Legal Reforms in Turkish History
ATA 524

(Fall 2014)

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(tentative draft, subject to revision)

Course Description

This is a course exploring and critically examining the theme and practice of legal reform, with a particular focus on Turkey. We will examine a number of concrete instances of legal reform in Turkish history particularly as they relate to four key themes: territory, property, legal organization and constitution. An implicit comparative perspective (highlighting other contexts such as India, Latin America, Egypt, Japan, etc.) will guide us in our analyses of legal reforms in Turkey.

Broadly speaking, our focus will be on the emergence of modern law as a language of statehood and governance in the 19th century onwards and its global spread. Analyzing the features and contours of this emerging practice, we will examine how (particularly in the Turkish context) the “import” has taken place, with what motivations, and through which discourses, and within which power dynamics (colonialism, incorporation of the societies in the world economy/system, the making of the nation state, etc.).

Students are expected to keep up with the readings and be prepared to discuss them in class. Aside from participation, there will be two writing requirements: 1) 6 (~2-3 page) memos critically reflecting on selected weeks' readings; 2) a 15-20 page final (research) paper. A 5-6 page outline/plan of the final paper is required by the 10th week.
Outline

1) Introduction (Sept. 24)

2) Situating Modern Law (Oct. 1)


3) Modern Territoriality and Legality (Oct. 8)

   Kayaoglu, Turan (2010) Legal Imperialism: Sovereignty and Extraterritoriality in Japan, the Ottoman Empire and China (Cambridge), pp. 1-65


4) Re-organizing the Legal Machine: Ottoman Nizamiye Courts (Oct. 15)


   Recommended


5/6) Property: from past to present (Oct. 22/Nov. 5)


Recommended


OCTOBER 29 - HOLIDAY/ NO CLASS

7) Nation State, Property and Violence (Nov. 12)

Akçam, Taner ve Ümit Kurt (2012) Kanunların Ruhu: Emval-i Metruke Kanunlarında Soykırırmın İzini Sürmek (İletişim), Sections TBA

Bayır, Derya (2012) Minorities and Nationalism in Turkish Law (Ashgate), Sections TBA

8) Constitutionalism in the Ottoman Empire and Beyond (Nov. 19)


Sohrabi, Nader (2011) Revolution and Constitutionalism in the Ottoman Empire and Iran
Kalyvas, Andreas (2008) "Popular Sovereignty, Democracy and the Constituent Power" Constellations (v. 12, n. 2, pp. 223-244)

Recommended reading

Zarinebaf, Fariba (2008) "From Istanbul to Tabriz: Modernity and Constitutionalism in the Ottoman Empire and Iran" Comparative Studies of South Asia, Africa and the Middle East (v. 28, n.1, pp. 154-169)

9) Constituting the Republic (Nov. 26)


10) The Legal Complex in the Republic (Dec. 3)


Belge, Ceren (2006) “Friends of the Court: The Republican Alliance and the Selective Activism of the Constitutional Court of Turkey” Law and Society Review (v. 40, n. 3)

Koğacıoğlu, Dicle (2012) "Hukukçu Otobiyografileri ile 12 Eylül Yasallığının Dinamiklerini Düşünmek" European Journal of Turkish Studies (v. 15)

11) Authoritarianism vs. Democratization? (Dec. 10)


Rajah, Jothie (2012) Authoritarian Rule of Law (Cambridge), Ch. 1, "Law, Illiberalism and the Singapore Case"


Recommended