death.

could be disturbances during trial times because of the number of defendants and their families (Merdol et al., 2004a, pp. 293-294). The concern here was that since most of the families of the victims live in Ankara, their attendance to the trial in Sivas would have the potential to cause problems for their security in Sivas. The Court of Appeal ruled in favor of the request of the Minister of Justice on 17 August 1993 and decided to transfer both trials to Ankara. The two lawsuits opened in the Assize and First Instance Courts of Sivas were transferred to the Third Assize Court of Ankara and the Nineteenth Court of First Instance of Ankara respectively (Merdol et al., 2004a, p. 295-297).

5.1.3 The lack of jurisdiction decision of Ankara courts

Both the Nineteenth Court of First Instance and the Third Assize Court of Ankara declared themselves incompetent to try 124 defendants on October 4, 1993. The First Instance court interpreted what happened in Sivas as an organized action to institute a Sharia-based order as demonstrated by the anti-laicity slogans, the leaflets distributed, and violence unleashed (Merdol et al., 2004a, p. 332). The court also perceived demonstrators as members of an organization as it cited the claim of some witnesses that ten Hezbollah members had led the demonstrators. The court found it unreasonable to indict the demonstrators with violating Law 2911. It pointed out the Law 2911 only dealt with meetings and marches which aim to shape public opinion or bring an issue on the agenda. Thus, the court argued that they had to be tried according to Article 146 and it was under the jurisdiction of DGM to try those accused of Article 146 (DGM Law, 2845). Through their actions, the defendants created the dangerous situation that the Article referred to. Furthermore, the court argued that even if Article 146 is not implemented, then it must apply Article 8 of

TMK. In this case, it was again impossible to apply Law 2911 since this law can only be applied to sanction actions which do not require more severe sentences.

The Third Assize Court of Ankara also perceived what happened in Sivas as a politically motivated crime. It interpreted the target of incidents as secularism. Anti-laicity slogans demonstrated that Aziz Nesin was only a pretext. The attack on Statue of Atatürk, slogans such as “Burn, burn”, “Infidels at the hotel” and pro-Hezbollah slogans attested to the fact that this was not an ordinary incident. The court characterized what happened in Sivas as a movement of fanatics who had intended to destroy secular order because of their mistaken understanding of secularism. The fanatics had misunderstood secularism as atheism and hostility towards religion. The court refused such a conception of secularism and defined secularism as the mutual independence and impartiality between religion and state (Merdol et al., 2004a, p. 371).

The court noted that the courts of martial rule had applied Article 146 in cases of actions of armed political organizations. At first glance, it was not possible to apply it to Sivas Incident since no armed organization was involved in the Incident. However, the court argued that the function of Article 146 was to uphold and protect the ideological principles that underpinned the constitutional order. The crucial point was that it aimed to punish “actions which create danger”. It noted that the Military Court of Appeal had interpreted it in this vein. Interestingly, the court argued that it was a violation of Article 146 not to recognize the right to life of ideas, ideologies different from one’s own (Merdol et al., 2004a, p. 374).¹⁰⁶ It implied that what took place in Sivas was the intention to murder en masse those who had different political

¹⁰⁶ ‘Sanıkların; kendi politik ve ideolojik görüşlerinde olmayan kişilere hayat hakkı tanınaması ve onları toptan öldürmek kastı ile hareket edip kısmen dahi olsa gerçekleştirmeleri TCK’nın 146. Maddesinin ihlali olarak değerlendirilmesi iktiza eder.’

ideas. In short, the trial of Sivas Incident had to find out whether the incident constituted the crime defined in Article 146.

Despite these two decisions, Ankara DGM did not agree to oversee the trial. It still held that the case fell under the jurisdiction of the Third Assize Court of Ankara. It accused the Assize Court of changing the nature of crime by claiming that the crime was the one described in Article 146. It sent the file back to the Court of Appeal to decide about this jurisdictional dispute. The military member of the court board, Ertan Urunga, dissented to this ruling of the court. He argued that what Ankara DGM had to do was to oversee the trial after the lack of jurisdiction decisions of the two ordinary courts. In his dissent, he pointed out the severity of the incidents in Sivas. He pointed out that the incidents which created an atmosphere of terror in the province had resulted in the imposition of the curfew at night. He found it unreasonable to put such an “extensive, serious incident” under the category of ordinary crimes. He also agreed with Ankara Assize Court’s criticism about the opening of three lawsuits for the same incident even though the evidence, the description of the incident and reasonings were all same for these three lawsuits as he stated that

Besides, there is no doubt that trial of defendants in three different courts through the division of the lawsuits in this way despite the existence of personal and actual linkages between them in these lawsuits in which most of the defendants are same persons will create significant drawbacks for the health of the trial even in the case jurisdictional requirements.¹⁰⁷ (Sarıhan, 2002a, p. 267)

The Tenth Chamber of Court of Appeal resolved this dispute by deciding that Ankara DGM had to oversee the trial of Sivas defendants on November 8, 1993. The Court of Appeal argued that the second clause of Article 2 of Law 3713 and Article 9

¹⁰⁷ ‘Kaldı ki, büyük çoğunluğunu aynı kişilerin teşkil ettiği davalar arasında kişisel ve eylemsel bağlılık bulunmasına rağmen görev konusuna ilişkin yasal zorunluluklar nedeniyle olsa bile, davaların bu şekilde bölünüp sanıkların üç ayrı mahkemede yargılanmalarının davanın selameti açısından büyük sakıncalar yaratacağına da her halde kuşku yoktur.’ (Sarıhan, 2002a, p. 267)

was clear that the terror crimes fell under the jurisdiction of DGMs. The Court of Appeal further argued that DGM would decide that whether the actions of defendants corresponded to terror crimes stated in the Law 3713 (7/1-2) or Article 146 of Turkish Penal Code. The Court did see the incidents as constituting a single whole (Sarıhan, 2002a, p. 270).

5.2 The first judgment of Ankara DGM I

After the Court of Appeal's ruling in 1993 that that the case fell under the jurisdiction of Ankara DGM, the Ankara DGM started the trial of 124 defendants and delivered its verdict on December 1994. In this part, I mainly focus on how the court perceived the incident and its legal assessment of the incident. I will also include the legal opinion of the Prosecution, the testimonies of law enforcement officers and civil witnesses and the opinion of lawyers of defense and plaintiffs as the material that the court considered.

One of the defining aspects of the trial process was its chaotic atmosphere created by the unruly behavior of the defendants in the courtroom. This chaotic atmosphere continued until the final hearing in the courtroom. For instance, Zeynep Oral (2013), a journalist, narrates that the defendants were shouting “One Sivas is not enough” during a hearing. This shows that the death of 35 people through arson did not move them. They were not only repentant but also aggressive in their approach to both the defense and the court panel.

In its initial stages, the trial witnessed an example of the political interference in the trial process. Şevket Kazan, a prominent member of Refah who was the Minister of Justice in CHP-MSP coalition government in 1974 and later Minister of Labor in the Nationalist Front government in the 1970s participated in the trial as one

of the lawyers of defendants during the hearing of October 22, 93. The lawyers of the plaintiffs objected to Kazan's application by stating that the Constitution forbade members of the Parliament from assuming the defense of those who were accused of "attempting to destroy the constitutional order of the state." The DGM accepted this objection and rejected Kazan's application (Sarıhan, 2002b, p. 21). This attempt of such a high-level member of Refah is at least a sign of the sympathetic attitude of Refah towards the defendants. It later gained further significance when Kazan became Minister of Justice during the Refahyol coalition government in 1996 and fed concerns that his ministry would cast a shadow on the impartiality of the legal process.¹⁰⁸

5.2.1 The closure of the trial to public

The Court decided to hold closed hearings because of news about the proceedings in the media on April 26, 1994. The court perceived the news in the media as a pressure over itself. The lawyers objected to this decision by citing Article 141 of the Constitution that the closedness of the hearings was defined as an exception in the law. They wanted the judges recuse themselves from the trial. However, the court did not backtrack on its decision. In reaction to this, the lawyers decided not to attend the hearings. The lawyers of plaintiffs demanded recusal because the civilian members of the court had revealed their opinion concerning the case in their decision of lack

¹⁰⁸ During his ministry, there emerged claims that the convicts got favourable treatment in prison thanks to him. It was claimed that it was Kazan who made the defendants to be transferred from Kırşehir prison to Sivas prison. One example of this preferential treatment in jail was Faruk Ceylan. He had a child while in prison despite being under legal constraint. Hürriyet reported that the family of Ceylan was thankful to Şevket Kazan for allowing this favour. Such examples further fed the impression that Sivas defendants were protected by the political authorities ("Şevket bey sağolsun," 2000).

of jurisdiction. However, the judges refused to recuse themselves from the case (Sarihan, 2002a, p. 48).

5.2.2 The opinion of the prosecution of Ankara DGM

In this part, I focus on how the Prosecution framed the incident. A document called is very revealing in this regard. The prosecutors of DGM¹⁰⁹ issued ‘An Example of Opinion’ to guide the trial of Sivas defendants on August 9, 1994, while the trial continued. In the document, the prosecutors did not explain why they needed to guide the court. This is an important document because even though Ankara DGM did not take it into consideration in its first verdict, its perception of the incident as a crime against the state informed both the appeal decisions and later judgments of Ankara DGM.

The Prosecution gave an account of how the incident unfolded. It starts the final phase of the incident with the setting fire of the cars in front of the hotel. Then the demonstrators entered on the first floor of the hotel and threw the furniture outside and set them to fire. Finally, one person started the fire in the hotel by burning the curtain. It noted that the crowd prevented the arrival of the fire brigade in front of the hotel. It was well after the fire started that the brigade reached the hotel at 20.05 (Merdol et al., 2004b). The narrative presented by the opinion indicated that the emergence of fire was not accidental, but the demonstrators intentionally did want to burn the hotel. In the opinion of the prosecutors, this was not a simple demonstration of pious people protesting Nesin:

The incident which increasingly grew became more than a march, demonstration ... the action took the character of an action against the secular state order Turkish Republic because of deaths, that it was aimed to replace the secular order with a

¹⁰⁹ The Prosecutors are Nusret Demiral, Tevfik Hancılar, Talat Şalk, Kemal Ayhan, Nuh Mete Yüksel, Ali Rıza Konuralp, Dilaver Kahveci.

political order based on Sharia through the encouragement and guidance of fundamentalists and plotters in this crowd.¹¹⁰ (Merdol et al., 2004b, p. 63)

The Prosecution clearly saw it as the work of fundamentalists in contrast to the Report of the Parliament. It notes that fundamentalists incited people through newspapers and leaflets. The opinion interpreted the leaflets as advocating the rule of Sharia and referred to slogans shouted by “fanatic fundamentalists”: “Long live Hizbullah”, “Laicite will be gone” and “Sharia will come”, “Long Live Sharia”, “Down with the laicite” (Merdol et al., 2004b, p. 58). This being a revolt against secular state necessitated charging the defendants with Article 146.

On the other hand, the prosecution also adhered to the provocation frame. It lay the blame on the invitation and attendance of Aziz Nesin in the festival, the transfer of festival to city center, opening of the Pir Sultan Abdal Statue and the PKK’s march in the city as causes that laid the ground for fundamentalists to stage this insurrection. The opinion states that there are a number of unanswered questions in the incident: the reason of the transfer of the festival to city center, the choice of holding festival on Friday, the motives in inviting Nesin and allowing him to make a speech in Sivas and why there was a moment of silence for “unrelated terror organizations” (Merdol et al., 2004b). The opinion does not explain why the holding of festival became an issue of provocation. It does not say who held this moment of silence for the terror organizations. While focusing on the issue of provocation, it ignored the crucial question of who wrote and distributed the leaflets in Sivas before the incident.

¹¹⁰ ‘...gittikçe büyüyen olay bir gösteri yürüyüşü olmaktan çıkarılmıştır ... Türkiye Cumhuriyeti’nin laik devlet düzenine yönelik bir eylem şekline çevrildiği, bu topluluktaki fesatçıların, fanatik dincilerin yönlendirilmesi ve teşvikiyle de, laik düzenin kaldırılıp şeriat devlet düzeninin getirilmesi amaçlandığı ...’

Another cause of the Incidents was the transfer of the festival from Banaz to city center that created the opportunity for fundamentalists to revolt against the state. While the prosecutors are quite generous in naming leftist organizations, they do not name a single fundamentalist organization. They claimed that the provocation of Marxist-Leninist organizations, primarily PKK, which want to destroy the territorial integrity of the state and the encouragement of fundamentalists who want a Sharia-based political order effected a show of force by ten thousand people against the state. In other words, while PKK provoked people, the fundamentalists encouraged them to revolt. The opinion claims that there was a march of militants of Devsol, Devyol and PKK in Sivas one day before the incident. It claims that this also contributed to the provocation of people (Merdol et al., 2004b). We also see the anti-left bias of the prosecution. The Prosecution referred to a few extreme left organizations and PKK involved in the Incident but did not name one single fundamentalist organization. It sidestepped the fact that it was a cultural activity supported by the Ministry of Culture.

However, there is no solid evidence about this march. In his testimony to the Inquiry Commission of the Parliament, the police chief Öner stated that the group that marched in the Sivas streets were members of the public sector unions who came from Malatya and Erzincan on their way to Ankara. They had legal permission to hold the march. Thus, the Inquiry Report of the Parliament does not include such a march among the developments prior to the Incident (Tüleylioğlu, 2013).

The legal opinion of DGM Prosecution differed from the Report of the Parliament in that it affirmed that the incident was a fundamentalist revolt targeting the secular state. According to the Prosecution, what led people to the streets was provocation of Aziz Nesin and the encouragement of the fundamentalists. The

opinion is critical of Aziz Nesin because of his actions and his publication of the Satanic Verses. His provocative actions created an atmosphere for fundamentalists to exploit and encourage people to join in the incidents. The Prosecution accused Nesin of provocation, but it did not include even one sentence from the speeches of Nesin. Regarding the punishment of the provocation of Aziz Nesin, it lamented that the Article 146 only includes the encouragement but leaves out the issue of provocation. In other words, it is legally impossible to charge Aziz Nesin, who incited people, with Article 146. It opined that this omission in the law was not beneficial for the nation since it will stifle the deterrence of similar incidents. If Article 146 did include the issue of provocation, then it would be legally possible (seemingly desirable by prosecutors) to bring charges against Nesin because of his anti-Islam remarks and publication of Satanic Verses and against those who allegedly held a minute of silence for PKK members and invited Nesin to Sivas (Merdol et al., 2004b, 64).

The Prosecution also pointed out the sensitivity of Sivas people regarding their beliefs. They interpreted the incidents as not surprising in the absence of legal obstacle which could deter this sensitivity. The prosecutors expressed their belief that if Article 163 of TCK and Article 2 of Law of Betraying the Motherland¹¹¹ were in place, such an incident would not take place. In other words, they are critical of abolition of criminal measures that target fundamentalists. It was not only the leaders but also the crowd who followed them that had caused the death of 37 persons deliberately.

¹¹¹ The Article 163 sanctioned those who form organizations to base the social, economic, political or legal order of the state wholly or partly on religious dogmas and beliefs. It also punishes propaganda through the exploitation of religious faith and values to realize this aim. It bans the exploitation of religion and faith for personal power and gain. The Article 2 of The Law of Betrayal of the Motherland which was enacted in 1925 punishes those who establish organizations to exploit religion and sacred values for political ends with death penalty. The Anti-terror Law which was enacted in April 1991 abolished this law.

The prosecutors argued that a clear understanding of what took place in Sivas requires a correct understanding of what is secularism. Although the Prosecution does not clearly state that, the prosecutors perceived secularism as having two aspects. Firstly, they interpreted it as a separation between religion and state. According to them, those who thronged the streets in Sivas aimed to destroy the separation aspect of secular order and to institute a political order based on only religious rules. They made a distinction between the nature of religious and secular rules. While they assign religion to the realm of individual conscience as in Kemalist laicity, they perceive worldly rules as universal that requires obedience of all the people whether religious or atheist (Merdol et al., 2004b, pp. 59-60).¹¹² In other words, their difference lies in the enforcement power.

Secondly, they argued that secularism denotes freedom of religion and conscience, not irreligion. They invoked Article 24 of the Constitution. They firmly maintained that secularism does not stand for or command irreligion. They do not address the apparent contradiction that if secularism stands for freedom of religion, then Aziz Nesin's atheism is also protected under the Constitution. Rather than making this conclusion, they criticized both fundamentalists and leftists for misinterpreting secularism as irreligion. The fundamentalists propagated that secularism was atheism. Through this propaganda, they encouraged people to throng the streets. The leftists on the other hand provoked people through portrayal of secularism as atheism. The prosecutors believed that there was no secularism problem in Turkey, but the problem emanated from politicians, fundamentalists and leftists who provoke and encourage efforts to erode or subvert the secular system thanks to legal loopholes (Merdol et al., p. 60). In other words, the remedy of these

¹¹² 'Dinin kuralları ise öteki dünya dediğimiz ahiretle ilgilidir. Kişinin Tanrı'ya inancı ve ona ibadeti ile ilgilidir. Bir vicdan meselesidir'.

loopholes would suffice to fix the system. They conceived of the Incident in Sivas that took the shape of a revolt against the state as one of the examples of these efforts of “provocation and encouragement” (Merdol et al., p. 61).

The prosecution did not raise any questions about the conduct of the mayor. In line with the Inquiry Report of the Parliament, it notes that his speech at first led the crowd to disperse but those who guided them directed them towards the Hotel (Merdol et al., 62). The provincial administration failed to grasp the gravity of the incident on time. The Prosecution notes that it was possible to disperse the crowd of no more than 200 persons at the beginning of the incident. However, the administration allowed their illegal march. When the number of participants in the march reached ten thousand people, there were still no legal precautions taken. While the prosecution notes this aspect of the Incident, it makes no call for this aspect of the incident to be investigated (Merdol et al., p. 57).

Lastly, the Prosecution wanted the court to focus not on separate aspects of the law-breaking actions of the defendants such as illegal demonstration, march, murder through fire. In other words, the issue is not one of violation of certain articles of the criminal law. The single, all-encompassing act here is revolt against the state. All these single violations constituted one single crime of trying to overthrow the secular order of the state through force (Merdol et al., p. 64). They aimed to realize their goal as encapsulated in one single slogan “Sharia will come, and the secular order will be destroyed.” They stated that all illegal acts of the defendants pertained to this overriding action and constituted a single act.

The Prosecution categorized defendants according to the degree of their involvement in the incidents into three groups. The A group included defendants who were involved in the incidents from beginning to the end, acted as the leaders of

the crowd and attacked the hotel. The Prosecutors wanted them to be charged with violating Article 146/1 of the TCK. There were 29 defendants in this category. The B group included defendants who were involved in the incident during its eight hours long duration, but committed different acts than the ones in Group A. There were 38 defendants in this group, whom the prosecutors wanted to be charged with violation of Article 146/3. In the C group were those 53 defendants who were to be acquitted. They also advised opening of investigation against Nesin and those administrators who organized the festival (Merdol et al., p. 91).

5.2.3 The arguments of the defense, testimonies of defendants, public servants and victims

The defense lawyers asserted the innocence of defendants and lay the responsibility and blame for the incidents on Aziz Nesin, the governor and the imprudence of administration. The defense argued that Aziz Nesin, the behavior of Governor Karabilgin and the erection of Pir Sultan Abdal statue led to the break-out of incidents. They invoked the Assembly report to prove that the sole target was Nesin and wanted the court to take into consideration the report of the Assembly. They believed that the report confirmed their case. The lawyers also invoked law enforcement officials who testified that the aim of demonstrators was to protest Nesin and the governor. They cited Aziz Nesin's talk with the TGRT reporter to prove that he had insulted Islam. While the court agreed the provocation argument in general, it did not accept that Nesin's speeches in Sivas were provocative (Merdol et al., 2004b, pp. 228-234).

The defense team undertook to prove that demonstrators wanted to kill only Aziz Nesin and had nothing against other people who lost their lives. They made use

of the testimony of Murtaza Demir, the then chair of PSAKD to prove that the sole target was Aziz Nesin. During the incidents, Demir had gone to the governorate and then returned to the hotel. If Demir could leave hotel freely and then return, they argued, the demonstrators had not any grudge against other invitees of the festival.

Another issue they addressed was how the fire broke out. According to their narrative, firstly the cars in front of the hotel caught fire and then this fire had spread to the hotel. In other words, the demonstrators did not set the hotel to fire intentionally. They also claimed that the wind carried the smoke of burning cars into the hotel, so those in the hotel were poisoned due to carbon monoxide. They claimed that the invitees staying at the hotel had not accepted evacuating the hotel on time (Merdol et al., 2004b, p. 226).¹¹³

The defense lawyers also took issue with the conduct of the judicial process. They likened the arrest of defendants to a “hunt” implying that defendants were caught with no regard to objective evidence about their involvement. They claimed that there were irregularities in the identification of the defendants. According to lawyers, there had taken place an “invention of defendants.” In other words, the defendants who were tried in the court were wrongfully arrested and identified and the real criminals were at large. However, the lawyers did not give even a single name to the court claiming that he had any involvement in the incidents (Merdol et al., pp. 232-235). According to defense lawyers, the exemplary opinion issued by the Prosecution of Ankara DGM violated the Article 138 of the Constitution.

The discourse of defense employed a distinction between victims and the defendants to prove their main argument that defendants had nothing against the

¹¹³ A tourism official from the governorate had visited the besieged hotel before the hotel and proposed evacuating the hotel. They would bring a bus across the hotel and take them out. The invitees rejected this offer as it would leave them vulnerable to the lynching by the mob.

state. In this discourse, the defendants represented the people of Sivas. They were loyal to the state as demonstrated by their greeting of soldiers in front of the hotel during the incidents (Merdol et al., 227-228). On the other hand, they claimed that participants of the festival had displayed the posters of the enemies of the state and nation such as Karl Marx, Che Guevara (Merdol et al., 2004a, 401) in the Buruciye Madrasah and those attending the funerals of the victims had stoned the building and insulted Islam. They wanted the court to make a choice between the enemies of the state and a people whose loyalty to state is undisputable (Merdol et al., 2004b, pp. 227-228). This reminds the Inquiry Report of the TBMM which concluded by emphasizing the loyalty of Sivas people to the state.

All the defendants unanimously testified that the incident was against Nesin. Reading their testimonies give the impression that they are highly coordinated. They had all been enraged at Nesin's presence in Sivas. For instance, one of the defendants told that when he heard that Nesin insulted God, he then took a stone and hurled toward the building. None of them admitted that they belonged to any organization. Most of them had witnessed the incidents accidentally while they were passing by and watched it from a safe distance. Some of them claimed that they were drunk during that evening. There was only defendant who mentioned Alevis to assert that the reaction was not against Alevis (Merdol et al., 2004b, p. 439). Nearly all the defendants also testified that Karamollaoğlu had tried to calm down the crowd. Only one defendant testified that the chief suspect Erçakmak had provoked people. Apart from him, no defendant referred to the role of Erçakmak in the incidents (Merdol et al., 2004b, p. 453). In short, based on their testimonies it was impossible to conclude that they had aimed to overthrow the secular order.

The survivor witnesses were unanimous in their portrayal of main aspects of the incident. What was striking in their testimonies was the contrast between their narration of the role of mayor Karamollaoğlu and other sources. They all testified that mayor Karamollaoğlu had incited the crowd rather than calming them down. They claimed that far from dispersing people, his speech made them more emboldened and increased the size of the crowd (Merdol et al., p. 285). For instance, in his testimonies before the prosecution and court, Hidayet Karakuş narrated the speech of the mayor: “*We* (emphasis added) displayed our reaction, there is nothing to do beyond this. I call upon you to leave.” In the court testimony, he said that the mayor had told the crowd that “May your holy war be blessed, *we* showed the necessary reaction” (Merdol et al., p. 290). Another survivor, Ali Rıza Kocayığıt, also referred to the “holy war (*gaza*)” in his narration of Mayor’s speech: “May your holy war be blessed, we made the festival banned. In the incidents of 1978, no one helped you. Our friends stayed in prison for 15 years, but no one helped them. I spoke with the governor and made the festival banned. We removed the statue in front of the Culture Center” (p. 299). What is interesting here is that the mayor sees himself in union with the crowd and tells the crowd that they reached their goals.

When we look at the testimonies of public servants as evidence to understand what the Sivas incident was about, it can lead us to different conclusions. Some of them supported the first judgment of the DGM, but others provided support for the thesis that the demonstrators also displayed their resentment against secularism. Sarihan (2002b, p. 58) explains the difference by pointing out that those who were removed from their positions in Sivas had more freedom in expressing their opinion about the incidents. Those remaining on duty in Sivas mostly sided with the opinion that the incidents were nothing but a reaction against Nesin.

Firstly, they all agreed that the mayor had called on people to be calm and disperse. One police officer remembered that the mayor had told the crowd that “Disperse, what you are doing is illegal. Don’t harm your surroundings, this is national wealth.” in his second speech (Merdol et al., 2004b). Secondly, while some of them like the police chief expressed their belief that this was a planned incident and had nothing to do with people of Sivas, others claimed that this was only a popular movement against Nesin. Some officers testified that what happened was a popular reaction against Nesin and the governor without the involvement of any fundamentalist organization in Sivas. According to the police chief, local people had “unconsciously” joined in the demonstration organized and planned by outsiders (Merdol et al., 2004b, pp. 337-356).

On the other hand, one police officer testified that the incident was organized against secularism and Nesin was only an excuse. His testimony is important because the lawyer of plaintiffs, Sarihan (2002b, p. 51), described his testimony as the most correct one among the testimonies of the public servants. Another police officer also contested the claim that it was an unorganized demonstration by testifying that there were 8 to 10 persons who were shouting “Hizbullah is coming” (Merdol et al., 2004b, pp. 337-338). He confessed that they did not put anybody under custody during the incidents. Thirdly, concerning the nature of slogans, while a few of the public servants talked about anti-laicity slogans, the majority talked about slogans targeting Aziz Nesin and the governor (Merdol et al., 2004b, pp. 333-337).

The police officers also talked about various instances of defendants expressing their intention to “burn the infidels” in the hotel. For instance, one officer told that one defendant had reprimanded him for protecting the infidels. He recounted that while they were saving Aziz Nesin from the hotel, Erçakmak attacked

him by saying that ‘our brethren police officers are burning inside and you’re saving this infidel. You are also infidel’ (Merdol et al., 2004b, pp. 340-341). Another defendant had told the police officers that ‘Let us burn the infidels’ (Merdol et al., p. 370). The interesting point is that he did not say that ‘‘Let’s find Nesin and kill him’’ or did not ask them which room is Nesin’s room in the hotel. He spoke generally about ‘infidels.’ Another officer also testified that one defendant had said to him that ‘‘Are you not Muslim? Are you infidel? Let me enter in the hotel for five minutes’’ (Merdol et al., p. 350).’ One defendant had also told police officers that they did not have any problem with the police (Merdol et al., p. 463). This brought up the question of in what kind of an insurrection against the state that insurrectionists tried to avoid from harming the security forces of that state.

5.2.4 The first judgment

The basic issue that the court discussed in its judgment was whether the defendants had targeted the constitutional order. In other words, it dealt with the question of whether this was a politically motivated crime. This crime of destabilizing, paralyzing, overthrowing the constitutional order through force is stated in Article 146 of the Constitution which reads as ‘‘Those who attempt to abolish the Constitution of Republic of Turkey in whole or in part and make the Grand National Assembly which is constituted with that law unworkable through use of coercion are sentenced to death penalty.’’¹¹⁴ The court deliberated over whether the feature of Sivas Incident met the conditions of set in Article 146. It therefore dissected the Article into its components to determine its applicability. It applied certain criteria to determine whether what happened in Sivas define the situation that Article 146 refers

¹¹⁴ The ‘death penalty’ was replaced with aggravated life imprisonment in 2004.

to: the involvement of two or more persons, the existence of an organization, the constitution being the target of the actions, use of force, threat or any coercion and offenses against the law enforcement officials of the state. The organization or organizations should carry out these unlawful actions in unison throughout the country. Furthermore, these actions must not be sporadic, local but must be “intense, effective, constant”. According to the DGM, Article 146 applied to cases involving unlawful coercion. However, the article had not made it clear that the nature of coercion here. The actions that the Article 146 deals with had to lead to outcomes that are concrete, certainly harmful, and clear (Merdol et al. 2004b, pp. 514-516).

5.2.4.1 The applicability of Article 146

The first condition for an action to be considered as endangering or destabilizing the constitutional order is the involvement of an armed or unarmed organization. The specific aim of the members of this organization should be destruction of constitutional order through force. However, the DGM concluded that it could not detect any organizational involvement in Sivas Incident based on the information given by the Police. The court had queried the General Police Department in Ankara whether there was an organization called “Muslims”. It informed the court that they could not find any such organization operating in Turkey:

During the trial process in our court, it was asked to General Directorate of Security that whether there was an organization called ‘Muslims’ in Turkey and Sivas province, the response 293698 that the Directorate sent on November 13, 1993 stated that there was no organization called ‘Muslims’ operating (Merdol et al., p. 528).¹¹⁵

¹¹⁵ ‘Davanın mahkememizdeki yargılama aşamasında Emniyet Genel Müdürlüğü’nden Türkiye çapında ve Sivas İli’nde Müslümanlar adlı bir örgütün bulunup bulunmadığı sorulmuş, gelen 13.11.1993 tarih ve 293698 sayılı cevabi yazıda Müslümanlar adı altında faaliyet gösteren herhangi bir örgütün bulunmadığı belirtilmiştir.’

The local Police Department of Sivas also informed the court that there was no fundamentalist organization operating in Sivas: ‘The chief of the anti-terror department of Directorate of Security of Sivas stated that there is no fundamentalist organization operating in Sivas’. The court also took into consideration the testimonies of defendants. None of them had talked about belonging to an organization in their testimonies (Merdol et al., pp. 518-519).¹¹⁶ However, it is naive to expect that they accept being part of an organization since this would lead them to be sentenced more severely.

The court did not give a plausible answer to the inevitable question that comes to mind that if there is no organization involved, how then could ordinary people continue these actions which targeted the Culture Center, the governorate and finally the hotel through seven hours? The question that how they could realize such an action without any guidance and planning remained unanswered. The court underlined that accusations cannot be grounded on assumptions in the theory of criminal law. In other words, when we, like the lawyers of plaintiffs, say that the incidents lasted for eight hours and so many people demonstrated together for so long indicate there must be an organization behind all this, we assume without any solid evidence. Rejecting the assumptions, the court reasoned that

It is not possible to evaluate this incident under Article 146, which is not organized, who came together accidentally and made illegal demonstration and march against Aziz Nesin, demolishing the cars in front of the Hotel Madımak where Aziz Nesin stayed and later set them to the fire and eventually died through poisoning with the intense smoke and this incident which resulted in the death of 37 innocent people. (Merdol et al., 2004b, p. 519) (Appendix, 2)

What this statement says is that unorganized people unintentionally had caused the death of 37 people. They had not any intention to burn down the hotel.

¹¹⁶ ‘Sivas Emniyet Müdürlüğü Terörle Mücadele Şubesi müdürü ve diğer Emniyet görevlileri, Sivas ilinde faaliyet gösteren herhangi bir dinci örgütün bulunmadığı beyan etmişlerdir.’

The court could also not see an aim of shattering the authority of the state on the part of the demonstrators. It did not interpret the aim of demonstrators as one of shattering the authority of the state or changing constitutional order, but a sudden outpouring of popular anger against the insults of Aziz Nesin to the family of the Prophet (Merdol et al., 2004b, pp. 520-522). In this case, the proof of their having no problem with the state was the absence of any attack against security forces:

Whereas this is not an action in line with the aim and strategy of the organization described in the Article 146 of TCK. Hence, the absence of any attack against the security forces of the state during these actions. Even the wounded security forces were carried to hospital by defendants and treated there ... (they) hailed the coming of military forces with slogans “the greatest soldier is our soldier, army to Bosnia” ... even when the hotel caught fire, the security forces dispersed the crowd which prevented the reaching of the fire brigade to the hotel by warning them that ‘our police friends are stranded in the hotel. Let the fire brigade advance for no harm befall on them.’ Upon this warning, the crowd withdrew from the hotel ... the fire was extinguished in this way. (Merdol et al., 2004b, p. 522) (Appendix, 3)

While demonstrators did not harm security forces, they had shouted slogans of illegal organizations. The court argued that slogans on their own did not prove organizational involvement in the incidents as the court stated that “...to claim that there was an organization through talking about the existence of some slogans is nothing more than allegations which have no evidentiary value and suspiciousness.” (Merdol et al., 2004b).¹¹⁷

The court invoked the talk of Aziz Nesin with Demirtaş Ceyhun to prove its argument that the target was Nesin. In Ceyhun’s book, Nesin had told him that the firefighters had come to his help, because they had mistaken him for a policeman. The court concluded that this proved that the defendants had no intention of harming security forces. In other words, their actions were not aiming at the authority of the state (Merdol et al., 2004b, p. 532). Another proof of the fact that the target was

¹¹⁷ ‘...bazı sloganların varlığından bahsederek örgütün varolduğunu iddia etmek şüphecilikten öteye delil değeri bulunmayan iddialardan ibaret kalacaktır.’

Nesin was the testimony of Demet Işık. Işık had proposed to camouflage Nesin so that they could leave the building without causing anger of demonstrators (2004b, p. 523). The court implied that even those staying at the hotel believed that they were besieged because of Nesin. The court interpreted the protests against Nesin in other provinces as proof of its judgment that the complaint of demonstrators was not about the constitution but Nesin (2004b, p. 526).

The DGM argued that those who were mistaking this attack against Nesin for an attack against the state was conflating Nesin's ideas with secularism. To claim that the demonstrators had attempted to abolish the secular order was to equate secularism with the views of Aziz Nesin. The opposition of demonstrators was towards the irreligion and insults of Nesin. To prove this, the court undertook to explain what secularism is. It underlined that secularism does not mean irreligion but the separation of religion and state and freedom of religion. The court described Nesin as the one who induced the incidents with his illegal publication of the infamous book (2004b, 524). Thus, the court decided to file a criminal complaint against Nesin for violating Article 175 of TCK.

The court implemented strict criteria to determine that conditions that put the constitutional order in danger were there. In addition to the condition of organizational involvement, the Incident had not to be limited to Sivas but general. According to the court, the fact that similar incidents did not take place before or in the aftermath of Sivas Incident in other provinces was a testament to the absence of a hierarchical organization operating countrywide. Sivas Incident being a singular incident had no capacity to put the constitutional order in danger. Moreover, it was not sufficient that an illegal organization carry out a few bombings, kidnappings or bank robberies to create conditions that Article 146 refers to. These sporadic actions

on their own were not enough to paralyze the regime. It interpreted only the “intense, effective and continuous” actions done in a systematic, connected and planned way as having the potential to disrupt the orderly working of the constitutional system (2004b, p. 525).

The court also argued that actions against the governor was not directed to the state. They chanted anti-governor slogans because he had allowed Pir Sultan Abdal Festival to take place in Sivas. It was not his position as the representative of the state in the province but his actions such as inviting Nesin to Sivas, holding moment of silence for leftist militants had made him a target of demonstrators. This approach was in line with the viewpoint of conservatives in the Parliament.

The legal reasoning of the court led to lenient sentencing of the perpetrators. The court acknowledged that the “real perpetrators” numbered around ten thousand. It reiterated that ten thousand people of Sivas had gathered to protest Aziz Nesin. There were hundreds of people who threw burning objects into the hotel (2004b, p. 555). In such a situation the court argued that it was impossible to determine which one of these people started the fire. Thus, the court opted for application of Article 463 of TCK. The court invoked it to legitimize its application of Article 463 to the benefit of the defendants (Merdol et al., p. 550).¹¹⁸ This assessment inadvertently confirms Şenal Sarihan’s assertion that the defendants who were tried in the court constituted only a fraction of perpetrators involved in incidents (“Katliamı hepimiz gördük,” 2013).

¹¹⁸ ‘suç işleyeni bulamamaktan doğan adli iktidarsızlığın kanuni ifadesidir.’ The Article 463 of TCK regulated the cases of murder whose perpetrator is unknown. When two or more persons commit a crime, but the perpetrator cannot be determined, the punishment for the crime will be reduced from 1/3 to half. If it is death penalty, it is turned into minimum sentence of 20 years in prison. In the case of life imprisonment, it is reduced to a minimum sentence of 16 years of heavy prison. For instance, when more than one person shoots and kill somebody and it cannot be determined whose shot caused lethal wound, Article 463 is applied. The court interpreted the starting of deadly fire in the hotel in this respect.

The court interpreted material evidence such as leaflets distributed in the city on the eve of the festival as pointing out the role of Aziz Nesin's provocation in leading to disturbances. The court interpreted the leaflets as another proof that the target of demonstrators was Aziz Nesin. According to the court, the leaflets only reflected a reaction to Aziz Nesin's visit of the city and to his publication of Satanic Verses. While they expressed hatred toward Nesin and ordered his murder, they did not call for the abolition of secular order or the National Assembly. The court again underlined that this act against Nesin cannot be evaluated as against secularism (Merdol et al., 2004b, pp. 529-531).

Concerning slogans, the court took into consideration slogans such as ‘‘Down with Nesin’’, ‘‘Resign Governor’’ and ignored slogans that the witnesses stated in their testimonies (Merdol et al., 532-533). Moreover, the court reasoned that slogans express one's opinions but do not indicate an intention to act. In other words, they were not sufficient proof to decide that one intended to realize a specific action. For instance, we cannot attribute to a person who yells ‘down with laicity’ that he intends to act to abolish secular order as the Court stated that ‘shouting slogans cannot be an open and certain demonstration of one's intention’ (Merdol et al., p. 533). In other words, the court argued that while slogans may indicate only the mentality of a demonstrator, they did not constitute sufficient proof to make a description and classification of crime. Even in the case of slogans hinting the intention of demonstrators, they still cannot be evaluated as describing the totality of a crime. In the face of so many testimonies of victims mentioning anti-laicity slogans, the court responded that there could be individual slogans, but it would be legally wrong to attribute them to the whole crowd and determine their guilt on that basis. This is important because the witnesses both Alevi and secular intellectuals mostly based

their assertion of Sivas being an incident like Menemen on the slogans of the demonstrators.

In short, the court argued that the intent of defendants was to kill Nesin. As a result, it saw it “legal and just” to make the proper legal definition of what the defendants committed as “intending to murder through setting a building to fire”. They caused the death of 35 persons through setting a building to fire. This was the crime that fits the description in Article 450/6 of Turkish Penal Code. The court determined the intention of the perpetrator as murder, not burning a building. Setting the building to fire was only an instrument to realize the aim of murdering someone. The reasons of thinking the crime under 450/6 was the actions of main perpetrators: burning pieces of cloth and hurling them towards the hotel, smashing the gas tanks of autos in front of the hotel to realize their aim of killing Nesin (Merdol et al., pp. 532-535).

The application of 450/6 meant that the chief perpetrators would be punished with death penalty. However, the court implemented the provision of unjust provocation for the defendants (Article 51 of the Criminal Code). In addition to portraying the Incident as “a revolt against Aziz Nesin”, this was the most controversial aspect of the judgment. The court argued that Aziz Nesin had unjustly provoked the demonstrators through his actions. While it emphasized that it was not interested in the religious beliefs of Nesin as it was an issue of freedom of conscience, his insistence to publish of the book had unjustly incited the defendants. The court found Aziz Nesin’s talk with the reporter of TGRT as not provocative. Nesin’s unjust provocation emanated from his publication of Satanic Verses. The Judgment cited the court rulings banning *Aydınlık* newspaper, which published excerpts from Satanic Verses and quotations from newspapers reporting about

Nesin's decision to publish the book. These unjust actions which contradicted "social values, the morality and the law" had paved the way for the crime. Even though the target of Nesin's actions was not the perpetrators, his publication of the book had still created "psychological crisis" in perpetrators. It was the impact of deep sorrow created by Nesin's humiliation of their sacred values that had led the demonstrators act in this way. This argument tacitly legitimized the atrocity in Sivas. It was in the same vein with views of right wingers in the Parliament (Merdol et al, 2004b).

The problem with this reasoning is that the court never issued subpoena to Nesin to learn whether he really was the one who translated or published Satanic Verses. The court also failed to make a forceful statement that even if it was Nesin who translated the book, publishing or translating a book does not make it legitimate to kill people. There is also a contradiction between the approach of the court towards the slogans and the publication of Satanic Verses. While the court perceived the slogans calling for violence under the umbrella of freedom of expression, it did not display the same liberal approach towards the publication of a book.

The court chose to ignore the report of the Prosecutor of Sivas Oktay İrdem who had examined Nesin's speeches in Sivas to find out whether he really incited people and concluded that there was nothing insulting a certain group neither in the opening speech of Nesin nor in his talk with the reporter of TGRT. He had not insulted any faith but only expressed his views (Sarihan, 2002a, pp. 125-126).¹¹⁹ Thus, he saw no need to bring charges against him. The court also did not address the vital question that even if it was Nesin who translated book does publishing a book

¹¹⁹ Aziz Nesin also stated that the court had never bothered to question him whether he was the one who translated and published excerpts from the book.

make it legitimate to kill people. It never occurred to judges of Ankara DGM that the demonstrators could kill Nesin on the first day of the festival as he was going around the city on the first day of the festival or they could specifically demand the handing over of Nesin. The survivors had told that there were ample opportunities to murder Nesin if the perpetrators targeted him.

In the final part before meting out the sentences, the court once more reiterated its conviction regarding Sivas incidents:

We believe that Sivas incidents are not against the state and secular order, that it is the result of provocation caused by the anger, hatred against the publication of Satanic Verses by Aziz Nesin, that it was an action that targeted Aziz Nesin, these incidents which resulted in the death of 37 innocent persons through mistaken targeting despite Aziz Nesin being the target, cannot be defined as a sectarian clash or clash between supporters and opponents of laicite, that it is only about reacting against the humiliation of values hold sacred by Islamic religion, that Aziz Nesin would encounter the same reaction in any other province of Anatolia, hence our belief that there is no legal or social benefit in misinterpreting an action which is about an individual in a way that will create polarization. (Merdol et al., 2004b, p. 559) (Appendix, 4)

In its judgment, the court warns against misunderstanding of Sivas Incident. It underlines that it would not be in the interest of anybody to attribute political meanings to an ordinary case of murder attempt. The judgment never makes a clear statement that it is wrong and unacceptable to murder people even in the case of incitement or insulting religious values. On the contrary, the reading of the judgment gives the impression that it is legitimate to react against those who allegedly desecrate religious values of the people.

The language of the first judgement of Ankara DGM is like the one employed by the right-wing majority in the Parliament. It avoided from designating the demonstrators or perpetrators as “fundamentalist”. It also does not make a statement about whether the crowd was blameworthy in any way. The reading of the judgment gives the impression that they perceived what happened as the protest of innocent pious people gone awry. This narrative is very similar to the one espoused by the

conservative parliamentarians in the Assembly. The court is also silent over the fact that the festival was a legal activity supported by the Ministry of Culture. The Ankara DGM had also no concern that if it shows leniency, it will lead to similar incidents. This is because it believed that it was a singular incident of reaction against Nesin.

The attitude of the mob towards law enforcement indicates that demonstrators had no problem with the territorial integrity of the state or national unity. While the anti-laicity slogans may be a demonstration of the displeasure or dislike of the secular regime, it is far from clear that they thronged the streets on that day to abolish the secular order and institute Sharia. The more reasonable explanation would be to teach Alevis a lesson and to emphasize the untouchability of their realm in the face of intruders like Nesin.¹²⁰

A dispute that took place between the Prosecutor Nusret Demiral and a judge of Sivas Trial in 1994 gives us idea about the Court's understanding of applicability of Article 146. It helps us understand at least the mindset of one of the judges of Sivas Trial. In 1994, Chief Prosecutor Demiral wanted the Ankara DGM issue arrest warrant in absence for Cemalettin Kaplan who lived in Germany for the violation of Article 146/1. While the two judges agreed, Çamlıbel dissented and criticized the Prosecution for tailoring the crime according to the defendant. In his dissent, Judge Çamlıbel stated that they applied Article 146 for armed leftist organizations which tried to overthrow the constitutional order and make state organs unworkable before 1980. In the case of Kaplan, he did not agree that Kaplan could achieve this aim since he lived in Germany. He stated that Kaplan had to be charged with violation of

¹²⁰ One of the defendants who escaped to Germany describes the festival held by Alevis in Sivas as a 'provocation' ('Davamız Nesin ve Alevilerdi,' 2005).

Law 3713. Demiral filed a complaint about Çamlıbel to Ministry of Justice claiming that he had made the Prosecution a target. The High Council of Judges and Prosecutors decided to sanction Çamlıbel by changing the place of his position (“Demiral’ı eleştirmek suç,” 1994). In the first Sivas verdict, this viewpoint concerning Article 146 was at work.

5.2.4.2 The sentencing of the defendants

The court made a distinction between main perpetrators and those accessory to their crimes. Those accessory to crimes encouraged the perpetrators in their actions through slogans, raiding to barricade, keeping busy law enforcement officers so to prevent them stop the main perpetrators. In other words, these defendants who were accessory to the crime enabled the main perpetrators to set the building to fire (Merdol et al., 2004b, pp. 556-557). The Court acquitted 33 defendants. It found 60 defendants guilty of violating Law 2911 and sentenced them to 3 years in jail. The court condemned 26 defendants to death according to the Article 450/6 of TCK. It implemented Article 463 and reduced their sentences to 20 years in prison. These defendants got a further 1/4 reduction due to the unjust provocation of Aziz Nesin (Article 51) and were sentenced to 15 years in prison. Those defendants who aided and abetted the main perpetrators through actions such as preventing the fire brigade reach the hotel were found guilty of 450/6 and 65/3. They were sentenced to 20 years in prison. The court reduced the sentences of these defendants because of unjust provocation of Nesin to 15 years in prison by applying Article 51/1 of TCK. The court separated the case of Cafer Erçakmak from the main file (Sarıhan, 2002b, pp. 221-226).

5.3 The appeal process

The Prosecution of DGM, the Court of Appeal and the lawyers of plaintiffs appealed the verdict of the Ankara DGM to the Ninth Criminal Chamber of the Court of Appeal on July 1, 1995. The DGM's disregarding of the opinion of the Prosecution made it clear that the verdict of Ankara DGM would eventually head to the Court of Appeal. Both the Prosecution of DGM and Court of Appeal did not share DGM's understanding of the incident as an insurrection against unjust provocation of Aziz Nesin. This disagreement between them prolonged the legal saga.

5.3.1 The appeal of DGM prosecution

The DGM Prosecution grounded their appeal on the Opinion they issued in 1993. Firstly, it insisted that this cannot be evaluated as a simple act of murder caused by provocations of one person. The prosecution argued that DGM took the intention of demonstrators wrong by making it solely about Aziz Nesin. Nesin was only a pretext. The defendants did not simply aim to protest and murder Nesin, but they targeted the secular republic. They intended to destroy the secular Republic through organized action. The existence of Nesin was no more than an excuse to realize their real aim of destroying the Republic:

The real reason in this incident is not Aziz Nesin but his personality can be perceived as a spark that started the incident. But the main goal of this incident is to destroy the unity of the Turkish Republic and furthermore try to abolish the secular order of the state by instituting the order of Sharia through instigating sectarian clashes. (Merdol et al., 2004c, p. 19)

In other words, by making the whole case revolve around Nesin's provocation, the judges of DGM had obscured and underestimated the incident. They criticized the court for ignoring the seriousness and potential of the incident as revealed in its long duration and actions of defendants to create conditions that would lead to the

destruction of the Republic. The prosecutors reminded of slogans against laicite that the lower court did not take into consideration. They invoked the testimonies of those such as Kamber Çakır, Ali Balkız, Zerrin Taşpınar, who survived the fire and law enforcement officials (Merdol et al., 2004c). The constitutional order defined in the Articles 1,2,3 and 24 of the Constitution had been targeted and put in danger but DGM had made a serious misjudgment of the incident: “it is a legal mistake to claim that this incident has the features of a simple case of poisoning man.” (Merdol et al., 2004c, p. 19).

It underlined that incitement by Aziz Nesin and his actions could not be interpreted in a way giving the crowd or instigators the right to revolt against the state. While they affirmed that Nesin may have provoked people, still they found the court wrong in interpreting this provocation giving the defendants a right to revolt against the state. In other words, provocation cannot be the cause of committing a crime. Furthermore, it argued that the fact that Nesin may be atheist does not bestow a right on anyone to destroy secular republic. It reminded that while the TCK does not accept provocation as a cause, it punishes encouragement. To recognize provocation as a just cause of committing crime would in the future give the fundamentalists pretext to commit similar actions (Merdol et al., 2004c, p. 19). In short, what the defendants had committed constituted the single act of revolting against the Republic and dividing it into separate offences was legally wrong.

It interpreted Ankara DGM’s focus on Nesin was an oversimplification of a complex incident. More significantly, it criticized Ankara DGM for creating impression that it is legitimate to act in this way when you feel somebody wounds your religious sensibilities. As the prosecutors knew that their comments about Nesin being just a pretext would recall their focus on Nesin’s provocation in the Opinion,

so they addressed this seeming contradiction in their position. They reiterated that it was not only Nesin but people's sensitivity and a minute of silence for terror organizations that laid the ground for the incident. They reminded that they had wanted Nesin to be prosecuted according to Article 175 to determine whether his actions were provocative.

The Prosecution perceived the perpetrators as fundamentalists who exploited the extreme religious sensitivity of Sivas people. They did not accept the view of the first verdict that this was a spontaneous outpouring of anger. The actions of the defendants were pre-mediated, and they had organized people to act for purpose. What happened was a violent movement of the fanatic fundamentalists who expressed their real aim in the slogan of "laic order will be destroyed". As this slogan testifies to, they realized a "show of force" against state. In their revolt against the state, the defendants murdered the victims intentionally. In other words, we do not have a case of simple murder through poisoning or violating Law 2911. Their actions must not be understood partially as illegal demonstration or murder but understood in its totality. This single action fit with the description made in Article 146. In short it was legally wrong to evaluate what happened according to article 450 of TCK and article 32/3 of Law 2911 (Merdol et al., 2004c, 20-23).

The Prosecution also advised the overturning of the verdict of Ankara DGM because it applied Article 51 "unjust provocation" to reduce sentences meted out to defendants. The prosecutors found this as legally inadmissible. Whether Nesin incited people or not, this was not a reason that would mitigate the offences of defendants. The Ankara DGM had erred in assuming that incitement emanated from only Nesin and thus he was the main target of demonstrators. It argued that the existence of Nesin was only a factor among many including the opening meeting, the

demonstration in the city, minute of silence, local newspapers, and leaflets (Merdol et al., 2004c, p. 30). The demonstrators did not only react against the presence of Nesin, but they also took aim at Governor through slogans. Ankara DGM had interpreted these slogans as aiming against the personality and provocations of the governor himself. The Prosecution reminded that the governor was there as the representative of the state. Regarding the issue of provocation, the prosecution continued the line of thinking of the Opinion.

The prosecution found the sentencing of some defendants according to the Article 32 of Law 2911 as lacking solid legal ground. It pointed out that law enforcement forces had to exert effort to disperse the crowd and there had to be resistance of crowd against this for the Article 32 of this law to be relevant in this case. However, security forces had not exerted such an effort to disperse the demonstrators in Sivas. Neither did they make a warning or order the crowd to disperse through megaphone. They only tried to calm them through persuasion and expect the mayor to beg the crowd to disperse. The prosecution stated that they could not detect any action of security forces to disperse the crowd. The prosecutors also pointed out the demonstrators did not attack or harm the law enforcement officials (Merdol et al., 2004c, p. 24).

The Prosecution also found the lower court's application of Article 463 to reduce the sentences of the defendants who're charged with being the main perpetrators of the incident as legally wrong. Ankara DGM had claimed that these defendants had all been involved in setting the hotel to fire but it was impossible to determine who started the fire. In other words, the court had evaded making a distinct determination about the actions of the defendants. According to the Prosecution, since the defendants committed this act directly and together, therefore

the lower court had to take into consideration the last clause of Article 463 (Merdol et al., 2004c, p. 30).

5.3.2 The appeal of prosecution of the Court of Appeal

The Prosecution of the Court of Appeal also advised to the Ninth Criminal Chamber of the Court of Appeal reverse the verdict of Ankara DGM. Its understanding of the incident differed from Ankara DGM in that it did not interpret the aim of defendants as only the murder of Nesin. Unlike Ankara DGM, it interpreted these leaflets as against secularism. It concluded that the slogan of ‘Burn, burn’ and the prevention of the fire brigade made it clear that they intended to murder those inside the hotel (Merdol et al., 2004c).

However, it agreed with the lower court about the non-applicability of Article 146 in this case. It cited Ankara DGM’s finding that they could not find any organizational involvement in the incidents. Thus, it would be wrong to assign culpability to defendants based on Article 146. However, the prosecution found the application of Article 51 and 463 legally inadmissible. Firstly, the Prosecution did not accept that there was ground to apply unjust provocation clause to the benefit of the defendants. It noted the absence of any information about the content of Satanic Verses in the case file. It reminded that there was no clear information about who published parts of the book. There was also no proof that Aziz Nesin made any provocative statements or actions during his stay in Sivas. In the absence of any evidence regarding the existence of incitement, the Prosecution argued, Ankara DGM had formed its ruling about the existence of unjust provocation based solely on “suspicion and assumption” harbored by the crowd that Nesin had insulted the sacred values. Secondly, the Prosecution found the application of the first clause of

Article 463 legally inadmissible. In short, the Prosecution of the Court of Appeal advised the revocation of some sentences and approval of others (Merdol et al., 2004c, pp. 142-144).

5.3.3 The appeal decision of the Court of Appeal

The Ninth Criminal Chamber of Court of Appeal accepted the appeal of the verdict of Ankara DGM by the Prosecution and overturned the verdict on September 30, 1996. The Court of Appeal did not only include the burning of the hotel in its narration of the incident but also the stoning the Museum of Ethnography and demolition of the Statute of Atatürk in front of the museum. This narrative represented more of a revolt against secular state than an ordinary case of a murder.

The Court of Appeal had a different interpretation of Article 146 than Ankara DGM. It pointed out that the definition of state does not only include people and territory but also norms, such as republicanism and secularism. It perceived the purpose of Article 146 as the safeguarding of these norms that shape the constitutional order: republicanism and secularism as stated in Article 1, 2 of the Constitution. The Chamber also invoked Article 24 which regulates freedom of religion. In short, Article 146 aimed to deter anyone who attempt to erode, destroy these values of the state. The Court of Appeal underlined that laicite was not only about freedom of religion but also the separation of state and religion (2004c, p. 158). In other words, the mob had taken aim at this aspect of secularism.

Ankara DGM had chosen not to apply Article 146 mainly because of the absence of organizational involvement in the case. On the other hand, the Court of Appeal referred to the plain text of the Article to underline that the article did not make a distinction between those who committed these acts. It was not a requirement

of the Article 146 that there must be an organization which tries to subvert the constitutional order. The similarity between the slogans, hand gestures of defendants in the Sivas Incident and those of illegal organizations was enough to prove that these actions were the product of same purpose and strategy of illegal organizations. The leaflets were also a demonstration of this unity of purpose and strategy (Merdol et al., 2004c, p. 158).

The Court of Appeal also dismissed Ankara DGM's assertion that the actions of defendants in Sivas were far from creating a dangerous situation for the constitutional order. It was possible that the long duration of the incidents, the insults against the governor, the chanting of 'burn, burn' and the demolition of the statues would result in the situation described by Article 146. The thoughts and actions of Nesin which were given so much importance in causing the incidents by Ankara DGM were only an excuse to realize the real aim of destruction of republicanism and laicity principles of the constitution (Merdol et al., 2004c, p. 158).

The Court of Appeal ruled that the court had to sentence defendants for violating Article 450/6 separately for each person who lost their lives and were wounded in the incident. It was also legally wrong for the court ignore the second clause of article 463 of TCK. The defendants had committed these acts "together and directly", therefore their sentences could not be reduced. The court had to apply the Article 64 of the TCK (Merdol et al., 2004c, pp. 160-161). There was also no action that could be characterized as an unjust provocation that directly targeted the defendants. As the defendants committed crimes not only against the provocateur but also others, there is no legal ground to apply Article 51. The Court of Appeal ruled that those who aided and abetted the main perpetrators had to be punished according to Article 146/3.

5.4 The second trial and second judgment of Ankara DGM I

The Ankara DGM started the second phase of trial in 1996 and delivered the second judgment on November 28, 1997. Firstly, this second verdict came under very different political circumstances from the first one. The February 28 Process was at its peak. The rise of Islamic movement had culminated in the electoral victory of Islamist Refah Party in the 1995 general elections. The Refah Party got a plurality of the vote. In the aftermath of elections, the main center right parties ANAP and DYP formed a coalition government, ANAYOL, but this government collapsed due to constant bickering between the leaders of these parties. Then, the Refah founded a coalition government with the DYP. The coalition government witnessed a spate of anti-secularism and anti-Atatürk outbursts of some politicians of the Refah Party. Prime Minister Erbakan's conduct such as inviting the heads of tariqa leaders to his office also drew the criticism of the military.

The military defined *irtica* as the number one threat towards national security. However, it avoided from a direct intervention as in 1960 and 1980. It used the institutional mechanism of National Security Council afforded by the 1980 Constitution to pressure the government to act against fundamentalism (*irtica*). Under intense pressure of military establishment, the Refahyol government collapsed. This first experiment with an Islamist-led government came to a halt with the pressure campaign led by the military and supported by secular business and media circles. A new coalition government (ANASOL-D) led by ANAP leader Mesut Yılmaz came to power. The Constitutional Court dissolved the Refah Party and barred its leader Erbakan from politics in 2000. During the second Sivas trial, the Islamists had been removed from the power and were in disarray.

It is hard to say certainly that whether these new political circumstances in which political Islam had turned into a national security threat in the eyes of the military had any effect on the trial. However, the military held briefings for the members of the judiciary and media to illuminate them about the Islamist threat in this period. The defense lawyers brought this on the agenda of the court during a hearing on the hearing of July 4, 1997. They declared that they were withdrawing from representing the defendants because according to their claim that the court board had attended the briefings of the Turkish General Staff. They claimed that this cast a shadow over their impartiality (Sarihan, 2002b, p. 68).¹²¹ Secondly, the composition of the court panel changed.¹²² The chair of the court became a member of the Court of Appeal. The military member retired. Yılmaz Çamlıbel was appointed to the Ninth Assize Court.

5.4.1 The narration of the Incident

The change in the composition of the judge panel reflected itself in the narration of the incidents. The second judgment perceived the existence of Nesin as only a pretext in their attempt to realize their aim of overthrowing constitutional order. In contrast to first judgement of Ankara DGM which ignored the claims about the demolition of Atatürk statue and stoning of the museum of Ethnography, the second Judgment took these parts of the incidents into consideration. It also referred to slogans against the Republic and secularism such as “The Republic was founded here and will be destroyed here” (Merdol et al., 2004c, 381).¹²³ The number of those

¹²¹ Sarihan noted that these withdrawals caused the prolongation of trial as it was required that new lawyers appointed for the defendants.

¹²² The court panel consisted of the chair Mehmet Orhan Karadeniz, military member Colonel Erman Başol and İsmail Tiryaki.

¹²³ The other slogans are “Sharia will come and persecution will end”, “Long live Sharia”, “atheist laics”.

who lost their lives in the hotel was also now correctly stated as 35. They had lost their lives because of burning and poisoning. The court added that 2 persons lost their lives through shooting (2004c, p. 375).

The second judgment generally agreed with the appeal reasons of the Court of Appeal. The Ankara DGM repeated the arguments of the Court of Appeal about the norms that constitute constitutional order and the definition of secularism. In the same vein with the Court of Appeal, even copying the text, the DGM invoked the first unchangeable articles and Article 24 of the 1982 Constitution (2004c, p. 377).

The court made a totally different interpretation of Article 146 from the one in the first judgment made in 1994. While the first judgement made the existence of an organization sine qua non of the application of Article 146, the second judgment reasoned that it could be anyone who could attempt to subvert constitutional order or make the Parliament unworkable. The first judgment had interpreted the subject of “those who attempt” as organizations which carried out effective, continuous actions throughout the country under central command. Now in line with the Court of Appeal, the slogans and hand gestures of demonstrators were enough to prove their unity of strategy and purpose with illegal organizations. The court concluded that their attempts through “coercion” were favorable to creating outcomes mentioned in Article 146: the long duration of the incident, slogans against the Republic and secularism, slogans of “burn burn”, the demolition of Atatürk Statue and stoning of Congress Building (Merdol et al., 2004c).

The court agreed with the Appeal in striking down ‘unjust provocation’ applied to sentencing of defendants in the first judgment. It ruled out making any reduction in the sentences of the defendants via Article 59 of the TCK because of

their unruly behavior during the trial process and their ruthlessness in the face of people trapped in fire as the court stated that

In all the hearings but the last one, the defendants in total disregard of our court displayed insulting and threatening behavior through chanting slogans, causing fights, throwing things like coins, lighter, pens to the judges. They murdered 35 persons through setting fire to the Hotel Madımak. Despite the ‘Save us’ screams of burning persons, let alone saving them they even prevented the attempt of security forces and fire brigade to save burning persons. They did not even turn a hair in the face of death screams of burning persons and watched their burning with pleasure by chanting pro-Sharia slogans. (Merdol et al., 2004c, 383) (Appendix, 5)

This constituted an important contrast with the first judgment in that it had never talked about this ruthlessness of perpetrators in its discussions. To justify the verdict, the court referred to the historical record of Turkish nation. The actions of the perpetrators were so barbaric and unusual that “The Turkish nation did not even commit such acts during wartime. No such serious event was witnessed in Turkish-Islam history” (Merdol et al., 2004c, p. 383).¹²⁴ The court noted that the implementation of this Article for such ruthless perpetrators would also hurt public conscience as it pointed out that “While 35 persons were dying in fire, this did not even arise a slightest feeling of mercy in the conscience of defendants” (2004c, p. 383).¹²⁵ In contrast to the first court, this time the DGM court decided to take into consideration public sentiments.

The court persisted in its verdicts concerning eleven defendants. The DGM found the appeal reasons of the Court of Appeal about these defendants legally unsound. The court reiterated that these defendants were away from the hotel during the fire, and it was unlikely they were involved in murders of those at the hotel. If this suspicion about their involvement is disregarded, then it would be legally necessary to charge and try all the approximately 15000 demonstrators involved in

¹²⁴ ‘Türk milleti savaşta bile masumlara bunu yapmadı, Türk İslam tarihinde böyle vahim bir olay görülmemiştir.’

¹²⁵ ‘35 kişi yanarak ölürken sanıkların vicdanlarında en ufak bir acıma hissi uyanmamıştır.’

illegal demonstration with violation of Article 146. Keeping a distinction between those involved in setting fire to the hotel and simple demonstrators, the court persisted in sentencing them according to Law 2911 (2004c, p. 371).

This difference between the first and second verdicts of Ankara DGM does not emanate from the emergence of new evidence as there was no new material evidence. It has mostly to do with the change of political context and its influence on the new judge panel. The second verdict of the Ankara DGM brought the stance of the lower court in line with the Prosecution of DGM and the Court of State. In other words, the approach of the DGM prosecution stated in the Opinion of 1994 prevailed over the approach of the Ankara DGM.

5.4.2 The third and fourth verdicts

The Ninth Criminal Chamber of the Court of Appeal approved part of the sentences and acquittals given to defendants in line with the demands of the Prosecution on December 14, 1998. Upon these reversals, Ankara DGM I delivered its third judgment on June 16, 2000. Ankara DGM discussed the legal position of 50 defendants in this stage. It accepted the reversal verdicts of the Ninth Criminal Chamber of the Court of Appeal and the General Criminal Chamber of the Court of Appeal (Merdol et al, 2004c). In its third verdict, the court condemned 33 defendants to death. The defendants appealed this verdict, but the Prosecution of the Court of Appeal advised the rejection of their appeal application on July 5, 2000. The Ninth Criminal Chamber of the Court of Appeal approved the verdict with these minor changes on September 26, 2003 and brought the long Sivas Trial to an end after ten years (Merdol et al., 2004c).

5.5 The application of constitutional changes and amnesty laws

5.5.1 The Act of Repentance

In the April 1999 general elections, the center-left Democratic Left Party (DSP) led by Bülent Ecevit¹²⁶ garnered a plurality of votes. Ecevit formed a coalition government with the center right ANAP led by Mesut Yılmaz and the ultra-right MHP led by Devlet Bahçeli. The new government enacted the Law of Repentance widely known in the public opinion as the ‘‘Pişmanlık Yasası’’. The Court of Appeal also discussed the application of four defendants to benefit from the Act of Repentance. Arguing that the information they gave did not make any contribution to the understanding of the Sivas Incident, it rejected their application. In short, the Judiciary did not allow these defendants to benefit from the first amnesty since the Sivas incidents. Both the Prosecution of the Court of Appeal and the Ninth Criminal Chamber approved this ruling in 2002 (Merdol et al., 2004c).

5.5.2 The replacement of death sentence with life imprisonment

The DSP-MHP-ANAP coalition government led by Bülent Ecevit enacted a series of amendments to the 1980 Constitution to make Turkey eligible for the EU membership process. As part of these reforms, the government abolished death penalty except in circumstances of war or impending danger of war (Law 4771, 1/1)

¹²⁶ Bülent Ecevit was the secretary general of the CHP (Republican People’s Party) between 1965-1972 and replaced İnönü as the chairman of CHP in 1972. He championed the turn of the CHP towards the center-left politics. Under his leadership, CHP won both the 1973 and 1977 general elections. He was the premier of the short-lived CHP-MSP coalition government in 1973 and the premier of the CHP government between 1977-1979. The military junta of 1980 dissolved CHP and barred Ecevit from politics. In the post-80 period, Ecevit was not involved in the establishment of a successor party to the CHP but founded a new political party through the agency of his wife. After this ban was rescinded in the 1987 Referendum, he assumed the leadership of center-left DSP. Ecevit was the leader of the caretaker government that led the country to the general elections of April 1999. The fact that Öcalan, the leader of PKK, was caught abroad and brought to Turkey under his premiership boosted his popularity and his party garnered a plurality of the vote in the April 1999 elections.

on August 3, 2002, and death penalty was replaced with life imprisonment in the TCK (Köse, 2018). According to Article 2 of the TCK, when there is a difference between the previous law applied to defendants and the new law, the one which will benefit the defendant should be applied. In Sivas case, the issue was that whether the defendants would have their sentences reduced according to death sentences they were condemned to or life imprisonment in the new law. If the sentence becomes life imprisonment, then the reduction of sentence due to age would be higher (Merdol et al., 2004c, 552-555). The Ankara DGM rejected an application to benefit from the new law. The Prosecutor informed the Court of Appeal that Article 51/1 had to be applied to defendants based on the new sentence of life imprisonment and demanded the reversal of verdict of Ankara DGM. The General Criminal Chamber of the Court of Appeal rejected the objection of the Prosecution and ruled that the reductions determined based on death sentence in this case would continue to apply on January 19, 2001 (Merdol et al., 2004c, p. 559).

5.6 The judicial process during the AK Party government

The Sivas trial had been mostly completed by 2002. The lingering issues were still missing defendants such as Erçakmak and the extradition processes of defendants living abroad. The November 2002 general elections completely changed the political landscape. The AK Party led by the former mayor of Istanbul, Recep Tayyip Erdoğan won the elections with 34,28 % of the vote and garnered 363 seats out of 550 in the Grand National Assembly. After a decade of unstable coalition governments, the AK Party formed a single-party government. Concerning the Sivas Incident, the most important distinction from the preceding period has been that the lawyers who defended defendants in the court have come to occupy important

political positions in the AK Party period. A considerable number of defense lawyers assumed political offices in the AK Party administrations. It would not be improper to argue that the defense of this lengthy judicial process was now in political power. They were not only promoted to political offices, but they also rose to the highest echelons of the judiciary. For instance, C. M. Akıncı, a defense lawyer was appointed to the Constitutional Court by President Abdullah Gül (“Madımak Davasının hakimi, sanıkların eski avukatı,” 2016).

5.6.1 The Rehabilitation Law

The issue of Sivas convicts also came on the agenda with new Amnesty Laws during the AK Party period. The AK Party government enacted the Rehabilitation Law (Topluma Kazandırma Yasası)¹²⁷ in July 2003. The law aimed to enable those members of terror organizations which are founded to realize political and ideological ends to return to normal life again (“Cumhurbaşkanı Sezer Topluma Kazandırma Yasasını onayladı,” 2003). Twenty convicts applied to benefit from the Law (“Sivas Mahkumları da eve dönmek istiyor”, 2003). The Ankara DGM I ruled about amnesty demands of 48 defendants on August 25, 2003. The court decided to request more information about crimes attributed to these convicts. It decided to handle the cases of six defendants when they were extradited to Turkey (Merdol et al., 2004c, pp. 568-569).

5.6.2 The new Turkish Criminal Code and its application to the Sivas convicts

The AK Party government enacted the new Turkish Penal Code in 2004. The new code came into force in June 2005. In 2005, the Eleventh Assize Court of Ankara

¹²⁷ The main aim of this law was to coax the member of PKK terror organization into giving up arms.

delivered a ruling that led to the release of 14 convicts.¹²⁸ They had been convicted of violating Article 146/3 of Turkish penal code. The court argued that there was no article in the new Turkish penal code (TCK) corresponding to Article 146/3 of the previous TCK. The court added that even if there was a corresponding article in the new code, there needed to be an investigation whether it would work for or against the convicts.

The lawyers of plaintiffs objected to this ruling of the court through a petition to an Istanbul court. They claimed that the punishment against crime of trying to overthrow the constitutional order is included in the new code, however the crime of aiding and abetting was included in Article 37 of the new Code. They emphasized that the new code even brought harsher sentences against such crimes. Moreover, it was the court itself which was tasked with making such an investigation as stated in the ruling of the court. The court rejected the objection of Şenal Sarihan by stating that its ruling was appropriate and Sarihan as a lawyer of plaintiffs does not have a right to object to stays on executions (“Hükümlüler yeni TCK ile serbest,” 2005). Later, the court reversed this ruling however the released convicts could not be caught again.

5.6.3 Statute of Limitations decision of the court

As the defendants who were at large could not be caught by security forces and the extradition processes turned into quagmire, it was obvious that the issue of statute of limitations would come to the fore inevitably. The files of seven defendants¹²⁹ who could not be caught by security forces had been separated from the main case. In the

¹²⁹ These defendants are Şevket Erdoğan, Köksal Koçak, İhsan Çakmak, Hakan Karaca Necmi Karaömeroğlu, Yılmaz Bağ and Cafer Erçakmak. (“Katliamda yeterli delil yokmuş,” 2012)

trial of these seven defendants in June 2011, the prosecutor advised the application of statute of limitations and the dropping of lawsuits against the seven defendants. It emerged that the chief defendant Cafer Erçakmak had died peacefully at his home in Sivas on July 10, 2011. Another defendant¹³⁰ had died in 2008. According to the prosecution, the statute of limitations for these defendants had expired in 2008, 15 years after they committed the attributed crimes. These defendants had been sentenced according to Article 146/3 of the previous Turkish Penal Code. The code had determined the limit of statute of limitations for these crimes as 15 years. However, the judge did not make a ruling during this hearing.

During the hearing of March 13, 2011, the Eleventh Criminal Court of Ankara agreed with the Prosecution that statute of limitations had expired for these defendants. The court argued that it applied the statute of limitations for Erçakmak and Bağ because they were dead. It accepted that statute of limitations cannot be applied to crimes against humanity as stated by the Article 2 of the European Convention of Human Rights (ECHR).¹³¹ However, that article stated that the non-applicability concerns only public officials, not civilians. The court reasoned that if Erçakmak who died in 2011 was alive, the statute of limitations could not be applied for him since he was a public official. However, the rest of the defendants were not public servants but civilians in this case. They were also not the main perpetrators in Sivas Trial. Thus, it ruled that the lawsuits against these five defendants would fall (“Madımak’ı bu sefer yargı yaktı,” 2012).

This ruling caused heated debates in the public opinion. There were two sides to the dispute over this ruling. Firstly, there were those commentators who argued

¹³⁰ Yılmaz Bağ.

¹³¹ Article 2 of the ECHR stated that public servants accused of torture or violating the right to life will not benefit from amnesty and application of statute of limitations.

that the court had made a legally correct ruling. The supporters of the ruling like the journalist Taha Akyol (2012) referred to general principles of law, specifically “nulla poena sine lege”.¹³² When the defendants committed these crimes in 1993, the crimes against humanity were not part of the Turkish legal system. Moreover, they argued that the second article of the old TCK openly stated that ‘If there is a difference between the law of time that an offense was committed and the law that is later adopted, the law which is favorable to the perpetrator will be implemented.’¹³³ The new TCK which came into force in 2005 also included the same principle. Unlike the old TCK, the new penal code included crimes against humanity in Article 77 and stated the non-applicability of statute of limitations for these crimes. Since this new code was against the interest of the defendant, the old one would apply to the defendant as stated in Article 2 of the new Law. In other words, sentences which are against the defendant cannot be applied retroactively. They also pointed out that the perpetrators of Sivas had not gone unpunished (Akyol, 2012).

On the other hand, the opponents of the ruling cited the new Turkish Criminal Code, the Article 90 of the Turkish Constitution, international agreements signed by Turkey like the ECHR and the legal practices of other countries in cases of human rights violations. Firstly, the new Turkish Criminal Code which was enacted in 2004 abolished the application of statute of limitations for crimes against humanity (Article 77). The international law including the UN Covenant, Nurnberg Status, the Covenant of 1968 also bars the application of statute of limitations for crimes against humanity. When it concerns crimes against humanity, the general principle of law

¹³² ‘Suçta Kanunilik’ in Turkish.

¹³³ The second clause of Article 2 of the old TCK reads as ‘Bir cürüm veya kabahatin işlendiği zamanın kanunu ile sonradan neşir olunan kanunun hükümleri birbirinden farklı ise failin lehinde olan kanun tatbik ve infaz olunur.’ The new TCK 7/2(2) also includes the same principle ‘Suçun işlendiği zaman yürürlükte bulunan kanun ile sonradan yürürlüğe giren kanunların hükümleri farklı ise, failin lehine olan kanun uygulanır ve infaz olunur.’ (Türk Ceza Kanunu, 26.9.2004)

that ‘nulla poena sine lege’ is invalidated. The opponents of the ruling also invoked the Article 90 of the Turkish Constitution, which states the superiority of international agreements over the domestic law and criticized the court for not taking into consideration the international law (Akkurt, 2019). They cited decisions of ECHR for ignoring the principle of “no punishment without law” in cases of crimes against humanity. However, the Ankara Court ignored these examples.¹³⁴

The opponents of the ruling also argued that court had also made a flawed distinction between civilians and public servants based on its interpretation of the Article of ECHR. The Article 7 of ECHR states the general legal principle of “No punishment without law”.¹³⁵ The second clause of the article, however, states that ‘This Article shall not prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognized by civilized nations’ (‘‘Cezasızlık katliamcılara güç kattı,’’ 2017). It was argued that when the perpetrators committed these acts in Sivas in 1993, the notion of crimes against humanity was well-established and known in the international law. They argued that this clause would enable the trial of defendants according to accusation of crimes against humanity (Akkurt, 2019). While Turkey has not signed Rome Statute and 1968 Covenant against Statute of Limitations, it has been a signatory of the ECHR since 1950. The court thus could opt for taking into consideration this second clause.

¹³⁴ Against the application of statute of limitations, the example often given in this regard was the case of Kononov v. Latvia. Kononov, a Soviet partisan, was accused of war crimes for actions he committed in 1944. War crimes had been included in the legal system in 1961. Latvia sentenced Kononov for his crimes in 2004. The grand chamber of ECHR had ruled in favor of Latvia that Kononov could be convicted even though his deeds were not the subject of criminal law when he committed them during the Second World War. (Cengiz, 2012; Ergin, 2012).

¹³⁵ The Article 7 OF ECHR read as ‘1. No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under national or international law at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the criminal offence was committed.’

The opponents of the ruling also pointed out that the government had the power to override this general principle by an amendment to the law that states the inadmissibility of this general principle concerning crimes against humanity. However, if we take into consideration the celebratory remarks of the Prime Minister Erdoğan in the aftermath of this decision, we see that there was no such political will on the part of the government to enact such an exception in the criminal law. On the contrary, the PM was more concerned about the long sentences meted out to the defendants in the legal process and was seemingly of the opinion that the convicts of Sivas had been unjustly treated (“Sivas Davası Düştü,” 2012).

The lawyers of plaintiffs appealed this ruling of the lower court to the Court of Appeal. However, the Court of Appeal (the Ninth Criminal Chamber) approved the decision of the lower court about these seven defendants in 2014 (“Yargıtay Sivas Davasında Zamanaşımını Onayladı,” 2014). According to Court of Appeal, the lower court had correctly convicted the five defendants of the violation of Article 146/3 of the old TCK since they had aided and abetted those who committed crimes as defined in article 146/1. The Court of Appeal affirmed that this is a crime described in Article 146, not a crime against humanity as claimed by the lawyers of plaintiffs. Thus, the lower court was right in applying statute of limitations for these defendants who were accessory to the crime as stipulated in the old TCK.

5.7 Conclusion

In its first judgment, the Ankara DGM complied with the understanding of the Incident articulated by the representatives of right-wing parties in the Parliament and President Demirel. It stated that the Incident was an ordinary case of murder through setting fire to a building. It had no political dimensions. Religious people had reacted

to the unjust provocation of Aziz Nesin. This judgment representing a narrative of provocation was repealed by the Court of Appeal. The change of the court panel and the changing political conditions ushered by February 28 Process led to Ankara DGM's agreement with the repeal in its second judgment. The Ankara DGM certified the Incident as a fundamentalist insurrection against the state's constitutional order based on secularism and republicanism.

However, there was no unequivocal condemnation of the incident as a serious violation of the right to life, freedom of expression, free speech, and freedom of religion in both judgments. The justice system ensured accountability for at least some of the perpetrators to a certain extent but failed to condemn violence for political aims in general and anti-Alevi violence in particular. The exploration of the legal process in this chapter demonstrates that democratic rule of law which O'Donnell defines as the protection of individual rights and freedoms (O'Donnell, 2004) is very fragile in Turkey. The problematic investigation phase, the absence of political accountability, the long and chaotic trial process all demonstrates the weakness of rule of law in Turkey. The divisions in the judiciary, the political influence over it and its politicization complicated the legal process.

The most important aspect of this lengthy legal process has been its failure to bring disclosure about the Incident as the court itself acknowledged in its first judgment. One of the biggest flaws of this process was that it failed to uncover the material evidence about the details of the incident. This absence of evidence has fed speculations about the responsibility for the Incident in the public opinion.

The first trial was lenient towards the perpetrators in its application of unjust provocation and ignorance of political dimensions of the Incident. The second trial which convicted the defendants of violating Article 146 at least ensured that some of

the perpetrators would get the harshest penalty possible. However, this punishment has been possible only through the unique convergence of factors such as the unfavorable political climate to the Islamists created by the February 28 process. The secularism concern of the higher courts also helped the Sivas trial at least ensure a modest level of accountability for some perpetrators unlike those of the pogroms of late 1970s.

The trial process has raised serious questions about the judicial independence and separation of powers. The division between regular courts and extraordinary courts and the political control exerted by the Ministry of Justice over the justice system also afflicted the course of the Sivas Trial. The trial has taken place under a constitutional order instituted by the military that prioritizes the security of the state rather than the protection of fundamental rights and freedoms. The removal of the Judge Erunga who was the only judge who advocated the trial to take into consideration Article 146 in the first phase of the trial led to rumors about political interference in the proceedings of the Court. The change of the Court panel by the Ministry of Justice led by Seyfi Oktay also contributed to the radical change in the perception of the Incident by the Ankara DGM in the second trial. The Justice Minister of the Refahyol coalition government Şevket Kazan ordered the transfer of defendants from a high security prison in Kırşehir to Sivas. The commending remarks of then Prime Minister Erdoğan about the 2012 ruling of statute of limitations and expression of his opinion that those in the prison are innocent can also be evaluated in the same vein.

The Trial of Sivas Incident is part of the pattern in Turkey regarding similar political crimes in that there takes place a trial but turn into long and arduous processes that lead to immunity for the perpetrators at the end. In the case of Sivas

Trial, it is hard to say that the labyrinthine course of the process emanated simply from the procedures of the judiciary or a deliberate strategy of those who desired it languish and defendants be free at the end as in the Maraş Trial. The judicial system has failed to deliver basic accountability for many of the perpetrators. Despite the lengthy trial process, there is a widespread perception that perpetrators benefited from immunity. The DGM's premature release of defendants led to the lingering issue of defendants on the run. The stories about defendants who easily continued their lives despite search orders further fed suspicions about the integrity of the process. The fact that Erçakmak who has been dubbed number one suspect was never caught harmed the reliability of legal process at the beginning. The fact that so many defendants escaped justice also demonstrates that the support of other components of legal system such as law enforcement is necessary to ensure rule of law.

The exploration of the legal process also demonstrates that even the incorporation of international legal standards into national law does not guarantee their application. The new Penal Code of 2005 incorporated 'crimes against humanity' into the Turkish legal system. However, this did not prevent the missing defendants of the Sivas Trial benefit from statute of limitations in 2012. The abolition of statute of limitations for the fugitives could represent an opportunity to both condemn crimes against humanity and violence inflicted on Alevis. If there was political will, it could be designed as a trial where such lynching crimes could be condemned and sentenced. Just like the Papon trial in France where the issue was more about the condemning the crimes of Vichy regime against Jews rather than crimes of a single individual (Rousso, 2003), the trial could function as a way to come to terms with anti-Alevi violence.

The statute of limitations ruling and its approval by the Court of Appeal also constitutes a contrast with the higher judiciary's unwillingness to apply the reforms such as the abolition of death penalty in favor of the defendants in the first half of 2000s. This may be due to the changing structure of the higher judicial bodies after the 2010 Constitutional Referendum. In other words, the legal restructuring portrayed as "democratization" may have inadvertently contributed to amplifying immunity for the perpetrators of the Sivas Incident.

The trial process has not taken the shape of a legal reckoning with lynching of people who hold different opinions, beliefs, ethnicities. All of the judgments dealt with the issue of definition of secularism but they were formalistic comments about the description of secularism and did not touch upon the frailties of actually existing secularism in Turkey. The judiciary never expended effort to link secularism with the religious freedom of Alevis. It never occurred to them to interpret secularism in a vein that recognized the right of Alevis to freely express their faith and culture. However, it must be pointed out that the lawyers of plaintiffs also avoided from it by formulating their narrative around the insurrection of fundamentalists against secularism. They also could not turn unequivocally the issue into a serious violation of human rights in the spectatorship of the state. The approach of the lawyers of plaintiffs to the case sidelined anti-Alevi resentment that partly animated the mob and put the titularly secular state in the seat of victim through their invocation of Article 146 of TCK.

The trial of defendants who were involved in a lynching involving 15 thousand people was doomed to become a complicated process. As the court noted in its first Judgment, there were about 15000 thousand people who were involved in the incidents (Merdol et al., 2004c, p. 371). This case eventually brings up the issue of

how to provide justice for such crimes, where thousands of people are involved. In the case of such enthusiastic public participation in a crime, it is disputed that how societal peace would be served through only resorting to criminal justice. Apart from the punishments meted out, the justice mechanism failed to convey firmly the message that lynching and murdering people simply for their differing opinions, beliefs constitute an inexcusable crime in any conditions.

CHAPTER 6

THE OPPOSITIONAL NARRATIVE: ALEVIS AND THE SIVAS INCIDENT

This chapter aims to shed light on the Alevi perspective of the Sivas Incident. It explores the viewpoints of how the representatives of the Alevi organizations¹³⁶, Alevi commentators on the issue and the bereaved families frame the Sivas Incident in the period between 1993 and 2016. It explores the oppositional narrative¹³⁷ that challenges the framing of the Incident by the political actors in the Parliament and the judiciary in the preceding two chapters. They have insistently pursued the issue for it not to suffer the fate of the pogroms of 1980s which faded into oblivion with no justice.

In this chapter, I argue that Alevi agents have formed a narrative of victimhood out of the Sivas Incident. This victimhood has been based on the ‘unjust, undeserved harm’ (Bar-Tal, Chernyak-Hai, Schori & Gundar, 2009) inflicted on them by fundamentalists in the spectatorship of state. However, as this chapter demonstrates, through “owning” the issue, they have raised their voice and asserted their agency. In other words, they resisted the framing of the issue by actors in the Parliament and the Judiciary. The discourse of Kemalist laicity and memory of historical oppression dominated their framing of Sivas. The Incident has been situated in the frame of a resurrection of fundamentalism (irtica) against the secular regime and Alevis. This framing of the issue by Alevi actors also shows that the limitations of their discourse. The overemphasis on “deviation from Kemalist laicite” overshadowed the formation of a discourse based on equal exercise of

¹³⁶ The organizations under consideration in this chapter are PSAKD, Avrupa Alevi Bektaşî Federasyonu (AABF), Hacı Bektaş Veli Culture Association and Cem Foundation. The exploration of the issue mostly relies on their own publications and their statements in the newspapers.

¹³⁷ I borrow this term from Dawson (2005).

fundamental civil rights in a rights-protective democratic regime. This was then related to the general Islamist-secular polarization of the 1990s. This has been also related to the limits of legitimate discourse in Turkey. The invocation of symbols such as Atatürk, national unity points out the difficulty of putting forth their own arguments without reference to these common symbols of national unity (Massicard, 2006). In other words, it demonstrates difficulty of claim making in Turkey through only invoking the requirements of a liberal democracy, civil rights such as freedom of religion and minority rights. On the other hand, the invocation of the Republican symbols helped provide legitimacy for their demands.

The insistent commemoration of Sivas since 1993 has brought this tragic past incident to the present. Alevi organizations commemorate Sivas since 1994. Unlike the pre-1980 pogroms, Sivas Incident has become a commemorated event in its immediate aftermath. The features and the context of the Incident have made it relevant and worth to commemorate in the following decades. This novelty is related to the both the distinct character of the Incident which makes it memorable and the mnemonic capacity (Armstrong & Cragg, 2006) of the Alevi movement. The “documented character” of the Sivas Incident through cameras has greatly enhanced its “commemorability”. The fact that Alevi activists were there as both witnesses and victims made Sivas an incident worthy for activists to commemorate. The witnessing of the prominent representatives of Alevi society to the atrocity facilitated the dissemination of the story of the incident. On the other hand, in the pre-1980 pogroms such as Maraş, ordinary people had been targeted and murdered. The commemoration of Sivas is also related to the existence of Alevi organizations even though they were fledgling then. If there were no Alevi organizations and publications, especially those in diaspora, then the political salience of the Incident

would also suffer the fate of the pogroms and not contribute to the advocacy for acknowledgement of wrongdoing and justice.

The first part of the chapter deals with the naming of the Incident. The Incident sealed political Islam as the nemesis of Alevis. Most of the Alevi commentators perceive Madımak as a fundamentalist revolt which culminated in a massacre. Many commentators on the issue articulate an oppositional narrative based on victimhood caused by “undeserved, unjust, immoral harm” in their writings and commemorative occasions. The Alevi commentators also address the frame of provocation based on the attendance of Aziz Nesin in the festival and relocation of the festival to the city center that dominated the first debates in the Parliament. Many Alevi commentators assert that sectarian animus lies at the basis of the Incident. While discussing the issue, they situate the Sivas Incident in a long chain of persecution: Kerbela, Ottoman persecution, the execution of Pir Sultan Abdal in the 16th century and the pogroms of late 1970s. Some of them also link Sivas with Menemen as cases of fundamentalist violence. The following part deals with the attribution of responsibility to various actors: fundamentalists, the Refah Party, Temel Karamollaoğlu, the then mayor of Sivas, local people of Sivas and the state. The commentators on the left side of the spectrum also criticize the policies of secularism in the multi-party period which they see as deviation from secularism.

The following parts deal with the issue of how to remedy the harm caused by the Incident. The commentators in the journals of AABF, PSAKD strongly argue that Alevis should get organized in their own organizations if they want to prevent future massacres. It then examines the Alevi movement’s reaction to the judicial process from the trial process to the statute of limitations ruling in 2012. The bereaved families and the PSAKD have closely followed the legal process and strove for the

legal process to bring accountability for the perpetrators unlike in the case of pre-1980 pogroms. Lastly, it explores the struggle of Alevi agents who strove to preserve the memory of Sivas in a museum or monument in Sivas. I examine the viewpoints of Alevi actors on the memorialization issue who participated in the workshop of Alevi Opening. I also examine how the symbolic commemorations turned into mass annual rallies in front of Hotel Madımak.

6.1 The Refutation of the ‘Provocation Narrative’ and ‘Sivas Massacre’

Most of the Alevi commentators on the issue perceive what happened in Sivas as intentional, planned murder of innocent people by setting fire to the hotel building. This description of what happened as a massacre persists to this date. They address the provocation argument to prove that this is not a simply spontaneous outpouring of anger and accidental fire incident, but a well-planned, organized massacre perpetrated by fundamentalists belonging to various legal or illegal organizations (Kaleli, 1995). Just like the first verdict of the DGM which took pains to prove that this was a simple incident of provocation, these commentators strive to prove that this is not about the presence or speech of Nesin.

6.1.1 The issue of invitation of Aziz Nesin to the festival

As many Alevi commentators perceive the incident as a fundamentalist revolt targeting them, they do not accept the claim that it was because of the presence of Aziz Nesin that the incident erupted. Sökefeld (2008) notes that Alevis conveniently choose to omit the role of Nesin in the incident. Alevi accounts do not erase Nesin’s presence during the incident, what they contest is the claim that Nesin was the main factor that led to the eruption of incidents suddenly. They do not attach much

significance to participation of neither Nesin nor other intellectuals as contributing significantly to the breakout of the incidents. For instance, Hüseyin Karababa, the brother of Gülsüm Karababa, (personal communication, July 11, 2018) characterizes victims such as Altıok as coincidental, the intellectuals such as Altıok becoming unknowingly victims of the long struggle in Sivas between Alevis and Sunnis.

The Alevi representatives feel a particular need to prove that it was not about Nesin or his comments. They evaluate the accusations against Nesin as an excuse. What happened was much more than a simple outpouring of fury against Nesin. Most of them believed that if Nesin did not attend the festival, the incident would still take place in one shape or another. For instance, the readers of Cem Magazine (“Okuyucuların kaleminde Sivas olayları,” 1993) were also unconvinced that it was Nesin that the demonstrators expressed their anger at. According to the readers, if it was about Aziz Nesin, then the demonstrators would not drag the newly erected statue of Pir Sultan which had nothing to do with Nesin in the streets and smash, burn it. They also interpreted the chanting of “burn burn” and uttering of “Burn you bitches” against women who tried to escape from the burning building as a demonstration of their vindictiveness against festival participants. Serdar Doğan, a survivor, also believes that Nesin is just an excuse, the real reason was their status as an “other” (“Madımak’ta iki gün,” 2009). In short, they were sure in their opinion that this was an attack against Alevis.

The Alevi commentators such as Demir, Balkız also address the claim that Nesin made a provocative speech at the opening of the festival in Sivas. Balkız (1996) cites the ruling of the Sivas court that there was nothing provocative in the speech or comments Nesin made in Sivas. Demir (1995) invokes the testimony of Doğukan Öner that there was disturbance in the city in 1992, too. To underline that

the incident did not erupt because of Nesin, Demir asked whether the pre-1980 pogroms against Alevis had also been triggered by Aziz Nesin. Arif Sağ states that if there is somebody to be offended by that speech, it was not Sunnis but Alevis as Nesin criticized Alevis for indulging in *saz*, a musical instrument, for centuries. According to Kazım Genç, Alevi-Bektashis tolerated Nesin's criticisms because of some truth in those criticisms and their culture (Koçak, 2003, p. 90).

According to Sağ, even if he did not attend, this incident would take place. In the opening workshop, he said that there were signs of the massacre one year before in Sivas (Koçak, 2003). Another argument that they made was to remind that Nesin freely strolled through the city the day before the incident as Balkız (1993) stated in the report he presented to the Inquiry Commission of the TBMM. He underlined that they could kill Nesin easily when he strolled through the city. Moreover, they reminded that six months before the incident Nesin was again in Sivas and there were no disturbances in the city. Balkız (1996) noted that the Prosecution of DGM, the Report of the Assembly Commission and the Defense Book of lawyers of defendants agreed over the causes of the Incident: the translation of Satanic verses, the erection of Statue of Bards, the transfer of the festival from Banaz to Sivas, the moment of silence during the opening ceremony of the festival, drum playing during Friday prayer and Aziz Nesin's statements against Islam.

6.1.2 The choice of Sivas as the venue of the festival

The Inquiry report of the TBMM Commission and the prosecution of the DGM had pointed out the choice of Sivas city center as the venue of the festival as one of the main factors that led to the incident. The most common accusation or criticism levelled against the administrators of PSAKD was that they had made a reckless

decision in holding the festival not in Banaz as in previous years but in Sivas. While reflecting upon the incident, the then administrators of PSAKD do not dwell on the issue of any organizational weakness or lack of capacity. Murtaza Demir (2013), then the president of PSAKD, responded to this criticism that they had chosen Sivas city center because Alevis were increasingly turning into an urban community. They no longer wanted to hide their faith. Moreover, they did not want to restrict a poet of a stature like Pir Sultan Abdal to a village (Demir, 16-19). Balkız also responded to the critics, reminding that this was a festival held with the support of Ministry of Culture and the Governorate. As it was supported by the state, they had no fear that any serious disturbance would arise. In other words, they had trusted in the state that it would prevent any interference or attack against the participants (Yıldırım, 2004).

While Demir and Balkız defend the decision of the PSAKD, they avoid making any comment about the tense political situation of the country in those days. In the preceding days of July 1993, there were serious clashes between the army and PKK, the terror organization in the Southeast region. Moreover, Sivas was a province where only 15 years ago Alevis had been subjected to a pogrom. Some of the relatives of the victims also question the wisdom of this decision. For instance, Hüseyin Karababa, (personal communication, July 11, 2018), the brother of Gülsüm Karababa, questioned the logic of holding such an activity in a conservative province like Sivas as he stated that “Let’s say that I go to Yozgat¹³⁸ and say that I would hold an activity, ‘wouldn’t they ask me that ‘what are your doing here, brother?’”. In short, Karababa perceived this decision as an example of cluelessness of the PSAKD administrators.

¹³⁸ Yozgat is a central Anatolian province. Its population is known for its conservative nationalism.

6.1.3 The Sivas Incident as a fundamentalist revolt

Having ruled out the role of Nesin in the incidents, Alevi commentators perceive what happened in Sivas as a fundamentalist revolt. In the eyes of Alevi commentators what the demonstrators embodied on that day in Sivas is the danger of Sharia. They generally refer to the incident as a fundamentalist revolt (“Okuyucuların kaleminde Sivas olayları,” 1993; “Sivas’ta 20 bin kişi hep bir ağızdan haykırdı Madımak müze olsun,” 2007), pro-Sharia fundamentalist revolt (“ABF Genel Başkanı Ali Rıza Gülçiçek ‘Davamız devam ediyor,’” 1995) and pro-Sharia insurrection (“Cem Vakfı’ndan Alevilere tehlikeli ‘davet’ Anadolu Aleviliğini İslamlaştırma Girişimleri,” 1996). On that day, Sharia made a show of force on the streets of Sivas (Kaleli, 1995). When the judge asked M. Demir what the aim of demonstrators was, he responded that it was to establish a state based on religion and return to Ottoman time. Under Sharia, Demir dramatically told, they would replace the secular judge with a kadi and Saidi Nursi¹³⁹ would be the head of state (Merdol et al., 2004d, p.334). Kaleli (1996) also said that the burning down of the hotel was a result of trial according to the Sharia- and they had been punished accordingly. Serdar Doğan also referred to what happened as a case of recm, punishment according to Islamic holy law (“Madımak’ta iki gün,” 2009).

6.2 Sectarian animus: Alevis as the victims of violence

Most of the Alevi representatives think that sectarian motives led to the atrocity carried out in Sivas. What emerged on the streets of Sivas on that day was unending sectarian animosity of fundamentalists (*yobaz*) against Alevis. For instance, Elif Dumanlı (2011), who survived the fire in Madımak, says that “her Alevi suffering

¹³⁹ Said-i Nursi (1878-1960) was a Muslim scholar and the founder of Nur tariqa.

started with ‘*Subhaneke*’ in school’. *Subhaneke* is a prayer recited in the daily Muslim worship. In the compulsory religious courses, the students are generally required to memorize these prayers. However, they are not part of Alevi liturgy. Dumanlı (2011) believes that the persecution of Alevis stretch from this instance of compulsory religious instruction to being burnt. The common reason behind this persecution is their Alevi identity.

Even the *Cem* magazine perceived Sivas as the continuation of tradition of burning humans alive *ihrak-ı binnar* (“Ezeli yobaz hastalığı ihrak-ı binnar Sivas’ta hortladı,” 1993). According to the *Cem* editorial (1993, pp. 3-7), the bigots resurrected this tradition in Sivas. It describes *ihrak-ı binnar* as ‘perennial disease of bigot’. This is the genetic disease of bigots that they got from their ancestors. They establish continuity between the fatwas of the Ottoman ulama that authorize and legitimize the killing of Kızılbaş through suffocation, burning during the 16th century and the political Islamists of 1990s. Their violent behavior is not the result of certain conditions but a genetic feature that is impervious to change. It defines what happened in Sivas as “the horrible repeat of history in Sivas” (1993, 3-7). In other words, fundamentalists burnt people simply because of their Alevi identity just as Ottomans massacred them because of their identity.

The readers of the *Cem* magazine also pointed out the similarities between the previous pogroms and Sivas. It too is part of the tradition that all Alevi massacres were started on Fridays crowded by those who got out of mosques. It was not only the local newspapers but the religious functionaries in mosques also provoked people. According to *Cem*, ‘they got out of mosques and rushed to create new

Kerbela' ('Ezeli yobaz hastalığı İhrakı Binnar Sivas'ta Hortladı,' 1993).¹⁴⁰ Sivas is not a coincidental event. It is not limited to Sivas in time and space.

The readers of *Cem* magazine which included local heads of Alevi associations believed that the killing in Sivas was due to common societal prejudices about Alevis. Thus, they wanted the state to tell the truth about Alevilik and repudiate the fatwas of the Ottoman period. In other words, if the state had educated the populace about Alevilik, then these people would not murder Alevis in such a cold-blooded manner ('Okuyucuların kaleminde Sivas olayları,' 1993). Lütü Kaleli (1995, 8) is also of the opinion that traditional resentment against Alevis played a role in the massacre. He says that the Refah Party could not stand an Alevi cultural activity in the city. In other words, it is against the visibility of Alevis.

According to Sadık Eral (1995, pp. 30-31), the aim of the perpetrators of these massacres is an Anatolia without Alevis. He pointed out that massacres had all taken place in the triangle of Çorum, Maraş and Sivas. The aim was that Alevis, who were forced to leave these places in the aftermath of massacres, would go to big cities. The migration of Alevis into big cities would facilitate their assimilation into majority. This was in continuation of the eviction of Alevis from cities to desolate areas in 16th century (Eral, 1995). Reha Çamuroğlu (1994, p. 16) also agreed with this viewpoint as he said that what was aimed in Sivas was a repeat of Maraş scenario where Alevis were driven out of Maraş towards big cities.

¹⁴⁰ Kerbela is the foundational narrative of Alevi faith. In 680, Husayn, the grandson of Prophet Muhammad did not recognize the transition of the caliphate from Umayyad Caliph Muaviye to his son Yazid. The people of Kufa, a city in modern day Iraq supported the cause of Husayn and invited him to their city. However, the Umayyad army intercepted Husayn and his family on the route to Kufa. The Umayyad army drove them to Kerbela desert and cut their access to the water. In the ensuing battle, the Umayyad army slaughtered Husayn and his companions who were stranded in the desert. The Shi'a and Alevis curse Yazid for his cruelty towards the family of the Prophet since then.

6.2.1 Victims as martyrs

In the immediate aftermath of the Sivas Incident, the authors writing in the newly published Alevi magazines described those who lost their lives in the hotel as “martyrs”. In this usage, martyrdom denotes an individual’s sacrificing his or her life for a cause or purpose greater than himself (Zırh, 2014). They bestow this status on them not for their sacrifice for Islam or the motherland but for the ‘way’ that is Alevilik. As Sadık Eral (1996, pp. 12-13) reminded that, they had died for the sake of Alevilik, “a humanist, democratic, universal culture”. He underlined that this was one aspect of the incident that must be kept in mind. They had gone in the way of Pir Sultan Abdal, the Saint of the way. By naming the victims as martyrs, the Alevi movement makes them belong to the whole community. They are those who risked their lives for their faith and their community.

This novelty has been in tension with the Alevi understanding of martyrdom because the status of martyrdom is not bestowed upon ordinary folk in traditional Alevilik (Zırh, 2014). As Atilla (personal communication, August 1, 2018), an official of Şahkulu Foundation, reminded that, Şah Kulu, who revolted against the Ottomans in 16th century was not exalted as a martyr. Karababa (personal communication, July 11, 2018) also dismisses the term martyr because of it being a religious and Arabic word. He told that when he went to the commemoration ceremony in front of the hotel, he preferred his name to be announced as only ‘the brother of Gülsüm Karababa’. His opposition to the term is because of religious connotations of the word. Aydın Deniz (personal communication, July 30, 2018) also said that the term martyr was used at first for secular intellectuals slain in the 1990s as “martyrs of democracy”. In line with this use, they named them the victims of Sivas as ‘martyrs’ but was later turned into martyrs of Alevilik.

6.3 Seeing the present through the past: Sivas as a link in the long history of persecution

In their research of the European Alevi Bektashi Confederation's understanding of the Sivas Incident, Yıldız&Verkuyten (2011) demonstrates that the continuity of evil features in the framing of the Sivas Incident by diaspora Alevis. The Alevi narratives that I examined also situate Sivas in a long chain of persecution and victimhood: the slaughter of the Prophet's family in the desert of Kerbela in the seventh century, the Ottoman persecution including the execution of PSA in the 16th century and the pre-1980 pogroms during the Republican period. Bozarslan (2003) described the researchers' adherence to this narrative of centuries-long persecution at the hands of Ottomans as a research myth of *longue duree* persecution. However, as I demonstrate below, this networking of historical events¹⁴¹ is very widespread in Alevi narratives. Thus, it is questionable that it is simply a 'myth'.

6.3.1 Kerbela and Sivas

Kerbela marks the beginning of the perpetual persecution of Alevis. It is the quintessential incident where Alevis were subjected to injustice. Alevis established similarity between Sivas and Kerbela more than the pre-1980 pogroms that preceded it. For instance, the readers of *Cem Magazine* (1993) often likened Madımak to Kerbela in the issue of *Cem* magazine that followed the incident. The scene of beheading of Husein and playing with his head by Umayyad Caliph Yezid's soldiers in Kerbela had been reenacted by perpetrators of Sivas who had played with the head of Pir Sultan Abdal in the streets of Sivas. They perceived the perpetrators as following in the footsteps of Yezid ("Okuyucuların kaleminde Sivas olayları,"

¹⁴¹ I borrow the term 'network of events' from Barry Schwartz (1997).

1993). In other words, there was a continuity between Yezid and the demonstrators in Sivas. This evocation of Yezid indicates that they were as unjust and cruel as him.

Arif Sağ, who survived the arson, also invokes Kerbela to make Madımak intelligible. He emphasized that what made Sivas distinct from previous atrocities was the certainty of meaning it possessed for them just like Kerbela. The similarity between the two emanated from the clarity of the perpetrators involved. Moreover, they never denied what they committed. He reminded of the slogans of defendants in the courtroom that the “We did it, we’d do it again”. They also never expressed remorse or feel shame for what they did (Koçak, 2003, pp. 30-38). The certainty that Sağ talked about or what we can say clarity is due to the absence of a left-right conflict framework that the pre-1980 pogroms could be situated in and the fact that the incident took place in front of cameras. The cameras showed the perpetrators openly.

What evokes the memory of Kerbela is the cruelty involved. As the family of Prophet’s grandson sieged and left thirsty in Kerbela, the unarmed people sieged in the hotel were left in flames as the demonstrators prevented the intervention of the fire brigade. As in Kerbela, those stranded in the hotel were also outnumbered by thousands of demonstrators. Both the family of the Prophet and the people stranded in the hotel faced the same ruthlessness. The founding place of Kerbela in Alevi memory also keeps Sivas safe from oblivion as Balkız underlines that as they do not forget Kerbela, they will not forget Madımak (“Kerbela’yı unutmadık, Sivas’ı da unutmayacağız,” 2010).

6.3.2 Ottoman persecution of Alevis

In the framing of Sivas Incident, we also see how Alevi representatives perceive the Ottoman state. Their perspective of the Ottoman state is not only determined by the antagonistic relationship between Alevis and Ottoman State but also Kemalism. Their opposition to the Ottoman state emanates from its religious structure based on Sharia. As proof of Ottoman persecution, they cite the fatwas issued by the Sunni clergy. They also slam Ottomans for being “Non-Turkish”. In other words, they make a contrast between the Turkish, native identity of Alevis with the devshirme, non-Turkish identity of the Ottomans (Demir, 1996).¹⁴² In this way, while they delegitimize their historical adversary, they justify their dissidence by their nativity or Turkishness. Some commentators such as Baki Öz (1995) draw chronologies of persecution from Kerbela to the abolition of Bektashi lodge by Mahmud II. The chronologies or narratives of persecution Sivas is situated in change according to one’s political leanings. For instance, Bülbül¹⁴³, the chairman of the PSAKD, excluded the revolts and incidents such as Menemen against the secular Republic in 1920s and 1930s but established a story of victimhood inclusive of both Alevis and Kurds is established (Bülbül, n.d).¹⁴⁴ In his account, we see a liberal usage of the term “genocide”. In his account too, Alevi history is one of massacre and genocide.

¹⁴² Demir (1996) described Ottoman state ‘as supporter of Sharia (şariatçı)’. He accuses Ottoman state of massacring hundreds of thousands of Alevis. According to Demir, this was not because of the racist character of the Ottoman state. On the contrary, the state ruled by devshirme (Christian converts to Islam) were humiliating Turks as ‘lacking understanding (oft-quoted remark ‘etrak-i bi-idrak Turks’). In this narrative, the Ottoman rule did not bring prosperity and justice for Anatolia but only poverty and exploitation.

¹⁴³ He was later elected to the Parliament from the pro-Kurdish HDP list in the November 2015 general elections.

¹⁴⁴ In this period, the Kurdish movement made overtures to other groups in this period to extend its appeal and the eventual foundation of HDP. In such circumstances, a story of inclusive victimhood makes sense.

6.3.3 The execution of Pir Sultan Abdal and the Sivas Incident

The main historical event that the Alevi commentators often invoke is the execution of Pir Sultan Abdal by the Sivas Governor Hızır Pasha in the 16th century. A common point that evoked the memory of the execution of Pir Sultan was the stoning of Pir Sultan before his execution and stoning of the hotel before it being set to fire. This also causes a certain ambivalence about the city of Sivas. While this execution makes Sivas a bloody city in the eyes of Alevi commentators, they underline that they never made this an issue. On the contrary, they owned the city because of its role in the founding period of the Republic and as a city of bards (Yıldırım, 2007).

Murtaza Demir perceived the siege and stoning of the building as the reenactment of the execution of Pir Sultan by the Ottoman authorities in Sivas in 1560. He describes this as the repeat of history (Demir, 2013). Serdar Doğan (2010, p. 225), who was severely wounded in the hotel, portrayed Sivas as a continuation of the execution of Pir Sultan. In his narrative, even the hotel is built in the place of the scaffold of Pir Sultan. In other words, the hotel serves as a literal scaffold for the victims of Sivas. After four centuries, even the place of execution does not change.

6.3.4 The only respite in the long chain of persecution: Kemalist one-party rule

The only interval in this long, unceasing account of persecution came with the secularization and modernization of the state and society started by Atatürk. Alevi writers interpret the foundation of the Republic as a sharp rupture between the Empire and Turkey. For instance, according to Demir, this situation of Ottoman persecution radically changed with the advent of Republican rule under Kemal Atatürk. What separated his rule from the previous one was his adamant opposition against fundamentalism (Demir, 1996).

Bozarslan (2003) describes the widely held belief that Alevis en masse supported the Kemalist rule as a research myth. He notes that important historical developments such as Koçgiri and Dersim are omitted from the record. While Alevis portray the period of Atatürk as a golden age, there is no proof of Atatürk's recognition of Alevilik on a par with Sunni Islam. There is no speech of Atatürk that they can refer to about his support or sympathy towards Alevilik. In other words, there is no written record that even indicates that he ever ruminated over this issue. As Küçük (2008) states rightly, the republican period is one where Alevis got closer to the state and its ideology rather than vice versa.

As Atatürk effected a radical change in relations between Alevis and the state, the question that inevitably comes to mind why Alevis again became subjects of violence in the Republican period. According to Demir (1996, pp. 16-17), this emanates from Kemal's successors deviating from his way. They betrayed the revolution through concessions to fundamentalism. Baki Öz (1995) also explains developments in the multiparty period by stating that the break effected by Atatürk was short in span and limited in its impact. The anti-Alevi mentality inculcated in the minds of masses in these centuries was entrenched and proved resistant against secularization reforms of Atatürk. What prevented Atatürk's rule bring permanent change for Alevis according to Öz (1995, p. 42), was that the official ideology and cadres of Ottoman state was still steering the state machine in the Republican period. He described this ideology and cadres as "Ottoman relics". Thus, Sivas cannot be described as an incidental event, but is the culmination of this centuries long mentality or ideology that defy the end of empires and the change of political regimes.

6.3.5 The atrocities of the Republican period: Maraş, Sivas and Çorum Pogroms

There are also accounts that framed Sivas as a continuation of the pre-1980 pogroms against Alevis in Malatya, Maraş, Sivas and Çorum. They had in mind the immunity enjoyed by the perpetrators of the pogroms. This made them cautious about justice would be realized for the victims. One reader of Cem magazine lamented that those whose houses were razed down and murdered in the pre-1980 pogroms were forgotten (“Okuyucuların kaleminde Sivas olayları,” 1993). They also perceive a similar aim in the Sivas Incident. As in the case of Maraş, they aimed at forcing Alevis migrate to the big cities (Eral, 1995). The difference between them is also significant. Unlike the case in the pogroms, the Sivas Incident cannot be situated in a wider ideological conflict. As Arif Sağ states, they believe that Sivas has a clarity that the pogroms lack (Koçak, 2013).

6.4 The perpetrators: The issue of responsibility

There is little discord among Alevi commentators about the identity of perpetrators. Lütfi Kaleli (1996) and Ali Balkız (2000), the former president of PSAKD and Alevi Bektashi Federation, claimed that a coalition of fundamentalist organizations carried out the massacre under the spectatorship of the state: Aczmendi, a Sunni tariqa, students of Quran courses and nationalists in Sivas. While Serdar Doğan acknowledged that a “deep organization” was behind the Sivas incident, he still underlined that this did not exonerate the fundamentalists. He describes what happened as “a case of recm” alluding to the Islamic practice of stoning those guilty of adultery (“Madımak’ta iki gün,” 2009).

6.4.1 Refah Party as the representative of chief adversary political Islam

Alevis viewed Refah as the embodiment of threat of political Islam or Sharia. The fact that the highest local official in Sivas was from Refah Party reinforced the conviction that Refah bore responsibility for what happened in Sivas. An example of ill blood between Alevis and Refah Party was the reaction to the news that there was rapprochement between İzzettin Doğan of Cem foundation and Refah Partisi. Murtaza Demir reminded Doğan or others who are willing to talk with Refah of this reality that Refah was the perpetrator of Sivas. He stated that such dealings constituted a betrayal of Sivas and warned that those involved or engaged in dealings with Refah are to be excommunicated from the Alevi community (“RP ile iş birliği yapmak fiili olarak katliamlara ortak olmak, katilleri aklamaktır!,” 1994, pp. 16-17).¹⁴⁵

In 1996, Refah Party led by Erbakan and Doğruiyol Party led by former Prime Minister Çiller founded the Refahiyol coalition government. The families of victims interpreted this political development as the coming to power of “those who curse Atatürk”. Here they had in mind the remarks of Refah MPs such as Şevki Yılmaz.¹⁴⁶ They underlined that they were not afraid of “Refah party in government” because they had already lost their children in Sivas. They believed that a government led by Refah would cause the same suffering for more mothers. In other words, they were concerned that with Refah in power nationally more incidents like Sivas would take place. For instance, Sultan Karababa, the mother of Gülsüm Karababa, reminded again that the murderers of their children came to the positions of Minister of Justice (Kazan) and mayor (Karamollaoğlu). Sultan Metin also did not care that it will make

¹⁴⁵ In Alevilik, there is the conception of ‘yol düşküni’. Those who violate the basic precepts of the faith are declared as ‘yol düşküni’ and excluded from the community. See Zeidan (1999, 76).

¹⁴⁶ Şevki Yılmaz made numerous insulting remarks about Atatürk, the founder of the Republic. (“Şevki’nin geçmişi küfür ve hakaret dolu,” 1997).

much difference for them whether it is Refah or others who come to power because “they already burnt our children”. She added that ‘that is nation is comfortable with that’. She likened Refah's local election victory in Istanbul to Sivas (Temelkuran, 1996).¹⁴⁷ Later, when Merve Kavakçı who was elected to the parliament from Virtue party list in 1999 tried to take her parliamentary vow in headscarf, an Alevi commentator interpreted this as the continuation of Sivas fire (Karakuş, 1999).

6.4.2 Karamollaoğlu as the chief villain in the Alevi narratives

Alevi witnesses of the incident and many other Alevi representatives viewed Karamollaoğlu as the public official who orchestrated the whole incident or did nothing to stop the mob. The account of the mayor’s conduct told by survivors of the incident contradicted the report of the Parliament and the viewpoint of the judiciary which saw no negligence or responsibility on the part of the mayor. Firstly, the witnesses said that there were paving stones amassed in the street right across the hotel on the day of the incident. They also did not witness any pavement work in other parts of the city. According to Kaleli (1995), it was Karamollaoğlu as mayor who made those stones ready close to the hotel.¹⁴⁸ Secondly, there are also accusations against Karamollaoğlu of preventing the timely intervention of the fire brigade. Kaleli (1995, p. 71) also claimed that Karamollaoğlu did nothing to prevent spread of inciting rumors that the dog in the statue of Bards represented the Sunnis and the Bard represented the Alevis.

Both Alevi witnesses and non-Alevi intellectuals testified in the court that Karamollaoğlu’s speeches did embolden and incite the crowd far from calming them down. However, the court did not take into consideration their testimonies as Ali

¹⁴⁷ She referred to Erdoğan’s victory in the municipal elections of 1994 in Istanbul.

¹⁴⁸ The stoning prevented the people from going to the roof and wait for rescue.

Balkız (1995, pp. 48-49) states that ‘The court ignored our testimonies, witnessing’. Alevi representatives always remind his remark that ‘May your holy war be blessed’ during his speech. Cafer Aydın recounts that Karamollaoğlu promised the crowd that the festival would be cancelled, and the statue removed. Then he reminded the crowd the aftermath of September 12 and wanted them to disperse (Kaleli, 1995, pp. 207-213). Poet Zerrin Taşpınar was one of those who vividly remembered the mayor’s speech: ‘‘We the people of Sivas carried out our duty to a certain extent. Now let’s disperse.’’ Then, he reminded two persons who were imprisoned and abandoned after September 12. Taşpınar underlines that the mayor used the phrase ‘‘to a certain extent’’. Moreover, she notes that the mayor never said to the crowd that what they were doing were wrong or sinful. The crowd interrupted his speech with clapping. Taşpınar interpreted the call of the mayor for the crowd to disperse as ‘‘coerced’’, a result of the governor’s pressure on him to speak and calm down the crowd (Kaleli, p. 218).

In 1995, Temel Karamollaoğlu was elected to the National Assembly from Refah Party list. This was perceived by Alevis as a reward for his role in Sivas Incidents. In their view, this repeated the tradition of rewarding perpetrators as in the aftermath of other massacres. They perceived the election of Karamollaoğlu to the Assembly in line with the election of Şendiller, the main defendant in Maraş trial and Muhsin Yazıcıoğlu who was seen as the main culprit of Sivas pogrom of 1978 to the Parliament from the MHP party list. In the special election to replace Karamollaoğlu as mayor in 1996, PSAKD along with other civil society groups issued an open letter calling for the leftist parties to elect a common candidate in local elections. The letter once more reminded the role of Karamollaoğlu in the massacre (‘‘Sivas belediye başkanlığı seçimi: seçimlerde sol güçbirliğine çağrı,’’ 1996). Hüseyin Karababa

(personal communication, July 11, 2018) also criticized the daughter of Metin Altıok, who was elected to the Parliament from the CHP list for “standing with the murderers of his father”. He invoked the cordial relationship and electoral cooperation between Kemal Kılıçdaroğlu, the leader of CHP and Temel Karamollaoğlu, the leader of the Felicity Party.

6.4.3 The involvement of local people

Another issue addressed by Alevi commentators has been the role of the local people in the incident. In most accounts, we see a certain concern not to antagonize the local people. For instance, Arif Sağ underlined they never said that Sunnis or people of Sivas committed the murders since it was not in line with the teaching of Alevis (Koçak, 2003). We also see a certain ambivalence in accounts concerning the role of local people. They try to make a distinction between those who participated in the incident and the rest of people. For instance, Sami Karaören separates the local people from the demonstrators whom he described as a “mass which was inflamed and guided in the mosques.” He does not explain where this “mass” came from. On the contrary, the local people “watched” the actions of this mass with sadness. In other words, he portrayed the local people as innocent bystanders. He characterized those who joyfully watched as “right wing people” (Kaleli 1995, p. 186).

Murtaza Demir (2003) also walks a fine line between both holding local people responsible for what happened and not incriminate all of them. He resorts to a separation between common people and militants. He does not employ the trope of those coming from outside Sivas and clearly pointed out the responsibility of local people. However, he then makes a distinction between sensible people of Sivas and militants. He argued that these militants do not represent the whole city population

and noted that the demonstrators who numbered around ten thousand constituted a minority of city population of three hundred thousand people. However, Demir was critical of calls not to call Sivas a “murderer city” and stain the city with this incident any longer because he argued that people of Sivas had never expressed any remorse for the incident. In other words, it was expected of them to behave “As if those who burnt humans alive are not from Sivas, as if that crowd has no relation with Sivas”. He wanted to see concrete action on the part of Sivas people if they don’t want their city to be described as a murderer city and want this wound to be wrapped. He criticizes those who search for blame on the part of the victims (Demir, 2003).

6.5 State as the Bystander-Spectator

While many Alevis perceive fundamentalists of various organizations as responsible for the violence, it is mainly the “spectatorship” (or indifference) of that state that enabled them to achieve their aims. Many Alevi commentators and representatives of Alevi organizations including the then *Cem* magazine describe the role of state is generally one of spectator or bystander (“Ezeli yobaz hastalığı İhrakı Binnar Sivas’ta Hortladı,” 1993; “Okuyucuların kaleminde Sivas olayları,” 1993; Öker (1994), “2 Temmuz 1994, Frankfurt yürüyüşünde ABF Genel Başkanı Ali Rıza Gülçiçek’in yaptığı konuşma ‘Mazlum toplum olmaktan kurtulmalıyız!,’” 1994; Demir (1995), Kamber Çakır (Koçak 2003)) On the fourteenth anniversary of the Incident, the Alevi Bektashi Federation and European Alevi Bektashi Federation again reminded the spectatorship of the state for eight hours (“Sivas Katliamı’nın 14 yıldönümünde Unutmadık, Unutmayacağız,” 2007).

What constitutes the most traumatic and unacceptable aspect of Sivas incident is the feeling of abandonment by state and disillusionment in the conduct of state. One commentator stated that “36 people experiencing the calamity of mass death burnt to death uttering state state...!” (Cem, 1993, p. 17). While the actions of the fundamentalists conform to their nature, the state’s attitude is unexpected and disappointing. Most of the survivors express this trust and bewilderment at the subsequent disappointment. For example, Mehmet Metin stated that ‘We had great confidence in the state. This confidence burnt us and our children’ (Aşut, 1994, p. 446). Sultan Karababa also pointed out this expectation that “We have no support... If we had, would people burn for 8 hours in daylight?... They eagerly waited for the state for eight hours... Men shouting ‘We want Sharia’ for 8 hours... I wish our children died in 20 minutes... that they would not suffer waiting the state for 8 hours...” (Aşut, 1994, p. 498). Balkız (1995, pp. 48-49) stated that the primary lesson they got out of this massacre was never to trust in state again. The confidence that the state would not let them die at the hands of fundamentalists had turned out in vain.

Most of them criticize the police and the military did nothing to prevent fundamentalists but effectively gave them free rein in Sivas for eight hours. For instance, Fidan Şahin, the mother of Özlem Şahin, held the army and police responsible for not preventing what happened. She compared the inaction of security forces with their interventions like using water cannon in other instances of rights-demanding demonstrations (“Yaralar henüz sarılmadı,” 1998).¹⁴⁹ The families of the victims clearly marked state as the murderer as Mehmet Metin states that ‘The

¹⁴⁹ The violence security forces deploy in the face of other public disturbances was often invoked to point out the peculiarity of their behavior in Sivas. In the Parliament, DEP MP Demir had also pointed out the differential treatment of security forces to demonstrators in the Nevruz of 1992 and Sivas.

murderer is the state, and the one who committed this murder is state'. Other members of bereaved families also find it unrealistic that the state mechanism did not work or had no capability to intervene by giving the example of Cyprus intervention: "How did the state which conquered half of Cyprus in one day cannot intervene in Sivas?" ("Utancın adını elim olay koydular," 2013). The fact that the hotel is very close to both the governorate and municipality in the city center makes these accusations plausible.

The most memorable comments that they invoke to point out the state's indifference or responsibility are statements of then President Demirel and PM Çiller. They claim that President Demirel ordered or advised that the security forces avoid from any confrontation with people. I could not corroborate whether Demirel officially gave this order to the Minister of Interior. However, it is generally accepted that he at least advised avoidance of "use of force" against "people". Yeter Gültekin, the wife of Hasret Gültekin, points out Demirel's previous record as she states that "whatever happened to us it got out of the hat of Demirel" ("Yeter Gültekin: 'Madımak'a kayıtsız kalabilenler Gezi'ye şaşırmayın!," 2014).¹⁵⁰

6.5.1 The ideology of the state: Turkish-Islamic Synthesis

The Turkish-Islamic Synthesis also features in Alevi accounts. According to Demir (1996), the reason why the participants of the festival in Sivas were burnt in Sivas is due to the structure of society and state which is based on Turkish-Islamic synthesis. He attributed the responsibility of incidents from Sivas to the murder of Metin Göktepe to the dominance of "racist and monist Turkish-Islamic synthesis" among the state bureaucracy. He perceives the Synthesis as equivalent to the "superior race

¹⁵⁰ She evokes the record of Demirel as the leader of right-wing Justice Party and right-wing governing coalitions in 1970s.

theory of Hitler fascism''. He therefore saw the solution in the cooperation of those who support democracy as he does not perceive Alevi Question as only of concern to Alevis but a general social problem (Demir, 3).

There are also Alevi representatives who try not to squeeze Sivas into a simple confrontation between Alevis and fundamentalists. For instance, Kemal Bülbül, the former president of PSAKD, also perceived or explained Sivas as a demonstration or result of state policy. He does not see Sivas as an incident born out of antagonism between secularists or anti-secularists. He also dismissed common tropes of ''fundamentalists burnt intellectuals'' or accounts that point out that the failure or negligence of military or police to intervene. According to Bülbül, the trope of ''fundamentalists burnt Alevis'' attempts to cover up state's role and its permanent policy. It aims to push Alevis to the role of guardians of ''fake secularism'' and thwart any cooperation between Alevis and Kurds. He underlined that the massacre took place during an Alevi festival, specifically a festival that commemorate Pir Sultan Abdal, a rebel against the state. In other words, the Incident was a continuation of a one-thousand-year-old state policy based on Turkish-Islamist monism rather than a singular incident which took place because of negligence or simple bigotry. In Bülbül's account, state has a policy of persecuting those who contradict or threaten its monist policy through exile, massacre, and assimilation. Alevis are the subjects of this persecution because of their ''life outside the authority of the state''. For instance, the state responded to the emergence of Turkish Workers Party in 1960s and Alevi political activity and visibility with the massacres of late 1970s.

6.5.2 Victimhood because of state's deviation from secularism: Sivas as the culmination of Anti-Revolution continuing since 1950

Many Alevi commentators and representatives of Alevi organizations such as Ali Rıza Gülçiçek ("ABF Genel Başkanı Ali Rıza Gülçiçek 'Davamız devam ediyor,'" 1995; "PSAKD 3. Genel Kurul Sonuç Bildirgesi," 1994), also frame Sivas as the culmination of deviation from secular regime since the beginning of multiparty regime in 1946. They are critical of state's religious policies since the start of multiparty era which they perceived as one of granting of concessions to fundamentalists.¹⁵¹ The center of their criticism is not that while the religious freedom guaranteed to Sunnis enlarged, Alevis did not see a similar liberalization concerning their religious freedom. The PSAKD wing of the Alevi movement demands state to be impartial towards religious groups and withdraw from administering religious affairs.

There is seldom direct criticism of Atatürk and modernization process that he led in the 1920s and 1930s. This period is exalted because Kemalists abolished legal and educational apparatuses of Sunni Islam and terminated religious education gradually in public schools (Mardin, 1981). However, they ignore that the Kemalist regime did not recognize Alevilik as a distinct interpretation of Islam. Nor did it make any effort to address widespread prejudices concerning Alevis. While certain forms of religion were banished from public space and was pushed into individual consciences in certain areas, the state still included a certain interpretation of Islam as part of its apparatus. They ignore that the faith that Kemalists wanted to

¹⁵¹ These concessions are the continuous opening of preacher schools, the compulsory religious courses, the allocation of ever-increasing shares of the national budget to Diyanet, the opening of Quran courses, which one reader of *Cem* Magazine describes as 'nests of devil' and the leeway given to religious brotherhoods. It is in these venues of religious instruction that it is instilled in pupils that God will reward those who murder Alevis with heaven. ("Okuyucuların kaleminde Sivas olayları," 1993, 51-60).

nationalize and purify from superstitions was Sunni Islam (Davison, 2003; Bozarslan, 2003). For instance, they omit to mention that Diyanet was founded during Atatürk's rule, and it was tasked with administration of specifically Sunni Islam (Lord, 2018). Moreover, they omit the banning of Bektashi order along with other brotherhoods and banning of titles like dede, baba in that same law (Massicard, 2005/2007). They are seemingly not aware that it is this type of a-la-turca laicite which put religion under the control of state that later made religious freedom of Alevis an intractable issue.

What many Alevi commentators ignore is that these policies of Kemalist secularization were enacted and enforced thanks to authoritarian rule. They also have a certain difficulty in taking into consideration the popular discontent with Kemalist secularization. They ignore the fact that there were popular demands for the enlargement of religious freedom. Some of the commentators do perceive the multiparty period as so-called democracy. We see here the influence of Kemalist intellectuals who perceive the beginning of the multiparty period not as the beginning of a democratization of the regime but the start of concessions from Atatürk revolutions, chiefly secularism. For instance, Büyüktanır (2003) describes the coming to power of DP as the beginning of the "period of so-called democracy".

In this respect, it is worth to examine Yüksel Işık's (2001) criticism of what he termed as "Turkish type of secularism" to understand how they link Sivas with erosion of secularism. Işık blames the influence of this type of secularism, which put religion under the control of state, in enabling those who burnt Hotel. He pointed out that their perception of Alevis as enemies of the religion enabled them set fire to the hotel. It was this Turkish type of secularism that had a share in creating this perception. All this was because of Turkish secularism's preference for taking into

control one of the faiths instead of pursuing a policy of impartiality towards religious faiths. This policy preference regarding the relationship between religion and state had done nothing to stop the shaping of social life by that faith, which is Sunni Islam.

Işık particularly blamed the influence of religious education in state schools for creating the hatred of Alevis: “Sivas which had been blood soaked because of application of Sharia by Yavuz was blood soaked again years later because of the religious education officially administered by Diyanet which had been founded by secular law” (Işık, 2001) Here we see continuity between Selim the Grim’s campaign of annihilation against Alevis and Diyanet’s policies. As Yavuz legitimated his massacre of Alevis by Sharia, the religious education of the secular Turkey created the basis for perception of the ‘grandsons of Selim the Grim’ that murdering Alevis was just. Religious education now serves the function Sharia once served. In other words, this religious education provided by secular state does not condemn anti-Alevi hatred or violence. Though the legal order is not based on Sharia, this type of secularism does not prevent social labelling of Alevis as infidels and thus deserving (just) to be killed for their unbelief. Işık sees no reason for Alevis to advocate this type of secularism (Işık, 2001, pp. 54-65).

6.5.3 Sivas and Menemen

Another historical event Sivas is coupled with is Menemen Incident¹⁵², which is an important part of Kemalist historiography of the founding period. In the Alevi

¹⁵² Menemen is a district in Western Anatolia. In December 1930, Dervish Mehmed with a couple of companions came to Menemen from Manisa. In Menemen, they raised the green flag of Sharia and demanded the reinstitution of the Caliphate. They started to perform dhikr in the presence of cheering townspeople in the town square. Upon the news of this fundamentalist incident, Mustafa Kubilay, a reserve officer, intervened without waiting for reinforcement. Dervish Mehmed murdered Kubilay by beheading him. The townspeople did nothing to prevent him (Ahmad, 2003, 88). The military unit that came to the aid killed Dervish Mehmed. This Incident shocked the newly founded secular regime. It was not particularly the actions of fundamentalists but the support of the townspeople that made them upset. Mustafa Kemal even supported the destruction of the town for a moment (Zürcher, 2015,

publications of 1990s, we see constant invoking of Menemen along with Madımak. Many Alevi commentators frequently invoke the Menemen Incident of 1931 to make sense of what happened in Sivas. They perceive the perpetrator of both incidents as fundamentalism. While the alleged historical similarity or continuity between the two historical events is disputed, the fact is that Sivas has been not only a chronicled event but also a commemorated event just like Menemen (Azak, 2010, p. 22).

They perceive Sivas as a revolt of fundamentalists against secularism as in Menemen. In his book, Murtaza Demir while recounting the siege of the hotel expresses that how the demonstrators were like the men of Dervish Mehmed. According to Demir, they were shouting the same slogans and were used with the same purpose by external forces. Even he states that “They were as if beamed to today from 1930s”. Demir even remembers a ginger bearded person “who seems like foreign” as the current version of Dervish Mehmed in Sivas. The only difference between them was the external force guiding them: the UK in the case of Menemen and the US in the case of Sivas. We can interpret Demir’s narrative as reflecting conspiratorial logic since he perceives Madımak as the result of collaboration of external forces and their internal pawns (Demir, 2013, p. 45).¹⁵³

Lütfi Kaleli (1995, pp. 64-65) also perceived Menemen as a jihad attempt of forces of irtica (fundamentalism). The most striking contrast made between the two incidents was the reaction of the state towards the fundamentalists. The weak reaction of the republican government is also an indication of how far it lost its

p. 179). The republican regime swiftly punished those involved in the Incident. It demonstrated that the secular reforms were far from consolidated. As Azak (2010) states, the republican regime reconstructed the Incident around the sacrifice of Kubilay for the Republic against the reactionary Islam. It erected a monument in his memory. The state held commemoration for him until 1953. For a fine analysis of the Incident, see Azak (2010).

¹⁵³ However, as Azak (2010) demonstrates, there was no proof of any connection between the British and Dervish Mehmed in the case of Menemen.

secular and republican credentials. In contrast to the government of Çiller, the Kemalist administration had swiftly executed justice for the perpetrators of this incident. Moreover, Kaleli emphasized that the revolutionary process continued unabated with the conversion of Arabic call to prayer into Turkish in 1933. He contrasted this uncompromising attitude of Kemalist administration of 1930s with the attitude of True Path Party (DYP) and Social Democratic Populist Party (SHP) coalition government in 1993. In contrast to Menemen where more than 30 were sentenced to death penalty and executed, only 124 out of ten thousand demonstrators had been taken into custody in the case of Sivas. The dismissal of Governor Karabilgin whose situation in Sivas he described as desperate from Sivas was a demonstration of its “desperation” in the face of Sharia (Kaleli, 1995).

The cruel method of murder evocative of medieval Islam in both cases is one of the reasons in the coupling of Madımak with Menemen. Just like Kubilay’s beheading, the burning of Sivas victims reminded of punishment sanctioned by Sharia in medieval times. In the Sivas case, even the Cem Magazine (1993) pointed out that “killing by burning (*ihrakı binnar*)” was a tradition of fundamentalists. In other words, this was not a coincidental action of bigots, but formed continuity with previous actions of fundamentalism. Another common feature of both incidents was that they both took place in the spectatorship of people, though the scale of what happened in Menemen cannot be compared with that of Sivas. Alevi commentators also pointed out that Sivas was a much larger instance of fundamentalist insurrection than Menemen.

Another common point between the two incidents though the Alevi commentators did not point out is the identity of victims. As Azak (2010, p. 39) pointed out, Kubilay, being a teacher and officer, represented or personified the most

important modernizing institutions of the new Republic, the school and the army. This enabled to interpret his murder as an act against the values of Enlightenment. In our case, the identity of the victims some of whom were prominent intellectuals was one of the factors that enabled to interpret the incident against the values of the Republic. They were also embodying the Republican values with their secular stances.

6.6 Remedy for the violence and loss: Get organized as Alevis!

6.6.1 The failure of SHP

The SHP led by Erdal İnönü was part of the coalition government in power during the Sivas Incident. It was a party which had strong electoral support among Alevis. The representatives of Alevi organizations were disappointed in the SHP because of the fact that the incident had taken place while SHP was in the government. The incident revealed the ineffectuality of SHP. This created the feeling that Alevis had no political backing and brought forth the question of who would protect Alevis. For instance, Fidan Şahin criticized SHP saying that it was SHP which “burnt” them. She chastised İnönü who claimed that he had been misled about the course of the incident and asked whether he does not know them (fundamentalists)’ (‘Yaralar henüz sarılmadı,’ 1998). However, Alevi representatives expressed their intention to continue support SHP in the March, 94 local elections (“Alevi-Bektaşilerden laikliğe destek,” 1994).

6.6.2 The necessity of Alevi movement

Amid the widespread feeling that SHP failed them, we see the emphasis on the importance of getting organized right there in the immediate aftermath of the

incident. The was also disillusionment that involvement in progressive organizations had not helped recognition of the Alevi identity (Aydoğdu, 1994, p. 18). Sivas revealed the importance and necessity of getting organized to Alevis. Many Alevi writers asserted that getting organized is vital for Alevis and it is a duty to the dead, because Sivas is a demonstration of what could befall on a society that is not organized. Being an organized community would also prevent Sivas from being forgotten. The existence and strength of Alevi organizations would be a bulwark against forgetting. It underlined that getting organized was a requirement for justice to be realized. For instance, Ali Rıza Gülçiçek stated that ‘‘If we do not react against those who slanders (Alevilik) as a perverted belief, if we mourn, this means that we betray Husain, the martyrs of Sivas. We must free ourselves from being a victim community’’ (‘‘2 Temmuz 1994, Frankfurt yürüyüşünde ABF Genel Başkanı Ali Rıza Gülçiçek’in yaptığı konuşma ‘Mazlum toplum olmaktan kurtulmalıyız!’’’ 1994) This meant that sitting idly, mourning and crying do not solve problems faced and it will not prevent repetition of Sivas incident (Avrupa Alevi Birlikleri Federasyonu, 1995), but only turning into an organized society will.

Remembering Sivas also meant getting involved in Alevi organizations. They underlined that if Alevis forget Sivas, then they could encounter new incidents like Sivas. The representatives of Alevi organizations appropriated Sivas to make call for organization and unity among Alevis. For instance, Şahturna, an Alevi poet finished a poem about Sivas with calling Alevis to organize and not fear (Kaleli, 1995). Lütü Kaleli (158) also underlined that Alevis need to get organized and influence political process. Otherwise, he argued that if they’re not represented in the state organs, then the state turns into a machine that unleashes death over them (Kaleli, pp. 33-34). In an article in the February 1995 issue of *Alevilerin Sesi*, Sadık Eral was distraught

that Alevi organizations could not form a united organizational structure. They perceived this as a betrayal of the martyrs. In other words, it was part of the responsibility to martyrs to come together under a united organizational umbrella. The organizational disunity also emboldened those who were still plotting massacres against Alevis (Eral, 1995).

Getting an organized community also denoted being a modern community. They perceived crying and mourning as traditional reactions. According to them, Alevis had to give up this traditional behavior which was useless in preventing future massacres and join in the Alevi organizations (“2 Temmuz 1994, Frankfurt Yürüyüşünde ABF Genel Başkanı Ali Rıza Gülçiçek’in yaptığı konuşma: Mazlum toplum olmaktan kurtulmalıyız!,” 1994). They conceived of this participation and support of the organizations as a duty to martyrs. On the other hand, decline in participation and interest in the organizations meant forgetting martyrs. The strength and vitality of organizations has been perceived as indicator of keeping alive memory of martyrs and fidelity to it.

6.6.3 The importance of PSAKD for keeping alive the memory of Madımak

The representatives of PSAKD saw the role of their association as essential to preventing Madımak from oblivion. Erseven, the editor of PSA magazine, touted how they commemorated Madımak despite state's desire for resting the issue. He also noted that they had not heeded the criticism of the Cem foundation that PSAKD's insistent attitude towards issue was causing rift between Alevis and the state. In the same vein, Balkız (2000, 18-19) chastised Cem Foundation for collaborating with those responsible. On the contrary with the collaborative attitude

of Cem whose Sivas branch invited the vice mayor of Karamollaoğlu to cem ayini, they followed the trials.

The general secretary of PSAKD Onur Şahin (personal communication, July 11, 2018) also linked the remembrance of Madımak to the existence of association that Madımak. He claimed that other cases had just faded into oblivion in the absence of any organization that would keep alive their memory. It can be argued that PSAKD bases its legitimacy on its preservation of the memory of Sivas. The center of the PSAKD in Ankara is also a testament to the organization's articulation with the memory of Sivas Incident. The walls of the PSAKD center hosted the posters of the annual Sivas commemorative marches. The large salon of the flat also houses a "museum" including the personal belongings of the victims ("Sivas şehitleri müzesi," 1996).

6.6.4 Cem Foundation and Sivas

In contrast to PSAKD, the Cem Foundation has chosen to ignore Sivas issue and not interpreted Sivas as an issue that specifically concerns Alevis. This choice was a result of concern not to antagonize the state. Among Alevi organizations, only Cem foundation joins in official commemoration ceremonies during the AK Party period. İzzettin Doğan has never attended commemoration marches in Sivas.¹⁵⁴ In the workshop on Madımak, İzzettin Doğan complained about the fuss created over Madımak. Doğan on numerous occasions expressed his bewilderment to Sivas being made an Alevi issue by reminding that it was not only Alevis who died there. He reminded that 17 of the "37" persons were Sunni. He perceives Madımak as a political tool exploited by "those who have no relation with Alevilik but those

¹⁵⁴ Kamber Çakır complained that he had gone to the funeral of Doğan's father but Doğan never expressed condolences for the victims and attended the commemorations (Koçak, 2003, 238).

Marxist circles living in Europe who want to deepen Alevi-Sunni difference''. He wants people to remember that not only Alevis but also Sunnis were burnt in Madımak and attributes the blame to the ineffectuality of the state at that time (7. Alevi Çalıştay, 2010, p. 163).

6.7 Pursuing the elusive justice

In the aftermath of the incident, the expectations of Alevis from the judicial process were limited in the light of previous legal processes of pre-1980 pogroms of Maraş, Çorum and Sivas. The perpetrators of these atrocities had been tried in military tribunals and the results of trials had been far from satisfactory. Those who were convicted in the Maraş trial had been set free with the amnesty of 1991. The conviction was that if they did not enjoy immunity, the perpetrators of Sivas would not dare such a thing as Ali Balkız stated in his report to the Parliament:

If the necessary punishment was assigned to the perpetrators of mass slaughters of Maraş, Sivas and secret organizations which steered them were uncovered, there would not be a new Sivas massacre. If the defendants of these incidents were not occupying seats in the National Assembly, the attackers would not be so unconcerned. (''Dergimiz Genel Yayın Yönetmeni Ali Balkız'ın TBMM Araştırma Komisyonu'na Verdiği Rapor,'' 1993, p. 48)

Balkız not only found the response to the previous massacres far from being deterrent but also reminded the current positions of chief suspects of these pre-1980 pogroms such Muhsin Yazıcıoğlu. This skepticism made them cautious about what the judiciary could deliver in the name of justice for the victims. The initial jurisprudence conflict, the first verdict of the Ankara DGM and the following long, arduous appeal-retrial process confirmed their suspicions.

Following the incident, the Union of Bars of Turkey¹⁵⁵ and other progressive legal unions offered their legal support to the PSAKD. PSAKD decided to conduct the judicial strategy with the legal support of the Union of Bars of Turkey. Şenal Sarihan (2002b, p. 17), who joined in the legal team from the Union of Modern Lawyers, stated that there was at first disagreement with the academic experts to whom they consulted about the applicability of Article 146 in the Sivas Trial. The academics had qualms about indicting the defendants with the violation of Article 146. She says that the opinion of lawyers that this was a revolt against the Republic that Article 146 referred to, overrode the opposition of academics, and determined the judicial strategy that would be pursued. The PSAKD went along with this legal strategy. It can be said that while it is sure that they acted out of concern for solidarity, the secularist lawyers also in a way appropriated the incident for what they perceived as struggle against fundamentalism.

The main issues that Alevi representatives criticized was the problematic investigation phase, the non-trial of those politically responsible such as the mayor, the long duration of the trial, the defendants who could not be caught like Cafer Erçakmak and the resulting impression that there was intentional negligence in the bringing of these defendants to justice. The lenient or tolerant approach of the judges of Ankara DGM towards the defendants¹⁵⁶ and stern treatment of relatives of victims during the trial also caused fury and fed the impression that they were not impartial as a relative of victim narrates:

Believe me that we go to the court, and we feel worse... We cannot stand not attending the trials... the men smoking in front of us, laughing, they are just passing like saying 'we did well'... The judge has an attitude of 'let's not bicker in the courtroom but do whatever you want outside'.... That is the judges also do not

¹⁵⁵ The chairman of the Union was Önder Sav then. He was later elected to the Parliament from the CHP list and became the Secretary General of CHP.

¹⁵⁶ The court did not sanction the defendants who constantly hurled insults against lawyers of plaintiffs.

support us, neither the police... we do not have any support... we testified only for two minutes. We wanted to tell our grievances to the judge. He silenced us. He let us talk only for two minutes. ... Our power just suffices for crying... we faint through crying.... It suffices nothing else. (Aşut, 1994, p. 499)

She points out the unruly behavior of defendants and the judges' indifference to them. It seems that the relatives of victims expected a more understanding approach to their loss and sorrow. However, they could not find it in a DGM.

When the lawyers criticized the attitude of the court panel, they closed hearings to public in 1994. The Alevi representatives widely criticized this decision of DGM. They noted that the court hearings were open to the public even during the rule of Abdulhamid II. They interpreted this decision of the court as aiming to make the case forgotten. For instance, Hacı Gültekin, the mother of Hasret Gültekin, explained her decision to break her silence since the death of her son as a reaction to the closed hearing decision of Ankara DGM. In her interview with *Cumhuriyet*, she interpreted the rationale behind this decision as to make the incident fall into oblivion (‘‘Hacı Gültekin ‘Madımak otelindekilerin hepsinin anasıyım!’’’ 1994).

They found the investigation process faulty as it failed to detect any organizational involvement in the incident. In his speech in 2001 rally, Balkız (2001) pointed out that the incident could not be properly investigated. The judicial process did not result in the identification of those who published leaflets, who amassed the stones in the street or the person who came to hotel and asked whether there were any security personnel left in the hotel. The court also did not pay any attention to the publications of local press during the incident. After the Susurluk incident¹⁵⁷ revealed the shady connections among politicians, security forces and mafia, there

¹⁵⁷ Susurluk Incident refers to the car crash in which a member of parliament, a police chief and a member of mafia who were in the same car were killed in 1996. It gave rise to the civil society campaign of ‘One minute of darkness for Light’. Şevket Kazan, the minister of Justice of the then Refahiyol government, mocked this campaign by saying that ‘They are playing mumsöndü’, evoking the incest accusations against Alevis.

were demands that Sivas be investigated to find out whether these structures had any role in Sivas incident to no avail (“Örgütlü Olursak Eğer: Genel Başkanımız Ali Balkız’ın 2 Temmuz 2001 Ankara Demokrasi ve Laiklik Mitingindeki Konuşması,” 2001).

Another important issue has been the issue of defendants who were on the run. This lingering issue of missing defendants marred the legal process from the beginning. The inability or negligence of the state to bring missing defendants to justice has turned out to be the most significant symbol of the elusiveness of justice for the victims of Sivas and impaled the legal process right at the beginning in their eyes. The emerging news in the press about defendants who were going on their normal lives despite being on the search list further eroded their trust in the state’s seriousness about bringing perpetrators to justice. The most prominent one they constantly give as an example is Cafer Erçakmak who never stood trial till his death in Sivas in 2010. Later it emerged that he had died peacefully at his home in Sivas in 2010. Fidan-Mahmut Şahin pointed out that the missing defendants were missing because they were never properly searched for (O gün devlet Sivas’ta yobaza teslim olmuştu,” 2010). Yeter Gültekin expressed her distrust of this process by saying that “If you search them as you search the murderer of Ethem¹⁵⁸, you cannot catch them.” (“Madımak İçin kırmızı bültenler arananlar devlet dairesinde nikah kısıyor,” 2013).

One of the crucial issues regarding the judicial process was the trial of those politically responsible. Many Alevi representatives and members of bereaved families repeatedly point out the lack of political accountability. None of these politically responsible people stood trial. The most notorious case is Mayor Temel

¹⁵⁸ Ethem Sarısülük was one of those who were killed during the Gezi Parkı protests in Istanbul in 2013.

Karamollaoğlu. The fact that he did not stand neither as a witness nor as a defendant in the court made the whole process problematic from the beginning. Moreover, many commentators expressed their frustration at Karamollaoğlu's being elected an MP from Refah Party in 1995 elections. They perceived this as rewarding of him. Fidan and Mahmut Şahin stated that they cannot call such a state which did not prosecute neither the mayor nor the commander as their state. If the state held these people responsible and bring them to justice, then it would deserve to be called as "their state" ("O gün devlet Sivas'ta yobaza teslim olmuştu," 2010).¹⁵⁹

The Alevi representatives also often mention the flagrant conduct of Şevket Kazan who wanted to assume the defense of some defendants in the trial process. This confirmed once more of Refah's connection with and support for the perpetrators in the eyes of many Alevis. Alevis perceived his being the Minister of Justice as rewarding for his role in the incident. This fed the impression of injustice in the eyes of Alevis. For instance, one of the relatives of victims pointed it out that because of lax application of rules during Kazan's ministry, one of them had a baby while in prison despite the legal constraints "Şehit ailelerinden Sadık Metin'in 2 Temmuz 2001 Ankara Demokrasi ve Laiklik Mitinginde Yaptığı Konuşma Metni," 2001, p. 10).¹⁶⁰ These all created and fed the impression that defendants are protected and favored over the victims.

When the Ankara DGM ruled that this was a demonstration against Nesin's provocations that went out of control in 1994, Alevi representatives widely criticized

¹⁵⁹ Fidan Şahin states that 'The main culprit is the state. The real perpetrators have not been searched. Where is Cafer Erçakmak? They made the mayor member of the Parliament. He should have stood trial. The commander of the garrison, the chief of police all should have been tried. So that we can call the state as ours. This state is not our state.' ('Büyük suçlu devlet. Asıl suçlular aranmadı. Cafer Erçakmak nerede? Belediye Başkanı'nı milletvekili ettiler (Temel Karamollaoğlu), yargılanması gerekiyordu. Tugay komutanı, emniyet müdürü hepsinin yargılanması gerekiyor ki, bizim devletimiz olduğunu bilelim. Bu devlet benim devletim değil. ("O gün devlet Sivas'ta yobaza teslim olmuştu," 2010).')

¹⁶⁰ I noted the preferential treatment provided by Kazan in Chapter 6 ("Şevket bey sağolsun," 2000).

the first verdict of Ankara court. Ali Rıza Gülçiçek, the then chairman of the Alevi Bektashi Federation criticized the court for ignoring the Alevi community and “not seeing them as human” (“ABF Genel Başkanı Ali Rıza Gülçiçek ‘Davamız devam ediyor’,” 1995). Kaleli also criticized the verdict by comparing how the judiciary handled the Çetinkaya attack and Sivas case. When the demonstrators hurled Molotov cocktail to Çetinkaya store in Istanbul, a fire broke out and 11 people lost their lives. The DGM court charged and tried the defendants with terror charges and condemned them to death penalty. However, the DGM court evaluated Sivas as an ordinary crime despite similarities between the two cases (Kaleli, 1995, pp. 391-392).

The court delivered its second verdict of DGM in 1997 and sentenced 33 defendants to death penalty. This verdict certifying the Incident as an insurrection against the Republic was welcomed. Yeter Gültekin perceived the second verdict as positive, however, she noted that

...but this is a political ruling. In other words, the ruling did not come out timely, not to prevent further recurrences of this massacre but a decision given under the influence of political winds. In that sense, it is disappointing. But on the other hand, it is positive of course, because no fundamentalist organization no fundamentalist murderer was tried in this way in the republican history. They were always appeased.¹⁶¹ (“Roni yobazların katlettiği babası Hasret Gültekin’i tanıyamadı,” 1998)

Gültekin rightly perceives the ruling as politically motivated because it came after the concerns about secularism became much more pronounced with the start of the February 28 process.

However, there was also the perception that the legal process of Sivas differed from those of the atrocities against Alevis. According to Demir (2003),

¹⁶¹ “... Ama siyasi bir karar. Yani zamanında verilmemiş, Türkiye'deki ya da bu katliamdan dolayı hakikaten bu katliam bir daha yaşanmasın diye değil, Türkiye'de esen diğer siyasi rüzgârlardan etkilenerek verilmiş bir karar. O anlamda üzücü. Ama diğer yanıyla tabii ki olumlu, çünkü cumhuriyet tarihinde hiçbir gerici hiçbir örgüt, hiçbir gerici katil bu biçimde yargılanmadı. Hep onlara taviz verildi...”

while the perpetrators of previous massacres enjoyed immunity, at least some of the perpetrators of Sivas were punished. He stated that at least there was a sort of trial, and this trial broke the tradition of immunity. Demir noted that even this limited form of justice caused reaction on the other side. He states that the perpetrators were expecting that nobody would be punished after killing Alevis and intellectuals as promised by the continuity of tradition of immunity which stretched back to Kuyucu Murat Pasha and Hızır Pasha. However, Demir pointed out the more significant punishment for the massacre was the shadow cast on Sivas apart rather than the punishments meted out by the court. Not only had the reputation of Sivas been tainted by the massacre, but the cultural and social life of the city came to a standstill. He implicitly stated that people of Sivas faced the consequences for their role in this “bloody incident” (Demir, 2003, pp. 29-34).

6.7.1 The statute of limitations ruling and ‘May it be blessed’

In March 2012, the Assize Court of Ankara decided to apply the statute of limitations for the remaining defendants at large. This ruling caused an uproar among many Alevi organizations. The organizations including PSAKD, Hacı Bektaş Veli Anadolu Culture Association held a protest rally in Kadıköy (“Sivas’taki zamanaşımına Kadıköy’de dev protesto,” 2012). The representatives of Alevi organizations such as Şehriban Metin, the bereaved sister of Handan Metin (Korkmaz, 2012), Murtaza Demir (2013), expressed their opposition to the ruling by stating that the Incident constituted a crime against humanity. They argued that there cannot be statute of limitations for crimes against humanity. Onur Şahin (personal communication, July 11, 2018), the secretary of PSAKD, claimed that the usage of this concept of crime against humanity did not start with the statute of limitations ruling. They described

Sivas as such from the beginning, but this concept came to the forefront after 2012 ruling of the court. We can say that statute of limitations decision of the Eleventh Assize Court of Ankara brought back the judicial process back on the agenda.

Then Prime Minister Erdoğan's welcoming of this ruling with the words of "May it be blessed (Hayırlı olsun)" caused widespread anger among Alevis ("Başbakan Erdoğan'dan Sivas davası yorumu," 2012). All my interviewees referred to this remark regarding the dropping of the case against missing defendants. Murtaza Demir (2013) attributes the attitude of the judiciary to sectarianism. He explains Erdoğan's greeting of this ruling as a demonstration of his hatred towards Alevis. This hatred stems from Erdoğan's being a graduate of preachers' school and his immersion in 'Emevi Islam'. Emevi Islam here stands for formalistic and intolerant religion. He again legitimizes his stance by making a contrast between converts to Islam (devshirme) and natives of the land, Alevis. He implies that Erdoğan is a devshirme. This was once more an example of a devshirme daring to deride natives (Demir, p. 178).

While reflecting on the statute of limitations decision of the court in his book, Murtaza Demir (2013) includes the statement of academicians against the implementation of statute of limitations in the Sivas Trial. This statement does not talk about revolt against secular state but crimes against a group (Demir, pp. 173-174). He does not prefer to rethink, or it simply does not occur to him that there is clearly a difference between the first judicial strategy that his organization adopted back in 1993 and his current discourse. Elif Dumanlı (2015), who survived the arson, criticized the original legal formulation by stating that it was the influence of lawyers from Workers' Party of Perinçek) who made the case about a revolt against the Republic, but not a crime against the Alevis as it should be. Ayhan Yalçınkaya

characterizes this formulation of legal strategy and its acceptance by the court in its second verdict as meaning the absence of Alevi in this legal process. In other words, Alevi encountered with a situation in which the state did not just sit in the chair of judge but also assumed the positions of defendant and victim in the courtroom (Ağtaş, 2014).

In sum, the general conviction of Alevi representatives has been that justice has not been served for the Sivas victims. The judicial process seemed to amplify the injustice they experienced in Sivas on July 2, 1993. The fact that Alevi found the defense lawyers among the highest echelons of government and judiciary in the AK Party aggravated this sense of injustice. The sense of non-realization of duty to the victims has later been influential in channeling efforts towards the turning of the hotel into a museum. Museum would assume the function of condemning the perpetrators that the legal process failed to do. For instance, Onur Şahin (personal communication, July 11, 2018). justified the necessity of Madımak to be turned into a museum with its being a case of a crime against humanity.

6.8 The civil society commemoration and memorialization of the Sivas Incident

Alevi organizations not only formed oppositional narratives against the ones formed in the Parliament and the judiciary but also brought their understanding of the Incident to the public realm through commemoration. This stands in stark contrast with their silence in the aftermath of the pogroms of 1980s. Commemorating the Incident was part of the determination not to make this Incident fade into oblivion like the pre-1980 pogroms.

In this part, I explain why Sivas has become a commemorated event unlike the pogroms of pre-1980 period. Then, I explore the shape and the themes of

commemoration rituals over a period of 22 years. Following Armstrong and Cragé's (2006) research on Stonewall commemoration, I explain Sivas' being a commemorated event with the perception of its commemorability by movement activists and the mnemonic capacity of Alevi movement. Firstly, it's crucial that Alevi activists perceived Sivas as memorable. As the Kemalist state perceived the potential for appropriation and commemoration in Menemen in 1931 (Azak, pp.39-40), the Alevi activists in this case also saw the "potential of commemorability". Like Rosa Parks who was not ordinary person but a civil rights activist, the witnesses-survivors were activists in Sivas. It's important to note that Alevi activists were there as both witnesses and victims. This fact made Sivas an incident for activists worth to commemorate. The fact that the prominent representatives of Alevis society were there made it easy for the story of the incident to be told and disseminated. In Maraş or Çorum, ordinary people were targeted and murdered. Another important factor that made the incident worthwhile to commemorate was that it was recorded. How the incident took place and perpetrators were openly there in the videos.

Secondly, there should also be mnemonic capacity to be able to commemorate an event. During the pre-1980 pogroms, Alevis were not organized in their own organizations but were involved in progressive parties and leftist organizations. Neither were there any Alevi organizations in the diaspora. The commemoration of Sivas is related to the existence of Alevi organizations (even though they were weak then), the Alevi publications and most importantly a nascent Alevi diaspora in Europe, especially Germany. None of these were there during the pogroms of late 1970s. The magazines of *Cem* and *Pir Sultan Abdal* were there during the incident. The magazine '*Alevilerin Sesi*' was started to be published in

August 1994. It is important to note that even the attendance to the commemoration march in Sivas gained momentum thanks to the Alevis TVs in 2005 (Saraç, 2008). In other words, there was this growing mnemonic capacity to commemorate Sivas.

6.8.1 The shape of commemoration ceremonies before 2005

In the tense and chaotic political atmosphere of the 1990s, there took place limited commemorations of the incident in Sivas. As the rise of political Islam was increasingly palpable with the local election victory of Refah in 1994, the emphasis on the unity of secular forces to counter this challenge was on the agenda. The PSAKD determined not to make the commemoration of Sivas an all-Alevi issue in line with its policy of forming alliances based on values of democracy and secularism. It thus called upon other democratic mass organizations to join it in the holding of commemoration ceremonies for Sivas. The commemoration of Sivas in the framework of the “Week of Democracy and Secularism” (“Demokrasi ve laiklik haftası,” 1997, p. 2) indicates that secularism was the basic frame that the incident was interpreted in this period.

In line with this inclusive attitude, the PSAKD held the commemoration activities in cooperation with other democratic civil society organizations on the first anniversary. They decided that the commemoration would take place in provinces such as Istanbul, Ankara, İzmir, Adana or Mersin. The reasoning behind this decision was that the scope of such an activity in Sivas would be limited. They decided to commemorate July 2 as “the Day of Martyrs and Secularism”. Only the representatives of these organizations would go to Sivas for a symbolic ceremony

there. They founded a committee composed of 7 persons, to oversee the preparations (“2 Temmuz Sivas Şehitlerini Anma ve Laiklik Günü,” 1994).¹⁶²

The first anniversary of the incident in Sivas was tense and chaotic. The security forces did not allow 500 people who assembled in the Alibaba district to march towards Hotel Madımak. When police used force against people, 20 persons were wounded. Miyase İlknur (1994) expresses her shock when she learnt the reason behind why wounded persons did not go to the hospital: “Most of the doctors are supporters of Sharia. In the incident of last year, those who died went there as alive, but what happened?”. The gendarmerie also took security precautions in Banaz and surrounded the statue of Pir Sultan Abdal. The reaction of those attending commemoration found this level of security as meaningless as one participant remarked that “we are all of same ideology here, whom they will protect from who?” (İlknur, 1994).

Since then, the commemoration ritual starts with marching towards and laying wreath to the Atatürk Statue in the Cumhuriyet Avenue. This means affirming support for the secular Republic and its basic symbols. Then, they march towards Madımak. They read the names of the victims and people respond that they are still there. The main rallies took place in Ankara. For instance, while the PSAKD and Sivas Democracy Platform first laid wreath to Atatürk statue and a group of a hundred persons marched towards the hotel accompanied by police officers carrying fire extinguisher tubes on the fifth anniversary in 1998, the main rally took place in Ankara with the participation of 5000 people. In this rally of 'Democracy, Peace and

¹⁶² The committee was composed of Demir, Ateşoğulları of Human Rights Association, Şükrü Erbaş of Literature Association, Ali Kalan, the representative of the Labor Party, Ali İ. Tutu, a member of Parliament, Haydar Oymak, a member of the Parliament and Mehmet A. Akpınar of Oleyis labor union.

Secularism', the slogans expressed solidarity against fascism, resolve to maintain a secular Turkey and opposition to Sharia ('‘Ne olur ne olmaz,’’ 1998).

The number of participants in the commemorations in front of Hotel Madımak was quite low in this period. *Hürriyet* reported that there were just 200 persons on the tenth anniversary of the event in Sivas. One of the repeating themes of speeches is calling on local people to condemn the incident and join them in commemoration as in 2003. For instance, İbrahim Karakaya, the Secretary general of PSAKD expressed his desire for the acknowledgement and condemnation of the incident by Sivas people. He accused the mentality and its proxies that caused the incident while careful in avoiding not to incriminate Sivas people. To appeal to them, he reminded them that most of those who lost their lives were from Sivas. He invoked Menemen as an example for Sivas people to follow. He demanded local people to own Sivas victims just as people of Menemen adopted Kubilay ('‘Katliamın 10. Yılı,’’ 2003). However, the one crucial difference between the two cases that speaker conveniently avoided was that people were just bystanders in Menemen while thousands were actively involved in the atrocity in Sivas.

6.8.2 Overcoming of fear: The beginning of mass commemoration in front of Hotel Madımak during the AK Party period

On the eve of 2003 commemoration, an author in the PSAKD magazine complained that the participation in the commemoration of victims of Sivas was declining over the years. One factor in this decline was that the developments such as Gazi, the murder of journalist Metin Göktepe had intimidated and overwhelmed people since 1993. The author also complained about the disunity of Alevi organizations. The much-desired goal of unity among Alevis had not been realized. According to the

writer, this organizational mess even eviscerated the oft-used phrase “Let’s come together, fellows” of Pir Sultan Abdal of any substance (Üstün, 2003).

This situation changed after 2005. It was in 2005 that the museum campaign started. 2005 proved to be a turning point in the commemoration of Sivas incident. Necdet Saraç (2008) recounts that there were just about 500 persons attending the commemoration in Sivas in 2004. The attitude of the shopkeepers was also negative against the marchers. This situation changed after 2005. He credits their persistence and the museum campaign of 2005 with the support of intellectuals for bringing around 2000 persons to Sivas in 2005. The efforts of Alevi TVs especially the Yol TV and their focus on Sivas contributed to the increase in the attendance. The number was ten thousand in 2006 and 20000 in 2007.¹⁶³ These numbers attest to the fact that people had overcome their fear and went to Sivas where the incident took place to commemorate the victims. He described the year 2008 as a new beginning as it was expected that 50000 people would attend. It was in 2008 that the presidents of five political parties attended the commemoration in Sivas (Saraç, 2008). Selahattin Özen, the former president of ABF, also underlined that the increase in attendance helped them to regain their self-confidence.

Some representatives of the Alevi organizations also used the issue of attendance to commemoration ceremonies to criticize politicians. For instance, Öker, the Chairman of European Alevi Confederation, asked the audience in front of Hotel Madımak “Where is Deniz Baykal?”. Öker claimed that if Baykal attended, then Madımak would be turned into a museum (“Bu acı unutulmaz,” 2008). This was apparently a challenge to the traditional political behavior of Alevis. He weaponized the attendance to the commemoration against CHP. Here what he means is that

¹⁶³ In 2007, ten thousand people participated in the commemoration march according to *Hürriyet* (“Sivas olaylarına anma,” 2007).

despite Alevis' strong support for CHP, its president does not show up on such an important day for Alevis. Thus, by pointing out this fact, he wants the audience to question their support for CHP. Aydın Deniz (personal communication, July 30, 2018), the chairman of Hubyar foundation, also criticized Kılıçdaroğlu for not attending the commemorations in Sivas. He noted that while attending to the activities commemorating Mevlana is not seen as sectarianism, when it concerns Alevis, it is subject to accusations of 'sectarianism'. We can attribute these criticisms of CHP to the pro-HDP political stances of these actors.

6.8.3 Attempts at monument building before the museum campaign

In the aftermath of the Incident, the PSAKD opened a contest for the building of funerary monument in Karşıyaka for the victims. Architect Işıl Uçman won the contest and built the monument ('Anıt mezar ödülü Işıl Uçman'ın,' 1994, p. 21). This was a radical change from the responses to the pre-1980 pogroms as Algör (2015) states that while Alevis could not even definitely know the names of those who lost their lives in the pogroms, they named and commemorated each victim of Sivas. The diaspora organizations especially in Germany made donations for the building of this monument. Later, PSAKD opened a museum in memory of victims in its center in Ankara in 1996. The museum is a salon of a large flat in the center of Ankara where the personal belongings of the victims are displayed in cases. During our interview in the center, Hüseyin Karababa (personal communication, July 11, 2018) complained about restricting the memory of the victims in so small spaces.

On the other hand, there was no initiative to do anything about the building where the incident took place. The owner of the hotel had repaired and reopened it with the support of the state in 1996. Hidayet Karakuş (1999) criticized the repair

and reopening of the hotel. According to him, the state had to leave it as a monument rather than covering up “its dirt”. He contrasted Turkey's attitude with that of Germany. He gives the example of how Germany neither destroyed nor repaired but preserved a devastated church in Berlin as a testament to the ruthlessness of war. On the other hand, Turkey did not prefer to memorialize Hotel Madımak as a monument of shame. Despite this, he emphasized that the state cannot force Madımak into oblivion (Karakuş, p. 67). In other words, Karakuş perceived the repairing of the hotel as an effort to pretend as if nothing happened.

In one of rare instances, Cevat Üstün (2003), an administrator of PSAKD talked about the issue of turning Madımak into a museum. He made a contrast between the way Germany and Japan dealt with their World War II past and Turkey’s attitude to Madımak. Just as Germany and Japan protected and displayed the ruins of WW II, Turkey had to turn Hotel Madımak into a museum in its razed down situation. He acknowledged the failure in this endeavor because of the insufficient power of the PSAKD. Interestingly, there was no mention of museum issue or kebab house apart from this article in the PSA magazine in 2003 (Üstün, 2003).

6.8.4 The museum campaign as a new device to call for recognition and justice

In this part, I trace the Alevi organizations’ advocacy for Hotel Madımak to be turned into a museum. The organizations responded to new political conditions with campaigning for the memorialization of Madımak through a museum or monument. In the 1990s, they had made calls for the unity of secular forces against the fundamentalist threat. However, the AK Party, the successor of the Refah party had come to power in 2002. The legal process had also come to an end but had not

provided a sense of closure. The end of legal process had also given rise to calls for forgetting. In these circumstances, the current status of the building became a problem. It is again important to note that not all Alevi organizations listed Madımak museum among its demands from the state.

The speeches of Alevi representatives on the annual memorial events show the existence of the kebab restaurant operating at the first floor of the building turned into a problem only in 2004-5. During these speeches, they expressed abhorrence they felt at the kebab house. They saw the kebab restaurant as a symbol as Turgut Öker stated that it was the demonstration of how the state perceived Alevis (“Sivas’ta 20 bin kişi hep bir ağızdan haykırdı Madımak müze olsun,” 2007). Serdar Doğan saw the aim of operating a kebab house there as upsetting Alevis. It was not coincidental but intentional (“Madımak’ta iki gün,” 2009). In our interview, Karababa (personal communication, July 11, 2018) also pointed out the usage of the hotel after the massacre. The reopening of the hotel after the fire and his claim that the hotel was used for woman trafficking all aimed to humiliate Alevis.

The ABF under the presidency of Fevzi Gümüş started the museum campaign in 2005 with the support of intellectuals. They undertook a signature campaign for Madımak to be turned into a museum. The petition (“İmza kampanyası metni,” 2007) frames the Incident as a murder of people because of their differing beliefs and opinions. It describes what happened in Sivas as a crime against humanity. It slams the operation of kebab restaurant in the building and demands the conversion of the building into a museum of culture and art. In other words, it will not be a ‘museum of shame’ that will reflect and remind what happened on that day. It rejects the claim that the museum will be a tool of polarization and states that the museum will serve the denunciation of this crime against humanity. The petition does not only call for a

museum in Hotel Madımak but also calls for recognition of cultural, religious differences. The interesting thing is that this statement no longer talks about secularism or Madımak as a revolt against secular republic. The emphasis is on Madımak being a crime against humanity.

They took a few initiatives to close the kebab restaurant and turn the building into a museum. They conveyed their demand for the removal of kebab house and opening of a museum to both the AK Party government and Sivas municipality. The AK Party majority in the Parliament had rejected the museum bill proposed by CHP parliamentarians led by Berhan Şimşek in 2005 as I discussed in the chapter on Parliamentary debates. They interpreted the rejection of the bill by the AK Party votes once more revealing the attitude of political Islam towards Sivas issue (“Onlar kendi küllerinden doğdular,” 2007). Selahattin Özel stated that they brought up the issue with Minister Abdüllatif Şener and demanded the hotel to be turned into a museum but to no avail. Özel criticized the AK Party’s voting down the proposal of the CHP to turn the building into a museum. He accused the AK Party of hypocrisy as they ‘go four thousand kms to visit Solingen but do not go 400 km away to visit Madımak and condemn that massacre’ (“AKP, Alevileri can evinden vurabilir,” 2007).¹⁶⁴

We can say that Alevi representatives do not demand the museum for it be a reminder to Alevis (Yalçınkaya, 2011, p. 381). Since they remember Sivas as a link in their long memory of persecution, they are not concerned about forgetting it. For instance, Ali Balkız said that as long as they remember Kerbela, they will remember what happened in Sivas (“Balkız Kerbelayı unutmadık, Sivas’ı da unutmayacağız,”

¹⁶⁴ ‘Şener’le daha önce görüştük. Kendisinden Madımak’ın müze yapılmasını istedik. CHP bunu Meclis’e de getirdi. Ama AK Parti kabul etmedi. 4 bin km gidip Solingen’i ziyaret ediyorsunuz 400 km ötenizdeki Madımak’a gidip, o katliamı lanetlemiyorsunuz.’

2010). His conviction is plausible because as I elaborate at the beginning of this chapter, they remember it as part of a continuing past. The crucial thing is to remind the state and Sunnis of what they did so to share the burden of remembrance. The demand for a museum of shame rather a museum of culture or art emanates from this desire. The museum would serve as a vehicle to shame the state for its role in the incident as Şehriban Metin stated on the seventeenth anniversary that “Let’s make Madımak a museum of shame just like genocidal places, crematoriums...” (‘Madımak utanç müzesi olsun,’ 2018, pp. 59-60).¹⁶⁵ Likewise, Fidan-Mahmut Şahin advocated turning Madımak into a museum as ‘in its sooty condition, the disgrace of the state’ (“O gün devlet Sivas’ta yobaza teslim olmuştu,” 2010). Museum of shame implies moral fault finding. They want it to stand as an indicator of the failure of the state to protect its citizens and its abandonment of them at the hands of bigots. It will also mark the victimhood of Alevis at the hands of fundamentalists and spectatorship of the state.

An indication of the difference among Alevi representatives concerning the museum issue was the comments of Reha Çamuroğlu¹⁶⁶ who was elected to the parliament from the AK Party list in July 22 general elections in 2007. He expressed his opposition to the turning of Hotel Madımak into a museum in an interview before the election. He wanted that nobody has an illusion that he would support turning the hotel into a museum. In his opposition to the idea of museum, Çamuroğlu invoked the “What is Nation?” article of Ernest Renan. He espoused Renan’s view that the process of becoming a nation takes place through forgetting as much as

¹⁶⁵ ‘Madımak utanç müzesi olsun ve 2. Dünya Savaşında Yahudilere uygulanan soykırım odalarında, fırınlarda insan yakanlar, nasıl bugün ibret yerleri olarak müzeye dönüşmüşse, Madımak oteli yangın yeri formunda müzeye dönüşsün! ...’

¹⁶⁶ Reha Çamuroğlu is an Alevi author. He has written both historical novels and treatises on Alevi issues.

remembering. He added that he disliked ‘‘monuments to violence’’. In other words, forgetting what happened in Sivas was part of becoming a nation. There was no benefit in remembering Sivas (‘‘Madımak’ı müze yapmamı beklemeyin,’’, 2007).

There has not been much thought given to the issue of what kind of narrative this museum should include or what message it should convey. One exception is Dumanlı, who survived the arson in 1993. She was not content with a simple exhibition of the personal belongings of the victims in the future museum. She underlined that the museum ‘had to narrate why the victims lost their lives and the bloody history behind it’ (‘‘Madımak müze olursa neden öldükleri anlatılmalı,’’ 2010). In other words, she wanted the historical, political context of the incident to be made clear in a future museum. This context was the long persecution of Alevis since the Ottoman times.

6.8.5 The museum issue during the Alevi Opening

When the AK Party started the Alevi opening process, one of the items on the agenda of these workshops was Madımak, more specifically the question of what to do with the building which continued to serve as a hotel. Right at the beginning, representatives of Alevi organizations generally questioned the sincerity of the government. The remark of Ulusoy that ‘The road of Alevi opening passes through the front of Hotel Madımak’ attests to the symbolic importance of Madımak for Alevi organizations (Yalçınkaya, 2009, p. 798). In the seventh workshop¹⁶⁷, they discussed the future status of Hotel Madımak. The report that Alevi organizations

¹⁶⁷ The Alevi participants of the seventh workshop included İzzettin Doğan (Cem Foundation), Murtaza Demir (July 2 Foundation), Ali Rıza Gülçiçek (AABF and former parliamentarian), Ercan Geçmez and Arif Sağ. The full list of the participants can be found at ‘7. Alevi Çalıştayı (2010, pp. 491-492). The records of the workshops can be found at <http://www.necdetsubasi.com/alevi-calistaylar>.

presented at the beginning of the workshops addressed the claims that Alevis aim to perpetuate mourning and sorrow through turning the hotel into a museum. It noted that Sivas is not a singular event but just a link in the long chain of massacres Alevis were subjected to. The report underlined that Alevis only want Turkey to come to terms with this history. The museum will enable to take lessons out of such a painful incident and prevent the recurrence of similar events as the report states that:

Yet our country must come to terms with this shame and help relieve Alevi communities of the burden of sorrow that they have been carrying on their own. Madımak should be turned into a museum so that we bow our heads in shame before future generations and those who lived through this massacre, who witnessed it, Alevis and communities who were subjected to discriminatory practices and sorrows like Alevis. At the same time, we can share the burden of remembrance that is put on the back of Alevis and take lessons necessary for the prevention of similar incidents. (Hacı Bektaş Veli Anadolu Kültür Vakfı, 2011) (Appendix, 6)

This is not a statement about retribution but a call for recognizing and sharing the sorrow of Alevis. It not only calls for coming to terms with the Sivas Incident but also the general discrimination that Alevi have been enduring.

As we see in the discourse of Alevi representatives, they invoked the practices of the conversion of concentration camps into museum to justify their demand for a museum in Hotel Madımak. İzzettin Doğan on the contrary saw the museum as a threat to societal peace as he said in the workshop:

Museum is a system proposed and implemented to keep alive the memory of hatred, enmity, fascism, treatment meted out to Jews before the Second World War. ... But to defend the same logic in Turkey now, to want a museum there comes to mean to maintain hatred and resentment alive and to perpetuate Alevi-Sunni difference as a dynamite there ready to explode on an appropriate occasion. I know that those who want this is well-intentioned, but the result would be this. (7. Alevi Çalıştayı, 2010, p. 164). (Appendix, 7)

Since he believed that it would keep alive the hatred and serve as a lit for future conflict between Alevis and Sunnis, he proposed that the hotel be demolished and advocated a monument reflecting the ‘portraits of 37 persons’ to be erected in the park.

When asked about the difference between a monument and museum, Doğan again invoked the logic of museums in the West. He understood museums (those about Holocaust) aimed at keeping people alert about the dangers of hatred, bigotry through displaying the remnants, objects of victims and perpetrators. On the contrary, according to Doğan, it was possible to erect a monument that will not evoke any feeling of hatred but will appeal to feelings of humanity and love (7. Alevi Çalıştay, 2010).

Arif Sağ also proposed that the building be demolished, and its site be turned into a garden. Then, a monument for the victims could be erected in the garden. His rationale for this proposal was pragmatic. He noted that the conditions of Turkey were different from Germany which was often cited as an example for Turkey. He did not identify these difficulties that prevent building of the museum. Sağ demanded the state officials convince the local people about the demolition of the building and the opening of a rose garden there (7. Alevi Çalıştay, 2010, pp. 172-174).

These proposals created controversy. Serdar Doğan, another survivor, criticized the proposal Sağ brought forth in the workshop. Doğan (2010, pp. 225-226) found Sağ's offer as particularly outrageous because of Sağ's position as a survivor. He advocated the turning of the hotel building into a museum of shame. He emphasized that this was an offer only the defenders of the massacre, that is the AK Party government, could make. He mainly took issue with Arif Sağ's offer that Madımak be demolished and turned into a garden where 37 trees representing the victims of the incident would be planted. According to him, the only suitable form for the building would be a 'Museum of Shame'. He criticized Sağ for mentioning '37 roses'. He perceives in Sağ's comments an attitude that equalized the victim and perpetrator. He found this 'equalization in graveyard' as unacceptable. Doğan (2010)

also criticizes those who proposed to frame the future museum as one of ‘peace and brotherhood’ as ‘opportunists, shallow leftists’.

The Alevi workshops ended with no concrete progress. İzzettin Doğan, the president of Cem Foundation told to a journalist that in the last workshop they had decided that a monument would be built in place of Hotel Madımak. However, the government had later changed its mind and said that it would consult civil society in Sivas (Ergin, 2010). The response that HBKD published against the final report of Opening process criticized this approach of the government that there should be a compromise of all parties about the future of Hotel Madımak building. It stated that the parties that the government talk about include also “‘the murderers of Sivas and silent supporters (of the massacre)’”. The civil society organizations that the government called to be part of the process are characterized as the silent supporters of the massacre. The report reminds that the chamber which the kebab restaurant is affiliated with challenged the demands about the closure of the kebab restaurant by announcing that “‘if that kebab restaurant is closed, we close all the restaurants in Sivas’” (Hacı Bektaş Veli Anadolu Kültür Vakfı, 2011, p. 21).

The government removed the Kebab restaurant from the building on February 13, 2009. It then confiscated the building and turned it into a Science Culture Center, including a memorial corner in the entrance of the building. The Alevi representatives and families slammed the inscription of the names of two demonstrators alongside with the names of the victims on the plates. Apart from the issue of the non-acceptance of the museum demand, this was the most outrageous act that caused fury among families. Karababa (personal communication, July 11, 2018) stated that he had applied to the governorate of Sivas requesting that the name of her sister be removed from the list, but the governorate did not accept. The families do

not enter in the building because of the inscription of the names of the two perpetrators alongside their relatives (“Sivas’ta Katledilenler Anıldı,” 2014).

There is a strong link between memorialization and political power constellations (Assmann, 2014). Atilla, an official of the Şahkulu foundation, (personal communication, August 1, 2018) pointed out this dimension in our interview. He underlined the importance of political power. He believes that if social democratic voters were in power, then the museum could be built in a short time. He described the monument that the government built in Sivas as a monument in which Alevis are humiliated. However, he also opined that Alevis could build a museum in another place, but Alevi institutions failed in this too. For instance, they could not turn the cemetery in Karşıyaka into a symbolic place.

In sum, Alevi institutions raised the museum issue when the legal process did not yield justice, confirming initial fears. The article of an administrator of PSAKD in 2003 also talks about the declining participation in the commemoration ceremonies. Thus, they may have needed a new issue to awaken interest and provide mobilization. The museum served well as a vehicle to mobilize people to commemorate Madımak. However, though they failed to persuade the government turn the hotel into a museum, they at least achieved to remove the kebab house and the closure of the hotel.

6.9 Conclusion

This chapter shows the radically different Sivas massacre experiences of diverse groups of Alevis, the understandings and experiences which the state dismissed as it deliberated the issue in the parliament and allegedly sought justice through a politicized judiciary. Most Alevis felt justice was not delivered and wrongdoing was

not acknowledged. They struggled to memorialize the event. They waged this struggle in less than favorable political conditions. There has not been a change in the configuration of political forces in Turkey, which is dominated by the right. Under these circumstances, the Alevi movement has at least achieved to make the Sivas Incident a deplorable event for a considerable part of public opinion. Some of them such as Hüseyin Karababa (personal communication, July 11, 2018) also cited the fact that there took place no Alevi massacre in Anatolia since then as the proof of their successful struggle. While it is difficult to establish causality in social sciences, it can be argued that the insistent pursuit of the issue and the infamy it bestowed on Sivas may have played a deterrent role for similar events in Anatolia.

However, the fragmentation of the Alevi civil society reduced the influence they could exert over the political actors. While the AABF and PSAKD perceived Sivas Incident as a turning point in their campaign for the recognition of Alevi identity, another important organization Cem Foundation advocated leaving the Incident behind to avoid disrupting relations with the state. In other words, the divisions over the definition of Alevi identity and the related demands from the states reflected itself on their interpretation of the Sivas Incident. They could not form a common front over the issue of defense of basic civil rights.

The examination of the accounts of Alevi representatives involved in the advocacy of the Sivas Incident reflect concern and resentment at the growing public space and privileges granted to expressions of Sunni piety. They criticize the post-1950 easing of one-party era secularism as concessions to Sunni Islam. They want the state to adopt a policy of equal distance to religious groups. In the 1990s, the PSAKD and AABF could not help but be part of polarization over secularism especially in the 1990s rather than framing it foremost as a violation of basic human

rights. The framing of the defense of secularism as the protection of freedom of religion and along with other civil liberties intrinsic to democratic regimes could enable them to avoid being entangled in the secularist-Islamist polarization and possibly appeal to a larger audience.

The oppositional narrative(s) formed by Alevi agents stands in stark contrast to the representation of the Incident in the Inquiry Report of the TBMM and the Prosecution of the DGM. The Satanic Verses Controversy features scarcely in Alevi narratives. Most of the Alevi commentators reject the narrative of provocation that it was the publication of Satanic Verses by Aziz Nesin and his participation in the festival that led to the popular reaction. While they agree with the secular political actors that the fundamentalists carried out the massacre and it was a reaction against the secular regime, they perceive the primary victims as themselves. As the first condition of victimhood, they assert that they suffered undeserved and immoral harm. They thus refute allegations made by the right-wing parties in the Parliament and the DGM Prosecution that their invitation to Nesin and transfer of the festival to the city center provoked violence. They constantly reiterate they went to Sivas to introduce their culture and art. They are firm in their belief that irrespective of Nesin's presence there would take place incidents in Sivas.

The oppositional narrative also features another condition of victimhood: They could not prevent the harm befall on their community. They perceive this as a demonstration of their lack of political power. The remedy they propose is the strengthening of Alevi organizations. There are thus constant calls for Alevis to get organized. They even link the remembrance of Sivas to the issue of becoming an organized society. The lack of organization is perceived as making Sivas fall into oblivion.

The oppositional narrative not only represents a narrative of victimhood but also an assertion of a distinct Alevi voice and agency. In other words, they have resisted simply keeping silent and mourning as in the pre-1980 pogroms. While the Alevi commentators may have different conceptions of the Incident due to diverse ideological concerns and political interests, they still managed to keep the issue on the public agenda.

They attribute meaning to the Incident by drawing on the Alevi historical memory. They interpret the ‘Sivas massacre’ as a link in the long chain of persecution going back to Kerbela. However, it was not only Alevi historical memory that they made use of in understanding it but also the Kemalist memory. Both Alevi commentators on the issue and members of bereaved families often couple.¹⁶⁸ Sivas with Menemen. Even the anointment of the victims as martyrs is based on not only their sacrifice for the Alevi path but also the path of Atatürk. In other words, the Alevi framing of the ‘Sivas massacre’ is multilayered.

The exploration of the Alevi publications makes it clear that the political conditions have played a determining role on the inclusivity of the victimhood (Yıldız & Verkuyten, 2011). The publications of PSAKD in the 1990s seldom make any mention of Dersim. This may have to do with not irritating the state while a low-intensity battle raged in the Southeast. The pro-left PSAKD at least appropriated Sivas to make call for the unity of pro-secularism forces. However, there were many banners that link Sivas with Dersim in the commemorative rallies of 2010s.

The memory of the immunity afforded to the perpetrators of the pre-1980 pogroms and the unique nature of Sivas led them to assert their agency in the legal process and strive to provide for accountability of the perpetrators of Sivas. The

¹⁶⁸ I borrow this term ‘coupling’ from Schwartz (1997).

insistent stance of families and the support of secular bar associations especially have played a critical role in keeping the trial on public agenda and ensure justice for the victims to a certain degree. The attendance to the trials was also a matter of contention between families and the administrators of PSAKD as the families wanted the association to pay more attention to the trials. The legal formulation of the Incident as a ‘‘revolt against the secular state’’ by secularist lawyers also caused controversy during the debates over the issue of application of statute of limitations in cases of crimes against humanity.

The fate of Hotel Madımak has become an issue only in the first half of 2000s. There is scant mention of the museum issue in the PSAKD publications until 2004. The museum campaign was in way a response to the frustration with the legal process. It closely follows the end of the legal process. Though many perpetrators were condemned to various penalties, the legal process has not provided a ‘‘sense of closure’’ (Booth, 2001). It is right to interpret the museum demand as a continuation of demand for justice. They also perceive ‘museum’ as a demonstration of the state’s recognition of Alevi victimhood and its culpability. The museum or monument would serve to deposit Alevi version of the story of the Incident in concrete (Jelin, 2002/2003, p. 57). They do not need to be reminded of what happened there but wanted others to remember what they committed. Since the legal process ended, there were also increasing calls to put the issue to the rest by ending commemorations in Sivas. However, they have resisted calls to turn the page and started the museum campaign in 2005.

The museum issue came to the fore as one of the important items on the agenda of the Alevi Opening. The representatives of Alevi organizations participated in the first workshop of Alevi Opening process. The pro-museum organizations such

as PSAKD reiterated their demand for a museum in Hotel Madımak. İzzettin Doğan, the president of Cem Foundation proposed an abstract monument that will represent Alevi values of love and brotherhood. The government took into consideration the opposition of Sunni civil society in Sivas and disregarded both proposals. In other words, it argued that the majority in Sivas was against to memorialization through museum or monument. It confiscated the building and turned it into Science Culture Center including a controversial memorial to all those who lost their lives in the Incident. The memorial which included the names of two attackers led to the protests of Alevi organization and families.

This disregard of Alevi sensibilities does not conform to the inclusiveness claim of a democracy. In other words, the equal political voice which is the sine qua non promise of a democracy has not been realized. The Opening process demonstrates a certain narrow understanding of democracy. The government justified its dismissal of the museum demand by invoking the local opposition of Sunni majority in Sivas. However, as Beetham (1997) pointed out, in conditions where there are fixed minorities and majorities, it is difficult to realize equal political voice for all through simply employing majoritarianism. In short, the ‘solution’ of the process opening for the Sivas Incident served as a clear example of reduction of democracy to what the majority demands. While their endeavor to turn preserve Hotel Madımak as a museum failed, it still put an end to the operation of Hotel Madımak as if nothing happened there.

The representatives of Alevi organizations from the PSAKD to local neighborhood associations held symbolic commemoration in Sivas annually in front of the hotel until the first half of 2000s. The limited nature of commemorations was to do with their fear of harassment in the city. The existence of this ‘fear’

demonstrates that the ‘democratic rule of law’ as the upholding of fundamental rights and freedoms (O’Donnell, 2004) was still not effective in all the parts of the country. This changed after 2005 as thousands of people started to participate. The improvement of mnemonic capacity, the Alevi TVs specifically, played a role in this development. However, the relief is also related to the easing of political atmosphere provided by the democratization reforms that the Ecevit government and the first AK Party government realized during the EU Process. It would be safe to argue that the EU reforms helped create a safe atmosphere for the commemoration of Sivas Incident in mass rallies in front of the hotel and the start of the museum campaign. Despite the Alevi opening, the weakness of basic civil rights was again obvious in 2011 when the state banned the commemorative rally in front of the hotel in 2011 despite having allowed in the previous years.

Lastly, it is important to note the multivocal (Vinitzky-Seroussi, 2002) character of the annual memorial events in Sivas. I described it as multivocal because they are attended by the representatives and members of not only Alevi organizations but also political parties and various pro-left organizations. They may have different interpretations of the Incident, but they share the same time and place. As Alevi commentators such as Aydın Deniz pointed out, this has been a result of their insistent advocacy. The left-wing organizations followed them after they succeeded in gaining the right to the public space in Sivas. In other words, the insistence and endurance of Alevi organizations to attend the memorials in Sivas inspired and motivated the larger constituency of the left to protest for justice and democratization in Sivas. This also helped propagate to wider society a consciousness of human rights. The events are strongly political rather than being solemn occasions of commemoration. The political conditions exert a strong impact on the shape and

content of these events. For instance, the memorial event that followed the Gezi Park Protests witnessed the reading of the names of the deceased of the Protests alongside victims of the Sivas Incident.

CHAPTER 7

CONCLUSION

This dissertation argued that the governments, the political actors in the parliament and the judiciary as institutions of the state have ignored and excluded the Alevi demands for recognition of wrongdoing, justice, and democratic inclusion. The state has consistently dismissed the claim that Alevis became object of violence because of their identity since 1993. It has refused to consider anti-Alevi resentment as an explanation of the Incident. I focused on a grave violation of basic democratic rights that the state could not prevent. The Sivas Incident itself constituted an attack on basic democratic civil rights and was a testament to inadequate protection of rights and freedoms. The fact that even such an event could take place and limited accountability for perpetrators and justice for the victims that ensued in its aftermath vividly exposes the weakness of Turkish democracy and the inadequate protection of basic rights and freedoms and flawed application of rule of law, problems which continue to afflict Turkish democracy. The violence that took place in response to a peaceful festival can be interpreted as a reaction to the democratization of public space that it entailed. The attempt of a marginalized group to express itself in the public realm led to a violent reaction.

I used the political contestation of this controversial political incident between 1993 and 2015 as a novel lens to look at the problematic working of democratic institutions in Turkey and the challenge that Alevi civil society presented to it for further democratization. I not only demonstrated how the political and judicial actors perceived the issues of freedom of expression, free speech, freedom of religion and related issue of secularism but shed light on the Alevi question and its

intractability through exploration of a painful past event. This dissertation showed how certain violent incidents are politicized in the Turkish context because of structural or systemic vulnerabilities that have been there since the foundation of the nation state. It demonstrates the inability of Turkish political system to deal with the issues of provision of basic civil rights for groups not belonging to majority, provision of accountability and justice in the framework of a democratic regime based on rule of law. It is also an issue of the intractable difficulty of a majority Muslim society to address the demands of a minority Islamic culture for inclusion, recognition, and justice.

I argued that the nonrecognition and misrecognition of what took place in Sivas is in line with and continuation of the non-recognition and misrecognition of Alevilik. This thesis strongly demonstrates that inability to come to terms with religious diversity is related to an inability to acknowledge and commemorate the suffering of a social group. The dominance of Sunni Islam in the conception of the Turkish identity and both political and social inability to come to terms with the intra-Islamic religious diversity has made the recognition of Alevilik difficult. This also prevented the acknowledgment of suffering and loss of a religious minority and memorializing it. It was the basic factor that caused irreconcilable politicization of the issue and prevented mourning for the victims.

7.1 Competing political narratives and erosion of democratic values

The dissertation demonstrated that the Sivas Incident is interpreted in fundamentally different ways by political and social actors. I gave a thorough account of the political and social contestation of the narrativization, memorialization and justice dimensions of the issue articulated by political, judicial, and civil agents in the

formal and informal public spaces (Habermas, 2008) through the exploration of the records of the Parliament, the documents of the court and the publications of the Alevi organizations. However, most importantly I also underlined their implications for democracy, civil rights and poverty of basic democratic values and institutions in Turkey. I have demonstrated how these framings which constitute the manipulation of aspects of the Incident from certain political and ideological viewpoints erode basic democratic values and in the end democracy itself. I demonstrated the inadequacies of institutions and actors of formal democratic regime in forming an effective response to demands for protection of civil rights, provision of accountability and justice for the wrongdoing.

I firstly shed light on how different political parties in the Assembly interpreted and framed the Sivas Incident between 1993 and 2015. The Incident which should have been an embarrassment to any democracy based on rule of law was enmeshed into debates on provocation and reduced to insulting religion. Both the right and the left discussed the issue in the framework of their understanding of secularism and religious freedom. I indicated that the right-wing parties including both center right and Islamist ones which formed the majority in the Parliament in this period determined the official stance regarding the incident and the content and tone of the Inquiry Report commissioned by the Assembly.

The right-wing framing is a blatant demonstration of weakness of democratic values. They manipulated the Incident as an attack against religious values of the pious people in Sivas. The members of right-wing parties dubbed what happened as an “incident” and did not perceive it as a deliberate murder of people in the main Assembly debate following the incident. They sidestepped the loss of right to life in violent conditions. They chose to downplay the gravity of the incident and took pains

to prove that it has nothing to do with opposition to secularism and sectarian resentment against Alevis. They ignored the acts of speech that were directly inciteful such as the local newspapers, leaflets which called for violence. They attributed blame to the author Aziz Nesin's insults to the religious sensibilities of the pious people of Sivas. It was only a reaction of innocent pious people against the provocations of Nesin, which had gone awry and resulted in the accidental killing of people. The aim of this downplaying the Incident was to obscure the sectarian dimension of the Incident. The manipulation of the Incident aimed to prevent the issue turn into a debate about popular resentment and violence against Alevis and eventually the unequal and marginalized position of Alevis. Since there was no intentional harm unleashed on a certain religious group, in this case, Alevis, then it would also be not necessary to talk about the victimhood of a certain group.

Their reading of the Incident manipulated the exercise of basic civil rights and liberties as "provocation." While they acknowledged the right to free speech and freedom of expression, they underlined that this right is limited by freedom of religion. This implies that freedom of expression exists as long as there is no criticism of religion or expression of atheism. The fact that expression of atheism is part of religious freedom did not occur to them. Concerning freedom of religion, the right-wingers in the Assembly underlined that secularism does not equal to the atheism of Aziz Nesin. They argued that democracy is not about insulting religion as the Report of the Inquiry Commission concluded that freedom of expression does not give right to anyone to insult religion (Aşut, 1994). In such situations, democratic rule of law as the protector of exercise of right to free speech, freedom of expression, and assembly does not apply as they constitute 'insults' to religion. They made the issue one of provocation of religious sensibilities in a way that makes acting in the

face of such provocation valid. Such a conception is very restrictive of free speech and freedom of expression.

What they advocated in practice was the religious freedom of majority. It seems that the freedom of religion provided by Turkish secularism was narrowly confined to orthodox Sunni Islam which does not recognize but rather dismisses the Alevis. In their perspective, what was disrespected and ignored was the religious freedom of the majority. They talked about tolerance, but this tolerance applied only to the display of symbols of this majority. The perception of Alevi cultural activity as provocation also implies that freedom of religion and respect for religion applies only to Sunni Islam. Some of them interpreted the holding of such a cultural activity in Sivas as “stirring the nest of hornet” (Yazıcıoğlu, 6.7.93, Minutes of 123. Session). They meant that constitutional guarantees of freedom of expression and assembly do not apply in certain provinces. In other words, minority cultures such as Alevilik cannot safely express itself culturally or politically in public spheres such as conservative Sunni provinces where Sunni Islam sees as its own turf. Their scapegoating and bashing Aziz Nesin, the participants of the festival and the governor for allowing the Pir Sultan Abdal Festival in the Sivas city center and disregarding people’s sensitivity aimed to obscure the mob attack against the exercise of basic democratic rights.

The discourse of right wingers also lays bare a perception of Alevilik, Alevi agency and voice. Through ignoring the attack against the statue of Pir Sultan Abdal, they ignored the sectarian resentment at play in the Incident. The argument that this is an incident targeting Alevis or result of anti-Alevi resentment has also been also seen as “provocation.” Alevilik is valuable only if it is articulated with reference to Islam and Turkishness. Pir Sultan Abdal can only be respected and accepted only as

a “Turcoman poet.” They implicitly accused PSAKD of exploiting the values of Alevilik. In other words, they acted as if they are not against Alevis or Alevi symbols but against their exploitation by “comrades”, leftist militants. This is in continuation with the pre-1980 right-wing understanding of Alevi participation in left-wing politics and support for CHP as ‘exploitation’ and the dubbing of demand for remembrance of the Incident as “exploitation.” This discourse in effect aims to perpetuate the system based on exclusion of Alevis by pretending as if there is no issue regarding exercise of basic democratic rights on an equal basis. Such an understanding is detrimental to the existence of a liberal democracy inclusive of different groups.

The right-wing parties neither criticized nor demanded political accountability of the central government, law enforcement and the mayor involved in the incident but lay all the blame on the governor. Democratic accountability did not work in this case. They limited the responsibility to only those who started the fire and emphasized the innocence and right to ‘free protest’ of the mass which besieged the hotel. In other words, they perceived this violent event which resulted in 35 deaths as a demonstration in which protesters made use of their right to free speech and freedom of assembly. They also warned about ‘presumption of innocence and “not create culprits” out of demonstrators. (Şener, 6.7.1993, Minutes of 123. Session)

In this dissertation, I highlighted that the sectarian tension lay at the base of all arguments which tried to prove that Aziz Nesin had provoked the masses, or that ‘dark forces’ had planned it. It is also the reason behind arguments such as people did not die through burning but through “suffocation” to prove that it was not a massacre. It was because of this dimension, sectarian rage, that the representatives of

right-wing parties expended so much effort to prove that the incident was about Aziz Nesin and tried to obscure the perpetrators of the incident. The denial of the resentment against Alevis and Alevi victimhood was necessary to continue the Sunni supremacy. The political and judicial actors had to continue the myth that there is no issue between Alevis and Sunnis and nor exclusion of Alevis.

The left-wing actors in the Parliament had described what happened as a massacre and condemned the Incident as an attack on democracy and secularism. They rejected the argument that the presence of Nesin had caused the Incident underlined that it was an excuse. They also defended Aziz Nesin's right to free speech and argued that nothing can justify the murder of 35 persons. They described the demonstrators as fundamentalists, supporters of Sharia. Most of them perceived the incident as a continuation of other fundamentalist events and confirmation of their fears about the danger Islamic reactionaries present to secular Republic. Especially the spokesmen of the CHP interpreted the Incident as a result of concessions given to fundamentalists in the realm of religious policy. The left-wing representatives refrained from questioning the prevailing practice of secularism. They sidestepped the implications of the issue for democracy and reduced it into a shallow discussion of secularism. Alevis were mostly invisible in their discussion of the issues of freedom of expression and freedom of religion. Having Menemen in mind as a precedent of fundamentalist revolts, some of the left-wing parliamentarians wanted the culprits severely punished as clemency for the perpetrators would pave way future anti-secularism insurrections.

The judiciary was also divided over these two competing framings of the Incident and produced two distinct judgements in 1994 and 1997 that toed the line of dominant political actors in different political conjunctures. My research

demonstrates the operation of legal system in Turkey through a concrete case. I demonstrated how the principles of equality before law and equal protection worked in practice in this case of severe violation of basic civil rights. The trial process attests to problems of rule of law: inadequate independence of the judiciary from political power, the divisions in it brought by undemocratic rule and the unequal “fairness, consideration and respect” accorded to different groups in society not only by courts but also by other state institutions (O’Donnell, 2004). The whole process demonstrates that democratic understanding of rule of law as upholding civil rights and liberties and as equal consideration and respect was very weak. The court was under political pressure. The institutional legacies of the September 12 regime such as the division of the judiciary between ordinary and extraordinary courts adversely affected the course of the trial. The Ankara DGM the constitutional mission of which was to guard the interests and security of the state rather than uphold human rights or international norms was ill-equipped to try such a crime, which was a serious violation of human rights of members of a religious minority and secular intellectuals. The opening of three lawsuits (terror, unauthorized demonstration, and murder through burning) for the same incident in three different courts, the initial conflict of jurisprudence, the short and hasty process of investigation and the early release of defendants impaired the integrity of the process from the beginning.

The Ankara DGM toed the line of the right-wing political framing of the justification of the Incident as a popular reaction against Nesin’s provocation. The first judgment of the court labelled the incident as essentially a reaction of pious people against the provocation of Aziz Nesin. In the first main verdict of the court, we see the usage of a very understanding language regarding the perpetrators. The

court was more concerned with finding explanations for why the perpetrators acted in such a way. It controversially ruled that what they had committed was an ordinary case of murder under the unjust provocation of Aziz Nesin's publication of Satanic Verses. (Merdol et al., 2004, 536-541) The court reduced a case of lynching of members of religious minority and secular intellectuals who accompanied them to celebrate their culture in a festival to an ordinary crime committed by individuals who were "extremely distressed" (Merdol et al, 2004b) because of insults to their religious sensibilities. It thus legitimized such violent reactions against "blasphemy."

The court was at pains to prove that the demonstrators had no intent to assail secularism. The court judged that there was no organization involved in the Incident based on the report of the police. The court sidestepped aspects of the Incident that could be interpreted as an insurrection against the regime such as the attack against Governorate, the statue of Atatürk after burning the Hotel. It also argued that there was no revolt against the state based on the testimony of public enforcement officials that the demonstrators not only avoided from attacking the law enforcement officials but also cared for them and only shouted slogans against Nesin. The judges of the first trial ignored the testimonies of survivors about the anti-Republic slogans. Moreover, the court dismissed the fury of the mob against the governor as a reaction against his pro-secular stance and his being a former consultant of İnönü, not because of him as the representative of the state. Devoid of any political dimensions, it had nothing to do with both sectarian animus and resentment to secular rule. It thus ruled out to consider the case under Article 146 as an insurrection that put the constitutional order in danger and sentenced them for the crime of killing people through burning.

The prosecution of Ankara DGM and the Court of Appeal agreed with the left-wingers in the Parliament that what took place in Sivas was a fundamentalist reaction against the secular regime. The prosecution argued that to recognize provocation as a just cause of committing crime would in the future give the fundamentalists pretext to commit similar actions (Merdol, 2004, 19). The Court of Appeal thus repealed the verdict of the Ankara DGM. It argued that slogans, the long duration of the Incident, the attacks against targets other than the hotel all testified to the existence of an organization directing the events. The Court of Appeal pointed out that secularism and republicanism are constitutional principles that the state rests on. The Court of Appeal underlined that secularism is not only about religious freedom but also separation between religion and state (Merdol et al., 2004c). Defendants had targeted or put into danger this principle that the constitutional order rests on. However, the judiciary's understanding of secularism was also formalistic. It was unable to develop an argument of secularism that guarantees freedom of religion and expression for any group. The Court of Appeal also did not say at any point that the demonstrators had violated festival participants' use of their constitutional rights to freedom of expression, freedom of assembly and free speech through violence.

The Ankara DGM followed the reasoning of the Court of Appeal in its second judgment and interpreted what happened as a revolt against the Republican regime. It sentenced 33 defendants to death penalty for endangering the secular order. Unlike the first Judgment, the court noted the ruthlessness and lack of remorse on the part of demonstrators and condemned the Incident by describing it as an “unseen event in Turkish Islamic history” (Merdol et al., 2004c, p. 383). Both judicial and political factors played a role in this dramatic change of judgments.

First, the concern of Court of Appeal for the protection of the secular system contributed to this change in the attitude of the DGM. Second, the panel of judges who ruled for “unjust provocation” was replaced by a new panel. Lastly, the political conditions changed. The February 28 Process against the Refahyol coalition government started by the army had created unfavorable political conditions against political Islam. The concern of the judiciary for protection of secularism against fundamentalist danger had been heightened.

The second judgment recognized the secular constitutional order of the state as the target and victim of the defendants through the application of Article 146. While the Alevi organizations welcomed this recognition, this paradoxically resulted in further diminishing of the presence-voice of real victims. From the beginning, the court had lacked a perspective that took the victims to the center of this process. What remained constant through the two judgments was the invisibility of Alevis. The verdicts refrained from hinting at any role for sectarian animus even in its later decisions. The judiciary also did not see any common point between the Incident and previous cases of violence against Alevis. The court still did not discuss secularism in the context of the relationship between Alevis, Sunnis and the state.

Unlike the legal processes of the pre-1980 pogroms, Alevi organizations and the bereaved families could closely pursue the Sivas Trial. They criticized the judiciary’s failure to uphold rule of law during the legal process and interpreted the long legal process as a continuation of the fire that burnt the Hotel. The most blatant aspects that wounded their sense of justice was the absence of political accountability as seen in the fact that non-trial of mayor Karamollaoğlu and the local army chief did not stand trial. They slammed the DGM which evaluated the Incident as an ordinary case of murder for unequal application of law as demonstrated by its contrasting

attitude in the *Çetinkaya* case. They criticized the court's lenient approach towards defendants and its unwillingness to search further for the organizational involvement in the incidents. Another issue was the state's failure to bring missing defendants to justice.

After the legal process came to an end, the Sivas Trial came on the agenda through debates over the impact of democratization reforms such as the abolition of the death penalty and the introduction of a new Penal Code on the sentencing of defendants. The Court of Appeal did not allow the defendants benefit from these changes reduce their sentences. This may be attributed to the sensitivity of the upper courts for the secular regime. The Ankara Assize Court on the other hand allowed the application of statute of limitations for missing defendants in 2012. The incorporation of crimes against humanity into the legal system in 2005 did not help preventing immunity for perpetrators as demanded by the victims of the Incident.

7.2 The nascent Alevi civil society responds: formation, dissemination of the oppositional narrative(s) and expansion of democratic debate/space

The reduction of the Incident to a case of 'provocation' by the right-wing actors in the Parliament, the Prosecution and Court of Ankara DGM and the disregard of violent denial of exercise of civil rights by political and judicial institutions led nascent Alevi organizations to "own" the issue and devise ways to protect their democratic rights and liberties. I meticulously traced the struggle of an important part of Alevi civil society for the recognition of wrongdoing, justice for victims, equal say and visibility in the public sphere and contribution to the expansion of democratic space through their advocacy of the issue. I also did not present it as monolithic but also showed points of conflict, division. I shed light not only on how

various components of the Alevi movement framed the issue, appropriated it for their ends, but also its strengths, weaknesses, and resilience. I showed the multilayered nature of Alevi narratives which are not exclusive of each and how a marginalized group has used a painful event to empower a movement so to prevent future violence and demand its basic civil rights. They operated under discursive limits such as allegiance to national unity, legal restrictions on their freedom of organization, inadequate rights protection and in a polity where they do not even enjoy consistent political support.

The state's inaction or inability to protect the entrapped victims during 8 hours of siege and the later unwillingness or inability of to uphold democratic rule of law, the political manipulation of the Incident, scapegoating of different actors and problematic legal process helped perpetuate the perception of the injustice held by Alevis. The fading into oblivion of the pre-1980 pogroms was also very much fresh in mind, and this also informed the approach of the Alevi agents to the Sivas Incident. They were at the very beginning concerned that the state wanted the Incident fade into oblivion as with the pogroms. For instance, they have interpreted official actions such as the court's decision to close the hearings to public in 1994 as an effort to make Madımak forgotten. The advocacy of the issue enabled them make use of rights denied to them in 1993 and contributed to Alevi agents become visible in the public space through their own agency.

The Incident most importantly revealed the "precarious position" of Alevis in the eyes of many Alevis (Sökefeld, 2008). It revealed their political loneliness as they perceived that neither the state nor political actors they perceive as allies were trustworthy or capable to protect them. The Incident itself represented a testimony to the disasters that could befall on Alevi community as long as they remain

unorganized. They saw this trauma as a proof of necessity of Alevi organizations and organizations as a guarantee of prevention of recurrence of a similar incident. Some Alevi commentators even conditioned the remembrance of Sivas on getting organized as Alevis. The examination of Alevi perspectives confirms Sökefeld's (2008) assertion about the equivocal status of Madımak incident in Alevi history. It was an incident in which Alevis were not only subjected to injustice, but it also led Alevis to raise their voice and gave impetus to Alevi movement. As one Alevi activist noted, it was the Sivas Incident which gave rise to the organized existence of Alevis ('‘Madımak için adalet talebi Meclis’te artık daha güçlü’’, 2015).

In the literature on Alevi revival, Alevi organization, it is widely pointed out the impact of the Sivas Incident on the development of Alevi movement. The research in this dissertation confirms this observation. However, it also shows the limits of resting on a traumatic event to build a movement. In the tenth anniversary of the Incident, there was complaints that the Alevi movement had fallen into disarray with the fading of the memory of Sivas. It shows that Alevi movement is a work in progress. Moreover, the Alevi diaspora in Europe played a critical organizational and financial role in keeping the Incident on the agenda. The impact of fragmentation and rivalry of Alevi movement demonstrates itself in the limited success of providing for accountability, acknowledgement for the Incident.

The first aspect of this ‘owning’ was the building of an oppositional narrative. In response to right-wing accounts espoused by the right-wing actors in the Parliament, the left-wing actors’ prioritizing the secularism dimension of the Incident and the attitude of Ankara DGM in tandem with the right-wing opinion, the Alevi narratives centered the victimhood of Alevis at the center of the Incident. The oppositional narratives presented by many Alevi commentators described what

happened in Sivas as a fundamentalist revolt which resulted in a massacre with state's acquiescence. The participants of the festival were innocent victims who were subjected to undeserved harm. They had no organizational power to prevent such a massacre (Bar-Tal et al, 2009). Most of the Alevi commentators such as Arif Sağ have perceived the distinctive feature of the incident as making the sectarian animus which was previously shrouded by larger left-right conflict frames in the pre-1980 pogroms conspicuous. The meaning they ascribed to victims also thus differed from previous massacres. Many Alevi commentators have not seen the victims as ordinary dead but anointed them as martyries: They had died for the sake of Alevilik. there are however different attitudes to this designation among Alevis as with other aspects of the Incident.

Alevi commentators did not perceive the incident as a unique event but one with a long historical background. In contrast to official conservative narrative which ignored or denied any continuity to the Sivas event and framed it as an aberration in the long peaceful coexistence of different groups in Anatolia, many Alevi representatives perceived the Incident as part of long history of persecution of Alevis. I demonstrated that the Alevi commentators drew historical chronologies that put Sivas in a long line of persecution according to their political positions. They interpreted it as one further link that witnessed the 'continuity of evil' (Verkuyten and Yildiz, 2011) from Kerbela to Republican times. To understand Madımak, they evoked Kerbela and other traumatic events of Alevi past. They interpreted Sivas as a testament to the continuity of persecution and evil. Sivas had laid bare the timeless fundamentalist rage that targeted Alevis visible in the eyes of many Alevi observers. Even the *Cem* magazine which criticized the PSAKD for holding the festival in a

conservative city like Sivas described '*ihrak-ı binnar*' as the tradition of fundamentalists ('*Ezeli yobaz hastalığı İhrakı Binnar Sivas'ta Hortladı*', 1993).

Many Alevi commentators perceived the Incident as a fundamentalist revolt against the secular character of the regime. The Incident helped consolidate the perception that many Alevis held that political Islam in the embodiment of the Refah Party was their nemesis. In this regard, we see the articulation of Alevi historical memory with Kemalist historiography as some Alevi commentators and members of bereaved families coupled Sivas with Menemen as cases of fundamentalist violence. Survivors such as Murtaza Demir, saw a continuity to fundamentalist perpetrators from Dervish Mehmed who beheaded Kubilay in Menemen to those who burnt people in Hotel Madımak. However, Menemen did not hold the same significance for the Alevi representatives of Alevi organizations who were close to the pro-Kurdish parties.

The common thread in all accounts was disappointment in the attitude of the state during the long hours of siege they had all expected that the state would rescue them but that help had never come. We can claim that this disappointment constitutes the main trauma created by the incident. The accusations levelled against state varied from spectatorship to indifference to direct guidance and involvement. The Incident became a means of slamming state's policies which contributed to growing Islamic visibility in public space since 1980. Many Alevi commentators read the Incident as a culmination of the concessions such as the opening of Preachers' schools the state granted to fundamentalists since 1950. They perceived state as guilty for laying the groundwork for fundamentalists' attack on Alevis and other supporters of secularism. Thus, we see constant calls for the state to assume an impartial role regarding different societal groups. Still, it is not a categorical opposition against

state but a demand and expectation that the state adheres to true secularism, thereby act in an impartial way towards different religious communities.

Another dimension of the “owning the Incident” has been their insistent commemoration of the Incident. I explained the Sivas Incident Madımak becoming a commemorated event unlike the pre-1980 pogroms with the concepts of commemorability and mnemonic capacity (Armstrong & Cragg, 2006). The Incident took place at the initial stages of the Alevi revival. It was not ordinary people who lived through it but prominent personalities and activists of Alevi community. The activists themselves were witnesses of the incident. There was a fledgling Alevi movement during the incident. As of mnemonic capacity, there were Alevi magazines and the TVs had spread the dramatic images of the massacre into all corners of Turkey. There was also the crucial factor of the emergence of the Alevi diaspora in Europe. However, the mnemonic capacity was only at its initial stages of growth. This chapter pointed out the role played by Alevi TVs in spearheading campaign for the museum and mass participation in demonstrations in Sivas in 2000s.

The commemoration has not only served to disseminate their understanding of the Incident and contributed to the expansion of democratic space. The PSAKD did not opt to make the commemorative events an Alevi-only affair but included other pro-left civil society organizations based on upholding political values of democracy and secularism. The Incident was commemorated in the frame of “Week of Democracy, Secularism.” These memorial events to mark the anniversary of the Incident serve not only to bring the issue to the present but also serve as a venue to for Alevis to express their demands of justice from the state (Özkul, 2015). These

rallies are characterized by multivocality as different groups with different agendas attend the commemoration (Vinitzky-Seroussi, 2002).

The issue of exercise of basic civil rights has been at stakes in the annual memorials of the Incident in Sivas since 1993. Due to intimidation and fear, the Alevi organizations could commemorate the Incident in Sivas only symbolically with the participation of the representatives of the institutions for a few hours. This situation continued until 2005. The liberal political atmosphere and the museum campaign helped Alevi organizations turn the memorial event in Sivas into mass rallies in front of Hotel Madımak. The march from the Alevi neighborhood in Seyrantepe district towards the city center also represents a claim to the city center to which their demand for visibility had been violently cancelled in 1993. My interviews with the representatives of Alevi organizations and statements of bereaved families demonstrated that they own this achievement of claiming the public space.

7.3 Assertion of the Alevi agency through the museum campaign and limits of democratization

The museum campaign started by the Alevi Bektashi Federation in 2005 was a new strategy devised by Alevi agents to keep the issue in the present amid growing calls in the public realm for leaving behind Madımak. The judicial process as pointed out before had failed to provide for closure. The museum campaign came only a couple of years after the finalization of the judicial process. The existence of the kebab restaurant in the building became a galvanizing issue in the museum campaign. The museum campaign helped galvanize participation in memorial events in Sivas which Alevi agents themselves noted that attendance at the commemorative occasions had declined at the beginning of 2000s.

Through this, they continued their demand for a reckoning with the history of anti-Alevi violence and immunity enjoyed by the perpetrators of this violence. The memorial in effect would also not only remind the crime but also sentence that crime in the place where it took place. It would make people to remember and reflect on it. This would also mean reclaiming the site where they were subjected to an injustice. in the place where the state had failed them. The campaign for memorialization was a means to call on the state to recognize the harm done to them, acknowledge responsibility and apologize to them. It would be ‘a representation of state’s shame’ in the words of a member of a bereaved family. (‘‘O g n devlet Sivas’ta yobaza teslim olmuřtu’’, 2010)

The museum campaign of Alevi organizations supported by intellectuals also pushed the CHP to bring the issue on the agenda of the Assembly. Liberal democracy requires equal political voice (Beetham, 2004) and a more welcoming attitude to marginalized groups (Diamond, 1996). However, the debates over the memorialization of the Incident in the Assembly and Alevi opening process demonstrates that Turkish polity has been far away from granting equal political voice to marginalized, disadvantaged groups. The CHP and later pro-Kurdish parties proposed many bills to the Parliament to memorialize the victims through the conversion of Hotel Madımak into a museum in the post-2005 period. The members of CHP mostly formulated their demand for museum as memorialization of artists, intellectuals who lost their lives in an incident which they conceived as an event that primarily targeting secularism and Enlightenment. The names various bills testify to these understandings of the Incident: a museum of culture, museum of Enlightenment or museum of Martyrs of Democracy. They generally avoided even mentioning the name of Alevis and wanted this demand not to be associated with

“the members of a certain sect” (Köse, 2009). This reflects the general timid CHP approach to the Alevi issues. However, though it has not made openly Alevi Question as an issue of democratization on its platform, it has been the CHP which at least helped keep the issue on the agenda of the Assembly. On the contrary, the bills proposed by pro-Kurdish parties pointed out the main target of the incident was Alevis and recalled past violence against Alevis in the context of state’s assimilationist policies. These bills formulated the museum as part of a more general call for the state to reckon with its violent past.

These bills fell short of becoming law because of the opposition of the AK Party majority in the parliament. The representatives of the AK Party countered these proposals by reminding that it was not in power during the Incident and pointed out that the previous governments had done nothing. It also touted its record of struggling against past human rights violations. They often reminded Başbağlar as a counterpoint against those mentioning the Sivas Incident. I argued that one of the basic continuities between the right-wing discourse in 1990s and the AK Party period was coupling Sivas with Başbağlar. Even when then Prime Minister Erdoğan mentioned Sivas as a common sorrow in 2009, he still included Başbağlar along with Madımak (“Başbakan Erdoğan Sivas ortak acımızdır”, 2009). In other words, despite the AK Party’s claim of democratic opening and that its rule represented a break from the past, there was a stark continuity with the right-wing framing of the Incident in 1993 and the AK party period.

I argued that the grassroots pressure of Alevi organizations along with support from secular intellectuals, the post-2007 period of democratic openings and the concern to stifle Alevi politicization led the government to produce a response to this demand despite the lack of Alevis’ electoral leverage over the governing party.

The government addressed the issue in the framework of Alevi Opening. While pro-museum Alevi organizations such as the PSAKD reiterated their demand for museum and the *Cem* Foundation proposed the erection of an abstract monument to represent Alevi ethos of peace in the place of Hotel Madımak, the government did ignore all these proposals and turned the building into a Science Culture Center. The government argued that it had to take into consideration the views of Sivas civil society. The Sunni civil society organizations in Sivas were vehemently opposed to any representation of what happened there. It is important to note that there is a continuity between the violent response to the attempt of a marginalized group to make itself visible in public realm in 1993 and the ferocious reaction that the museum campaign created in that they reflect intolerance of Alevi visibility and unease with Alevi historical memory.

The pro-museum Alevi organizations slammed the depoliticized memorial arrangement in the building which does not say anything about the Incident, the perpetrators and attributes the Incident to vague ‘lack of love’ (Zırh, 2015). They found the inscription of the names of two perpetrators alongside names of victims on commemorative plaques offensive. The members of bereaved families at the annual commemorations protested this new memorial arrangement that marked not only Alevis, intellectuals but also two attackers as victims. The symbolic step of erasing the name “‘Madımak” from the building in effect ignored Alevi narrative and imposed the official narrative of shared victimhood caused by deep state. It denied the bereaved families and Alevis in general the right deposit their narratives in the space of violence they were subjected to.

The campaign for the museum directly touches upon the issue of democratic inclusion. The final resolution of the demand for memorialization demonstrates the

problematic aspects of democratic openings, the Alevi opening in our case, in this period. The government failed to devise a reconciliation scheme that will meet Alevi demands for memorialization through an appropriate vehicle such as monument or museum. The top-down nature of the Opening process (Özkul, 2015, p. 85) and the lack of a serious commitment to equal political voice on the part of the government led to their inconclusiveness. There was scarce political will to resolve identity issues related to marginalized groups in the framework of democracy and fundamental rights and freedoms to deepen democracy. Most problematically, it did not have a democratic perspective that aims to include disadvantaged groups because it questioned the disadvantaged position of Alevis. It is a demonstration of a general failure to include disadvantaged groups means on an equal footing in a democratic process.

This failure relates to the wider issue of how to incorporate Alevis ‘as they are’ to the body politic based on democratic equality. The dictates of majoritarian democracy trumped the equal political voice required by liberal democracy. While the government legitimated its solution based on majority demand, it ignored that inclusion of marginalized voices, the recognition of their civil rights, most importantly freedom of expression that are indispensable to a polity that calls itself democratic. This is related then to weakness of the idea that democratic principle of majority does not apply in cases where there are fixed majorities and minorities. The resolution of the issue points out the difficulty of democratic resolution of the identity problems that prevent the deepening of democracy and turning it from an electoral one to a liberal one. It shows that Turkey still has a long way to go for robust rights protection and inclusion of the marginalized groups.

7.4 Concluding remarks

In this dissertation, I examined the politicization of the Sivas Incident from different political angles. I demonstrated how the oppositional narratives of Alevis did not feature in the official realms from the Parliament to the Judiciary. The Incident itself and the subsequent responses of political actors and institutions to it dramatically show the limits of democratization and the failure of turning a democratic government into a truly inclusive, democratic rights protective regime based on rule of law. It lays bare deeply troubled liberal constitutional dimension of democracy in Turkey. It shows the limited and problematic understanding of democracy which reduces it to elections and majority rule and ignores the protection of fundamental rights and freedoms and rule of law as intrinsic to a liberal democracy. In other words, vibrant multiparty politics is not equal to a pluralistic democracy. The way that the political institutions and the judiciary dealt with this Incident dramatically demonstrates the weakness of normative appeal of democratic culture and rights in Turkish politics and the weakness of the understanding that democracy also requires the protection of minorities against worst impulses of the majority.

In such a situation of inadequate and controversial response of democratic institutions concerning demands for acknowledgment of wrongdoing, accountability for perpetrators and justice for the victims, Alevi agents who were newly engaging in movement building intervened to prevent the Incident fade into oblivion. This interference was also in line with the flourishing civil society activity in the post-1980 coup period. These agents did not simply limit the issue to a narrow limits of identity politics but used it to demand democratization and equal treatment by the state. Their “owning” and advocacy of the issue took place in the illiberal democracy built by the 1980 coup. Through their insistent advocacy for

remembrance and justice for the Sivas Incident, they have also kept the demand of Alevi community for an inclusive, democratic system based on rule of law alive. However, as the application of statute of limitations and controversial memorial demonstrates, they could not see a vindication of their grassroots efforts. This was basically related to their lack of leverage over the governing party and effective isolation from the political power mechanisms in Turkey.

7.5 The limits of the research and suggestions for future research

This research inevitably has limits that mostly emanate from dealing with a traumatic past event in politically tumultuous times. The fact that political issues pertinent to the case still alive also complicated to extend the limits of the research. I have not been able to make interviews with some important Alevi agents involved in the Sivas Incident. This has been mostly due to political conditions and their private choices not to make comments about the Incident. It would surely be useful to support the thorough examination of the official documents in this dissertation with these interviews.

Future research into the Sivas Incident could explore its impact on the development of Alevi movement through more field research when political conditions in Turkey ease. Another line of research would be to examine the impact of the Incident on the local people of Sivas and Sivas itself. It would be worth to examine how the Incident affected or transformed the political and sectarian dynamics in the city. While the Sivas Incident is a very special case, research into the similarities and differences with other cases of lynching, massacres such as anti-Muslim riots in India would also be valuable.

APPENDIX

THE ORIGINAL TEXTS OF LONG QUOTES

Appendix B, 1

“Hükûmet ilk kez Alevi vatandaşlarımızın sorunlarını ele aldı. İlk kez Aleviler devlet tarafından muhatap alındı. İlk kez devletin bu konudaki hafızası yenileniyor. Çok ciddi mesafeler aldığımız inancı içindeyim. Neden biliyor musunuz? Esas mesafe almamız gereken konu ön yargıların kırılmasıdır. O kadar ön yargılar var ki bunların çok örnekleri var. Bu ön yargılar şu anda bir bir kırılıyor, diyalog ortamı içine girmiş bulunuyoruz ve sorunlar da bir taraftan çözülüyor. Madımak meselesi çözüldü.”

Appendix B, 2

“Örgütlü olmayan tesadüfen bir araya gelen ve AZİZ NESİN aleyhinde kanunsuz gösteri ve yürüyüş yapan bilahare, AZİZ NESİN’in bulunduğu Madımak Otelі önündeki otomobilleri ters çevrilerek tahrip eden daha sonra da bu otomobilleri ateşe vererek yakan neticede çıkan yoğun dumanın etkisi ile zehirlenerek ölen ve masum 37 kişinin ölümü ile sonuçlanan bu olayın TCK’nın 146. Maddesi içerisinde değerlendirilmesi mümkün görülmemiştir.”

Appendix B, 3

“Oysa TCK’nın 146. Maddesinde tarif edilen örgütün amacı ve stratejisiyle ilgili bir eylem değildir. Nitekim bu eylemler sırasında, devlet kuvvetlerine karşı herhangi bir saldırı bulunmamaktadır. Hatta yaralanan emniyet mensupları sanıklar tarafından hastaneye kaldırılarak tedavisi yaptırılmış ... askeri güçlerin olay yerine gelmesi ile de, asker lehinde slogan atılmış ‘en büyük asker bizim asker, asker Bosna’ya...Hatta Otel’in yanmaya başlaması ile birlikte Otel önünde görevli Emniyet mensuplarının ‘otel içinde polis arkadaşlarımız kaldı. Onlara bir zarar gelmesin itfaiye aracının önünden çekilin’ şeklindeki ikazı üzerine itfaiye aracının önündeki kalabalığın çekildiği... Ve bu şekilde otel söndürülüyor.”

Appendix B, 4

“Sivas olaylarının Devlet’e ve laik düzene yönelik olmadığı Aziz Nesin’in Şeytan Ayetleri kitabını yayınlamasına duyulan öfke kin ve nefretin oluşturduğu tahrik sonucu ve Aziz Nesin’e yönelik bir eylem olduğu kast edilen Aziz NESİN olmasına rağmen hedefte sapma sonucu 37 masum insanın ölümü ile sonuçlanan bu olayların laik anti-laik veya mezhep çatışması olmadığı sadece İslam dinince mukaddes sayılan değerlerin aşağılanmasına tepki gösterildiği Aziz Nesin’in Anadolu’nun herhangi bir vilayetinde de aynı tepkiyi görebileceği dolayısıyla şahsa yönelik eylemin bir başka mecraya çekilerek kamplaşma ve kutuplaşma yaratmanın hukuki ve sosyal bir yararı olmadığı kanaatindeyiz.”

Appendix B, 5

“Sanıklar son duruşma hariç diğer duruşmalarda mahkememizi hiçe sayarak slogan atmışlar, kavga çıkarmışlar, mahkeme heyetine demir para, çakmak kalem gibi nesneleri atmak suretiyle hareket ve tehditte bulunmuşlardır. Madımak Otelini yakmak suretiyle 35 kişiyi yakarak öldürmüşlerdir. Yanan kişilerin ‘bizi kurtarın’ çığlıklarına rağmen, bırakın kurtarmayı güvenlik kuvvetlerinin ve itfaiyenin yanan kişileri kurtarma teşebbüsüne bile engel olmuşlardır. Yanan kişilerin ölüm çığlıkları karşısında kolları bile kıpırdamamış, ölmelerini şeriat yanlısı slogan atarak zevkle izlemişlerdir.”

Appendix B, 6

“Ancak artık ülkemiz bu ayıbyıla yüzleşmek ve acının bütün yükünü ve ağırlığını tek başına taşıyan Alevi toplulukların sırtından almak zorundadır. Madımak Oteli müze yapılmalıdır ki gelecek kuşaklar ve bu katliamı yaşayan, paylaşan, tanık olan herkes, Aleviler ve Aleviler gibi ayrımcı uygulamalara ve acılara uğratılmış topluluklar karşısında başımızı utançla eğebilelim ama aynı zamanda, bir daha böylesi olayların yaşanmaması için gerekli dersi almak üzere, Alevilerin sırtına yüklenen anımsama yükünü paylaşabilelim. (Hacı Bektaş Veli Anadolu Kültür Vakfı, 2011).”

Appendix B, 7

“Müzeler, Yahudilere uygulanan muamele sebebiyle İkinci Dünya Savaşı öncesinde, bir kini ve nefreti faşizmin sürekli olarak halkın belleğinde ayakta tutulması amacıyla da ortaya atılmış olan ve uygulanmış olan bir sistemdir. ... Ama şimdi Türkiye’de de aynı mantığı işletmek demek, oranın müze olmasını istemek demek, kin ve nefreti canlı tutmak, Alevi-Sünni ayrımını gerektiğinde ateşleyebilecek bir dinamit şeklinde oraya yerleştirmek demektir. Ben bunu isteyenlerin iyi niyetle istediklerini biliyorum ama sonucu bu olur.”

REFERENCES

- 2 Temmuz Sivas şehitlerini anma ve laiklik günü... (1994, June). *Alevilerin Sesi*, 3, 29.
- 2 Temmuz 1994, Frankfurt yürüyüşünde ABF genel başkanı Ali Rıza Gülçiçek'in yaptığı konuşma: Mazlum toplum olmaktan kurtulmalıyız! (1994, July). *Alevilerin Sesi*, Special Edition, 8-9.
7. Alevi Çalıştay1. (2010). Kızılcahamam, Ankara: Başak Matbaası. Retrieved from <http://www.necdetsubasi.com/alevi-calistaylar>.
- ABF Genel Başkanı Ali Rıza Gülçiçek 'Davamız devam ediyor'. (1995, February). *Alevilerin Sesi* 6,
- Açıkel, F., & Ateş, K. (2011). Ambivalent Citizens. *European Societies*, 13 (5), 713-733. doi: <http://dx.doi.org/10.1080/14616696.2011.597868>
- Ağtaş, Ö. (2014, January 8). Ayhan Yalçinkaya ile söyleşi: Bir trajedi olarak Sivas Katliamı davası. *Ayrıntıdergi*, 2. Retrieved from <https://ayrintidergi.com.tr/bir-trajedi-olarak-sivas-katliami-davasi-ayhan-yalcinkaya-ile-soylesi/>
- Avrupa Alevi Birlikleri Federasyonu. (1995, July). Ağıt yakmayacağız, mücadeleyi yükselteceğiz. *Alevilerin Sesi*, 9, 4.
- Ahmad, F. (1993). *The Making of Modern Turkey*. London and New York: Routledge.
- Ahmad, F. (2003). *The Quest for Identity*. Oxford: Oneworld Publications.
- Akın, E., & Karasapan, Ö. (1988). The Turkish-Islamic Synthesis. *Middle East Report*, 153, *Islam and the State*, 18. Retrieved from <http://www.jstor.org/stable/3012127>
- Akkurt, K. (2019, July 2). İnsanlığa karşı suçlar. *Cumhuriyet*. <https://www.cumhuriyet.com.tr/yazarlar/olaylar-ve-gorusler/insanliga-karsi-suclar-1466164>
- AKP Alevileri 'can evinden' vurabilir. (2007, February 12). *Vatan*. <https://www.gazetevatan.com/arsiv/akp-alevileri-can-evinden-vurabilir-108038>
- Akpınar, A. (2014). II. Abdülhamid Dönemi Devlet Zihniyetinin Alevi Algısı. In Gürtaş, İ. Çakmak, Y. (eds.), *Kızılbaşlık, Alevilik, Bektaşilik: Tarih, Kimlik, İnanç, Ritüel*. İstanbul: İletişim Yayınları.

- Akyol, T. (2012, March 14) Sivas'ta Zamanaşımı. *Hürriyet*.
<https://www.hurriyet.com.tr/sivas-ta-zamanasimi-20120422>
- Alevi-Bektaşilerden laikliğe destek. (1994, January 2). *Cumhuriyet*, p. 4.
- Algör, İ. (2015, January-February). *Birikim* 309-310, 28-31.
- Ali Rıza Gülçiçek (10.7.2003, 658). Retrieved from
<https://www2.tbmm.gov.tr/d22/7/7-0939s.pdf>
- Altınay, A. R. (1994). *Onaltıncı Asırda Rafizilik ve Bektaşilik*. İstanbul: Ufuk Matbaası.
- Anıt Mezar ödülü Mimar Işık Uçman'ın!. (1994, February). *Alevilerin Sesi*, 1, 21.
- Arat, Y., & Pamuk, Ş. (2019). *Turkey Between Democracy and Authoritarianism*. Cambridge: Cambridge University Press.
- Armstrong, E. & Cragg, S. M. (2006). Movements and Memory: The Making of the Stonewall Myth. *American Sociological Review*, 71 (5), 724-751. Retrieved from <http://www.jstor.org/stable/25472425>
- Aslan, S. (2008). *The Ambivalence of Alevi Politic(s): A Comparative Analysis of Cem Vakfı and Pir Sultan Abdal Kültür Derneği* (Unpublished MA Thesis). Boğaziçi University, İstanbul, Turkey.
- Assmann, A. (2014). 'The whole country is a monument': Framing places of terror in post-war Germany. In Schindel, E. & Colombo, P. (eds.), *Space and the memories of violence: landscapes of erasure, disappearance and exception*. New York: Palgrave Macmillan.
- Aşut, A. (ed.). (1994). *Sivas Kitabı: Bir Topluöldürüm Öyküsü*. Ankara: Edebiyatçılar Derneği.
- Ateş, K. (2011). *Yurttaşlığın Kıyısında Aleviler: 'Öz Türkler' ve 'Heretik Ötekiler'*. Ankara: Phoenix.
- Atilla Koç, 5.04.2005, 5046. Retrieved from <https://www2.tbmm.gov.tr/d22/7/7-5046c.pdf>
- Aydınlanma müzesi isteği (2008, March 30) *Evrensel*
<https://www.evrensel.net/haber/227049/aydinlanma-muzesi-istegi>
- Aydoğdu, U. (1994). Alevi örgütlülüğü yok sayılamaz!. *Alevilerin Sesi* Special Edition, 18.
- Azak, U. (2010). *Islam and secularism in Turkey: Kemalism, religion and the nation state*. London; New York: I.B. Tauris; New York: Palgrave Macmillan.

- Balkız: ‘Kerbela’yı unutmadık, Sivas’ı da unutmayacağız. (July 2, 2010). *Hürriyet*. <https://www.hurriyet.com.tr/gundem/balkiz-kerbelayi-unutmadik-sivasi-da-unutmayacagiz-15205893>
- Balkız, A. (2000). 7. Yılında Sivas katliamı. *Alevilerin Sesi*, 37, 18-19.
- Balkız, A. (1996, July). Şeriat yeni Sivas’lar istiyor. *Alevilerin Sesi*, 15, 44-48.
- Balkız, A. (1995, July). Sivas Dersleri. *Nefes*, 21, 48-50.
- Bar-Tal, D. Chernyak-Hai, L. Schori, N., & Gundar, A. (2009). A sense of self-perceived collective victimhood in intractable conflicts. *International Review of the Red Cross*, 91 (874), 229-258. doi: <https://doi.org/10.1017/S1816383109990221>
- Başaran, E. (2011, December 26). Maraş’tan döndükten sonra bir ay konuşmamışım. *Radikal*. <http://www.radikal.com.tr/yazarlar/ezgi-basaran/marastan-dondukten-sonra-bir-ay-konusmamisim-1073581/>
- Başbakan Erdoğan’dan Sivas davası yorumu. (2012). *Hürriyet*. <https://www.hurriyet.com.tr/gundem/basbakan-erdogandan-sivas-davasi-yorumu-20115497>
- Bayrak, M. (2015) İnanç ve kültür kaynaklarıyla Kürt Aleviliği. In Çakmak, Y. Gürtaş, İ. (eds.), *Kızılbaşlık Alevilik Bektaşilik tarih-kimlik-inanç-ritüel*. İstanbul: İletişim Yayınları
- Beetham, D. (1997). Linking democracy and human rights. *Peace Review* 9 (3), Pp. 351-356. doi: 10.1080/10402659708426076
- Beetham, D. (2004). The Quality of Democracy: Freedom as Foundation. *Journal of Democracy*, 15 (4), 66-75. doi: <https://doi.org/10.1353/jod.2004.0057>
- Benhabib, S. (1979). The Next Iran or the Next Brazil? Right-wing Groups Behind Political Violence in Turkey. *MERIP Reports*, 77, 16-17. Retrieved from <http://www.jstor.org/stable/3010992?origin=JSTOR-pdf>
- Berhan Şimşek, 28.6.2005, 324. Retrieved from <https://www.tbmm.gov.tr/d22/2/2-0570.pdf>
- Birand, M., Bila, H., & Akar, R. (2006). *12 Eylül: Türkiye’nin Miladı* (5th Edition). İstanbul: Doğan Kitap.
- Booth, J. W. (2011). The Unforgotten: Memories of Justice. *The American Political Science Review*, 95 (4), 777-791. <http://www.jstor.org/stable/3117713>
- Bora, T. (2005). Turgut Özal. In Yılmaz, M. *Modern Türkiye’de Siyasi Düşünce Liberalizm Cilt 7*. İstanbul: İletişim Yayınları.

- Bozarslan, H. (2003). Alevism and the Myths of Research: The need for a New Research Agenda. In White, P. & Jongerden, J. (eds.) *Turkey's Alevi Enigma A Comprehensive Overview*. Leiden, Boston: Brill.
- Bozkurt, F. (2006). *Çağdaşlaşma Sürecinde Alevilik* (2nd Edition). İstanbul: Kapı Yayınları.
- Bozkurt, F. (1998). State-Community Relations in the Restructuring of Alevism. In Olsson, T. Özdalga, E. & Raudvere, C. (eds.) *Alevi Identity: Cultural, Religious and Social Perspectives*. Richmond: Curzon.
- Bu acı unutulmaz. (2008, July 2). *Hürriyet*. Retrieved from <https://www.hurriyet.com.tr/gundem/bu-aci-unutulmaz-9331436>
- Bülbül, K. (n.d) Alevi Katliam Kronolojisi. Retrieved from <https://www.alevikulturdernekleri.org/alevi-katliam-kronolojisi/>
- Büyüktanır, Z. (2003, June). On yıldır dinmeyen bir acı. *PSA*, 53, 46-50.
- Carothers, T. (2002). The End of the Transition Paradigm. *Journal of Democracy*, 13 (1), 5-21. <https://doi.org/10.1353/jod.2002.0003>
- Cem, S. (1993, August) Allah, Muhammed, Devlet, Hukuk ve Sivas. *Cem*, 27, 16-19.
- Cem Vakfı'ndan Alevilere tehlikeli 'davet' Anadolu Aleviliğini İslamlaştırma Girişimleri. (1996, May-June). *PSA*, 18, 33.
- Cengiz, O. K. (2012, March 9). Sivas yangını ve zaman aşımı. *Radikal*. <http://www.radikal.com.tr/yazarlar/orhan-kemal-cengiz/sivas-yangini-ve-zamanasimi-1081186/>
- Cengiz, O. K. (2011, December 19) Maraş katliamını 33 yıldır inkar ediyoruz. *Radikal*. <http://www.radikal.com.tr/yazarlar/orhan-kemal-cengiz/maras-katliamini-33-yildir-inkr-ediyoruz-1072912/>
- Ceyhun, D. (1994). *Asılacak Adam Aziz Nesin*. İstanbul: Ad Yayıncılık.
- Cezasızlık katliamcılara güç kattı. (2017, July 2) *Birgün*. <https://www.birgun.net/haber/cezasizlik-katliamcilara-guc-katti-167710>
- Collier, D. & Levitsky, S. (1997). Democracy with adjectives: Conceptual innovation in comparative research. *World Politics*, 49 (3), 430-451. <https://www.jstor.org/stable/25054009>
- Coşkun, Z. (1995). *Aleviler, Sünniler ve Öteki Sivas*. İstanbul: İletişim Yayınları.
- Çakmak, Y. & Gürtaş, İ. (eds.) (2015). *Kızılbaşlık Alevilik Bektaşilik Tarih-Kimlik-İnanç-Ritüel*. İstanbul: İletişim Yayınları.

- Çamuroğlu, R. (2008). *Değişen Koşullarda Alevilik* (5th Edition). İstanbul: Kapı Yayınları.
- Çamuroğlu, R. (1994, July). Sivas'tan bir yıl sonra... *Alevilerin Sesi*, Special Edition, 16-17.
- Çavdar, O. (2020). *Sivas Katliamı: Yas ve bellek*. İstanbul: İletişim.
- Çorum 35 yıldır kanıyor. (2015, July 3). *Cumhuriyet*.
<https://www.cumhuriyet.com.tr/haber/corum-35-yildir-kaniyor-313417>
- Dahl, R. A. (2005). What political institutions does large-scale democracy require? *Political Science Quarterly*, 120 (2), 187-197.
<https://www.jstor.org/stable/20202514>
- Dahl, R. (1971). *Polyarchy participation and opposition*. New Haven and London: Yale University Press.
- Das, V. (1998). Official narratives, rumour and social production of hate. *Social Identities*, 4 (1), 109-130.
- Davamız Nesin ve Alevilerdi. (2005, August 4). *Hürriyet*.
<https://www.hurriyet.com.tr/gundem/davamiz-nesin-ve-alevilerdi-339782>
- Davison, A. (2003) Turkey, a 'secular' state? The challenge of description. *South Atlantic Quarterly* 102: 2/3, 333-350. Retrieved from
<https://muse.jhu.edu/article/43708>
- Dawson, G. (2005). Trauma, Place and the Politics of Memory: Bloody Sunday, Derry, 1972-2004. *History Workshop Journal*, 59, 151-178.
<https://www.jstor.org/stable/25472791>
- Demir, M. (2013). *Ateş-i Aşk: Sivas katliamının gerçek hikayesi*. İstanbul: Kırmızı Kedi Yayınları.
- Demir, M. (2003, June). Sivas katliamı ile ilgili yeni savlar ve yorumlar üzerine zorunlu bir yazı. *PSA*, 53, 29-34.
- Demir, M. (1996). 02 Temmuz Sivas katliamı, laisizm ve demokratik Alevi örgütlülüğü. *Alevilerin Sesi*, 15, 16-17.
- Demir, M. (1996, January-February). Pir Sultan Abdal Kültür Derneği ve örgütlenmemiz. *PSA*, 17, 3.
- Demiral'ı eleştirmek suç. (1994, January 3). *Cumhuriyet*, p. 17.
- Demirel, T. (2005). Demokrat parti. In Yılmaz, M. (ed.), *Modern Türkiye'de siyasi düşünce: liberalizm*. İstanbul: İletişim Yayınları.
- Demokrasi ve laiklik haftası. (1997, July/August). *PSA* 23, 2.

- Dergimiz Genel Yayın Yönetmeni Ali Balkız'ın TBMM Araştırma Komisyonu'na verdiği rapor. (1993, August). *PSA*, 7, 48-51.
- DGM dönemi bitiyor. (2004, June 20). *Birgün*. Retrieved from <https://www.birgun.net/haber/dgm-donemi-bitiyor-21180>
- Diamond, L. & Morlino, L. (2004). The quality of democracy: An overview. *Journal of Democracy*, 15(4), 20-31. doi: <https://doi.org/10.1353/jod.2004.0060>
- Diamond, L. (2002) Elections without democracy thinking about hybrid regimes. *Journal of Democracy*, 13 (2), 21-35. doi: <https://doi.org/10.1353/jod.2002.0025>
- Diamond, L. (1996). Is third wave over? *Journal of Democracy*, 7(3), 20-35. doi:10.1353/jod.1996.0047
- Doğan, S. (2010). *Temmuz ağrısı* (2nd edition). Ankara: Yurt Yayın Kitap.
- Donnelly, J. (2013). *Universal human rights in theory and practice*. Ithaca and London: Cornell University Press.
- Dressler, M. (2008). Religio-Secular metamorphoses: The re-making of Turkish Alevism. *Journal of the American Academy of Religion*, 76 (2), 280-311. doi:10.1093/jaarel/lfm033
- Dumanlı, E. (2015, October 10). 93 günlükleri. *Bianet*. Retrieved from <https://m.bianet.org/biamag/toplum/168159-madimak-tan-kurtulan-elif-dumanli-yazdi-93-gunlukleri>
- Dumanlı, E. (2011, July 10). Helalleşmiyorum. *Radikal İki*. Retrieved from <http://www.radikal.com.tr/radikal2/helallesmiyorum-1055892/>
- Eligür, B. (2010). *The mobilization of political Islam in Turkey*. Cambridge: Cambridge University Press.
- Eral, S. (1996, July). Sivas yangınının üçüncü yıldönümünde. *Alevilerin Sesi*, 15, 12-13.
- Eral, S. (1995, February). Bir bulut kanadı Sivas elinden... *Alevilerin Sesi*, 6, 30-?.
- Eral, S. (1995, July). “Alim ne yatarsın günlerin geldi!”. *Alevilerin Sesi*, 9, 20-22.
- Ergin, S. (2012, March 17) Letonya'daki bir katliamdan Madımak yangınına. *Hürriyet*. <https://www.hurriyet.com.tr/letonya-daki-bir-katliamdan-madimak-yanginina-20145304>
- Ergin, S. (2010, July 2). Madımak Otelinin ne olacağı sorusu ortada. *Hürriyet*. <https://www.hurriyet.com.tr/madimak-oteli-nin-ne-olacagi-sorusu-ortada-15200141>

- Erol Tınastepe, 23.2.2005, 3758. Retrieved from <https://www2.tbmm.gov.tr/d22/7/7-5046s.pdf>
- Esen, B. Gümüşçü, Ş. (2016). Rising competitive authoritarianism in Turkey. *Third World Quarterly*, 37 (9), 1581-1606. doi: <https://doi.org/10.1080/01436597.2015.1135732>
- European Convention on Human Rights. Retrieved from https://www.echr.coe.int/documents/convention_eng.pdf
- Ezeli yobaz hastalığı İhrakı binar Sivas'ta hortladı. (1993, August). *Cem*, 27, 3-7.
- Günay: Madımak müze olamaz. (2008, May 30). *Birgün*. <https://www.birgun.net/haber/gunay-madimak-muze-olamaz-40785>
- Habermas, J. (2008). *Between naturalism and religion: Philosophical Essays*. Cambridge: Polity Press.
- Hace Gültekin Madımak otelindekilerin hepsinin anasıyım! (1994, June). *Alevilerin Sesi*, 3, 30-31.
- Hacı Bektaş Veli Anadolu Kültür Vakfı. (2011). *Aleviler 'artık burada' oturmuyor!:: Alevi çalıştayları nihari raporu üstüne bir değerlendirme*. Ankara: Hacı Bektaş Veli Anadolu Kültür Vakfı.
- Hale, W. & Özbudun, E. (2010). *Islamism, democracy and liberalism in Turkey: the case of AKP*. London and New York: Routledge.
- Hale, W. (2003). Human rights, the European Union and the Turkish accession process. In Çarkoğlu, A. & Rubin, B. (eds.), *Turkey and European Union: Domestic Politics, Economic Integration and International Dynamics*. London: Frank Cass.
- Huntington, S. (1991). *The third wave: Democratization in late twentieth century*. Norman and London: University of Oklahoma Press.
- Hükümlüler yeni TCK ile serbest. (2005, July 1). *Birgün*. <https://www.birgun.net/haber/hukumluler-yeni-tck-ile-serbest-23505>
- Işık, Y. (2001, June). Pir Sultan...Madımak...Alevilik...Diyanet...Ali insandır. *PSA*, 44, 54-65
- İlknur, M. (2011, December 24). Mağdurlar özür bekliyor. *Cumhuriyet*, p. 8.
- İlknur, M. (1994, July 5). Bizi bizden mi koruyacaklar?. *Cumhuriyet*, p. 7.
- İnsel, A. (2013, April). Başkanlık sistemi ve güç fetişizmi. *Birikim*, 288, 8-14.

- Jelin, E. (2003). *State Repression and Labors of Memory* (Trans. Rein, J & Godoy-Anaticia, M.). Minneapolis: University of Minnesota Press. (Original published 2002).
- Kalaycıoğlu, E. (2005). *Turkish dynamics: Bridge across troubled lands*. New York: Palgrave Macmillan.
- Kalaycıoğlu, E. (2002). State and civil society in Turkey: Democracy, development and protest. In Sajoo, A. B. (ed.), *Civil Society in the Muslim World: Contemporary Perspectives*. New York: I.B. Tauris Publishers.
- Kaleli, L. (2000). *Alevi kimliği ve Alevi örgütlenmeleri*. İstanbul: Can Yayınları.
- Kaleli, L. (1997). *Kimliğini haykıran Alevilik* (3rd Edition). İstanbul: Can Yayınları.
- Kaleli, L. (1996, July). Sivas cankırımı ve Aziz Nesin. *Alevilerin Sesi*, 15, 7-10.
- Kaleli, L. (1995). *Sivas Katliamı ve şeriat* (3rd edition). İstanbul: Alev Yayınları.
- Kaleli, L. (1995, July). Sivas'tan Gazi'ye. *Nefes*, 21, 33-34.
- Kansu, I. & İlknur, M. (2014, November 20). Aleviler eşit yurttaşlık istiyor. *Cumhuriyet*. <https://www.cumhuriyet.com.tr/haber/aleviler-esit-yurttaslik-istiyor-145315>
- Karababa, H. (2008). *Sivas davası 'Türkiye'nin gizli gündemi'*. Ankara: İlkim.
- Karakuş, H (1999, July). İnsanlığın yolu uzun, çok uzun. *PSA*, 33, 65-67.
- Karl, T. L. (1995). The hybrid regimes of Central America. *Journal of Democracy*, 6 (3), 72-85.
- Karolewski, J. (2008). What is heterodox about Alevism? The development of anti-Alevi discrimination and resentment', *Die Welt des Islams* 48, 434-456. Retrieved from <https://www.jstor.org/stable/27798275>
- Katliam yine anılamadı. (2012, December 24). *Radikal*. Retrieved from https://www.istanbulgercegi.com/katliam-yine-anilamadi-_37164.html
- Katliamda yeterli delil yokmuş. (2012, April 6). *Cumhuriyet*. Retrieved from <https://www.cumhuriyet.com.tr/haber/katliamda-yeterli-delil-yokmus-332914>
- Katliamı hepimiz gördük. (2013, July 2) *Cumhuriyet*. <https://www.cumhuriyet.com.tr/haber/katliami-hepimiz-gorduk-431156>
- Katliamın 10. yılı. (2003, July 2). *Hürriyet*. <https://www.hurriyet.com.tr/gundem/katliamin-10-yili-156811>
- Kehl-Bodrogi, K. (2012). *Kızılbaşlar/Aleviler* (O Değirmenci & B. E. Aybudak, Trans.). İstanbul: Ayrıntı Yayınları. (Original work published in 1988).

- Kehl-Bodrogi, K. (2003). Atatürk and the Alevis: A holy alliance. In White, Paul J. and Joost Jongerden (eds), *Turkey's Alevi Enigma: A Comprehensive Overview*. Leiden, Boston: Brill.
- Kehl-Bodrogi, K. Kellner-Heinkele, B. & Otter-Beaujean, A. (eds.). (1997). *Syncretistic religious communities in the Near East*. Leiden; New York: E. J. Brill.
- Keyman, F. Düzgit, S. A. (2013). Europeanization, democratization and human rights in Turkey. In Rodriguez, C., Avalos, A., Yılmaz, H., & Planet, A. I. (eds.), *Turkey's Democratization Process*, Routledge.
- Kieser, H. L. (2003). Alevis, Armenians and Kurds in Unionist-Kemalist Turkey (1908-1938)' in White, P. J. & Jongerden, J. (eds.), *Turkey's Alevi Enigma A Comprehensive Overview*. Leiden, Boston: Brill.
- Koçak, A. (ed.) (2012). *Onlar ıřık oldular* (2nd edition). İstanbul: Alev Yayınları.
- Kolakowski, L. (1990). Uncertainties of a democratic age. *Journal of Democracy*, 1 (1), 47-50. Retrieved from <https://muse.jhu.edu/article/225692>
- Korkmaz, S. (2012, March 6). Zamanasını vicdanları tarumar eder. *Bianet*. Retrieved from <https://m.bianet.org/bianet/insan-haklari/136733-zamanasimi-vicdanlari-tarumar-eder>
- Köse, T. Türkiye'nin idam cezası tarihinde neler var?. (2018, August 1). *BBC Türkçe*. Retrieved from <https://www.bbc.com/turkce/36828182>
- Köse, T. (2014, December 21). Marař kalbimde yaradır I. *Cumhuriyet*. <https://www.cumhuriyet.com.tr/haber/atesin-karasi-hala-kalplerde-166183>
- Küçük, M. (2008). Türkiye'de sol düşünce ve Aleviler. In Gültekingil, M. (ed.) *Modern Türkiye'de Siyasi Düşünce Sol Cilt 8*. İstanbul: İletişim Yayınları.
- Küçük, M. (2008). Aleviler ve milliyetçilik. In Bora, T. (ed.) *Modern Türkiye'de Siyasi Düşünce Milliyetçilik* (3rd edition). İstanbul: İletişim Yayınları.
- Lendvai, P. (2016). *Orban: Hungary's strongman*. New York: Oxford University Press.
- Lewis, B. (2004). *Modern Türkiye'nin doğuşu* (Metin Kıratlı, Trans.). Ankara: Türk Tarih Kurumu. (Original work published 1961).
- Levitsky, S. Way, L. (2020). The new competitive authoritarianism. *Journal of Democracy*, 31 (1), 51-65. doi: <https://doi.org/10.1353/jod.2020.0004>
- Levitsky, S. Zibblat, D. (2018). *How democracies die*. New York: Crown.
- Levitsky, S. Way, L. A. (2002). Elections without democracy: The Rise of Competitive Authoritarianism. *Journal of Democracy*, 13 (2), 51-65.

- Lord, C. (2018). *Religious politics in Turkey: from the birth of republic to the AKP*. Cambridge: Cambridge University Press.
- Madımak için kırmızı bültenler arananlar devlet dairesinde nikah kısıyor. (2013, July 2). *T24*. Retrieved from <https://t24.com.tr/haber/madimakta-kirmizi-bultenle-arananlar-nikah-kiyiyor,233267>
- Madımak davasının hâkimi, sanıkların eski avukatı. (2016, June 29). *Agos*. <https://www.agos.com.tr/tr/yazi/15785/madimak-davasinin-hakimi-saniklarin-eski-avukati>
- Madımak müzesi imza listesi. (2007, June). *Alevilerin Sesi*, Special Edition, 10.
- Madımak müze olsun. (2007, July). *Alevilerin Sesi*, 107, 6-8.
- Madımak müze olursa neden öldükleri anlatılmalı. (2010, July 2), *Bianet*. <https://m.bianet.org/bianet/insan-haklari/123122-madimak-muze-olursa-neden-oldukleri-anlatilmali>
- Madımak'ı bu sefer yargı yaktı. (2012, March 13). *Cumhuriyet*. <https://www.cumhuriyet.com.tr/haber/madimaki-bu-sefer-yargi-yakti-326852>
- Madımak'ı müze yapmamı beklemeyin. (2007, May 27). *Habertürk*. <https://www.haberturk.com/polemik/haber/24476-madimaki-muze-yapmami-beklemeyin>
- Madımak'ta iki gün (2009, June 29). *Milliyet*. Retrieved from <https://www.milliyet.com.tr/gundem/madimak-ta-2-gun-1111864>
- Madımak'tan kurtulan Elif Dumanlı Yazdı: 93 Günlükleri. (2015, October 10). Retrieved from <https://m.bianet.org/biamag/toplum/168159-madimak-tan-kurtulan-elif-dumanli-yazdi-93-gunlukleri>.
- Mahmut Tanal, 23.11.2015, 242. Retrieved from <https://www2.tbmm.gov.tr/d26/2/2-0309.pdf>
- Malik Ejder Özdemir, 21.03.2008, 78. <https://www2.tbmm.gov.tr/d23/2/2-0193.pdf>
- Mardin, Ş. (1983). Religion and politics in modern Turkey. In Piscatori, J. P. (ed.) *Islam in the political process*. Cambridge: Cambridge University Press.
- Mardin, Ş. (1981). Religion and secularism in Turkey. In Kazancıgil, A. & Özbudun, E. (eds.), *Atatürk the founder of a modern state*. London: C. Hurst.
- Massicard, E. (2007). *Türkiye'den Avrupa'ya Alevi hareketinin siyasallaşması* (Ali Berktaş, trans.). İstanbul: İletişim Yayınları. (Original work published 2005).
- Massicard, E. (2006). Claiming difference in an unitarist frame: the case of Alevism. In Kieser, H. L. (ed.), *Turkey Beyond Nationalism: Towards Post-Nationalist Identities*. New York: I. B. Tauris.

- Melikoff, I. (2011). *Uyur idik uyardılar: Alevilik-Bektaşilik araştırmaları* (Turan Alptekin, Trans.). (3rd Edition). İstanbul: Demos Yayınları. (Original work published n.d.)
- Merdol, E., Bektaş, M. & Sarıgül, A. (Eds.). (2004a). *Sivas davası Cilt 1*. Ankara: Türkiye Barolar Birliği Yayınları.
- Merdol, E., Bektaş, M. & Sarıgül, A. (Eds.). (2004b). *Sivas davası Cilt 2*. Ankara: Türkiye Barolar Birliği Yayınları.
- Merdol, E., Bektaş, M. & Sarıgül, A. (Eds.). (2004c). *Sivas davası Cilt 3*. Ankara: Türkiye Barolar Birliği Yayınları.
- Merdol, E., Bektaş, M. & Sarıgül, A. (Eds.). (2004d). *Sivas davası Cilt 3*. Ankara: Türkiye Barolar Birliği Yayınları.
- Miteinander in der Stunde des Schmerzes. (2008, May 27) *Spiegel*.
<https://www.spiegel.de/politik/deutschland/solingen-jahrestag-miteinander-in-der-stunde-des-schmerzes-a-555553.html>
- Mumcu, Ö. Maraş'ın kanlı kısrağı. (2011, November 26). *Radikal*.
http://www.radikal.com.tr/yazarlar/ozgur_mumcu/marasin_kanli_kisragi-1073582
- Mutluer, N. (2016). The looming shadow of violence and loss: Alevi Responses to Persecution and Discrimination. *Journal of Balkan and Near Eastern Studies*, 18 (2), 145-156. doi: <http://dx.doi.org/10.1080/19448953.2016.1141583>
- Ne olur ne olmaz. (1998, July 3). *Hürriyet*. <https://www.hurriyet.com.tr/gundem/ne-olur-ne-olmaz-39026997>
- Nebiler, H. (1994). Babadan-oğula kardeşten-kardeşe katliam sanıkları. *Cumhuriyet*
- O gün devlet Sivas'ta yobaza teslim olmuştu. (2010, July 2). *Evrensel*.
<https://www.evrensel.net/haber/185627/o-gun-devlet-sivas-ta-yobaza-teslim-olmustu>
- Ocak, A. Y. (2012). *Türkler, Türkiye ve İslâm* (12th edition). İstanbul: İletişim Yayınları.
- O'Donnell, G. (2004). The quality of democracy: Why the rule of law matters. *Journal of Democracy* 15 (4), 32-46. doi: <https://doi.org/10.1353/jod.2004.0076>
- Okuyucuların kaleminden Sivas olayları.... (1993, August). *Cem*, 27, 51-60.
- Onlar kendi küllerinden yeniden doğdular...(2007, June). *Alevilerin Sesi*, Special Edition, 3.

- Oral, Z. Katliam devam ediyor hala. (2013, July 4). *Cumhuriyet*.
<https://www.cumhuriyet.com.tr/yazarlar/zeynep-oral/katliam-devam-ediyor-hâlâ-431540>
- Oran, B. (2018). *Türkiye’de azınlıklar: Kavramlar, teori, Lozan, iç mevzuat, içtihat, uygulama*. İstanbul: İletişim.
- Oran, B. (ed.). (2006). *Türk dış politikası Cilt II 1980-2001: Kurtuluş Savaşından Bugüne Olgular, Belgeler, Yorumlar*. İstanbul: İletişim Yayınları.
- Oran, B. (2009, November 29). Dersim isyan etmedi. *Radikal İki*.
<http://www.radikal.com.tr/radikal2/dersim-isyan-etmedi-966666/>
- Otyam, F. (1997). *Hu dost* (4th edition). İstanbul: Pencere Yayınları.
- Öktem, K. (2015, January/February). Alevilerin siyasal katılımının dönüşümü: 1950-1973. *Birikim*, 58-64.
- Önder, S. S. Maraş biberi. (2011 December 26). *Radikal*. Retrieved from
<http://www.radikal.com.tr/turkiye/maras-biberi-1073580/>
- Örgütlü olursak eğer: Genel başkanımız Ali Balkız’ın 2 Temmuz 2001 Ankara demokrasi ve laiklik mitingindeki konuşması. (2001, June). *PSA*, 44, 7-9.
- Öz, B. (2014). *Alevilikle ilgili Osmanlı belgeleri* (4th Edition). İstanbul: Can Yayınları.
- Öz, B. (1995, July). Tarihin ışığında Sivas olayı. *Nefes*, 21, 38-43.
- Özbudun, E. (2014). AKP at the crossroads: Erdoğan’s majoritarian drift. *South European Society and Politics*, 19 (2), 155-167. doi:
<https://doi.org/10.1080/13608746.2014.920571>
- Özbudun, E. Gençkaya, Ö. F. (2009). *Democratization and the politics of constitution-making in Turkey*. Budapest: Central European University Press.
- Özbudun, E. (2000). *Contemporary Turkish politics challenges to democratic consolidation*. London: Lynne Rienner Publishers.
- Özbudun, E. (1995). Turkey: crises, interruptions, and reequilibrations. In Diamond, L. Linz, J. & Lipset, S. M. (eds.), *Politics in Developing Countries: Comparing experiences with democracy*, Boulder: Lynne Rienner Publishers.
- Özbudun, E. (1996). Democratization in the Middle East: Turkey How far from consolidation? *Journal of Democracy*, 7 (3), 123-138.
- Özcan, M. (2016). *Dersim ve Madımak söyleşileri*. İstanbul: Doğan Kitap.

- Özkul, D. (2015). Alevi openings and politicization of the Alevi issue during the AKP rule. *Turkish Studies*, 16 (1), 80-96. doi: <https://doi.org/10.1080/14683849.2015.1022722>
- Özyürek, E. (2009). 'The light of Alevi fire was lit in Germany and spread to Turkey': A transnational debate on the boundaries of Islam. *Turkish Studies* 10 (2), 233-253. doi: <http://dx.doi.org/10.1080/14683840902864028>
- PSAKD 3. Genel Kurul Sonuç Bildirgesi. (1994, February). *Alevilerin Sesi* 1, 10.
- Roni yobazların katlettiği babası Hasret Gültekin'i tanıyamadı. (1998, July 3) *Cumhuriyet*. Retrieved from <http://www.hasretgultekin.com/amaonefretlebuyumeyecek.htm>
- Rousso, H. (2003). Justice, history and memory in France: Papon trial. In Torpey, J. (ed.), *Politics and the Past: on repairing historical injustices*. Lanham, MD: Rowman and Littlefield Publishers.
- RP ile iş birliği yapmak fiili olarak katliamlara ortak olmak, katilleri aklamaktır!. (1994, February). *Alevilerin Sesi*, 1, 16-17.
- Rushdie, S. (2012). *Joseph Anton: A memoir*. New York: Random House.
- Saraç, N. (2008, July 8). Yeni bir dönemin başlangıcı. *Birgün*. <https://www.birgun.net/amp/haber/2-temmuz-2008-yeni-bir-donemin-baslangici-16835>
- Saraç, N. (2007, July). Sivas katliamı davası yeniden açılmalıdır. *Alevilerin Sesi*, 107, 3.
- Sarihan, Ş. (Ed.) (2002a). *Madımak yangını: Sivas katliamı davası Cilt 1*. Ankara: Ankara Barosu İnsan Hakları Komisyonu Yayınları.
- Sarihan, Ş. (Ed.) (2002b). *Madımak yangını: Sivas katliamı davası Cilt 2*. Ankara: Ankara Barosu İnsan Hakları Komisyonu.
- Sayarı, S. Esmer, Y. (eds.) (2002). *Politics, parties, elections in Turkey*. Boulder & London: Lynne Rienner Publishers.
- Schedler, A. (2002). Elections without democracy: The menu of manipulation. *Journal of Democracy*, 13(2), 36-50. doi: <https://doi.org/10.1353/jod.2002.0031>
- Schumpeter, J. A. (2003). *Capitalism, socialism & democracy*. London and New York: Routledge.
- Schüler, H. (2000). Secularism and ethnicity: Alevi and social democrats in search of an alliance. In Yerasimos, S. Seufert, G. & Vorhoff, K. (eds.), *Civil Society in the Grip of Nationalism*. İstanbul: Orient-Institut.

- Schwarz, B. (1997). Collective memory and history: How Abraham Lincoln became a symbol of racial equality. *The Sociological Quarterly* 38 (3), 469-496.
<https://www.jstor.org/stable/4121155>
- Sen, A. (1999). Democracy as a universal value. *Journal of Democracy*, 10 (3), 3-16.
doi: <http://doi.org/10.1353/jod.1999.0055>
- Sevimay, D. (2009, June 29) Madımak'ta iki gün. *Milliyet*.
<https://www.milliyet.com.tr/gundem/madimak-ta-2-gun-1111864>
- Sezgin Tanrıkulu, 24.11.2015, 196-236. Retrieved from
<https://www2.tbmm.gov.tr/d26/2/2-0277.pdf>
- Sinclair-Webb, E. (2008, December 24). *Bianet*. Retrieved from
<https://bianet.org/bianet/siyaset/111551-maras-katliaminin-faillerini-kimse-hatirlamiyor>
- Sinclair-Webb, E. (2003). Sectarian violence, the Alevi minority and the left: Kahramanmaraş 1978. In White, P. J. Jongerden, J. (eds.), *Turkey's Alevi Enigma A Comprehensive Overview*. Leiden, Boston: Brill.
- Sirmen, A. (2012, March 12). Nasıl sınıfta kalır bir toplum? *Cumhuriyet*.
<https://www.cumhuriyet.com.tr/yazarlar/ali-sirmen/nasil-sinifta-kalir-bir-toplum-326794>
- Sivas belediye başkanlığı seçimi: seçimlerde sol güçbirliğine çağrı. (1996, May-June). *PSA* 18, 30.
- Sivas davası düştü. (2012, March 13). *Hürriyet*.
<https://www.hurriyet.com.tr/gundem/sivas-davasi-dustu-20114970>
- Sivas davasına bakan askeri yargıçtan itiraf 'Baskı altındaydık' (1996, July 3) *Cumhuriyet*, p. 19.
- Sivas'ta katledilenler anıldı. (2014, July 2). *Hürriyet*.
<https://www.hurriyet.com.tr/gundem/sivasta-katledilenler-anildi-26725794>
- Sivas katliamı için adalet talebi Meclis'te artık daha güçlü. (2015, July 2). *Agos*.
<https://www.agos.com.tr/tr/yazi/12035/sivas-katliami-icin-adalet-talebi-mecliste-artik-daha-guclu>
- Sivas Katliamı'nın 14 yıldönümünde Unutmadık, Unutmayacağız. (2007, July). *Alevilerin Sesi* 107,
- Sivas mahkumları da eve dönmek istiyor. (2003, August 7). *Radikal*.
<http://www.radikal.com.tr/turkiye/sivas-mahkumlari-da-eve-donmek-istiyor-678986/>
- Sivas olaylarına anma. (2007, July 2). *Hürriyet*.
<https://www.hurriyet.com.tr/gundem/sivas-olaylarina-anma-6817090>

Sivas şehitleri müzesi. (1996, March-April). *PSA* 17.

Sivas'taki zamanaşımına dev protesto. (2012, April 1). *Milliyet*.
<https://www.milliyet.com.tr/gundem/sivas-taki-zamanasimina-kadikoy-de-dev-protesto-1522471>

Sivas'ta 20 bin kişi hep bir ağızdan haykırdı Madımak müze olsun. (2007, July). *Alevilerin Sesi*, 107.

Sökefeld, M. (2008). *Struggling for recognition: The Alevi movement in Germany and in transnational space*. New York: Berghahn Books.

Şahhüseyinoğlu, N. (2012). *Yakın tarihimizde kitlesel katliamlar: Malatya, K. Maraş, Çorum, Sivas, Gazi, Kırıkkhan, Ortaca* (3rd edition). İstanbul: Berfin Yayınları.

Şehit ailelerinden Sadık Metin'in 2 Temmuz 2001 Ankara demokrasi ve laiklik mitinginde yaptığı konuşma Metni. (2001, June). *PSA*, 44, 10.

Şerafettin Halis, 10.2.2010, 167. Retrieved from <https://www2.tbmm.gov.tr/d23/2/2-0608.pdf>

Şener, C. (1989). *Alevilik*. İstanbul: Yön Yayınları.

Şevket Köse, 9.1.2009, 154. Retrieved from <https://www2.tbmm.gov.tr/d23/2/2-0378.pdf>

Şevket bey sağolsun. (2000, May 25). *Hürriyet*.
<https://www.hurriyet.com.tr/gundem/sevket-bey-sagolsun-39156745>

Şevket Köse, 9.1.2009, 154. Retrieved from <https://www2.tbmm.gov.tr/d23/2/2-0378.pdf>

Şevki'nin geçmişi küfür ve hakaret dolu. (1997, July 13). *Hürriyet*.
<https://www.hurriyet.com.tr/gundem/sevkinin-gecmisi-kufur-ve-hakaret-dolu-39254806>

Tambar, K. (2010). The aesthetics of public visibility: Alevi semah and the paradoxes of pluralism in Turkey. *Comparative Studies in Society and History*, 52 (3), 652-679.

Temelkuran, E. (1996, July 13). Sivas'ta çocukları yakılan anneler Refahyol koalisyonunu değerlendirdi: Türkiye Sivas olacak. *Cumhuriyet*, p. 4.

Terörle Mücadele Kanunu. (12.4.1991). *Resmî Gazete*. (Sayı: 20843).
https://www.resmigazete.gov.tr/arsiv/20843_1.pdf

TBMM Minutes of the 130th Session, 2.7.2012. Retrieved from
<https://www5.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d24/c026/tbmm24026130.pdf>

TBMM Minutes of the 32nd Session, 14.12.2010. Retrieved from
<https://www5.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d23/c086/tbmm23086032.pdf>

TBMM Minutes of the 128th Session, 2.7.2010. Retrieved from
<https://www5.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d23/c074/tbmm23074128.pdf>

TBMM Minutes of the 109th Session, 27.5.2008. Retrieved from
<https://www5.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d23/c021/b109/tbmm230211090672.pdf>

TBMM Minutes of the 58th Session, 5.2.2008. Retrieved from
<https://www5.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d23/c013/tbmm23013058.pdf>

TBMM Minutes of the 117th Session, 20.6.2006.
<https://www5.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d22/c124/tbmm22124117.pdf>

TBMM Minutes of the 29th Session, 29.6.2005.
<https://www5.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d22/c090/tbmm22090121.pdf>

TBMM Minutes of the 31st Session, 19.12.1997.
<https://www5.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d20/c040/tbmm20040031.pdf>

TBMM Minutes of the 110th Session, 24.6.1997. Retrieved from
<https://www5.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d20/c029/tbmm20029110.pdf>

TBMM Minutes of the 60th Session, 25.2.1997.
<https://www5.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d20/c021/tbmm20021060.pdf>

TBMM Minutes of the 22nd Session, 26.11.1996.
<https://www5.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d20/c014/tbmm20014022.pdf>

TBMM Minutes of the 13th Session, 5.11.1996.
<https://www5.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d20/c013/tbmm20013013.pdf>

- TBMM Minutes of the 126th Session, 21.6.1995. Retrieved from
<https://www5.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d19/c089/tbmm19089126.pdf>
- TBMM Minutes of the 98th Session, 12.4.1995.
<https://www5.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d19/c084/tbmm19084098.pdf>
- TBMM Minutes of 50th Session, 12.12.1994. Retrieved from
<https://www5.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d19/c074/tbmm19074050.pdf>
- TBMM Minutes of 28th Session 16.11.1993. Retrieved from
<https://www5.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d19/c043/tbmm19043028.pdf>
- TBMM Minutes of the 126th Session, 13.7.1993.
<https://www5.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d19/c038/tbmm19038126.pdf>
- TBMM Minutes of the 8th Session, 8.7.1993.
<https://www5.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d19/c038/tbmm19038125.pdf>
- TBMM Minutes of 123rd Session, 6.7.1993. Retrieved from
<https://www5.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d19/c038/tbmm19038123.pdf>
- TBMM Minutes of the 4th Session, 26.12.1978. Retrieved from
<https://www5.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/t18/c018/tbmm18018004.pdf>
- Terzioğlu, D. (2012-2013). How to conceptualize Ottoman Sunnitization: A historiographical discussion. *Turcica*, 44, 301-338.
- Tunç, A. (2011). *Maraş kıyımı: Tarihsel arka planı ve anatomisi*. İstanbul: Belge Yayınları.
- Tüleylioğlu, O. (2013). *Yüreklerimiz hala yangın yeri*. Ankara: Um:ag Yayınları.
- Tüleylioğlu, O. (2010). *Kahramanmaraş katliamı* (2nd edition). Ankara: Um:ag Vakfı Yayınları.
- Türk ceza kanunu. (26.9.2004). *Resmi Gazete*. (Number: 5237)
- Utancın adını elim olay koydular. (2013, June 21). *Cumhuriyet*.
<https://www.cumhuriyet.com.tr/haber/utancin-adini-elim-olay-koydular-431230>
- Üstün, C. (2003, June). 33 can yaşıyor yangın yeri yüreğimizde. *PSA*, 53, 55-62.

- van Bruinessen, M. (1996). Kurds, Turks, and the Alevi revival in Turkey. *Middle East Report*, 200, 7-10. Retrieved from <http://www.jstor.org/stable/3013260?origin=JSTOR-pdf>
- Vinitzky-Seroussi, V. (2002). Commemorating a difficult past: Yitzhak Rabin's memorials. *American Sociological Review*, 67 (1), 30-51. Retrieved from <http://www.jstor.com/stable/3088932>
- Volkan, V. (2001). Transgenerational transmissions and chosen traumas: An aspect of large group identity. *Group Analysis*, 3 (13), 79-97.
- White, P. (2003). The debate on the identity of Alevi Kurds. In White, P., J. Jongerden, J. (eds.) (2003). *Turkey's Alevi enigma: A comprehensive overview*. Leiden, Boston: Brill.
- Wilde, A. (1999). Irruptions of memory: Expressive politics in Chile's transition to democracy. *Journal of Latin American Studies*, 31. doi: <https://doi.org/10.1017/S0022216X99005349>
- Yalçınkaya, A. (2011). Hafıza savaşlarından sahiplenilmiş şehitliğe. *Ankara Üniversitesi SBF Yayınları*, 66 (3), 333-394. Retrieved from <https://dspace.ankara.edu.tr/xmlui/bitstream/handle/20.500.12575/53204/17310.pdf?sequence=1&isAllowed=y>
- Yalçınkaya, A. (2009) Siyaset, Din, Alevilik ve özgürlük hayaleti. In Laçiner, Ö. (ed.), *Modern Türkiye'de Siyasi Düşünce: Dönemler ve Zihniyetler*. İstanbul: İletişim Yayınları.
- Yaralar henüz sarılmadı (1998, July 2). *Hürriyet*. Retrieved from <https://www.hurriyet.com.tr/gundem/yaralar-henuz-sarilmadi-39026913>
- Yargıtay Sivas davasında zamanaşımını onayladı. (2014, July 25). *Cumhuriyet*. <https://www.cumhuriyet.com.tr/haber/yargitay-sivas-davasinda-zamanasimini-onadi-98779>
- Yeter Gültekin: 'Madımak'a kayıtsız kalabilenler Gezi'ye şaşırmasın! (2014, July 2). *Diken*. Retrieved from <https://www.diken.com.tr/yeter-gultekin-madimaka-kayitsiz-kalabilenler-geziye-de-sasirmasin/>
- Yıldırım, A. (2008). *Ateşte semaha durmak* (Fifth edition). İstanbul: Dinozor Yayıncılık.
- Yıldırım, A. (2007, June). Kanlı Sivas'tan ozanlar şehri'ne. *Alevilerin Sesi*, Special Edition, 6- 8.
- Yıldız, A., & Verkuyten, M. (2011). Inclusive victimhood: social identity and the politicization of collective trauma among Turkey's Alevis in Western Europe. *Peace and Conflict: Journal of Peace Psychology*, 17 (3), 243-269.

- Zakaria, F. (1997). The rise of illiberal democracy. *Foreign Affairs*, 76 (6), 22-43.
Retrieved from <https://www.jstor.org/stable/20048274>
- Zeidan, D. (1999). The Alevi of Anatolia. *Middle East Review of International Affairs* 3 (4), 74-89.
- Zırh, B. C. (2015). Milliyetçi muhafazakarlığın üç deęili. In akmak, Y. & Grtař, İ. (eds.), *Kızılbaşlık Alevilik Bektaşilik tarih-kimlik-inanç-ritüel*. İstanbul: İletişim Yayınları.
- Zırh, B. C. (2014). Alevilikte şehadet: Kerbela'dan Gezi'ye Hüseyin'in Tarih dışına taşan nefesi. In Deęirmencioęlu, S. M. (ed.), *Öl Dediler Öldüm': Türkiye'de Şehitlik Mitleri*. İstanbul: İletişim Yayınları.
- Zırh, B. C. (2011, July). Aleviler nerede? *Birikim*, 267, 64-72.
- Zürcher, E. (2015). *Turkey A modern history*. London: I.B. Tauris.