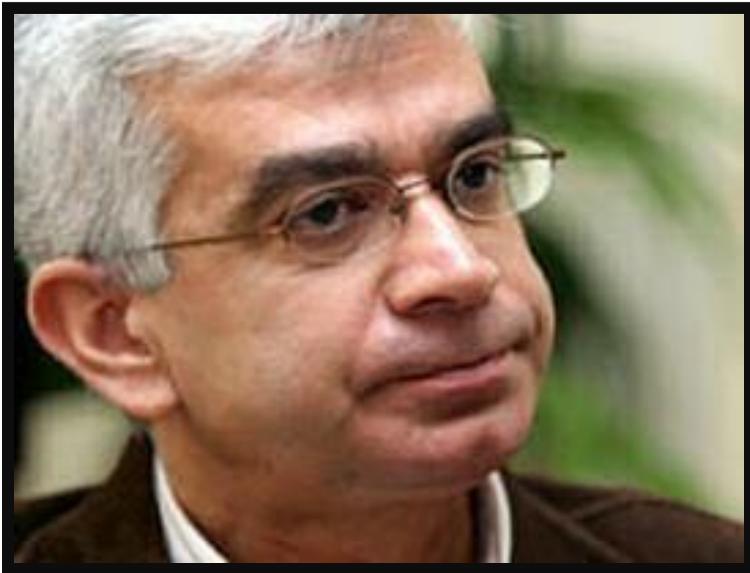


ATILLA YAYLA

CASE



Task of sociologist is to save the social world from being natural and a fate, hence breaking down the myths which curtain the use of power and maintain domination.

Pierre Bourdieu

A STORY OF LYNCHING OF A PROFESSOR

Atilla Yayla a professor in Gazi University's Economics and Administrative Sciences Department attended a panel discussion on "Social Reflections of the EU Process" along with columnist of Zaman newspaper Ali Bulaç and AKP MP Zekeriye Akçam on 18 November 2006. The discussion was organised by the governmental party AKP's (Justice and Development Party) Izmir Youth Branch. Yayla said at the discussion that he could divide the developments in post-1923 Turkey into two main phase (as 1923-45, and 1950 and after), and since the first phase was not a success in such terms, Kemalism could not be assessed as a process which brought civilisation; hence it had a regressive character.

Yeni Asır newspaper reported this with a headline "Traitor" claiming that Yayla had insulted Ataturk. The newspaper based that on the claim that Yayla had referred to Ataturk as "That man" (*transcriptions of the voice recording of panel discussion proved that Yayla did not use such phrase*) and he had remarked "Kemalism corresponds to reaction."

Rector of Gazi University Prof. Dr. Kadri Yamaç acting on the news reports announced that Yayla was removed from the university. Head of the Universities Higher Board (YÖK) Teziç too stated that Yayla's words could not be considered as an expression of scientific opinion. At the end of an investigation run by Gazi University, Yayla was restored to his position yet received a "disciplinary condemnation."

In the meanwhile, a case was filed against Yayla with the charge of "insulting the character and memory of Ataturk" carrying a prison sentence of 4 and a half years. Izmir Public Prosecutor Ahmet Güven's indictment stated that Prof. Dr. Yayla had referred Ataturk as "that man" insulting to Ataturk's memory.

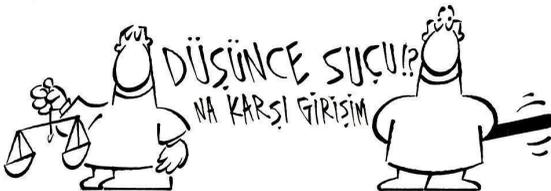
Izmir Criminal Court of First Instance Num.8 condemned Yayla to 15 months prison sentence for the things he said on 28 January 2008! If Yayla ever says similar things again, the prison sentence will be executed. The case is still in the High Court.

Yayla's Accused Words:

"... Yet Turkey will discuss these. Turkey has arrived to the point of discussing these. In the process of EU progresses despite the problems we can discuss these freely in coming years. They will ask us. They will ask 'Why is it that there are statues of Ataturk everywhere?' They will ask 'Why is it that there are the pictures of the same man in every public office?' Our guys would strongly react against such things saying 'Kemalism is Turkey's business' and etc... However sooner or later we will discuss. You cannot avoid you will have to discuss sooner or later. Either you will become a member of the club. And what happens in Holland on political plane, something similar will happen here too or you will say 'I am not a member of this club; I am a Middle Eastern country.' You will say our regime is more like Jordan's or Syria's. My wish is that such things are discussed by the society without causing a great fight, a great friction, a reasonable debate, resolving the problems without hurting anyone's feelings, without humiliating anyone. I am a university teacher; I have to think about such issues. I have to share these with people. I would like to see counter thesis to arise. I hope counter thesis will arise and I change my ideas on this [and think] so Kemalism was not that..."

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The LAW to PROTECT KEMALISM

Everything is in dust and smoke again. All in panic. The best life-ring at such times is an independent judiciary. It sets the rules, settles the dust, we follow it even if it does not suit us, yet we feel better. Since at least we know what we can or we cannot do. Evidently, Prof. Dr. Atilla Yayla has been condemned to 15 months of prison sentence and 2 years "parole" by Izmir CCFI Num.8. All we know is that he had "insulted Ataturk" by referring him as "**that man.**" Mind you, there is always the danger of someone asking "Well, is not Ataturk a man?", still we would be calmer knowing that calling Ataturk "that" is banned so we do not do that. For example Gazi University is very content now. Though in practice they had already been content since anyone from journalists to research students and students whoever is outside a certain line has been beaten up immediately. Recently the university felt better in theory too. An opening reception by the rector for a scientific research institution was raided by around twenty "youths" for alcohol was served. Their excuse was clear: "**This is the land of the Muslim descent. You cannot sell snails here**" (Radikal, 20.03.08). Oh, at ease. You do not sell it and it is all right. However when the court decision with its preamble was released we realised that being at ease is not possible for us. Since Prof. Yayla was condemned not because of saying "that man" but downright for **criticising Kemalism**. Because of what he said in answering a journalist: "**Kemalism corresponds to regression rather than progress. It is a**

process which dissolved the process of becoming civilised”. Judge wrote:

“Although the phrase ‘that man’ does not carry insult on its own, when the answer of the suspect to a question is considered as a whole, [it has been understood that] during a scientific debate he presented his own ideas as questions likely to be asked by the officials of the European Union, and said “they will ask why is it that there are the statues and pictures of this man everywhere” in a way to insult Ataturk, he insulted Ataturk and his expression violated the limits of expression of scientific opinion ...” (E.Önderoğlu, Bianet, 12 March 2008 and ruling with preamble num.2008/25).

Let me explain now why everything is obscured:



Crime and law

The law of Protecting Ataturk.” Its official name: **Law on the crimes against Ataturk**. Number: 5816. Very brief: 5 articles. Date of introduction: 25.07.1951. What matters is the first article:

Whoever curses the memory of Ataturk shall be imprisoned with a heavy sentence of between one and three years.

One and five years shall be given to anyone who destroys, breaks, ruins, or defaces a statue, bust, or monuments representing Ataturk or the grave of Ataturk”.

(Younger generations may not know that but our generation pin back their ears as soon as they hear “breaking statues” and “1951”: That law was made by **Democrat Party** against **Ticanis**. (The hobby of that “iconoclast” sect whose sheikh was Kemal Pilavoğlu (1906-1977) was to break the busts of Ataturk with hammers).

Since professor Yayla has not broken any busts or tombs his crime falls in article 1. However the court's pretext does not fall in article 1. If the suspect cursed at something it maybe **Kemalism** but not **Ataturk** himself. If it is insisted on then there is only one explanation: "**Ataturk and **Kemalism** are the same things**". All that dust and smoke which obscures the issue stem from here. **Ataturkism** and **Kemalism** may be accepted as the same thing, however the other two?

Fits of all **Ataturk** is a well known figure. All of his significant years, that is from the age of 38 to his death, all of his actions have been recorded carefully. Clear. However **Kemalism** is not a person. It is a system of thought formulated during 1920s and 30s, which has many followers today, and very controversial. Even if there is consensus on what it was at that time what it is after 80 years is subject to interpretation. Look even **CHP** (Ataturk's party) does not know what to do with its symbol of **6 arrows**.

Secondly, if we say "*Kemalism has been maintained intact for 80 years*", then it is worse since that would mean cursing at **Kemalism** actually. For the basic principle of **Kemalism** is **secularism**. And only such things as Holy Books or God's word can be claimed to be unchanging in the world. Are you prepared to call Ataturk a **god**, and **Kemalism** a **religion**? Could there be an insult heavier than that?

Two waves of modernisation

The trouble for us is not the possibility of a case against **AKP**. It is not that. Turkey has seen many cases! **Yassıada**, **Deniz Gezmiş** and his friends, **Erdal Eren** who was hanged at the age of 17, finally the 367 case of the Supreme Court. **Erdoğan** and **Baykal's rigged game** is nothing compared to those...

So what is all that smoke and dust about? What is the issue? Turk-Kurd? Progressive-reactionary? Sunni-Alewi? Right-left? Secular-religious?

No, none of them. **It is a fight between their understandings of "Contemporary Civilisation"**. **Kemalism** took the **Western Europe** of 1920s and 30s, the time of its formulation, as **Contemporary Civilisation**.

Now the reformers want to do the same and take today's **Western Europe** as Contemporary Civilisation. And those who are for 1920s and 30s object to that.

Their grandfathers declared W Europe as their ideal despite having had fought with it recently. Now the grandsons declare W Europe as their enemy. Since the only thing they know is the recipe of 1920s and 30s which is the anti-thesis of **today's** Europe. It does not matter if it is Islam, Kurdish, or Armenian issue; whatever they face they use the same recipe, patient's temperature jumps up, his teeth begin clattering, then they do not know what to do out of desperation.

My basic suggestion to calm all dust and smoke is to make a law for "Protecting Kemalism." Let our minds get clear. Let them tell us what we can and we cannot do, what we can and cannot think, what we can and cannot criticise so that we can protect **what remained of our minds**.

Baskin Oran