

**THE IMPACT OF THE LEGAL EDUCATION ON THE POLITICAL
TOLERANCE OF LAW STUDENTS TOWARD KURDS**

Master of Arts

in

Comparative Studies in History and Society

by

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Koc University 2013

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ABSTRACT

This thesis analyzes the impact of legal education on the political tolerance of Law students. By scrutinizing their approaches and perspectives toward particular political demands and rights of Kurds, I will try to understand if legal education plays a role in the formation of their political tolerance. It is the argument of this thesis that the Law students, especially senior Law students are inclined to act with a sense to protect the order; thus, they may be less tolerant of the demands of Kurds if they think that it would constitute threat for the established order. Besides, I claim that the stance of state plays a key role for the Law students in drawing a conclusion on whether granting a right to Kurds challenge the order or not. Correspondingly, I argue that the Law students may show intolerance towards demands of Kurds that have not been supported by the state and put into practice yet. The main finding of the study is that while the senior Law students substantiate their objections to the particular political demands using the rhetoric of state's permanence and importance of the protecting the order, other students' responses seem to be free of those certain type of discourses. Thus, the thesis argues that legal education may play a role in shaping the political tolerance of Law students.

Keywords: legal education, political tolerance, political demands and rights of Kurds, Law students

ÖZET

Bu çalışma, hukuk öğrencilerinin aldığı hukuk eğitiminin öğrencilerin siyasi tolerans düzeylerine etkisini analiz etmektedir. Bu bağlamda, Kürtlerin siyasi talepleri bir vaka olarak alınarak bu taleplere yönelik yaklaşımlar üzerinden hukuk eğitiminin siyasi tolerans üzerindeki etkisi irdelenecektir. Bu tez, hukuk öğrencilerinin, özellikle de son sınıf hukuk öğrencilerinin, düzeni korumaya yönelik hareket etmeye daha eğilimli olduklarını ortaya koymaktadır. Bu bağlamda, Kürtlerin taleplerini kurulu düzene bir tehdit olarak algılama eğilimi gösteren Hukuk öğrencilerinin, Kürtlerin hak ve taleplerine daha az siyasi tolerans gösterdiklerini bir argüman olarak sunmaktadır. Bunun dışında, devletin bu taleplere yönelik duruşunun hukuk öğrencilerinin bu talepleri kurulu düzene tehdit olarak algılayıp algılamamasında çok önemli rol oynadığını iddia etmektedir. Buna paralel olarak, hukuk öğrencilerinin devlet tarafından desteklenmeyen ve uygulamaya konulmayan talepleri tehdit olarak algılayarak bu taleplere karşı tolerans göstermediklerini öngörmektedir. Bu tezin temel bulgusu, son sınıf hukuk öğrencileri, Kürtlerin hak ve taleplerine karşı çıkışlarını devletin bekası, düzenin korumanın önemi gibi söylemlerle desteklerken, diğer öğrencilerin yaklaşımlarının bu tür söylemlerden bağımsız olmasıdır. Bu doğrultuda, bu çalışma, Kürtlerin hak ve taleplerine ilişkin hukuk öğrencilerinin kullandıkları söylemlerle hukuk-dışı bölümlerdeki öğrencilerin söylemleri arasında bir fark olduğunu ve bu farkta hukuk öğrencilerinin almış oldukları hukuk eğitiminin bir rolü olabileceğini iddia etmektedir.

Anahtar Sözcükler: hukuk eğitimi, siyasi tolerans, Kürt hak ve talepleri, hukuk öğrencileri

ACKNOWLEDGEMENTS

I am grateful to many people without whom this thesis would have never been achieved. To begin with, I am thankful to my thesis advisor Assoc.Prof. Fatoş Gökşen for her encouragement, insightful comments and constructive criticism. I would thank to Assoc.Prof. Bruce Rankin for his valuable comments and feedbacks. I am also thankful to Professor Bertil Emrah Oder for her wonderful help, kindness and understanding.

I would like to thank my brother and my father, Cenk Yüksel and Erol Yüksel, for their unconditional support and encouragement to pursue my dreams. I am also very grateful for the support of my cousin Tuğba Bostancı, whose friendship and presence in my life is precious. Special thanks to Koray Kaplıca and Gonca Şahin who read the early drafts and never ceased to provide support whenever I need. I want to thank you Baran Salman, who is my oldest friend for his valuable comments and feedbacks as a man of law. I am also grateful to İbrahim Aközel for his encouragement and sincere support starting from the very early period of writing my thesis. Bircan Karalar deserves my special thanks. She has helped me with her “overly” tolerant and supportive attitude during my edgy deadlocks of finalizing my thesis. Lastly, my warmest and most profound thanks are to my flat mates Nazlı Altınok, Ceren Tekin and Ayşegül Özsoy for their encouragement, kindness and understanding. I would like to express my sincere gratitude to Musa Kaya due to his valuable support during my fieldwork.

During my graduate study in Koç University, I was supported by The Scientific & Technological Research Council of Turkey (TÜBİTAK) and I would like to thank for the financial support provided for me.

One person deserves to be specially mentioned. My mother, Kafiye Yüksel. She is the biggest supporter in my life while pursuing of my dreams. She has never given up believing that I would be able to realize my goals. She has never ceased to listen to my worries and frustrations and help me to cope with all the troubles in my life thanks to her incredible power. Without her endless encouragement, profound affection and patience, I would have never been able to finish this thesis. I am sincerely grateful.

TABLE OF CONTENTS

STATEMENT OF AUTHORSHIP	iii
ABSTRACT.....	iv
ÖZET.....	v
ACKNOWLEDGEMENTS	vi
CHAPTER 1	1
INTRODUCTION	1
CHAPTER 2	5
THE POLITICS OF EDUCATION.....	5
Professional Socialization	12
Legal Education and Legal Profession.....	13
CHAPTER 3:	17
POLITICAL TOLERANCE: The Relationship between Education and Political Tolerance.....	17
CHAPTER 4	27
NATIONAL EDUCATION IN TURKEY	27
The Foundation and the Dissolution Process of Darülfünun	32
Law Schools in Turkey.....	34
Curriculum in Law schools	35
CHAPTER 5	38
THE HISTORICAL BACKGROUND OF KURDISH ISSUE.....	38
Education in Mother-Tongue	40
Constitutional Recognition of Kurdish Identity	42
The Abolition of the Restrictions over Broadcasting in Kurdish.....	43

The Discussion on the Court Decisions and the Attitude of Judiciary in the Context of Kurdish Issue.....	45
CHAPTER 6	52
METHODOLOGY	52
CHAPTER 7	57
THE ANALYSIS OF THE IN-DEPTH INTERVIEWS	57
The Approach towards the Human Rights and the Nexus of the State and Human Rights.....	57
The approach towards the 1982 Constitution and its capacity to encompass the differences	66
Insights on the Recognition of Kurdish Identity in the Constitution	73
The Approach towards the Education in Mother-Tongue.....	77
The Perspectives of Law students towards the Broadcasting in Kurdish.....	88
The Approaches towards Defense in Kurdish	96
CHAPTER 8	109
CONCLUSION	109
Some Implications and Further Research.....	115
BIBLIOGRAPHY	120
APPENDIX.....	137

CHAPTER 1

INTRODUCTION

This thesis is about the impact of legal education on the political tolerance of Law students. By investigating their approaches and perspectives toward particular political demands and rights of Kurds, I will try to understand if legal education plays a role in the formation of their political tolerance. The analysis of legal education in the context of its impact on political tolerance is considerably important because legal education raises legal professions. Hence, as a fundamental tenet of rule of law, legal actors are expected to be politically neutral and make value-neutral decisions. As Coşkun (2010) states, the judiciary is to solve disputes between the individuals and the state and to guarantee individual rights and freedoms. According to Coşkun (2010), if the judiciary acts biased and abandons justice, it will pave the way for the degeneration of the political system. In this respect, to what extent legal education plays a role in the construction of certain forms of attitudes and perspectives towards the political demands of Kurds deserves special attention.

In the study, the approaches of the Law students toward particular political demands and rights are questioned, which are the recognition of Kurdish identity, the education in Kurdish, the removal of the restrictions on the broadcasting in Kurdish. While exploring the Law students' perception of Kurds' political rights and demands, I want to reveal the impact of legal education by capturing the discursive differences

of the students while grounding their oppositions or approval of certain political demands of Kurds.

Theoretical framework of the study lies on two lines, which are the politics of education theories and political tolerance scholarship. In the framework of politics of education literature, I will discuss the debates on the politics of official knowledge in the context of how curriculum-making is inherently political. Furthermore, I will utilize the professional socialization theories in the context of the impact of the education especially higher education on the acquisition of certain values, attitudes and modes of thought. The theories I will introduce in this section constitute the fundamental theoretical framework of my thesis.

Secondly, I will benefit from the political tolerance literature. Political tolerance scholarship is mainly concentrated on two fields: First, the conceptualization and the measurement of political tolerance receive wide coverage in political tolerance literature. Secondly, the studies scrutinizing the relationship between educational attainment and the political tolerance take a considerable place in political tolerance scholarship. I will particularly discuss the studies that aim to understand whether education plays a role in the development of political (in)tolerance.

The study seeks to fill an important gap in literature. For, critical legal education studies mostly focus on the pedagogical characteristics and technical deficiencies of legal education. Generally, the studies discuss the gap between theoretical knowledge offered in Law school and the practice. In the context of the

literature on national education in Turkey, although there is a number of studies on the educational system, majority of them concentrate on formal education; particularly, the education in primary and secondary levels. Furthermore, there is dearth in literature on higher education in Turkey; specifically, on legal education. It is remarkable that critical education scholars mainly discuss the role of state in the educational system in Turkey. The implications of the education have not received enough coverage in literature. In this regard, the analysis of the legal education in the context of the impact of the political tolerance of the Law students could be a significant contribution to the literature. The study could pave the way for new discussions on the characteristics of legal education and its impacts on the Law students and legal professions; and eventually the judicial system. The analysis of the judicial system in Turkey in the context of the legal education could open up new studies. Besides, it could become a precursor of developing policies to make necessary amendments in legal education.

The data of the study are drawn from interviews conducted in Istanbul University, Ankara University and Konya University. The research sites are not randomly chosen. The Law schools of these universities are selected because the graduates of these schools occupy the highest ranks in judiciary and prosecutor selection examinations (Türkiye Cumhuriyeti Adalet Bakanlığı¹). The analysis in this paper employs in-depth interviews conducted with 28 university students. In the context of the study, in order to understand whether there is difference between freshmen and senior students' political tolerance toward Kurds, which is shaped by the legal education, the group of students interviewed is divided into two groups: 14

¹ Retrieved from <http://www.pgm.adalet.gov.tr/>

freshmen and 14 senior students. Besides, the group of freshmen and senior students is divided into two groups: Law students and non-law students.

In this study, I argue that the Law students, especially senior Law students are inclined to act with a sense to protect the order; thus, they may be less tolerant of the demands of Kurds if they think that it would challenge the established order. Besides, I claim that the stance of state plays a key role for the Law students in drawing a conclusion on whether granting a right to Kurds challenge the order or not. Correspondingly, I conclude that the Law students may show intolerance towards demands of Kurds that have not been supported by the state and put into practice yet.

CHAPTER 2

THE POLITICS OF EDUCATION

The politics of education scholarship constitutes one of the main lines that the thesis is laid. I will employ the theories to analyze the role of education in the formation of the approaches and perspectives of the students. Bourdieu and Passeron (1990) depict educational system as the basic mechanism for the authorization of hierarchies in society. Apple (2000) challenges the idea that school knowledge is a mirror reflection of ruling class ideas, transmitted coercively. Apple (2000) argues, “The processes of cultural incorporation are dynamic, reflecting both continuities and contradictions of that dominant culture and the continual remaking and relegitimation of that culture’s plausibility system” (p.53). Thus, curriculum policy making is not the direct imposition but the product of compromises and negotiations. The means involved in educational system are the products of powerful groups to make their knowledge legitimate.

The educational system serves the (re)production of dominant culture but not through the brute force, religious command or a form of class power of earlier times; rather, more in a subterranean manner (Muller, 1989). Bourdieu and Passeron (1990), educational systems impose a “legitimation” by fostering only particular meanings and symbols through obscuring the power relations, which constitute the basis of its force. In the same line, Apple (2000) argues that politics of official knowledge is not the politics of force but is the politics of accords or compromises. According to

Apple (2000), the compromises occur at different spheres: at the political and ideological discourse, at the state policies, at the knowledge taught in schools, at the classroom activities and at the how we are supposed to grasp whole story.

Foucault (1980) argues that the truth is imbued with multiple forms of power, which signifies a reciprocal interaction between the truth and power. According to Foucault, each society has its own regime of truth, which is general politics of education embodied by the types of discourses which are being accepted and function as true. To make a further remark, Foucault (1980) puts much emphasis on the status of those who are charged with saying what counts as true because power relations in the regime of truth plays a key role in specifying and dictating the specific form of knowledge. In this respect, critical pedagogy investigates the legitimation process of the certain type of knowledge. It asks how and why knowledge is constructed in the way it does; in addition, if the fact is reconstructed by attributing meanings and symbols by education, how and why some constructions of fact gain legitimacy by the dominant culture (McLaren, 2007).

Power and knowledge has a reciprocal relationship; that is, power and knowledge need to be seen not as fixed entities without any connection to each other. On the contrary, the relationship between power and knowledge comprises dynamic and continuum re-making processes. Fiske (2010) argues, “The power of knowledge has to struggle to exert itself in two dimensions. The first is to control the “real,” to reduce reality to the knowable, which entails producing it as a discursive construct whose arbitrariness and inadequacy are disguised as far as possible. The second struggle is to have this discursively (and therefore socio-politically) constructed

reality accepted as truth by those whose interests may not necessarily be served by accepting it” (p.120). Thus, the relationship between power and knowledge signifies a struggle both to construct ‘legitimate’ knowledge and to distribute that knowledge throughout society.

Foucault (1977) explains the relationship between knowledge and power and he argues, “There exists a system of power which blocks, prohibits, and invalidates this discourse and this knowledge, a power not only found in manifest authority of censorship, but one that profoundly and subtly penetrates an entire societal network” (p. 207). Apple also states that knowledge and power could be seen as the terms of indissoluble couplet (Apple, 2000). According to McLaren (2007), knowledge is socially constructed in a deeply rooted in power relations. Heaney (1996) argues that knowledge is linked to power because the principal tool for the establishment and the preservation of power is the control of knowledge. Power is incorporated into knowledge particularly through exclusion or inclusion of certain type of knowledge. To elaborate, the exclusion of a form of knowledge serves to omit the deviant types of discourse, which challenges the dominant political culture. On the contrary, inclusion occurs by implicating the knowledge which underpins the dominant forms of power in curriculum. Apple (1990) depicts the exclusion and inclusion process as selective tradition; that is, certain symbols and meanings are chosen for stress, certain other meanings are omitted and neglected. Yet, more importantly, some of the symbols and meanings are reinterpreted, diluted or shaped in the way they support or at least do not contradict other principals in dominant culture.

If a specific form of knowledge is imposed as 'true' knowledge while others are excluded, the knowledge is to serve certain aims and interests. According to Bernstein (1975), structuring and organizing knowledge in educational institutions is overwhelmingly related to the principles of social and cultural control in a society. On the other hand, Apple (1990) argues that educational institutions do not only control people; they also serve to control meaning because they protect and distribute what is perceived to be 'legitimate knowledge'.

In the study, the analysis of the relationship between power and knowledge and the re(production) of legitimate knowledge constitutes major importance because I seek to understand in which type of knowledge is treated as legitimate knowledge by the Law students. To elaborate, I will try to disclose the role of legal education in the legitimization of a certain type of knowledge.

According to Cornbleth (2000), legitimization of dominant culture through the construction of a certain type of knowledge is possible with the controlling curriculum. She suggests that some knowledge is included and other knowledge is kept out in the process of controlling curriculum. "One way to keep knowledge out is to ignore it. Omission is especially effective with newer knowledge that probably is not familiar to experienced teachers or other adults who completed their formal education some time ago. Another way to keep knowledge out is to include so much other knowledge that there is little or no room for anything else" (Cornblath, 2000, p.143). What's excluded and what's included in curriculum is the product of power relations, which signify more profound social, political and historical processes.

According to Apple (2000), the relationship between education and power overwhelmingly manifests itself in the struggles by women, people of color and

others to have their history and knowledge excluded in the curriculum. In this context, the analysis of Turkish national education curriculum is considerably important because the curriculum from primary level to higher education does not embrace any emphasis on other ethnic groups or religious minorities in Turkey. Although various groups such as Kurds, Alevis, and Assyrians are seeking official recognition, acceptance, and inclusion in public schooling and curricula, the existence of the any other difference in Turkey is rejected in the curriculum (Çayır, 2009). Thus, curriculum ignores the knowledge challenging the nation-state principles. It is not surprising that curriculum rejects the knowledge that is not compatible with the nation-state ethos and principals because educational system has always seen as an instrument to transmit the national state ideology. Hjern (2001) argues that the educational system operates with a single dominant language and with the overwhelming use of national symbols and images that celebrate nation state. Since single dominant national values and symbols are transformed, imposed and strengthened through educational system, curricular discrimination of the groups those who don't have power occurs.

Nevertheless, it is crucial to note that to talk about the transmission of a certain form of knowledge does not mean that the knowledge is exactly acquired in the way it is imposed. Put differently, it's not possible to claim that what is taught is actually what is consumed. Apple (2000) talks about three ways that people can respond to a text: dominant, negotiated, and oppositional. In the dominant reading of a text, the message is accepted at face value. In a negotiated response, one could challenge to the idea through a particular claim, but accept the overall interpretations of a text. In an oppositional response, the reader rejects the overall tendencies of the

text. Apple (2000) also acknowledges that there are many more responses even majority of them could be contradictory combination of all three. It is crucial to note that students are not passive receivers but they actively read the text and participate in classroom activities. But the important point is that even though students do not passively receive texts, they do not (re)construct the text delivered to them. As Apple (2000) remarks, they actively read the text but in the context of their own class, race, gender and religion. Put differently, students read them “Not only as individuals but as members of social groups with their own particular cultures and histories” (p.59). In line with the argument, Kaplan (2006) also states that school system does not mold a coherent or cohesive student body. Since students are positioned in society differently in terms of gender, age, socioeconomics and consciousness, they differently experience schooling.

In the same vein, although schools are the primary institutions that the transmission of certain type of knowledge takes place and specific norms and values in congruence with dominant political culture are delivered, it is not possible to argue that school is a monolithic entity and the experiences and school practices of the students are the uniform. McLaren (2007) highlights the fact that school life is not a unitary, monolithic and ironclad system of imposed rules; rather, it is shaped by varying degrees of confrontation, contestation and resistance. Thus, school practices and learning experiences of students are characterized as much by the confrontation of the student with knowledge and how he/she consumes it. As students bring their own classed, raced, religious and gendered backgrounds, their learning experiences are embodied in the context of these differences. Therefore, their schooling practices vary from each other.

In the analysis of consumption practices of school knowledge, Young (1998) focuses on the role of teachers. According to Young (1998), teachers' practices are considerably important in both sustaining and challenging dominant views of knowledge and curriculum. Teachers have the power to divert the curriculum through the activities such as interpreting the text, devising assignments and grading. In line with Young, Apple and Taylor also put much emphasis on the role of teachers. Apple (2000) argues that teachers have the authority to mediate and transform the text. Taylor (1990) states, teachers' opinions and perceptions on rhetorical issues predispose particular interpretations. In conclusion, what is crucial to remark that neither teachers nor students are empty vessels that knowledge is directly poured into; rather, they accept, interpret or challenge with the prevailing views of the text and curriculum. Nevertheless, it's also noteworthy to state that how students or teachers interpret the text and curriculum is also shaped by the dominant political culture and social institutions such as media, social environment because curriculum knowledge is circulated not only within spheres of the school but also in different domains of society.

Education is an interactive process. As Kaplan (1998) states, it is not possible to claim that the information is received in the way it is taught. In other words, the values inculcated by the school may not always been internalized or acknowledged by the students. However, if the values imposed by the educational system are parallel with the values are delivered by the diverse entities, an intervention that could constitute a contrary power or a confrontation does not occur. In such environment, it is most likely that the information is delivered by the school and the

one is learned by the students is the same (Kaplan, 1998). In higher education institutions in which the student acquires the knowledge, the values and modes of thought of the social structure to which he/she belongs is defined as professional socialization process (Bragg, 1976). In the next section, I will discuss the professional socialization theories in the context of the impact of the higher education on the acquisition of certain professional identity.

Professional Socialization

Professional socialization is often described by scholars as a specific form of adult socialization (Shuval, 1975) through which individuals gain the attributes required for membership in society in a learning process in higher education institution in particular. For, higher education institutions are the entities which are designed to transform lay persons into professionals (Brim & Wheeler, 1966). Bragg (1976) views the professional socialization process as the acquisition of a professional identity or the internalization of the norms of the profession into the individual's self-image.

Erlanger & Klegon (1978) state that the professions require a long period of formal training to acquire certain techniques and appropriate values. According to Bragg (1976), acceptable behavior, values and attitudes for the specific role are not inherent in an individual but must be acquired. In line with the argument, value transmission is especially important for the professions because it is a form of justification for their special prerogatives. (Erlanger & Klegon, 1975) To reinforce the social privileges gained by the profession, individuals practice appropriate behaviors and attitudes acquired in the learning process.

Therefore, the education does not only impose technical knowledge but also a specific form a profession. Through professional socialization, the students acquire certain values, attitudes and mentality structures. In a sense, they socialize into particular roles within society. According to Bragg (1976), through professional socialization, Law students do learn to think like lawyers and medical students do come to act like physicians.

Apart from thinking like lawyer, what form of behaviors and attitudes are imposed by legal education constitutes importance for the study. In the next section, I will discuss the impacts of legal education in the context of professional socialization.

Legal Education and Legal Profession

Savoy (1970) does not view the Law school classroom as a place where only teachers and students meet periodically. Rather, according to Savoy (1970), it is a complex social and political structure. In line with Savoy, Kennedy portrays Law schools as intensely political places (1982) He argues,

“Much of what happens is the inculcation through a formal curriculum and the classroom experience of a set of political attitudes toward the economy and society in general, toward law, and toward the possibilities of life in the profession. These have a general ideological significance, and they have an impact on the lives even of law students who never practice law” (p.595).

Professional socialization process in Law school mainly brings strong attachment to formality to the Law students. In other words, the Law students render legal professionals giving precedence to legality and looking at issues in the context of well-determined rules, procedures and regulations. The commitment of legal professions to rules and laws may lead them to portray any divergent thinking or action as threat to the order. As Tocqueville (1835) states, “Men who have more especially devoted themselves to legal pursuits derive from these occupations certain habits of order, a taste for formalities, and a kind of instinctive regard for the regular connection of ideas, which naturally render them very hostile to the revolutionary spirit” (p.171) Savoy (1970) also substantiate Tocqueville’s argument by claiming that the student revolts shaking the campuses across the country left the Law schools untouched. According to Savoy (1970), this is not difficult to understand because law and revolution have always been position contrary to each other.

Nevertheless, it is better to approach the issue from not the hostility of the legal actors to revolution but their attachment to the order. In the study on the psychodynamics of legal education, Watson (1968) states that Law students verbalize greater need for order and security than other students, which plays a critical role in their both academic and professional lives. Tocqueville (1835) argues that Law students are rendered by education to legal professions celebrating the stability and order. The attachment to stability and order brings respect and reliance to authority on the grounds that authority is the protector of the order. Tocqueville (1835) states,

“What jurists love above all things is the sight of order, and the greatest guarantee of order is authority. It must not be forgotten, moreover, that if they prize liberty, they generally put legality much above it; they fear tyranny less than arbitrariness and, provided that the legislator himself sees to taking independence away from men, they are more or less content”(p.435).

The attachment to formality and legality of legal professions is likely to lead them to glorify authority. In the study on the personality of lawyers, Weyrauch (1964) states that lawyers are inclined to display non-equalitarian approach; at least on the unconscious level they would rather power and authority to persuasion. According to Savoy (1970), undemocratic values imposed by legal education play a critical role in the acquisition of compliant and obedient personality traits. Savoy argues,

“What troubles me more than the absence of opportunities to learn valuable professional skills is the presence of forces in our Law schools that tend to confirm or produce certain personality traits that are basically inimical to democratic values. Submissiveness to authority, dependence on external judgment, contempt for idiosyncrasy, distrust of feelings, excessive control of impulses, a predilection for formalism, and an intolerance for ambiguity-these are some of the qualities that are fostered by our traditional forms of legal education which are also found in the authoritarian personality (1970,p.484)

The attachment to formality and legality may lead the legal professions to approach the issues only in the framework of rules and laws. According to Culp (1994), what is imposed by legal education is to be rational and controlled. In a sense, to teach to think like an attorney is an attempt to divorce emotion from logic. In line with the argument, Kennedy (1970) states that in Law school, personal values and feelings are trivialized and brought into rational discourse rather than recognized. According to Savoy (1970), overemphasis on rationality and legality in Law school cause the students to become marble to issues and even to themselves. He states that Law schools systematically create an environment where the only drive of students is to learn rules and regulations; where they become gradually insensitive to each other and eventually to themselves. As a result, professional socialization theories are analyzed in the context of legal education, certain values, attitude and modes of thought imposed by legal education have a considerable impact on students' both academic and professional lives. The professional socialization theories; especially the scholarship studying on the practices, certain traits and values delivered by the legal education and the impact of those factors on professional lives of the students is considerably important for the study. I will utilize from the theories while analyzing the approaches and perspectives of the students.

In the next chapter, I will discuss political tolerance theories particularly in the context of the relationship between political tolerance and education.

CHAPTER 3:

POLITICAL TOLERANCE: The Relationship between Education and Political Tolerance

Political tolerance scholarship constitutes another line that the thesis is laid. The study does not aim to understand whether there is an impact of legal education on the approaches or perspectives of the Law students. Rather, I want to find out if legal education plays a role in the formation of political tolerance toward Kurds' political demands and rights. Thus, the conceptualization of political tolerance is critical for the study.

Political tolerance literature is generally concentrated on two fields. First, the conceptualization and the measurement of political tolerance constitute major importance in political tolerance scholarship. Second, the studies aiming to find out the sources of political (in)tolerance overwhelmingly focus on the role of education in development of political tolerance. They seek to understand the relationship between educational attainment and the political tolerance.

Traditional tolerance was operationalized as 'endurance' because the religious and ethnic hatreds were so severe that the feasibility and significance of open-mindedness was not taken into consideration (Laslett, 1971). According to Searing et al (2006), in contemporary era, the ones who are counted as tolerant can show a willingness to listen and learn towards the views of groups that majority

detests. It is noteworthy to state that there is little consensus on the framework of political tolerance in terms of the norms counting someone as politically tolerant (Gibson & Bingham, 1982). The conceptualization and the measurement of political tolerance have warranted remarkable academic discussions. Sullivan, Pierson, and Marcus (1979) define political tolerance as “tolerance implies a willingness to 'put up with' those things that one rejects. Politically, it implies a willingness to permit the expression of those ideas or interests that one opposes.” (p. 784). The definition is so broad that it fails to clarify the sub-dimensions of political tolerance. In my study, the operationalization of political tolerance is not limited with the attitude towards freedom of expression. In other words, whether Law students permit the expression of Kurds’ political demands is not accepted as a significant indicator of the political tolerance of Law students toward Kurdish issue.

Gibson & Bingham (1985) define political tolerance as “opposition to state actions that limit opportunities for citizens, individually or in groups, to compete for political power” (p.106). Although the rights of political opposition are recognized as a primary element of political tolerance, which political activities are protected and to what extent they are promoted should be specified. According to Gibson & Bingham (1985), tolerance for public political opposition encompasses the support of those specific values: freedom of speech, freedom of assembly, freedom of political association. First, freedom of speech signifies the breadth of forms of speech provided the legal and constitutional protection. Second, freedom of assembly refers to willingness to allow demonstrations to ensure the access to public places despite the risk of arising violent confrontations. Third, freedom of political association includes the opposition to government restrictions for minority political groups. In

the study, I do not use political tolerance as only freedom of speech, freedom of assembly and freedom of political association. Kurds in Turkey have already rights to vote, to demonstrate and to assembly although they sometimes confront with implicit restrictions. Rather, my measurement of political tolerance will be based on specific questions on the political demands of Kurds such as education in mother-tongue, recognition of Kurdish identity and defense in Kurdish.

The conceptualization of political tolerance *per se* brings the identification of who is tolerant and intolerant. Nie et al (1996) define political tolerance as the belief that all citizens have the right to express their political views, regardless of how dangerous or divergent views are. In accordance with the definition of political tolerance, they portray the tolerant individual as the one who recognizes the importance of allowing the right to express the political views of all groups regardless of the content. On the other hand, Sullivan, Piereson, and Marcus (1982) argue that political tolerance exists if only the respondents allow the full legal rights of citizenship to groups that they themselves disapprove or dislike. Put differently, according to Sullivan, Piereson, and Marcus (1982), to depict an individual as tolerant, he/she should show willingness to grant the full rights of citizenship uniformly and without exception. Accordingly, if an individual advocates any restriction of political acts of a certain group which are permissible according to law. However, Mondak & S.Sanders (2003) define an individual as intolerant providing that he/she expresses the desire to restrict political rights of a certain group. In the study, I operationalize political tolerance as the extent that the students show support to the particular political demand of Kurds to be met by the state. I use the term political tolerance to refer to the support of the specific right to be given to the Kurds

by the state. To elaborate, I look at whether the political demand of Kurds is recognized as a right to be entitled. Accordingly, I portray the student as politically tolerant providing that he/she shows willingness for the specific political demand of Kurds to be addressed by the state.

Political tolerance scholars have drawn special attention to the measurement of political tolerance. The research techniques to measure of political tolerance have been a matter of debate among scholars. Stouffer's study in 1955 has been the benchmark of political tolerance studies. His study was based on questions measuring tolerance toward three specific unpopular groups, which are atheists, Communists, and Socialists in the context of willingness to permit those people to express their ideas and to hold different kinds of jobs. The findings of the study indicated that majority of American citizens would reject the right of speak in public, run for office or work as a manager in a store. Nevertheless, Sullivan et al. (1982) have criticized the study in the sense that it fails to measure political tolerance effectively. According to Sullivan et al (1982), the measures of political tolerance should be individualized. In other words, to draw concrete conclusions on the levels of political tolerance, research design should offer possibility to respondents to select the least-liked groups; subsequently, the questions should be formulated upon the certain least-liked group. The questions should seek to capture the respondents' least-liked political group and then ask them if they would show willingness the groups to have certain civil rights. Sullivan et al (1982) define the alternative measurement method as 'content-controlled' measure of tolerance.

Concretely, Sullivan et al (1982) find the alternative research design as more effective because it takes individuals' personal values into consideration by asking their least-liked group, which serves to achieve more concrete conclusions on their level of political tolerance. For instance, although two people agree with the statement of that atheists should be permitted to make a public speech, we cannot be convinced that both people are politically tolerant towards atheists. To elaborate, one of them could be atheist or sympathetic toward atheism; or other one could abhor atheism; thus, we cannot claim that both are politically tolerant. In effect, only the one who does not sympathize atheism but recognizes their freedom of speech could be defined as politically tolerant (Sullivan et al, 1982). Furthermore, the declaration of support for general norms cannot be indicator of being tolerant because it shows variance when it is applied to actual political groups and situations. One of the most consistent findings of research on political tolerance is the striking slippage between support for abstract general principles, and notably less support for applying the norms to specific groups. To illustrate, while 90% of the U.S public supports the free speech with statements like, "I believe in free speech for all no matter what their views might be", only 30-40 % of the public is supportive of allowing members of outgroups to speak in public or to work as a teacher. (Peffley et al, 2001, p.379). According to Sullivan et al (1993), content-controlled method prevents respondents from expressing agreement with abstract principles that they fail to apply to particular groups. Since Sullivan et al's research design offers possibility to respondents to select the least-liked groups; it measures the political tolerance of the respondents particularly toward those particular groups.

Sullivan et al's content-controlled model offered different conclusions on tolerance levels compared to Stouffer's study. It was found that level of tolerance fell down when questions were designed on the base of 'least-liked group' selections of the respondent and it was discerned that tolerance levels were lower than that obtained by direct Stouffer questions. Nevertheless, it is important to note that Sullivan et al (1982) seek to measure general tolerance level of the public; thus, they seek to understand whether the public is tolerant or not. On the other hand, my study is not devoted to measure general political tolerance of Law students; on the contrary, it aims to find out the Law students' political tolerance toward Kurds. Thus, the measurement model of Sullivan et al's, which offers options concerning the least-liked groups, is not appropriate for my study. Therefore, the research design of the study is not based on Sullivan's content-controlled model.

It is important to note that political tolerance is context sensitive; thus, the least-liked groups of the people and their attitudes toward these groups could show variance in accordance with the social and political context. For instance, after the 1950's, it was witnessed that the levels of political tolerance toward communists increased. To illustrate, Nunn, Crockett and Williams (1978) replicated the Stouffer's study twenty years later and found that political intolerance toward communists had notably declined. However, it is contentious that whether the increase in political tolerance toward communisms signifies a more tolerant political atmosphere or it is directly correlated with the decline salience of communists and Communism issue. According to Searing, Crewe & Canover (2006), "If in Nunn, Crockett and Williams' study 1970s citizens had been asked not about communists but rather about political groups they despised as much as their predecessors had despised communists during

the 1950s, perhaps they would have reacted with equally intolerant attitude”(p.294). In the same vein, Sullivan, Piereson & Marcus (1979) argue that public redirected its political intolerance toward other groups, which were potentially threatening and challenging the order. On the contrary, Mueller (1988) argues that the change in political tolerance toward communists is not resulted from the changing attitudes toward communists and communism issue; rather, public does not see Communism as a potential threat any more. In other words, when such a group arises, it is so possible that high levels of intolerance would again be emerged.

It is noteworthy to state that context-sensitivity of political tolerance is considerably important for my study. First, the study aims to understand the political tolerance of law students toward Kurds in a specific time context, which signifies a process that Kurdish issue has gained a momentum and the sensitivity toward Kurdish issue has considerably increased. Concretely, it could have an impact on the findings of the study, which constitutes one of the limitations of the research.

Scholars have paid considerable attention to the relationship between education and political tolerance. One of the most consistent findings in research devoted to explore the impact of education on political tolerance is that there is a positive correlation between educational attainment and political tolerance (Hyman & Sheatsley, 1954; Kirscht & Dillehay, 1967; Harding et al., 1969). The studies examining the relationship between education and ethnic prejudice showed that people with higher education are less prejudiced toward outgroups (Coenders and Scheepers, 2003). Herson & Hofstetter's (1975) and Lawrence's (1976) analysis of

tolerance portray education as an important catalyst of more accepting attitudes toward non-conformity.

Furthermore, the findings led scholars to draw optimistic conclusions on the relationship between education and political tolerance. It was suggested that the levels of political tolerance could increase in the future with the expansion of educational opportunities (Stouffer, 1955; Davis, 1975; Nunn, Crockett, and Williams, 1978). Nevertheless, recent research question the true effect of education and cast a doubt on the notion of direct positive correlation between education and political tolerance. For instance, Davis (1975) argues that although there is a seeming correlation between the educational attainment and political tolerance, the increases in political tolerance cannot be fully grounded by higher levels in education.

Jackman's study (1978) which was conducted in three different time periods, in 1964, 1968, 1972, indicate that while well-educated individuals seem more tolerant than others on the abstract context, they do not appear more tolerant on the applied context in all three time periods. "Although the well educated have been increasing their support for the relatively abstract principle of racial integration somewhat more rapidly than those with less education, increasing years of education produced no clear tendency for more rapid adoption of support for government action to promote integration during the period from 1964 to 1972" (Jackman, 1978, p.320). In other words, while the well educated appeared more inclined to support the abstract principle of racial integration, the difference between the well educated and poorly educated in support for government policies to promote integration was almost nonexistent.

Furthermore, the further studies that aim to understand the education and tolerance nexus suggest that people with higher education seem more tolerant in abstract context because they are more inclined to give socially desirable responses; thus, to argue that the level of educational attainment increases political tolerance is somewhat misleading (Emler & Frazer, 1999; Coenders and Scheepers, 2003). In my study, on the one hand, I do not make a comparison between well-educated and poorly-educated people in their attitudes toward Kurds in general sense. On the other hand, the level of legal education attainment signifies an important indicator because the study is partly based on the comparison between freshmen and seniors in Law school. As Emler & Frazer (1999) and Coenders & Scheepers' (2003) studies demonstrate that education's impact on political tolerance is confined to speeches on abstract principles; in other words, education does not make a significant impact on the political tolerance of people in applied context.

In this context, it should be noted that although the impact of education has been a matter of debate, education is not an abstract concept, which is uniform and monolithic. Education cannot be isolated from its social and political context. Apple (1993) argues, "Different groups with distinct political, economic, and cultural visions attempt to define what the socially legitimate means and ends of a society are to be" (p.17). Education is not a politically neutral system and it is shaped by political struggles in the state-level and reflects the dominant political culture in particular. Selznick and Steinberg (1969) suggest that the formal educational system is the primary social institution for the transmission of "official" culture, which is designated by state. Since educational system reflects the official culture in society,

if the political values rely on exclusionary and discriminatory bases, education may not serve to the construction of tolerant discourse in society. In the next section, in light of these discussions, I will analyze the national education in Turkey



CHAPTER 4

NATIONAL EDUCATION IN TURKEY

National education systems constituted major importance in nation-state formation in order to transmit the national ideology and provide political socialization for national citizenship. Hjern (2001) argues that the educational system has transferred a certain type of knowledge and foster people into being loyal citizens. The ideology of nation-state has been mediated through the educational institutions to form and strengthen national unity. In the context of Turkish state, national education has always constituted major importance since the foundation of Turkish Republic. Particularly in the early Republican era, education occupied an important place in state policies because it was expected that education played a key role in nation-making processes and raising prospective national citizens. Early founders of the Republic placed much emphasis on education because they believed that school could play a crucial role in the political socialization of individuals; thus, they could become involved in 'new citizen, new society project' through embracing the norms and values attached to the 'new citizen'. Hence, the school as an ideological state apparatus was seen fundamentally important in the transmission of knowledge, national values and Turkish language, which is the backbone of national identity (Üstel, 2004).

In 1930's and its aftermath, Turkish state concentrated its attention on the transmission of state-centered citizenship notion through education. The interesting

thing about the education system in Turkey is that although citizenship education as a separate course on civics have recently been introduced into the curricula in European countries, citizenship education in Turkey in different forms has been delivered since 1936. Nevertheless, programs on citizenship in Turkish national education principally aim to create a patriotic and self-sacrificing citizen rather than educating and socializing people into multicultural thinking and making them acquire cosmopolitan perspectives and democratic values (Çayır & Gürkaynak, 2008). In the same vein, Kaplan (1998) argues that political indoctrination and citizenship education should be distinguished. On the one hand, citizenship education focuses on educating students to introduce to the nation they belong to and guide them to a more effective participation of political life. On the other hand, political indoctrination is related with imposing and legitimating a certain ideology; more importantly, it aims to inculcate students with loyalty to the nation. Accordingly, Turkish national education and specifically the programs of citizenship could be defined as political indoctrination.

Despite the volatility of political context in Turkey, the strong state tradition has prevailed in the national education system since the foundation. Kaplan (2006) argues that the systematic intervention of state into children's subjectivities aims at fostering allegiance to the nation and obedience to the supremacy of state. In line with the argument, according to Kaplan (1998), Turkish national ideology bears the traces of Platon, Hobbes and Locke. He argues that while the despotic state and repressive characteristics of Turkish national education is the Plato and Hobbes' legacy, instrumentalist, and pragmatist perspective of education is the Locke's legacy. Thus, the distinct feature of Turkish national ideology is the composition of narrow-

minded capitalist perspective and authoritarian nationalist notion. Kaplan (1998) criticizes Turkish national system because it is inclined to consolidate the discredit and prejudice against universalism and internationalism. In the same vein, Çayır (2009) suggests that the textbooks are imbued with “an exclusive and narrow definition of nationalism and citizenship, backed by the myth of origin, ethnocentrism and essentialism (p.53).

According to Bilgen et al (2001), the textbooks provided by the Ministry of National Education portray Turkey as being under internal and external threats. For instance, according to Citizenship and Human Rights Education textbook, “Turkey has a very important geopolitical situation in the region and in the world. Because of this, many countries have several aims on our motherland. That is why Turkey is a country always under risk. The places that harbour destructive terrorist organizations are neighbouring countries which we think are our allies” (Bilgen et al. 2001, 80). The military-endorsed curriculum teaches students to be wary of threats to Turkish unity.

Kaplan (2006) argues that Turkish national education seeks to prevent the consolidation of identities that threaten to divide the nation into a politics of differences whether based in socio-economic status, ethnicity, or sectarianism. For instance, in 1990's, the nation's enemies were identified as any social and political group that rejected the supremacy of Turkish nationalism. According to Altınay (2004b), the problem is that Turkish nation is defined as a homogenous entity characterized by a single ethnicity; thus, any reference to differences is regarded as a danger. Thus, textbooks serve the construction of exclusionary discourse by promoting prejudices

and negative stereotypes toward Turkey's neighbors; in a sense, they warn students against internal and external enemies (Çayır & Gürkaynak, 2008). It is noteworthy to discuss that in accordance with Ceylan & Irzık's study on textbooks in national education in Turkey, not only text-books of citizenship education, but also different subjects in national education are characterized by nationalistic discourse that could play a role in the promotion of xenophobic attitudes.

School curriculum in Turkey, as stated above, overwhelmingly embraces nationalist and militarist figures (Altınay, 2004b). There is particular emphasis on the militarist rhetoric such as citizen-soldier who is self-sacrifice for the nation and protects the national sovereignty. One of the main reasons of the militarist character of the curriculum is that national security and national education are seen as closely linked to each other: the notion of that the student who is delivered national education becomes self-sacrifice citizen and defends the national security prevails.

To illustrate, in 1994, Nevzat Ayaz, the Minister of National Education, wrote:

“In the organizational structure of our state, there are only ministries that have the term “national” in their titles: Ministry of National Defense and Ministry of National Education. The Ministry of National Defense has assumed the duty to protect our Republic and to defend our country from outside forces. And the Ministry of National Education has assumed the duty to raise citizens who are committed to Atatürk's principles and revolutions, and to Atatürk nationalism as it is defined in the constitution; who embrace, protect and develop the national, moral, spiritual, historical, and cultural values of the Turkish nation; who knew their duties and

responsibilities towards the Turkish Republic which is a democratic, secular, and social state based on human rights and the basic principles defined in the Constitution; and who have turned these duties and responsibilities into a behavior” (Altınay, 2004a, p.119).

As it can be inferred from the passage, the missions of the two ministries have been seen as similar and deeply linked to each other. Ideal student is defined in the framework of ideal citizen; thus, the characteristics of ideal student are drawn by state considering the national security and state sovereignty which is expected to be protected. Altınay (2004a) argues that ideal student is to be wary of that Turkey is surrounded by enemies and love of one’s country means dying for it. According to Altınay (2004a), by Turkish national education system, ideal student is defined as a person who is imbued with an essentialist understanding of nationalism and who has internalized militarism; thus, who regards any difference with suspicion.

Turkish education system has been under the supervision of military and bureaucratic circles since the foundation of Republic but it did not meet any comprehensive curriculum reform attempt since 1968. In 2005, Turkey made considerable alterations and reforms in the field of education to meet the educational objectives of the EU. According to Schleicher (1993), educational systems are not able to undergo a radical change as far as political and economic structures or national values and clichés are concerned.

In the next section, I will discuss the foundation and the dissolution process of Darülfünun, which was the first higher education institution to illustrate the control of the state over the universities.

The Foundation and the Dissolution Process of Darülfünun

The history of the supervision of higher education by state could be traced back to Darülfünun and its dissolution debates. Darülfünun was the first institution providing higher education in Turkey. When it began to provide higher education in 1900, there were only the departments of theology, arts, mathematics, science and philology. Darülfünun was the precursor of İstanbul University. In 1924, immediately after the Turkish Republic was founded, the faculties of law, medicine, arts and sciences were opened. In 1933, Darülfünun was abolished and the institution was entitled the name of İstanbul University, which was now called. Between the years of 1924-1933, Darülfünun produced 3554 graduates. Law and medicine students constituted the majority of the graduates; statistically, the 29.3% of graduates were Law students (Dölen, 2010).

As stated before, higher education in Turkey has been under supervision of state since the foundation of Republic. The argument could be substantiated through explaining how Darülfünun and its education drew considerable attention of the founders of the Republic. There were strong expectations regarding the education and Darülfünun as an institution that would raise the first public officials, bureaucrats of the Republic. Particularly, Mustafa Kemal often discussed the importance of Darülfünun by stressing the role of the institution in the general education of the society. Nevertheless, there was an overwhelming discontent towards Darülfünun and its education because the idea that Darülfünun failed to serve the newly founded Republic's reforms and transformations. Falih Rıfkı Atay, who is one of the early founders of the Turkish Republic, in a speech of him states that even though

Darülfünun is a science foundation, particularly in those critical times, Darülfünun is expected to sacrifice from producing science and to serve to the reforms and transformations of the newly founded Republic. The institution is obliged to prioritize the mission of making the society absorb the reforms and changes (Aras, Dölen & Bahadır, 2007). Thus, Darülfünun, as a higher education institution, meant more than giving education and producing science in the early Republican era.

Mustafa Kemal frequently visited Law school and met with professors. In those meetings, Mustafa Kemal would make direct and leading suggestions. For instance, once when he visited the Law school, he argued for Turkish History Thesis, which was developed in the early Republican era to substantiate the claim that Turkish history had pre-Islamic past, which could be traced to Central Asia, and he openly criticized professors on the grounds that they did not advocate the thesis enough. He also stated that the youth should be oriented to those issues. Mustafa Kemal considered the issue as highly important because Turkish History Thesis was used as an instrument in nation-making policies in early Republican era. According to Dölen (2010), the purpose of last visit of Mustafa Kemal to the Darülfünun was to give a personal notice to Darülfünun regarding the attitude of Darülfünun in Turkish History Thesis.

In 1932, with the participation of Mustafa Kemal and leading bureaucrats and professors of Darülfünun, Turkish History Conference was organized. In the conference, the professors of Darülfünun made speeches trivializing the Turkish History Thesis and they openly opposed Mustafa Kemal's opinions regarding History Thesis. Indeed, this was the heading for a fall of Darülfünun (Başgöz &

Wilson, 1968). Immediately after the conference, the former judge of Independence Tribunal Dr. Reşit Galip, who was one of the vigorous defender of Turkish History Thesis, was charged with putting the institution in order. Nevertheless, it also failed to absolve the Darülfünun in the eye of Mustafa Kemal (Başgöz & Wilson, 1968). In 1933, Darülfünun, with all its professors and the sub-institutions was thoroughly dissolved. On the grounds that Darülfünun did not serve to Turkish Republic's reforms and did not show strong commitment to the Turkish state policies, it was closed down. Indeed, the dissolution of Darülfünun could be the initial illustration of the state tradition that supervises and controls higher education. In the next section, I will talk about the legal education institutions in Turkey.

Law Schools in Turkey

After the dissolution of the Darülfünun, the first legal regulation on university called İstanbul University by-law was promulgated in November 24, 1934. In accordance with first article of the by-law, the main objective of the university is to do research, to develop and disseminate national culture and to raise grown-up students to serve to the country (Erdal, 2008). In early Republican era, the bureaucrats placed much emphasis on higher education but legal education and the opening of Law schools took much precedence. Indeed, raising legal professions who could undertake active role in the state-making process was crucial for the newly founded Republic. Bingöl (2008) argues that the mission of legal education was seen as raising legal professions who can regulate the new character of the society and can lead it.

In the republican history, the first Law school Ankara Law School was established in 1925. In the opening ceremony of the Law school, Mustafa Kemal stated that he felt the most appreciation with the opening of the Law school (Güriz, 2004, p.23). According to Güriz (2004), Mustafa Kemal gave paramount importance to the establishment of Law school providing secular law education. The objective of the establishment of Ankara Law School was to produce judge and prosecutors who accomplish to understand new legal order. Rather than the quality of provided education, their capability as a public official to serve to the country constituted much importance. In this context, it's noteworthy to state that until 1940, Ankara Law School belonged to the Ministry of Justice rather than the Ministry of Education (Bingöl, 2008).

From 1925 until today, the number of Law schools in Turkey has reached to 42. While the number of state Law schools is 20, the number of non-profit private university is 22. In the last two years, more than 14 Law schools have been opened. According to Sağır (2010), the cause of the influx in the number of Law schools is the gaining importance of being legal profession as they have the capacity to engineer the society and to regulate the modern life as well as its products.

Curriculum in Law schools

As cited in Sağır (2010), the Law schools curriculums do not show much variance and they are overwhelmingly based on the curriculum of İstanbul and Ankara Law schools (See Table 1 for the common curriculum of Law schools in Turkey).

Table 1: The Curriculum of Law School (Sağır, 2010)

		Grades			
		1st Year	2nd Year	3rd Year	4th Year
Core		Constitutional Law	Law of Obligations	Commercial Law	Law of Enforcement and Insolvency
		Civil Law	Criminal Law	Law of Property	Law of Criminal Procedure
		Introduction to Law	Administrative Law	Law of Civil Procedure	Admiralty
		Roman Law	International Law	Administrative Judiciary	International Private Law
		Atatürk Principles and Revolution History	Constitutional Judiciary	Tax Law and Legislation	Law of Inheritance
		History of Civilization	Turkish Law History	Private Law of Obligations	Labor and Insurance Law
		Turkish Language and Culture	Political Science	Public Law	
		Economics	History of Political Thought	Human Rights Law*	
Elective				Philosophy of Law	Forensics
				Sociology of Law	Law of Misdemeanor
				Zoning Law	Consumer Protection Law
				European Union Law	Capital Market Law
				Law of Political Parties	
				Law of Communication	
				Environmental Law	

In the next chapter, I will discuss the Kurdish issue to provide a context for the significance of tolerance for the recognition of the rights for Kurds. First, I will give information regarding the historical background of Kurdish question.



CHAPTER 5

THE HISTORICAL BACKGROUND OF KURDISH ISSUE

Kurds constitute the second largest ethnic group in Turkey and majority of Kurds in Turkey live in Eastern and Southeastern regions of Turkey. These regions are socially and economically less developed compared to other regions in Turkey. Furthermore, according to Kurban et al (2007), there are severe political and socio-economic problems in the region, which has left unsolved. The inadequacy of state services such as limited access to education and health services is one of the most fundamental problems.

Kurds in Turkey have equal rights with Turkish people in legal framework; however, the equality did not mean that Kurdish people could speak their own language or express themselves as Kurd. The predominant mode of Turkish nationalism in the Republic led the ethnic identities other than Turkish identity to be denied by the state (Kurban et al, 2007). According to Gürbey (1996), the major cause of the Kurdish conflict is the decisive application of the Kemalist concept of nation because any cultural or ethnic difference has been perceived as a threat to national unity of Turkish Republic. Gürbey (1996) depicts repressive policies of the state as accountable for the influx of Kurdish resistance.

The history of Turkish Republic has witnessed major Kurdish revolts. The first significant rebellion was the Sheik Said rebellion in 1925. It was

overwhelmingly suppressed and the leading actors of the rebellion were executed. Subsequently, Agrı (1930) and Dersim (1937) revolts erupted, which were repressed violently by the state. According to Bozarslan (2004), the military coup in 1980 constitutes the turning point in Kurdish question because it played a significant role in the emergence of PKK. The major mistake of military coup was to impose overdose of Kemalism and Turkishness to the society who was not ready to accept the notion of the “happiness of being Turks,” which brought about a more marginalized socialization process of Kurdish young people (Bozarslan, 2004, p.47).

The armed conflict between Turkish military and the PKK has been continuing for 30 years in Southeastern and Eastern region of Turkey. In effect, the conflict between the PKK and Turkish state brought about major difficulties for the Kurdish population residing in the region. In 1990's, Kurdish forced migration started; however, the displacement process did not culminate in moving and finding a new settlement. Migrants witnessed the implications of displacement particularly after the physical relocation process. Kurdish migrants encountered with non-welcoming environment in urban centers they have suffered from the both material and non-material insecurities. İçduygu, Romano and Sirkeci (1999) conceptually define material and non-material securities. They suggest that material security refers to the access to the income, education, health, and state services. On the other hand, non-material security points to the cultural and political rights (İçduygu, Romano & Sirkeci, 1999).

The rapid Kurdish migration has had a major impact on the social relations of the Kurdish migrants with urban residences. Saraçoğlu (2010) argues, “The Kurdish

question has, accordingly, acquired many new dimensions, including the growth of exclusionary popular discourses and attitudes aimed at Kurdish migrants” (p.241). Anti-Kurdish discourse recognizes Kurds as distinct ethnic group and attributes them derogatory labels such as ignorant, culturally inferior, and separatist. The negative perceptions and prejudice toward Kurds are reproduced in daily life of urban people particularly through the interactions with Kurdish migrants (Saraçoğlu, 2009). The armed conflict between the PKK and Turkish security forces has also made a considerable impact on the reproduction of anti-Kurdish discourse. Particularly, when the war between the PKK and Turkish army is escalated, nationalistic sentiments are on the rise at both state level and societal level, which directly influences the attitudes toward Kurds.

The AKP government launched the Democratic Initiative Process in 2009 which was later renamed ‘National Unity and Fraternity Project and declared that they would solve the Kurdish problem. Since 2009, some steps have been taken in the context of the Kurdish initiative. In the next section, I will discuss the efforts put by the government and I will particularly give information regarding the development process and the current state of the political demands of Kurds including the education in mother-tongue, constitutional recognition of Kurds and broadcasting in Kurdish.

Education in Mother-Tongue

The framework of the official linguistic policy based on single language in Turkey was set with the article 42 of the 1982 Constitution. It prohibits teaching of

any language other than Turkish as a mother tongue to Turkish citizens.” Besides, the constitution also states that ‘foreign languages’ to be taught in learning institutions should be determined by law. In practice, this meant that Kurdish was not authorized, while other languages which were determined by law were allowed. Article 2a of Law No. 2923, the Foreign Language Education and Teaching Law, passed in 1983, which regulates the teaching of foreign languages, “taking into consideration the view of the National Security Council.” The National Security Council decides which foreign languages are allowed to be taught and studied in Turkey. According to the article: English, French, German, Russian, Italian, Spanish, Arabic, Japanese, and Chinese were allowed to be taught in public and private learning institutions in Turkey.

In 2002, Parliament passed legislation allowing the establishment of private learning institutions in Kurdish and other "languages and dialects traditionally used by Turkish citizens in their daily live. It paved the way for the establishment of Kurdish private language schools. However, majority of them were closed on the grounds that they did not receive enough demand. Since the institutions were not financially supported by the state, they could not sustain.

In 2009, university-level language courses in Kurdish were introduced in Turkey. Kurdish courses have been offered in Sabancı University and Bilgi University since 2009. Bilkent University has recently started to offer Kurdish course. As the Kurdish courses are offered only in private universities, the Kurdish language department was opened in state universities. In 2011, Turkey's first Kurdish language department opened in the Mardin Artuklu and Mus Alparslan universities. Batman

University also takes the decision to open a Kurdish language department in 2013. There have been ongoing discussions on offering Kurdish as an elective language course in schools. In June, 2012 Prime Minister Erdoğan announced that schools in Turkey would be allowed to teach the Kurdish language as an elective subject. However, offering Kurdish is presented as a historic step by the governing body and the media, Ms. Kışanak, co-chair of the BDP, harshly criticized teaching Kurdish as an elective subject. She says, “Here is nothing as despotic as teaching a mother tongue as an elective course...In addition, it will only be offered after fourth grade; meaning, ‘First be assimilated as a Turk and then learn your mother tongue as an elective course’” (Turkish PM Unveils, 2012). Therefore, while remarkable steps are taken in terms of introducing Kurdish course as an elective course, opening the Kurdish language departments, Kurds vocalize their demand as obtaining education in mother-tongue from the first grade.

Constitutional Recognition of Kurdish Identity

The Constitution of 1982 was drafted during the period of military rule coming to power in the September 1980 coup. The National Security Council consisting of the commanders of the army, navy, air force and gendarmerie headed by the president formed a Consultative Assembly to draft a new constitution. As discussed before, the Constitution was harshly criticized on the grounds that it was undemocratic, repressive and uniformist. According to Erdoğan & Yazıcı (2011), the official ideology of the 1982 Constitution presents a social order in which the public is subject to the state. Furthermore, the constitution rejects all the differences by taking the society as a monolithic entity. Dönmez (2011) argues that the implicit

ideal citizenship generated by the state presumes all citizens as solely Turkish, Sunni-Hanafi, male and heterosexual. Thus, quite understandably, by the virtue of the way of drafting the constitution and its underlying philosophy have become the subject of heated discussions from its outset. The constitution has been modified for many times and lastly it was amended in 2010 through the constitutional referendum. Along with the popular mandate for the amendments, AKP government declared that they are in preparation to draft a new constitution.

The new constitution constitutes major importance for Kurds because it is seen as a chance for their political demands and cultural rights to be recognized and secured by the state. BDP parliamentary Kaplan notes the recognition of Kurdish identity is one of Kurds' fundamental demands that they cannot compromise on. New constitution would not serve democratic purposes unless it acknowledges and secures Kurdish identity (Khoshnaw, 2012). Consequently, constitutional recognition is one of main political demands of Kurds.

The Abolition of the Restrictions over Broadcasting in Kurdish

The Turkish Radio and Television (TRT) began officially broadcasting in Kurdish in January, 2009. Considering that the existence of the Kurdish language was denied, the move was described as historic step in Turkish political history. Although broadcasting in Kurdish in state station was novel in Turkey, the Kurdish TV station, ROJ-TV began airing in March 1995 from London. ROJ TV is the Kurdish satellite TV broadcasting in Europe ROJ-TV constitutes a paramount

importance in Kurdish movement. Since the broadcasting of the ROJ-TV occurs outside of Turkey, it is beyond the Turkish state jurisdiction and control.

The Turkish state has had a number of attempts to shut down the station for more than a decade. As Turkey's attempts to shut down ROJ –TV have continued to intensify, the AKP government launched TRT 6, 24 hour broadcasting in Kurdish. Although it is presented as the unprecedented move for the Turkish state to solve Kurdish problem, the Kurdish political actors approach the state's initiative critically. As Ayata (2011) states, TRT 6 is seen as a deceptive move by the State to assimilate the Kurds by using the Kurdish language. According to Mahmut Alınak, who is the former deputy for the provinces of Şırnak and Kars, the state cannot silence the Kurdish TV channels broadcasting outside Turkey; thus, through state sponsored Kurdish broadcasting, they aim to reduce their influence. (State TV's Kurdish Broadcasting, 2009).

Unless the laws and regulations on broadcasting in local languages change, private channels broadcasting in Kurdish are not allowed to be opened. It means that broadcasting in Kurdish is permitted to the state but banned to the Kurds (Broadcasting in Kurdish, 2008). Although the government launched TRT 6 in the context of Kurdish initiative, the Kurds still demand to abolish the restrictions on opening private channels broadcasting in Kurdish.

In the next section, I will try to cast a light on the attitude of judiciary towards the demands and rights of Kurds by looking at the court decisions and trial processes.

The Discussion on the Court Decisions and the Attitude of Judiciary in the Context of Kurdish Issue

Kurdish issue gained a significant momentum with the escalation of fight between the PKK and military forces. Between 2009 and the beginning of 2013, the government introduced intensified security policies and declared that they fought against terror in a multidimensional manner with determination (Government Takes Firm, 2010). Between April 2009 and October 2010 1,800 people were detained on charges of being members of KCK² (Kürtçe Savunma Krizi, 2010). According to the report announced by the BDP³ in October 2011, 7748 people were taken into custody and 3895 persons were arrested in the scope of KCK operations during the past six months. In 2012, the scope of the operations was remarkably extended. Thousands of people were arrested and to a greatest extent of the people who were arrested were comprised of Kurdish political actors, elected mayors, human rights defenders and journalists (EU Turkey 2012 Progress Report, 2012)

In 2013, Prime Minister Erdoğan launched a resolution initiative for Kurdish issue. Immediately, the talks between the government and Ocalan, the leader of the PKK, started in January. In the first phase of the reconciliation process, Ocalan made an appeal for the PKK to retreat from Turkey. The withdrawal of the PKK groups in Turkey started May 8 and it ended in July, 2013. The government has not announced the road map of resolution process; thus, to what extent the rights and political demands of the Kurds will be addressed is still in question. The only concrete step was taken is to grant Kurds the right to use their own language in court. The law was

² Kurdistan Union of Communities

³ The Peace and Democracy Party

passed by Turkish parliament on January 24, 2013. The court board of the KCK trials rejected the request to present the defense speeches in Kurdish. Nevertheless, Article 39/5 of the Treaty of Lausanne as an international agreement that Turkish Republic recognize the prevalence over the constitution offers Turkish nationals to the possibility to use their own language before the courts. Judicial bodies referred Kurdish as an ‘unknown language’ and refused assigning a translator. For instance, in a recent decision of a local court, Kurdish politicians who were accused of being members of KCK, were not allowed to defend themselves in Kurdish on the account of the fact that they knew Turkish, but yet they wanted to speak in an ‘unknown language’ (Bayır, 2012).

Little research exists about the Turkish judiciary in terms of how Kurds political rights have been represented by judiciary and how judiciary navigates the demands of Kurds. To begin with, the vocalization of political demands of Kurds was penalized for many times with the court decisions (Bayır, 2012). As Bayır (2012) illustrates to defend education in mother-tongue, Kurdish in particular, to verbalize the objection to ‘the oppression of the Kurds’, and to claim the separate existence of the Kurds were all considered as being in violation of article 142(3) of the TCK (Turkish Penal Code). To elaborate, until 1991, the vocalization of political demands of Kurds was being charged under articles 141(4) and 142(3) of the now annulled Turkish Penal Code of 1926.

The rhetoric of national security, national feeling and offenses against national unity are intensely used in Turkish Penal Code. Any expression accepted as aiming to destroy the national feeling or action as a threat to national unity has been

penalized. There is a chapter in Turkish Criminal Law called ‘Offenses against National Security’, which mainly includes the rhetoric of protection of national unity, territorial integrity, national interests (TBMM⁴). Vahap Coşkun argues that the laws on terror crimes are designed to protect civilians but the laws on terror crimes in Turkey overwhelmingly aim to regulate the actions and oppositions toward state (personal communication, December 15, 2012)

There are a number of court decisions penalized the vocalization of political demands of Kurds on the grounds that they weaken the national feeling or destroy the indivisibility of the state. However, according to Vahap Coşkun, the judgments could be shaped by subjective interpretations of judicial body because it’s not explicitly defined the acts that could threat to national unity in the Penal Code (personal communication, December 15, 2012). The objective definition of ‘national feeling’ does not also take place in laws. Since terror crimes in national constitution contain relatively vague and open-ended statements, the interpretations of legal actors could make a strong impact on the decisions.

While the conduct of judicial system and the role of judicial body particularly in the framework of Kurdish issue have drawn considerable attention, to discover the perceptions of law students, who are prospective judiciary and prosecutors, is important. In the context of examining the political tolerance of law students toward Kurds, the study aims to understand to what extent education plays a role in the development of (in)tolerances of Law students

⁴ Retrieved from <http://www.tbmm.gov.tr/kanunlar/k5237.html>

JUDICIARY IN TURKISH LEGAL SYSTEM

Judiciary in Turkey is one of the main pillars of ruling order. Although judiciary is charged with checking the executive and legislative bodies, the Turkish judiciary has been considerably effective in politics since the foundation of the Turkish Republic. Hirschl (2004) states that constitutionally reinforced judiciary serve to the hegemonic interests of the political elite. According to Bayır (2012), the Turkish judiciary should be discussed in light of Hirschl argument because the attitudes of judiciary cannot be analyzed without considering its attachment to nationalist, modernist and secularist foundational tenet of Turkey. Coşkun (2010) argues that judicial power in Turkey underpins state power; thus, judicial bodies act as a guardian of the state. As in the Turkish political system, the most privileged institution is state, judicial bodies play a key role in reproducing ‘sacred state’ discourse. Thus, by taking legislative and judicial ‘precautions’, the Turkish judiciary aims to protect the state permanence (Coşkun, 2010).

Erdem (2005) depicts the Turkish judiciary as an institution under the shadow of state. According to Erdem (2005), the judiciary in Turkey acts as if they exercised their authority not in the name of nation but in the name of state. To elaborate, judicial bodies perceive the state not as a neutral political entity in service to the people but a sacred value. Thus, the members of judiciary who have the notion of ‘sacred state’ would essentially see themselves as civil servants and act accordingly (Erdem, 2005). To illustrate, the Chief Justice of the High Court of Appeals, Osman Arslan, makes a declaration in his farewell ceremony in 2007, and states:

“Judges should be independent, trustworthy, and impartial. But there are also cases where the judges will take sides. Judges are on the side of the Turkish Republic. Judges are on the side of the unitary state, and indivisible unity. They have taken sides and they will do so in the future. They are on the side of the crescent and starred flag. Judges are on the side of Ankara being the capital as well” (Coşkun, 2010, p.65).

This attitude of the Turkish judiciary evokes an important discussion: to what extent the judicial circles can detach from the statist perspective and make politically neutral decisions?

In the analysis of judicial decisions, Coşkun (2010) concludes that there are main characteristics of the decisions. Particularly, the prioritization of militarist sensibilities, the protection of state’s interests and the partisan attitude towards the ones known to be opponents of the official ideology shine out as the main similarities of the judicial decisions. First, according to Mustafa Özer, who is the head of Diyarbakır Bar, Turkish judiciary has not detached from the attitude of protecting state against fundamental human rights and liberties (2002). To illustrate, based on the study carried out on the judiciary’s general perspectives and viewpoints, a judge advocates that national interests should be prioritized in the acting of judging with following words: “My state; first comes my state! This may be criticized by some writers or some thinkers; but if I do not have a state, my individual freedoms would mean nothing. My individual freedom must never conflict with my state” (Sancar,

2007, p.35). Thus, by giving prominence to protecting state could result in treating any dissidence against state interests as criminal act.

In line, Coşkun (2010) argues that judicial circles lionize state's interests and make sacrifice from universal legal principles in the name of protecting state. To demonstrate, in Sancar's study, 53% of judges and prosecutors state that they do not take the international agreements regarding the fundamental rights and liberties (2007). Indeed, it is concluded the large majority of the judicial actors interviewed display skeptical and dismissive attitude towards international law. The rejection of defense speeches in Kurdish by the court board could be discussed in this context because although the international agreements that Turkish Republic recognize offers the possibility to use their own language, their demand is not put in process. In the interviews, the respondents are asked whether they give prevalence to the international agreements and allow the Kurds to present their speech in Kurdish. For, while there is a strong reaction towards judiciary in the sense that they take a political stand by rejecting the demand, what law students think about the issue constitutes much importance.

The role of judiciary in protecting human rights is remarkably important because the judiciary is to undertake the responsibility of enforcing the safeguards for state not to abuse its power or exceed its authority to limit human rights and freedoms. Abul-Ethem (2002) argues that one of the prominent ways to protect human rights is to preserve the prevailing role of the judiciary. Nevertheless, it's principally related with how judiciary locates itself within the confrontation of state and human rights. For instance, in Turkish case, first, we need to focus our attention

on the approach of Turkish judiciary on human rights, according to Sancar's study, majority of the judges and prosecutors support that human rights could constitute threat to the security of the state (Sancar, 2007). In keeping with this, another considerable finding of the study is that 41% of the prosecutors and judges agree that national interests should be taken into consideration in judicial process (Sancar, 2007). While the considerable part of judicial actors prioritizes national interests, in this study, the law students are asked which they give prominence to human rights or state's interests.

Turkish judiciary shares the state power; thus, it acts as the safeguardian of the state and its authority. In fact, to understand the role of judiciary in Turkish politics, we need to trace the development of current political and legal system in Turkey.

CHAPTER 6

METHODOLOGY

The study was based on qualitative method: in-depth interview. Huberman and Miles (2002) argue that qualitative researchers take the advantage of investigating subjective meaning and inferences to perceive the world better from the eyes of the people studied. I also participated as an informal observant in lectures of Law School. Thus, I found the chance to ‘get a feel’ of the research field. The fieldwork of this thesis was conducted in three different universities: Istanbul Law School, Konya Law School and Ankara Law School. The reason that I chose those Law Schools is that the graduates of these schools occupy the highest ranks in judiciary and prosecutor selection examinations (Türkiye Cumhuriyeti Adalet Bakanlığı⁵). This information was significant because one of the most important reasons leading me to conduct the study is to explore the political tolerance of Law students who will be charged in state services as judges and prosecutors. Furthermore, each Law school admits more than four hundred students every year; thus, they constitute three of universities including Law schools that have the highest student population. (See Table 2 for the number of admitted students to each Law school. See also Table 3 for overall number of students in each university).

Table 2: The Number of Admitted Students to Each Law School

University	Yearly Placement Figures
Konya Selçuk Law School	410
İstanbul University Law School	820
Ankara University Law School	820

⁵ Retrieved from <http://www.pgm.adalet.gov.tr/>

Table 3: Overall Number of Students in Each University

University	Overall Number of Students
Konya Selçuk University	68536
İstanbul University	60567
Ankara University	35171

The research was conducted in all 3 Law Schools; however, my major research site was Istanbul University Law School. The field that I reached the most extended network of students and spent most of time was Istanbul Law School. The historical past of the Istanbul University law school could be traced back till 1880's. Having a deep-rooted history, it represents the prominent law school tradition in Turkey.

The research was started in İstanbul Law school and my first meetings with the Law students took place in March 2012. I conducted in-depth interviews with 28 students during the research. The students are mainly drawn from families of lower-middle class and middle class. To a greatest extent, the students graduate from state high schools. To note, fifty-seven percent of the respondents were men. The group of students I interviewed was divided into two groups: 14 freshmen and 14 senior students. I wanted to conduct the interviews with both freshmen and senior students, since I aimed to understand whether there is a difference between freshmen and senior students' political tolerance toward Kurds, which is embodied by the legal education. I also interviewed the non-law students in these universities. That kind of comparison was critical because I wanted to see whether there is a difference between freshmen and senior Law students' political tolerance toward Kurds due to

the impact of legal education. I interviewed with 18 Law students and 10 non-Law students (see: Table 4). To note, the departments of non-Law students was not significant for the study and they were coming from diverse departments including Economics, Science Teaching, Philosophy, International Relations, Social Sciences Teaching, Anthropology

Table 4: Number of participants according their university, department and gender

Department:	University	Gender	Grade	
			Freshman	Senior
Law	Istanbul University	Female	2	1
		Male	1	2
	Ankara University	Female	2	1
		Male	1	2
	Konya University	Female	-	-
		Male	3	3
Non-Law	Istanbul University	Female	1	-
		Male	-	2
	Ankara University	Female	1	1
		Male	-	1
	Konya University	Female	1	2
		Male	1	-

I employed snow-ball sampling method to reach students. My first attempt to establish a network of the Law students was to use social media. Firstly, I made a search and sent message to the Law students studying in Istanbul Law School introducing myself and my study. My first contact in Istanbul University was a third-grade young man. Using his wide network of students from diverse grades, helped me to meet a number of Law students.

During the fieldwork in Istanbul Law School, I observed that the majority of the students are affiliated to different political groups. Some of the students are politically visible. Seeming more reachable, they were more open in terms of building a relationship and participating in the study. However, to prevent selection bias, I was careful not to limit my study with politically visible students belonging to same political group. I used snow-ball sampling method to reach students but I paid special attention not to choose the students within the same political group. Thus, I strived to extend my network and to reach different students. In Ankara Law School, I established a network of contacts through my existing non-Law student in Ankara University. By the help of her, I could enter the university and built network. In Konya Law School, I established the network of contacts through my existing friend studying Law. To note, all 28 interviews were conducted outside of the campus mainly in the cafes near university campuses.

I employed semi-structured in-depth interview method. This type of interviewing provided me the advantage of flexibility (See Appendix) I had the opportunity to trace the expressions they used to ground their ideas. This was considerably important because my study did not aim to find out the level of the political tolerance of law students; rather, my main objective was to understand the impact of legal education by capturing the discursive differences of the students in the context of their grade and department. Put differently, I did not aim to find out whether the Law students are politically tolerant or intolerant of Kurds' demands but I wanted to understand how they ground their oppositions or approvals. Thus, while their responses led me to new questions, I could trace the underlying meaning of their explanations.

Another method I used for the study is to attend the lectures as a participant observer. According to Cornblath (2000), to see the complex forms of interaction occurring in classroom settings, researcher should live in classrooms. Correspondingly, since I sought to analyze how the lectures are taught and in what manners students participate in the lectures, I participated as an informal observant in lectures in Law School , which could serve the purpose of discerning to what extent students take active role in education process. I attended three lectures in Istanbul Law School. Rather than choosing randomly the courses I would participate, I specifically wanted to participate that I could find the emphasis on ethnicity, citizenship and terror crimes. Thus, I participated in Human Rights Law, State Theory and Constitutional Judiciary courses.

One of the challenges I confronted in the field study was to enter the universities. Especially, due to the strict security policies of the Istanbul University, to enter the Law School as an external visitor was really hard. Besides, I faced with some problems while reaching the students. The group that I had utmost difficulty to reach was Law seniors. A considerable number of seniors avoided meeting with me when they learned that I was a researcher. They were reluctant not only to conduct an official interview but also to make a discussion regarding my study. Although I tried to make them sure about the confidentiality of the study, they seemed to abstain from talking. I observed that main reason of their avoidance was that they had worry of returning their expressions on ‘highly sensitive’ issues to haunt them especially in the judiciary and prosecutor selection examinations.

CHAPTER 7

THE ANALYSIS OF THE IN-DEPTH INTERVIEWS

The Approach towards the Human Rights and the Nexus of the State and Human Rights

In this chapter, I will analyze the Law students' perceptions of general norms and abstract entities such as democracy, state and human rights. I particularly focus on their perspectives towards the human rights to unveil what they consider about the content of human rights in terms of which rights are regarded as fundamental human rights. In addition, I seek to understand their attitudes on the nexus of state and human rights; whether they prioritize state interests over human rights or vice versa. While one of the most enduring findings generated by research on political tolerance is the considerable slippage between support for abstract, general norms of democracy and remarkably less support in applied context (Prothro & Grigg, 1960; McClosky 1964; Peffley et al, 2001; Jackman, 1978), I find it considerably important to understand the perspectives of Law students towards human rights to draw a further conclusion whether there is a difference between the approaches of Law students towards human rights as a general concept and towards the Kurdish political and cultural rights.

The students treat human rights as a *sine qua non*. They show strong support for the indispensability of human rights to be secured by law. Without mentioning

the rights specifically, human rights are taken as an abstract concept, which should be protected on principal. When they are asked to emphasize which rights they primarily discuss, they generally refer to the basic rights stated in the constitution by listing; for instance, right to live, right to travel, the freedom of religion and conscience, right to get education. I demonstrate in the following chapters in detail, but at this point, it's noteworthy to state that although the right to get education is seen as a part of human rights, when the right to get education in mother-tongue is asked, the students to a greatest extent oppose it. As an important note, although the question does not specifically refer to the education in Kurdish, all students respond the question as if it referred to the Kurdish education and they were intolerant towards the education in Kurdish. According to Zellman and Sears (1971) the main reason of the slippage between the social support for abstract norms and for specific groups rights is that students are taught the civil liberties and principals only in slogan form. Thus, the tolerance towards general norms and abstract concepts cannot be transferred to applying these norms to particular cases.

Secondly, in my study, I seek to understand the perceptions of Law students toward the nexus of state and individual rights. Particularly, I endeavored to unveil their perspectives on their prominence in the context of national interests and individual rights. Based on the Coşkun's analysis of court decisions on notably important political issues, the Turkish judiciary displays partisan attitude and gives prominence to state and its interests over civil liberties and rights (2010). In line with this, according to Sancar's study, majority of the judges and prosecutors argue for state and national interests over human rights. Salih Er, who is one of the well-known members of the state council in Turkey, notes that in judicial process the

problems Public Law professional face mainly contain authority vs. independence and state vs. individual antagonisms (2004). In this context, how the Law students perceive the state, especially in the context of the human rights constituted importance for the study. I particularly tried to understand what the Law students' prominence is in the context of national interests and individual rights.

The responses of the students show variance according to the department (Law / non-Law) and the grades of the students. As a striking note, the group to a certain extent gives priority to individual is non-law freshmen students.

“For me, individual should be protected. State exists for individual. Individual should be protected. The state is already protected in any case.” (Male, Freshman- International Relations, Konya University)⁶

The non-Law freshmen support the prominence of the individual by mainly referring to individual as a basic component of the state. It can be inferred that state is conceptualized as the entity that exists for the individual, which is supposed to protect the individual by itself.

“Surely, individual comes first, then state. For, the individual is the one that composes the state. I mean, how can I say.. How the family constitutes the society,

⁶ Benim için birey korunmalı. Devlet birey için vardır. Birey korunmalı. Zaten devlet her türlü korunuyor.

the state is composed by the individual. That's why, I think that individual comes first.”(Female, Freshman – Social Sciences Teaching, Istanbul University)⁷

Disparately, half of the Law school freshmen argue for human rights *vis a vis* state interests. It is observed that neither the concept of individual nor state for Law freshmen is crystallized yet. Not as a social structure or a social entity, the state is conceptualized as the community, which is comprised of the particular individuals. Thus, when they are asked to state their priority in the context of state interests or individual, they respond by referring to comparison of community vs. individual and they argue for the state interests because it already represents the interests of particular individuals.

“State already exists for individual. State should not act against human values but if it would.. Surely, the state should be chosen. Either individual or community? I would prefer the community. At this point, for me the state, state's interests (come first).”(Female, Freshman – Ankara Law School)⁸

On the other hand, the Law school seniors avoid giving precise responses regarding either state or individual. Indeed, they overwhelmingly refer to the specific terms and conditions that state has to prioritize its benefit.

⁷ Tabi ki önce insan, sonra devlet. Çünkü devleti oluşturan insandır. Yani ne bileyim. Toplumunu nasıl aile oluşturuyorsa devleti de insan oluşturuyor. Onun için öncelikle insan diye düşünüyorum.

⁸ Devlet zaten insan için vardır. İnsanın değerlerine aykırı davranacak bi devlet olmamalı bence, ama olursa, tabi ki de devlet seçilmeli. Birey mi yoksa bi topluluk mu. Topluluğu tercih ederim. O noktada benim için devlet, devletin çıkarları.

“The benefit of individual becomes lost within the benefit of public. Thus, I am talking about the common perspective, some of the individual rights; not right to live but right of property, right to travel, which is secondary rights, could be restricted. State could delimit these rights for its own benefits. It’s pretty normal. But, which of the fundamental rights should be restricted? This needs to be discussed.”
(Male, Senior-Istanbul Law School)⁹

Rather than speculating on the concepts such as nexus of state interests and individual rights that I questioned, especially senior Law students prefer to discuss on specific issues. They expect you to question their opinions on a particular case or issue; thus, they are likely to respond you by referring to related article or procedure. In other words, rather than specifying what they think, they would rather refer to the related written statements regarding the issue.

“Well, if state’s benefits and individual interests become contradictory to each other in a normal condition, I mean not in a state of emergency, state is already utterly responsible of the damage done to the individual in the scope of compensation. But, state of siege and state of emergency is defined in the constitution of each

⁹Bireyin menfaati kamu çıkarı içerisinde erir gider. Bu sebepten dolayı, genel bakış açısını söylüyorum, bireyin bazı hakları, tabii yaşam hakkı değil, bazı hakları işte mülkiyet hakkı, gezme tozma hakkı, ikinci kuşak hakları sınırlandırılabilir. Devlet kendi menfaati için bunu sınırlandırabilir, bunda hiç sıkıntı yok. Ama temel haklardan hangisi sınırlandırılmalı, bu tartışılmalı.

country. Thus, at those times, at that conjuncture, the right of state precedes the right of individual. That's what I think.” (Male, Senior-Istanbul Law School)¹⁰

The approach of the Law students could be reconsidered with Tocqueville's argument. According to Tocqueville, acting with a certain attachment to formality, legal professions generally prioritize legality over liberty (1835). To elaborate, since legal actors are attached to the legality in the context of well-determined rules, procedures and regulations, they look at the rights and liberties within the certain legal boundaries. What they highlight is that to what extent the legal norms and formal rules allow the right to be granted by the state and implemented. In other words, as Tocqueville states, they look at the legality of the rights and demands.

It is notably striking that the respondents arguing for the precedence of state substantiate their claims by referring to the individuals that could constitute threat to the sovereignty of the state. They prioritize the security of state by emphasizing the delimitation of individuals' rights by virtue of protecting state against damages done by individuals and particular groups.

“Here, what I think is that the rights of the individuals' who are threat to the state do not constitute much importance. For, under this state sovereignty, the billions of people live. There is an established order and there are benefits and costs

¹⁰ Şimdi, devletin çıkarlarıyla kişinin çıkarları çatıştığı zaman eğer bu normal bir ortamda olursa yani herhangi bir dönemde, olağanüstü hal ilan edilmeden birey ve devletin hakları çatışırsa devlet zaten bireye verdiği zararlardan tazminat kapsamında kusursuz olarak sorumludur. Ama sıkıyönetim, olağanüstü halleri her ülkenin anayasasında ayrıca tanımlanmıştır. O yüzden o konumlarda, o konjunktürde devletin hakkı bireyin hakkından bir adım öne geçer. Ben öyle düşünüyorum.

granted to the billions of people by the state.”(Male, Senior- Economics, Istanbul University)¹¹

An International Relations freshman arguing for the priority of individual over state interests also support that the delimitation of human rights, freedom of thought particularly if it encapsulates terrorist content.

It’s okay, any thought should be free but recently I’ve learned that an article will be enacted. According to that article, the non-violent thoughts will be free. I mean, it is also wrong. If it includes terror (terrorist components) and some things like those. Everything should not be free. They should keep it at a certain level. (Male, Freshman – International Relations, Konya University)¹²

Some of them support the delimitation of human rights in the context of security of the state referring to the particular groups in Turkey and the necessity of the state sovereignty over those groups.

“Individuals should be given priority but I think that it should have certain limits. East as founding a Kurdish state; Armenians or Greeks in Trabzon in the Black Sea region, which were remained from Pontus Greek State. If their rights are not restricted, the fact of state cannot come into existence. You cannot call it as a

¹¹ Şöyle düşünüyorum, devletin varlığına zarar veren bireylerin bireysel haklarının çok haklı bi şey olmadığını düşünüyorum. Çünkü o devletin altında milyonlarca insan yaşıyor. Kurulmuş bi düzen var, milyarlarca insana getirdikleri, götürdükleri var o devletin.

¹² Her düşünce serbest olmalı da.. Yeni duydum, bir yasa çıkacakmış. Şiddet içermeyen her düşünce serbest olacakmış. Şimdi bu da yanlış. Terör içeriyorsa, böyle şeyler içeriyorsa.. Her şeyin de serbest olmaması lazım. Belirli düzeyde tutmaları lazım.

state but just as a federal power over a series of small states or self-governing states. This is not acceptable. I mean, definitely there should be a sort of delimitation and people should obey it so that the order is formed. Otherwise, you cannot talk about any order. I'm against that people object to state by being treated solely as individuals. Neither a Kurdish state nor an Armenian state should be founded. That kind of a self-governing right should be granted to neither a group nor an individual.”
(Female, Senior-Istanbul Law School)¹³

It is clear that the students arguing for the prominence of the state over human rights generally use the same discourse. It could be explained with the strong state tradition in Turkish national education from primary school to high school. Kaplan (2006) argues that the systematic intervention of state into education aims to render the obedient individuals appreciating the supremacy of the state. According to Bilgen et al (2001), protecting state from the groups threatening the unity is one of the main duties that is fostered to the students throughout the education. Thus, I discuss that the responses of the university students referring to the particular groups that may constitute threat to the order could be analyzed in this framework. However, it is important to note that although all students I interviewed went through the Turkish national educational system, they do not all argue for the prominence of the state. Because, it is observed that the perception of state; put differently, how they

¹³ Birey öncelikli olmalı ama kesinlikle bunun bi sınırı olmalı diye düşünüyorum. Bunu da görüyoruz. Doğu'da Kürt devleti kurulması., atıyorum Ermeniler, Rumlar, Pontus Rum devletinin işte getirdiği, Trabzon'da, Karadeniz'de. Bunların hakları kısıtlanmazsa eğer devlet olgusu oluşmaz zaten. O zaman ona devlet diyemezsin. Bir sürü küçük devletçiklerin başında bulunan, özerk devletlerin başında bulunan federe bi güç dersin. Bu olmaz, yani elbet bi sınırlama olmalı ki, insanlar buna uymalı ki, düzen oluşsun. Yoksa, bi düzenden bahsedemezsin. Ben karşıyım insanların tamamen birey olarak değerlendirilip devlete karşı çıkmalarına. Ne bi Kürt devleti kurulmalı, ne bi Ermeni devleti. Böyle özerk bi hak, ne bi topluluğa ne bi bireye verilmemeli.

conceptualize the state is not the same in all groups of students. It could be argued that the state tradition within national education does not manifest itself in the same way.

In conclusion, in the context of support for general norms and principles, the students show strong tolerance towards human rights. Regardless of the department and the grade of the students, they all argue for the indisputability of the supremacy of human rights and the precedence to be secured by law. Nevertheless, the question goes into their prominence in the context of state and individual and his rights, according to department of the students, salient differences are observed. It is striking that overwhelming majority of the non-Law students show strong support to the precedence of the human rights over state.

Unlike non-Law students, half of the Law freshmen agree that state interests should come first. On the other hand, without giving clear responses, senior Law students particularly focus on the constitutional rules and regulations. They distinguish the conditions in which state and individual rights confront and under which circumstances state precedes individual. However, it is noteworthy to highlight that how the students conceptualize the state is the main variable while deciding whether state interests or human rights should come first. Vast majority of the non-Law students give the impression that they may not have a solid perception of state. Furthermore, it is also observed that the concept of state among Law freshmen has not been crystallized yet. There is not a coherent and concrete perception of state among Law freshmen. For instance, while some of them depict the state as a privileged entity that should be protected, some of them treat state as an

only community that is constituted by gathering of people. Disparately, it is observed that the perception of state is more concrete and coherent among the Law seniors.

The prominence of the state is acknowledged by the Law seniors. Although there is not a coherent idea of glory state among the Law students, permanence of the state constitutes considerable importance for them. Correspondingly, the permanence of the state is given precedence especially when the rights of particular groups could threaten the security of the state. Since they mainly substantiate their arguments by referring to the Constitution and legal regulations, it could be argued that legal education may play a role in the crystallization of the perception of state.

The approach towards the 1982 Constitution and its capacity to encompass the differences

In this section, I will analyze the students' views of the constitution. Their views of the constitution constitutes much importance because how they perceive the existing socio-political context in Turkey based on the political philosophy of the 1982 constitution and its capacity to encapsulate differences presents considerable finding for the study.

The debates of new constitution are notably important because to what extent the new constitution challenges the principles of the 1982 Constitution and expands democratic rights as well as fundamental freedoms. The process of drafting new constitution is important in terms of the specific social groups seeking for their rights, Kurds in particular. Kurdish politicians see the process of new constitution as a

chance for their political demands and cultural rights to be recognized and secured by the state. BDP parliamentary Kaplan notes, “Language and identity are the two things that we will never compromise on. For the Kurds, the new constitution is useless without acknowledging these two things (Khoshnaw, 2012). Therefore, while the political demands and rights of Kurds are vocalized that frequently in both political and legal arena and have become the major topic of debate in the process of drafting new constitution, what Law students think about the existing constitution constitutes paramount importance. To elaborate, how they perceive the extent of encapsulation of the constitution. In other words, what they think about to what extent the existing constitution embraces the differences in Turkey is the main question that I seek to find the answer. Before going to more specific in terms of the current situation of particular groups in Turkey seeking for their rights in constitutional grounds, I wanted the question to shed light their perspectives on the extent of 1982 constitution’s embracement.

In line with the debates on drafting the new constitution, regardless of grade of Law students, the respondents support drafting a new constitution. They stress that the constitution was a coup constitution; thus, it should be altered.

“It’s a very problematic constitution. As we define in our lectures, it was turned to a patchy shirt. It’s always patch over patch. I mean it’s hard to call it a constitution. That’s why; it is a constitution that must be altered”¹⁴ (Male, Senior – Konya Law School Student)

¹⁴ Baya sıkıntılı bi anayasa. Bizim derslerde tabir ettiğimiz gibi yamalı gömleğe dönmüş. Hep yama üstüne yama. O artık yani anayasa olmaktan çıkıyor. O yüzden değiştirilmesi gereken bir anayasa.

“The 1982 Constitution, as far as I heard and learned, which I have learned recently because I did not pay attention much before, is literally a disaster. While the 1961 Constitution was a libertarian constitution, restrictions were gradually brought and people were inhibited. I can say that the thoughts of people were hindered, people were restrained. Like that, I see the Constitution as anti-libertarian. But, some amendments were realized. I think, it will be better with those changes”¹⁵ (Female, Freshman – Ankara Law School)

It is noteworthy to point that non-Law students’ approach relatively suspicious toward the issue of drafting a new constitution. Differently from Law students, they do not give decided support to the process of new constitution. Majority of them state that they keep abreast of the current discussions from the news but they do not have much knowledge about the issue. It is remarkable that what is more important for them is to what extent their lives are influenced by the change of the constitution.

A: The 1982 Constitution.. I know it was drafted right after the 1980 Coup. As far as I learn from the Law lectures, it was the fourth or fifth constitution¹⁶ (Male, Senior – Economics, Istanbul University)

F: Actually, I wanted to learn what you think about the 1982 Constitution.¹⁷

¹⁵ 1982 anayasası duyduklarım ile öğrendiklerimle, ki yeni öğrendim, önceden pek ilgilenmemiştim, tam bir felaket. Bi 1961 anayasası gayet özgürlükçü bi anayasa olmasına rağmen, git gide buna kısıtlamalar getirildi ve insanlara ket vuruldu. Bazı şeyleri önlemek için insanların düşüncelerine engel olundu, işte insanlar kısıtlandı da diyeyim. O şekilde, özgürlük karşıtı bi anayasa olarak görüyorum ben de. Ama değişiklikler yapılmış, onlarla daha iyi olacak diye düşünüyorum.

¹⁶ 1982 anayasası... 1980 eylül darbesinden hemen sonra yapıldığını biliyorum.

Hukuk derslerimden öğrendiğim kadarıyla dördüncü, ya da beşinci anayasa olduğunu biliyorum.

A: Honestly speaking, there is not any impact of Law on real life. If we do not enter from the door of courthouse or from the door of a potbellied as well as fraud lawyer's office, we would not know what law is at all. Law is established rules. My knowledge is not beyond that. I hear from the news that the 82 Constitution is too bad. I have not had any curiosity to read the Constitution so far, I do not think that I will have such curiosity in the future. As I said before, I think that since it is not shown that how the constitution affects our lives, we are so indifferent towards Law¹⁸.

On the one hand, although there is consistency in the necessity of drafting a new constitution among the Law students, they show variance regarding to what extent the 1982 Constitution embraces differences in Turkey. Regardless of the grade of the Law students, the majority of them believe that the Constitution does not embrace the differences in Turkey. In addition, they underline that Turkishness as an ethnic emphasis in the Constitution is a problem, which must be solved with the new constitution. It is a striking point that some of the respondents especially seniors depict the Turkishness emphasis as a problem because it is used by different groups seeking their rights, predominantly Kurds, as a tool to legitimize their victimhood. Therefore, what they stress is that in order to avert the claims of those groups, the Turkishness should be replaced with the citizenship of Turkey.

¹⁷ Açıkçası ben daha çok senin 1982 anayasasıyla ilgili ne düşündüğünü öğrenmek istedim.

¹⁸ Çok açık söyleyeyim hukukun gerçek hayata çok yansıması yok. Hiçbirimiz adliyenin kapısından girmeden veya işte böyle koca göbekli falan dolandırıcı bi avukatın kapısından içeri girmeden çoğumuz hukukun ne olduğunu çok bilmiyoruz yani. Hukuk işte koyulmuş kurallar.. Benim de bilgim bundan çok öte değil. 82 anayasasının televizyondan çok çok kötü olduğunu duyuyorum. Elime alıp da bi kere bakacak bi merakım olmadı, gelecekte olacağını da düşünmüyorum. Dediğim gibi hayatımızı direkt olarak bizi nasıl etkilediği gösterilmediği için, hukuka karşı bu kadar ilgisiz diye düşünüyorum.

A: *“Turkish nation is defined as Turk in the constitution. It should not be like that. Turkishness is perceived as Turkish citizenship; however, other ethnic identities perceive it in a different manner. They can say, ‘Look, we are excluded in the Constitution’. We should not allow those things to happen. If Turkish citizenship is directly emphasized, it embraces everyone.”*¹⁹ (Male, Senior – Konya Law School Student)

Some of the Law school seniors discuss that they support the removal of Turkishness in the Constitution on the grounds that not only the groups in Turkey but also external forces can use it as a tool to legitimize the inequality in Turkey.

S: *“Armenians are our best companion. Our Kurdish brothers are our best companion. We fought together in Çanakkale. Because some people may sow discord among us, today we face these problems. But to what extent we provide the circumstances in our constitution and laws that strengthen our solidarity and to what extent we remove these discriminations, we will prevent the external forces to interfere in our business.”*²⁰ (Male, Senior – Konya Law School Student)

¹⁹ Türk milleti Türk diye tabir edilir anayasada. Böyle olmamalıdır. Türk’lük Türk vatandaşlığı gibi anlaşılıyor ama diğer etnik kimlikteki vatandaşlar daha farklı algılıyor. Sonra çıkıp da bak anayasada da dışlanıyorum diyebiliyor. Bunlara meydan vermemek lazım. Direkt Türk vatandaşlığı denildiği zaman herkesi kapsar.

²⁰ Ermeniler bizim en iyi dostumuz. Kürt kardeşlerimiz bizim en iyi dostumuz. Çanakkale’de beraber savaşmışız. Ve birilerinin aramıza ayrılık tohumu ekmesinden dolayı belki bugün böyle sıkıntılar meydana gelmiş. Ama biz ne kadar bu insanlarla birlikteliğimizi arttıracak şeyleri sağlarsak anayasamızda, kanunlarımızda bu ayrımları ortadan kaldırırsak o kadar bu dış güçlerin işimize karışmasını engelleyeceğiz

Another dominant perspective among senior Law students is that the Constitution does not embrace differences but may not see it as a problem.

H: "I think it's not inclusive. But it has to be like that. I can say that at the rate of 80%, the rights are granted to the people (different groups) in Turkey. But, if they are entitled more than that, it would lead to the establishment of self-governing states." (Male, Senior – İstanbul Law School Student)²¹

As Law seniors, majority of the Law freshmen also state that the current Constitution is not inclusive. However, while Law seniors refer to the benefits of having a more inclusive constitution in terms of averting the claims of the particular groups in Turkey or external forces, Law freshmen only argue that the current Constitution does not embrace all differences in Turkey. In other words, they do not associate the existence of inclusive constitution with any benefit for the state.

I do not think that we have a constitution that addresses the differences of people. I think that we have an extremely nationalist constitution that gives precedence to Turkishness and protects the Turkishness (Female, Freshman – Ankara Law School)²²

²¹ Bence kapsayıcı değil. Ama böyle de olması gerekiyor. Şu an yüzde 80 veriliyor diyebilirim bu haklar vatandaşlarımıza. Ama bunun da fazlası verilirse, bu özerk devletlerin kurulmasına yol açar.

²² İnsanların farklılıklarına hitap eden bir anayasamız olduğunu düşünmüyorum. Daha çok Türklüğü öne çıkarmış, Türklüğü korumuş, aşırı derecede milliyetçi bir anayasamız olduğunu düşünüyorum

Differently from Law students, majority of the non-Law students think that the Constitution is inclusive.

“Now, it seems that there is not a constitution that does not address everybody, but there is. There is.. But, it is shown that there was discrimination although there was not. It is being tried to demonstrate like that. Otherwise, it addresses all people.” (Female, Freshman – Social Sciences Teaching, Istanbul University²³)

“As far as I see, everyone is in peace. I mean, I do not think that they have problems. There is a Kurdish question that remains on the agenda, but I do not think that it is something that should be exaggerated that much (Female, Senior – Science Teaching, Konya University)²⁴

Non-Law students acknowledge that there are some problems but they suggest that it is exaggerated. In this respect, there is not a significant difference between non-Law freshmen and senior ones about how they perceive the 1982 Constitution.

In conclusion, what is notable point that the majority of the Law school students think that the current Constitution is not inclusive. The main difference between the approaches of freshmen and senior Law students is that while the senior

²³ Şu an herkese hitap eden bi anayasa yokmuş gibi görünüyor ama aslında var. Var da , şu an baştakilerinin rolüyle, bence hiçbir ayırım olmamasına rağmen ayırım varmış gibi oluşturuluyor. Öyle gösterilmeye çalışılıyor. Yoksa hani, bütün insanlara hitap ediyor

²⁴ Gördüğüm kadarıyla herkes bi rahat. Hani öyle bi sıkıntıları olduğunu düşünmüyorum. Hani gündeme geldiği kadar Kürt sorunudur, o kadar da abartılacak bi şey olduğunu düşünmüyorum açıkçası.

ones support the necessity of embracing constitution on the grounds that it would obviate the claims of the particular groups in Turkey or external forces, Law freshmen do not point to any future benefit for the state. Rather than emphasizing the importance to have an embracing constitution by the force of democracy, senior Law students focus on practical gains of the change in citizenship formation in the Constitution. This could indicate that the legal actors in Turkey are likely to act with a concern to protect the state rather than democracy or human rights.

On the other hand, non-Law students seem to approach more suspiciously towards the debates of new constitution and the inclusiveness of the constitution. First, they state that they are aware of the ongoing debates on the constitution but they do not have enough knowledge. In addition, they seem to be not interested in the issue because they believe that the constitution regardless of its libertarian content or inclusiveness does not have any impact on their daily lives. On the contrary, Law student's especially senior Law students pay close attention to the drafting new constitution processes. Beyond the technical knowledge they receive in Law schools, majority of them have a concrete idea what amendments should be needed and how new constitution should include.

Insights on the Recognition of Kurdish Identity in the Constitution

In this section, I seek to unveil students' insights on the recognition of Kurdish identity in the Constitution. In fact, after understanding the perspectives of the Law students on the Constitution in terms of whether it's inclusive or not, I wanted to understand what they think about the recognition of Kurdish identity in

constitutional base. While majority of the Law students do not find the Constitution embracing and give support to drafting a new constitution, it is interesting to see that they perceive the recognition of Kurdish identity.

Majority of the Law students oppose to the recognition of Kurdish identity in the Constitution. What they mainly emphasize that any reference to ethnic identity in the Constitution may lead to separation and division in the country. Rather than referring to any ethnic identity, the majority of the Law students suggest that a new constitutional citizenship should be formed under the name of Turkey citizenship.

S: "They (Kurds) should not be recognized constitutionally. All in all, it would be a separatist action. It should not take place in the Constitution. But, it may be made it more transparent. I mean, rather than saying that everyone is Turk, it could be stated as the citizen of Turkish Republic." (Male, Senior – Konya Law School)²⁵

It is observed that as Law School seniors, freshmen also approach suspiciously towards the recognition of Kurdish identity; however, it seems that their ideas regarding the issue have not crystallized yet. Majority of them state that they have not taught about that yet. Thus, they do not deliver concrete judgments about the issue.

S: "I have not taught about it but.. I mean, if it might cause disunity.. If it's regulated in a way that causes disunity, I surely think it's unfavorable. If it could be

²⁵ Anayasal olarak tanınmamaları lazım. Sonuçta bu bi ayrılıkçı fikir olur. Anayasada yer almaması lazım. Ama daha şeffaf hale getirilebilir anayasada. Yani, herkes Türk'tür yerine, Türkiye Cumhuriyeti vatandaşı denilebilir

managed to be in different ways, it might be okay. People should be happy.” (Female, Freshman – Ankara Law School)²⁶

Non-Law students, regardless of the grade, argue for a novel citizenship concept embracing all differences. What they mainly emphasize that the emanation of identity rhetoric could cause rupture. Detaching from all identity discussions, what they highlight is the notion of living together.

D: “We should live together here, but they may say that they are Kurdish. I’ve been experienced many cases about the issue. I have had Kurdish friends and Laz ones. They are all good people. But when the discrimination comes to light and exclusionary expressions are started to be told, unfavorable incidents have occurred. I’m so against to that.” (Female, Senior – Public Administration, Konya University)²⁷

R: “Any discrimination like Kurdish or Turkish has not been occurred from past till today. It’s been called Turkish Nation. Turkish Nation consists of Kurdish people, Laz people and Circassians. We all live together. I think it is wrong that’s kind of a differentiation.” (Male, Freshman – International Relations, Konya University)²⁸

²⁶ Hiç düşünmedim ama.. Yani.. Bazen kopukluk oluşturabilirse o açıdan bi düzenleme olursa tabi ki de zararlı olduğunu düşünüyorum. Farklı şekillerde olabilirse tabi, olabilir. İnsanlar mutlu olsun

²⁷ Birlik içinde yaşayalım, ama onlar yine bu toprak içinde biz Kürt’üz desinler. Bu konuda çok da olay yaşadım, Kürt arkadaşlarım da oldu, Laz da oldu. Ama çok iyi insanlar. Ama ayrımcılık girdiği anda, ayrımcı laflar söylenmeye başladığı anda çok kötü şeyler ortaya çıktı. Ben buna çok karşıyım.

²⁸ Geçmişten bugüne kadar Kürt-Türk diye hiçbir ayrım olmadı. Türk milleti diye anıldı. Türk milletinin içinde Kürt’ü de var, Laz’ı da var, Çerkez’i de var, hepsi var. Hep birlikteyiz. Böyle bi ayrıma gelinmesi yanlış bence.

Among Law School seniors, the one of the main reasons stated objecting the recognition of Kurdish identity is the constitutional recognition may cause disorder in Turkey.

Ö: “No, definitely it should not be. When we call Kurds, I mean there are Kurdish people coming from Arabia, England, Portugal. I mean, there are thousands of race in the world. That case, we have to make some changes to regulate how many thousands of races. Now, it’s not necessary a particular (privilege) for Kurds. When you recognize them, you have to recognize others. At that time, it the country would be in an enduring disorder.” (Male, Senior – Konya Law School) ²⁹

In conclusion, senior Law students object to the recognition of Kurds in the Constitution. Rather, they suggest a formation of new citizenship which does not contain a reference to any ethnic identities; neither Turk nor Kurd. In previous chapter, as it was stated, the Law students think that the emphasis of Turkishness should be removed in the Constitution. In fact, this perspective bears a resemblance to the AKP government stance towards the new constitutional citizenship. As Jongerden (2011) indicates, “It is clearly a reconceptualization of the republican concept of citizenship, supposedly devoid of ethnic reference, that operates as an umbrella for the ethnic diversity of the country.” (p.22). It could be argued that state-sponsored initiative regarding the new constitution and novel concept of citizenship receive support from the Law student seniors. Law freshmen also do not express

²⁹ Yok, kesinlikle olmamalı. Kürtler dediğimiz zaman, şimdi bunların Arabistan’dan geleni var, İngiltere’den geleni var, Portekiz’den geleni var. Yani bu dünyada kaç bin ırk vardır, o zaman bu kaç bin ırkı düzenleyen şeyler yapmamız lazım ki. Şimdi sadece Kürtlere ayrı bi şeye gerek yok. Onları tanıdığımız zaman diğerlerini de tanımanız lazım, ki o zaman ülke devamlı bi kargaşa içinde olur

tolerance towards the recognition of Kurdish identity; however, it seems that their ideas regarding the issue crystallized yet. For, they do not substantiate their objections by stating a certain argument as Law seniors do. In addition, it's discerned that they do not have a common ground that they use to oppose to the recognition of Kurdish identity.

I may suggest that the Law seniors seem to be in line with the state's approach regarding the issue of recognition of Kurdish identity and drafting new constitution. Not only for the constitutional recognition of Kurdish identity issue, but, as I will try to demonstrate in the following sections, I find important to analyze the support of Law seniors for state initiatives in the context of the rights and demands of the Kurds.

The Approach towards the Education in Mother-Tongue

In this section, I will try to understand the Law students' insights on education in mother-tongue. Although firstly I seek to question their approach towards education in mother-tongue as a general norm; thus, I ask the question without emphasizing 'education in Kurdish', with the impact of lively debates on Kurdish education, the respondents directly answer the question on the bases of allowing Kurds to get education in their mother-tongue. While obtaining education in Kurdish from the first grade is one of the prominent political demands of Kurds, I find important to understand how they perceive the demand; whether they regard it as a right or they oppose to the Kurdish education.

The respondents to a greatest extent express their intolerance towards education in Kurdish. What is salient is that although there is great consistence in terms of opposition offering Kurdish education in schools, the reasons with which they ground their arguments show significant variance. Majority of the respondents express their intolerance regarding the education in Kurdish by putting forward that the official language in Turkey is Turkish. Although the question does not refer to official language, the majority of the students directly associate education in mother-tongue with official language and support their objections by asserting that while official language is Turkish, the education language cannot be different.

What is striking is that regardless of grade, Law students overwhelmingly underline the possibility of the abuse of allowing Kurds to get their education in Kurdish. They depict granting the right to teach and study in mother-tongue as goodwill of the Turkish state; however, they stress that the goodwill may be abused. When the question goes more particular and seek to understand what they mean by abuse and what would occur when it's abused, the responses mainly indicate that education in mother-tongue may pave the way for the separation of Kurds.

S: "I say that our country is so open to abuse that you give as it is education in mother-tongue, but there would be many people that will abuse it. You approach with good intentions, but there are people who will divert this good intention." (Male, Senior - Istanbul Law School)³⁰

³⁰ Şöyle diyeyim, ülkemiz suiistimallere öyle açık bi ülke ki, anadilde eğitim diyip verirsin, fakat suiistimal edecek bi sürü insan vardır. İyi niyetle yaklaşırısı, fakat senin bu iyi niyetini çok farklı yönlere çekecek insanlar var.

F: “What do you mean exactly by ‘abuse’? I mean, what do you think what would occur if it were abused?”³¹

S: “They may demand autonomy by using education in mother-tongue as they do now. They may seek to separate completely³².”

A freshman from Ankara Law School also traces the underlying purpose of the demand.

T: “I think, here the purpose of the people is important. If their aim is to live the language, it’s not a problem. But if the aim goes to opposition or discrimination, it is a trouble.” (Female, Freshman - Ankara Law School)³³

It is inferred from the Law students’ responses that they mainly question the ‘intention’ of the group while demanding to get their education in mother-tongue. In line with the above argument, what they put forward is that if the ‘intention’ of the particular group is to separate, they can abuse the granted right to them.

Non-Law students also disapprove of receiving education in mother-tongue but they state that they do not support not only education in Kurdish but any policy that emphasizes the identity or any identity-based enforcement.

³¹ Suiistimal edilmesi derken tam olarak ne kast ediyorsun? Yani suistimal edilirse ne olacağını düşünüyorsun?

³² Ana dili kullanarak şimdi yapmaya çalıştıkları gibi özerklik isteyebilirler. Tamamen ayrılmaya çalışılabilirler

³³ Bence burada insanların amacı önemli. Eğer amacı o dili yaşatmaksa olabilir. Ama amaç aykırılığa, ayrımcılığa gidiyorsa, bu sıkıntıdır yani.

“Now, I do not oppose the existence of those people in any way. It is nice that there is diversity in a country, I think. A society exists with its diversities or cohesion of civilizations. But, if the name of the country is Turkey, I think the language should be Turkish. Their rights should be protected. They belong to a different identity at the end of the day, maybe they need to be protected more than us. We say we are Turkish, they call themselves differently. Of course, they should have rights as we have, maybe more than us. But, education in mother tongue...The things driving the ethnic identity forward... For instance, I look at the East.. There should be the things that can be brought to the East. Different practices, different education styles. But the things highlighting the identity or putting the incidents occurred in the past forward... I think those should not be.” (Female, Senior – International Relations, Konya University)³⁴

A Social Sciences Teaching student from Istanbul University says,

“C: Education in mother tongue.. I think there should be one language. I mean, otherwise it would turn into identity issue. That’s why, I think that there should be one mother-language.”(Female, Freshman – Social Sciences Teaching, Istanbul University)³⁵

³⁴ Şimdi, o insanların varlığına hiçbir şekilde karşı değilim. Bir ülkede çeşitlilik olması çok güzel bence. Çeşitlilikleriyle var olur bi toplum. Medeniyetlerin birleşmesiyle var olur. Ama bu ülkenin adı Türkiye ise dili de Türkçe olmalı diye düşünüyorum. Onların hakları tabi ki korunacak. Onlar başka bi etnik kimliğe ait sonuçta, onlar belki bizden daha fazla korunmaya muhtaç belki. Biz Türk’üz diyoruz, onlar başka bi şey diyorlar. Tabi ki hakları olacak, bizimle aynı, belki bizden daha fazla. Ama, anadilde eğitim. Böyle etnik kimliği ön plana çıkaracak şeyleri . Bakıyorum mesela doğu’ya. o konuda doğu’ya daha fazla bi şeyler götürülebilir. Farklı uygulamalar, farklı eğitim tarzları. Ama etnik kimliği ön plana çıkaracak şeyler ya da tarihte yaşanmış şeyleri ön plana çıkaracak şeyler. Bence olmamalı.

³⁵ Anadilde eğitim... Bence tek dil olması lazım. O zaman kimliğe giriyor bu. O yüzden ben tek anadil diye düşünüyorum.

“F:”What about language of education?”³⁶

“C:Of course, education should be in one language, I think”³⁷

The approach of the non-Law students could represent the mainstream ideology in Turkey for the last decade. The denial of Kurds has been evolved into the recognition of the Kurdish existence but not Kurdish identity as a different identity that is supposed to have particular rights. As Yeğen (1996) indicates, the state cannot deny the fact that Kurds exist anymore but it does not mean that Kurds should be granted their rights. Thus, I observed that prevailing perception among the non-Law students what is important is the notion of living together; thus, identity policies including granting Kurds to receive education in mother-tongue should not be put into practice.

Law students especially senior ones oppose to the education in mother tongue because unlike non-Law students, they seem to put much emphasis on the notion of getting very first education in Turkish national education system in which the fundamental Turkish culture and values are provided. To recall politics of education literature, a number of scholars highlight that educational system in a country plays a key role in the production and reproduction of the certain symbols and discourses in society. According to Apple (1990), some of the symbols and meanings are reinterpreted, promoted or trivialized in the way they support or at least do not contradict other principals in dominant culture. Hjern (2001) argues that the educational system inculcates a certain form of knowledge and foster people into being loyal to the values and meanings appreciated by the dominant culture.

³⁶ Peki ya eğitim dili ?

³⁷ Tabi, eğitim tek dil bence.

In Turkish political culture, national education is primarily seen as an ideological tool to transmit certain knowledge and value sponsored by the state (Üstel, 2004). In the study, I observed that the majority of the senior Law students seem to acknowledge and celebrate the values transmitted by the national education. While they show tolerance towards offering Kurdish as an elective course in high school or opening the Kurdish Language and Literature department in university, they strongly oppose receiving education in Kurdish from primary school. For, they put much stress on the importance of getting very first education in Turkish educational system in which the fundamental Turkish culture and values are provided. Put differently, they underline that the students should firstly be embodied by the Turkish culture and values within the Turkish primary schools in which the very first education is delivered.

Correspondingly, although senior Law students seem relatively tolerant towards the elective course offered in higher grades, they oppose to receiving education in Kurdish in primary school on the grounds that it could lead to ‘chaos’ in the country.

Ö: “Now, in any case there is unity in education and it is enabled with Turkish. Now, through education, it may be solved in this way: I mean, for instance university is an independent foundation and the person coming to university comes after he/she’s somehow already shaped. He/she is coming to university in some way developed his/her identity. But I stand up for that: I am the opinion of that how English Language and Literature exists in universities, Kurdish Language and

Literature, Laz Language and Literature or Circassian Language and Literature department can be opened.”(Male, Senior - Istanbul Law School) ³⁸

F: “Well, what if they start to get their education in Kurdish from primary schools ?”³⁹

Ö: “Getting education in Kurdish from primary schools could cause a collapse within society. You are asking why.. Because I think that as if it could be an intervention to the fundamental and essential unity of state. Why? Education language starts from primary school and continues to university. And you acknowledge all the favors provided by language and culture within school and family life. Otherwise, unless people receive that, it could create a problem. (Male, Senior - Istanbul Law School) ”⁴⁰

In line with above argument although Kurdish Language and Literature department in university or offering Kurdish as an elective course may be acceptable, since people in Turkey cannot tolerate education in mother-tongue, it should not be granted.

³⁸ Şimdi eğitimde illaki şu an birlik var, ve o Türkçe’yle sağlanıyor. Şimdi eğitim yoluyla şu şekilde çözülebilir bu. Yani mesela üniversite sonuçta bağımsız bi kurum ve üniversiteye gelen insan artık biraz şekillenerek geliyor. Kimliğini bi nevi kazanmış olarak geliyor. Ama ben şunun taraftarıyım: Üniversitede nasıl İngiliz dili ve Edebiyatı diye Kürt dili ve Edebiyatı, Laz Dili ve Edebiyatı, Çerkez dili ve Edebiyatı gibi bölümlerin açılabilmesi kanısındayım.

³⁹ Peki, eğitimlerini Kürtçe ilkokulda almaya başlasalar ?

⁴⁰ İlkokuldan alınmaya başlanması toplum içinde bi çökertmeye neden olabilir. Neden diyeceksin..Çünkü bu, devletin temelde ve özde birliğine sanki bi müdahale olur gibi düşünüyorum ben. Neden olur.. Çünkü eğitim dili ilkokuldan başlar, üniversiteye kadar devam eder. Ve sen dilin vermiş olduğu güzellikleri, kültürü tamamen okul içinde ve aile yaşantısı içinde kabullenirsin. Aksi halde bunu alamadıklarında bu sorun yaratır.

S: "Now, what we can do at first step is to offer Kurdish education as an elective course. Further than this is no way possible. The state of the country cannot afford it. The official language is Turkish and there is not a problem with that. But, the courses like Kurdish Language and Literature should be offered as an elective course first and foremost." (Male, Senior - Ankara Law School) ⁴¹

F: "Could be the education in Kurdish offered in primary school as well?"⁴²

S: "No. At high school. Apart from that, at first, a sort of step could be taken at the furthest."⁴³

F: "What do you mean while you are saying that 'the state of country cannot tolerate it'?"⁴⁴

S: "Granting education in mother-tongue could be abused. That's what I say."⁴⁵

It is important to note that Law freshmen state their concerns regarding the possibility of dividedness that could be caused by granting the right of education in mother-tongue to Kurds. Law freshmen substantiate their objections by suggesting that education in mother-tongue could pave the way for the disunity and dividedness between Kurdish and Turkish communities.

⁴¹ Şu an bizim ilk adımda yapabileceğimiz şey seçmeli ders olarak koymak. Daha ilerisi olmaz. Bu ülkenin pozisyonu bunu kaldıramaz. Hani resmi dil Türkçe, bunda bi sıkıntı yok zaten. Ama Kürt dili ve edebiyatı tarzı dersler en başta seçmeli ders olarak konulmalı.

⁴² İlkokulda da olabilir mi peki?

⁴³ Hayır. Lisede. İlk başta böyle bi adım en fazla yapılabilir. Onun dışında da daha da ileri gidilemez.

⁴⁴ Bu ülkenin pozisyonu bunu kaldırmaz derken ne demek istiyorsun?

⁴⁵ Anadilde eğitim çok kötü kullanılabilir. Dediğim olay odur yani.

D: "I think that if people are so attached to their ethnic identity, they receive it within their families. Should state grant this education? I think it should not. Not a uniform (identity) but state has to gather people under a particular thing. In order to maintain unity... I think it should not grant. This right is not appropriate. I mean, offering as an elective course is not a problem. I mean if someone is so attached to his/her identity, he/she receives this education within family. The state does not need to grant it." (Female, Freshman – Ankara Law School)⁴⁶

F: "What if the state allowed getting education in mother-tongue?"⁴⁷

D: "I mean, assume that you receive your education in Laz and I receive it in Arabic. This could create an estrangement between us. This could prevent our cohesion. All in all, we are trying to be brother under same country. I think that it could prevent this (brotherhood)."⁴⁸

In conclusion, majority of the Law students oppose Kurds to receive their education in their mother-tongue. However, it is noteworthy to state that they show tolerance towards offering Kurdish as an elective course not in primary school but in high school or university. This could be analyzed in two ways. First, they stress the importance of getting the very first education in Turkish educational system in which the fundamental Turkish culture and values are provided. Secondly, it is observed

⁴⁶ Bence kişiler etnik kimliklerine çok bağlılarsa bunu kendi ailelerinde alacaklardır. Devlet bu eğitimi vermeli midir, bence vermemelidir. Tek tip olmasa da, hani insanları belirli bi şeyin altında toplamak zorunda. Birliği sağlamak için.. Bence vermemeli. Uygun değil. Yani seçmeli olarak vermek gibi bi şey olabilir. Yani kimliğine çok bağlıysa aileden bu eğitimi alacaktır. Devletin vermesine gerek yok.

⁴⁷ Sence devlet kişilerin anadilde eğitim almasına olanak tanır mı ?

⁴⁸ Yani siz gidip Lazca alacaksınız, ben gidip Arapça alıyorum diyelim. Bu aramızda bi soğukluk oluşturabilir. Bizim kaynaşmamıza engel olabilir. Sonuçta bi ülke altında kardeş olmaya çalışıyoruz. Buna engel olabilir diye düşünüyorum

that Law students show tolerance towards steps taken in the context of education in Kurdish such as offering an elective course or opening Kurdish Language and Literature department in universities. On the other hand, they express strong fear and intolerance towards the initiatives that have not been practiced yet. As I discussed before, the Kurdish Language and Literature department in two universities in Turkey has been opened since 2010. In addition, the debates on offering Kurdish as an elective course have been on the agenda for a while. Thus, approaching with the fear of uncertainty and obscurity, they seem to oppose to the education in mother-tongue from primary schools. Mainly, they underline the abuse of the right granted to Kurds. Majority of the Law students point out that education in mother-tongue may pave the way for the separation of Kurds.

While Law students both freshmen and senior ones focus on the drawbacks that could be emanated by the education in mother-tongue, non-Law students do not specify any threat or concern. It seems that they do not have a specific stance towards the education in mother-tongue. What they mainly emphasize is that they oppose to education in mother-tongue because it is intrinsically a policy that highlights identity; in other words, it is identity based policy. They do not provide solid arguments as Law students regarding why they oppose. In this regard, it could be argued that Law students especially senior ones have concrete standing regarding the education in mother tongue because they state their concerns about what education in Kurdish could pave the way.

While majority of the respondents express their intolerance regarding the education in Kurdish, how they substantiate their arguments show difference. Not

Law school freshmen or other non-Law students but especially Law school senior students express their objections by suggesting that education in mother-tongue could challenge the order and bring about disorder. The finding could be analyzed in the framework of Tocqueville's argument on legal education and legal actors. According to Tocqueville, "If this official is a man of the law, he is naturally carried by education to prize stability and he becomes attached to stability by inclination" (1835, p.574) Tocqueville (1835) clearly indicates that legal actors act with a certain sense of attachment to the order. According to Savoy (1970) the observations made by De Tocqueville regarding legal profession and education is still valid today. Watson (1968) also acknowledges that Law students express a greater need for order and security than average. The study may justify the argument because disparately from the Law freshmen and the non-Law students Law seniors prioritize protecting social order. Therefore, the discursive difference observed among the respondents could justify the Savoy's argument regarding the legal education suggesting that certain values and qualities fostered by the legal education bring about the obedience of the Law students to authority and intolerance for ambiguity (1970).

In the next section, I will look at the insights of the Law students on broadcasting in Kurdish. What is important is to understand whether there is a difference between Law students' approach towards demand is acknowledged by the state and the one is rejected. While broadcasting in Kurdish was recognized and allowed by the state with certain limitations, it is critical how the Law students perceive the issue.

The Perspectives of Law students towards the Broadcasting in Kurdish

In this section, I will analyze the Law students' perspectives towards broadcasting in Kurdish. TRT Şeş, the Kurdish TV of the state-run Turkish Radio and Television Corporation (TRT) started to its broadcast on in 2008. Although state-sponsored TV channel broadcasting in Kurdish was allowed, according to the regulations of the Supreme Council of the Radio and Television (RTÜK), opening private channels that broadcast in Kurdish is still prohibited. Thus, firstly, I attempted to understand their approaches towards broadcasting in Kurdish and TRT Şeş in particular. When the question goes to more specific, I seek to reveal their opinions on granting rights to Kurds to establish private channel broadcasting in Kurdish. While nationwide Kurdish broadcast is defined as one of the central demands by the Kurdish movement for cultural and political rights, it's important to understand the approaches of Law students regarding the issue. It also constitutes importance to deduce whether their attitudes show difference considering the initiatives sponsored by state and the political demands of Kurds which have not granted and put into practice yet.

Regardless of the department and the seniority of the respondents, they show support to the TRT 6. However, how they substantiate their support show difference. It is notable that non-Law students seem to perceive the issue absolutely independent from the political ground; thus, they may seem to be tolerant of broadcasting in Kurdish.

“I think it (TV Channel broadcasting in Kurdish) should be opened. For, it sounds nice to those people. Because they learn that language from the birth and they accustomed to it. Turkish could sometimes be so hard to them. Thus, everybody may have their own TV or radio (Female, Freshman – Science Teaching – Konya University)⁴⁹

It is remarkable that a significant difference is not observed between how the freshman or a senior explain and ground their support to TRT 6. They all are tolerant of TRT 6 since it is a state-led TV, but they approach suspiciously private channels broadcasting in Kurdish. Regardless of their seniority, the Law students highlight the importance of control of the broadcasting by the state. The Law students discuss that if only the channel broadcasting in Kurdish is sponsored by state, they show support. In other words, they state that private channels broadcasting in Kurdish could be allowed; however, they should be subject to certain supervision and control.

“Surely, it can be opened. It should be established and supervised by the hand of state. In what way should the supervision be? Of course, I think that internal inspection should be executed. As far as it does not contain anarchist thoughts in terms of content and thoughts that are against the Republic of Turkey, founded by Atatürk such as establishing a separate state, I support radio station and TV Channel

⁴⁹ Bence o açılabilmeli. Çünkü bu o insanların kulağına hoş gelen bi şey. Çünkü anadan doğarken o dili öğreniyorlar ve ona alışıyorlar. Türkçe bazen onlara çok zor gelebiliyor. Onun için herkesin ayrı bi radyosu olabilir

broadcasting in another language. For, it's a different richness of us. It is our cultural richness. It should already be.” (Female, Senior – Istanbul Law School)⁵⁰

Some students highlight that although before launching the TRT Şeş, there were certain worries and concerns, when people see that it did not constitute a threat for the unity, they acknowledge to show tolerance.

B: “I think those prohibitions (over broadcasting in Kurdish) are really ridiculous. I mean, what happened because TRT Şeş was opened; nothing happened. When it was launched, a lot of things were said. It was discussed that Turkishness is being lost. Such thing did not happen. It became a channel that those people also watch and have fun. As long as the things which are written and vocalized there are taken under control, I do not think it would be a problem.” (Male, Freshman – Ankara Law School)⁵¹

The Law students supporting state-controlled broadcasting in Kurdish mainly underline that Kurdish people can be informed in ‘true’ way through TV Channel or radio station run by state. Otherwise, Kurdish people would watch ROJ TV; thus, they show strong support to broadcasting in Kurdish as far as it’s provided by state.

⁵⁰ Tabi açılabilir. Kurulmalı ve devlet eliyle denetlenmeli. Denetim ne şekilde olmalı? Tabi iç denetim yapılması gerektiğini düşünüyorum. İçerik yönünden anarşist düşünceler barındırmadığı sürece, Atatürk’ün kurduğu Türkiye Cumhuriyeti’ne aykırı, ayrı bi devlet kurma yönünde düşünceler içermediği sürece ben başka dilde radyo ve televizyonun arkasındayım. Çünkü ayrı bi zenginliğimiz. Bu bizim kültür zenginliğimiz. Olmalı da zaten.

⁵¹ Bu tür yasaklanmaların gerçekten saçma olduğunu düşünüyorum. Yani TRT Şeş açıldı da ne oldu; hiçbir şey olmadı. Açılacağı zaman bir sürü şeyler söylendi. Türklük elden gidiyor falan denildi. Hiç de öyle bi şey olmadı. Şimdi onların da izleyebildiği, eğlenebildiği bir kanal oldu. Orada yazılanların, söylenenlerin bi şekilde kontrol altında tutulabildiği sürece bir sorun olacağını düşünmüyorum.

S: *“I have no problem with that (TV Channel/radio station broadcasting in Kurdish). He/she would learn from TRT Şeş instead of from ROJ TV. I side with that true information is given through the hand of state. I mean, rather than learning from different channels, he/she receives true information provided by state.” (Male, Senior – Ankara Law School)*⁵²

For a freshman Law student, state is also the entity that is supposed to provide ‘true’ information; thus, they show tolerance towards the state led TV channels but oppose to private channels out of state control.

“I mean, it is different that they have their own TV channel. If the state does it, it’s okay. But, if they (the Kurds) do it, it’s not acceptable. For, as I say before, the state has the capability to differentiate good and bad. But, when they have their own TV channel, they would be talking about something that belong to them. Thus, it would be on their own side”.(Female, Freshman – Ankara Law School)⁵³

The intention discourse is also predominant in the responses of Law students in the context of allowing broadcasting in Kurdish. Some students put emphasis on to the intention of Kurdish in launching TV Channel or radio station in Kurdish.

Correspondingly, they express tolerance if the aim is not dividing country.

⁵² Bence bi sakıncası yok. Gidip de ROJ TV’den öğrenene kadar TRT-ŞEŞ’ten öğrenir. Yine devlet eliyle doğru bilgilerin verilmesi taraftarıyım. Yani farklı kanallardan öğreneceğine yine devlet tarafından verilen doğru bilgileri alır

⁵³ Şimdi kendi televizyonları farklı bi olay. Devlet yapıyorsa tamam. Ama kendileri yapıyorsa olmaz ya. Çünkü, hani diyorum ya devlette iyiyile kötüyü ayırd edebilme durumu var. Ama kendi televizyonları olduğu zaman kendilerine ait bi şeylerden bahsediyorlar. O zaman o kendi tarafları oluyor.

*T: "If it leads to opposition or discrimination, they should not allow it. But, if they want to live some cultural values or some things, it is not a problem. I mean, as our politicians say that our differences is our richness. It is true. It would be favorable if it is done in terms of culture. All in all, they are also our people living in motherland. But as I said before, if it leads to discrimination, opposition, it would be a trouble."*⁵⁴ (Male, Freshman – Istanbul Law School)

In conclusion, regardless of grade, all Law students support the initiative of broadcasting in Kurdish. Law students show tolerance only towards the launch of state-sponsored TV channel or radio station. In addition to that, they give support for opening private channels broadcasting in Kurdish if only they are supervised and controlled by state. The Law students highlight the importance of that what is broadcasted should not be against the fundamental principles of Turkish state. While supporting state-sponsored TV channels broadcasting in Kurdish, what they mainly emphasize is to enable Kurdish people to receive state-led information. In other words, state paves the way for opening Kurdish radio and TV channels so that Kurds do not follow deviant broadcasts such as ROJ TV. Another salient finding is that as the case in education in mother-tongue, the respondents question the intention of the ones seeking to establish private TV channel or radio station in Kurdish. They underline that the aim of the broadcasting in Kurdish should be limited to cultural programming.

⁵⁴ Eğer aykırılığa ayrımcılığa gidiyorsa buna izin vermemeleri gerekiyor. Ama bazı kültürel değerleri bazı şeyleri yaşatmak istiyorlarsa bu olur bi şey. Yani, farklılıklar siyasetçilerimiz diyor ya hani zenginliğimizdir. Bu doğru bi şey. Kültürel yönden olursa iyi olur. Sonuçta onlar da vatan toprağında yaşayan bizim halkımız. Ama dediğim gibi ayrımcılığa gidiyorsa, aykırılığa gidiyorsa o sıkıntı olur ya.

In the framework of the Law students' approach broadcasting in Kurdish, what I observe is that state is perceived as the organization that is credible and reliable which is supposed to disseminate 'true' information. The overall perception of the Law students is that the state should supervise and control what is broadcasted because it has the capability to identify and separate out what constitutes threat for the unity. In this regard, the approach of the Law students may demonstrate that how they perceive state. In the section in which the students are asked their priority in the context of state interests and human rights, differently from Law seniors, I observed that the concept of state among the Law freshmen has not been crystallized yet. In this respect, it could be argued that state as an abstract entity is not crystallized for the Law freshmen. On other hand, it could be argued that they seem to have the perception of state as a competent authority to specify what legitimate knowledge is. Put differently, state is the authority that is to distribute the reliable and true information.

At this point, it could be useful to recall politics of education theories suggesting that education plays a key role in the reproduction of the legitimate knowledge which is formed and specified by the state. According to Foucault (1980), those who are charged with saying what counts as true play a role in the construction of types of discourses which are being accepted and function as true in society. Furthermore, Foucault argues that the politics of education is shaped by those types of discourses. In the same vein, Apple (1980) also discusses that educational institutions serve to reproduce and disseminate what is perceived to be 'legitimate knowledge'. While the Law students see the state as the authority that is supposed to distribute 'true' information, it could be argued that the Law education may play a

role in the construction of their perception. To substantiate the argument, it is notable that while it is not observed such perception of state among non-Law students, regardless of grade, the Law students state similar arguments regarding the role of state on broadcasting in Kurdish.

The Law students' approach state-led initiatives could be a matter of discussion. If we recall the Law students' perspectives towards the constitutional recognition, education in mother-tongue and the broadcasting in Kurdish, it could be argued that the Law students, especially the Law seniors are in line with the state's position towards the particular issue. To substantiate my argument, I find important to see overall picture of how Law students perceive the Kurdish question and the steps taken to solve the problem.

When the respondents are asked their views on Kurdish question, it is observed that there are considerable differences among the Law students in the perception of the Kurdish issue. Especially, the Law School freshmen and the Non-Law students strongly reject the existence of the Kurdish question. The discourse regarding the Kurdish question in Turkey also prevails among those Law students. They see the Kurdish question as an artificial problem, which has been generated and driven by the foreign forces to weaken Turkey. As a part of the prevailing discourse, they also state that the Kurdish people do not have any problem or any demand in actual but they are used and manipulated; thus, they express those political demands. Non-Law students and Law freshmen do not seem to give decided support to the government policies and state's approach towards Kurds.

Disparately, the Law seniors are supportive of government's current policies in the context of the Kurdish initiative. In substance, they look at the issue in the framework of the government's steps to solve the Kurdish question. They seem to support the government's efforts and find moderate as well as adequate the steps taken. It is observed is that the Law seniors may be politically tolerant towards the state-sponsored rights granting to Kurds in the context of Kurdish initiative. Thus, it is inferred that the majority of the Law students show intolerance towards the rights and demands burgeoning inside of the boundaries drawn by the state.

The support given by the Law students to the state-sponsored initiatives could be analyzed in twofold. First, as I tried to demonstrate in preceding section, there is a strong perception of state as a reliable and competent authority. Thus, if an initiative is a state-led, it receives decided support from the Law seniors. The case is somewhat different for Law freshmen because their approaches of the Kurdish demands and rights and the perception of state may not be crystallized yet. According to Tocqueville (1835), men of law are likely to submit to authority since they see it as the guarantee of order. While putting emphasis on the tendency of the law people to obey the authority, Tocqueville also (1835) highlights that legal actors give much importance to order on the grounds that state is perceived as an authority that protects the maintenance of order. "If this official is a man of the law, he is naturally carried by education to prize stability and he becomes attached to stability by inclination" (Tocqueville, 1835, p.574) According to Savoy (1970) the observations made by De Tocqueville regarding legal profession and education is still valid today. Watson (1968) also acknowledges that Law students express a greater need for order and security than average. What is released from my study also justify these

approaches because it is notable that the majority of the Law students; especially senior students use the discourse of protecting the social order. Besides, they primarily oppose to the certain political demands of Kurds on the grounds of that they could cause disorder or turmoil in the country.

Another point is that if a political demand of Kurds is granted by the state and it is put into practice, the Law students may be inclined to show more tolerance to the political demand. I argue that the reason could be the intolerance of ambiguity among the Law students. This could be understood better when Savoy's argument is recalled. According to Savoy (1970), certain values and qualities fostered by the legal education are mainly obedience to authority, dependence on external judgment and intolerance for ambiguity. If the Law students are asked their opinions regarding a political demand of Kurds which has not been granted, they mainly put emphasis on the possible threats or dangers that could be experienced in the following process. This may indicate that uncertainty and ambiguity reinforce their intolerance.

The Approaches towards Defense in Kurdish

In this section, I attempt to understand the Law students' perspectives towards granting right to allow Kurds to give their defense in court in Kurdish. Defense in Kurdish has been one of the hottest issues especially in the context of KCK trials. On January 24, 2013, Turkish parliament passed a law granting Kurds the right to use their own language in court. Before the law, the court board of the KCK trials rejected the request to present the defense speeches in Kurdish. Besides, judicial bodies referred Kurdish as an 'unknown language' and refused assigning a

translator. While the in-depth interviews were being conducted, the law was not in effect. Thus, Kurdish people were not allowed to defend themselves in Kurdish on the grounds that they knew Turkish, but yet they wanted to speak in an ‘unknown language’ (Bayır, 2012).

The non-Law students clearly state that they do not know anything about the issue and they do not attempt to speculate about the issue. Another point is that it is not observed significant difference between the approaches of the Law freshmen and senior ones regarding the defense in Kurdish. The majority of the Law students regardless of their seniority oppose allowing Kurds to give their speech in Kurdish. After receiving their first reaction regarding the defense in Kurdish, I also attempt to understand what they think about the stance of judicial body in Turkey that ignore the international agreements allowing people to use their own language in court. What is striking that the discourse the Law students use regarding the defense in Kurdish show similarity with the stated reasons in the rejection decisions of judicial body. While Kurdish was defined as an ‘unknown language’ in the court decision, the majority of the students find the decision justified since Kurdish language is not official state language.

S: “But, I guess the languages indicated in the agreements are the languages which are real languages: English, French. While the person who is the citizen of Turkey and know Turkish, if he says, ‘I will give my defense in Kurdish’, I think it is a trouble. As he/she knows Turkish, defend in Kurdish...While it’s controversial

whether Kurdish is a language... I mean, I think this does not come out of these agreements.” (Male, Senior - Konya Law School)⁵⁵

As it's the case in other political demands of Kurds including education in mother-tongue or broadcasting in Kurdish, the investigation of 'intention' is also observed in the responses of the Law students in the context of defense in Kurdish. The majority of the Law students highlight that while the Kurdish person knows Turkish if he insists on giving his defense in Kurdish, the 'intention' of him is controversial.

F: “Here the issue is that whether he/she wants to do it since his/her mother-tongue is that so. The decision of the judge is right if the point is propaganda. If he/she can express himself/herself better in that language, it could be accepted. It's dependent on his/her intention. But I do not know how we can understand it.” (Female, Freshman – Ankara Law School)⁵⁶

The respondents are also asked what the reason would be of the judicial actors' non-acknowledgement of international agreements allowing Kurds to give their defense in their own language. It could be argued that the Law students mainly

⁵⁵ Ama o anlaşmalardaki diller sanırım daha çok hani gerçekten dil olan diller: İngilizce'dir, Fransızca'dır. O insan Türkiye Cumhuriyeti vatandaşıyken, Türkçe bilirken ben Kürtçe savunma yapacağım diyorsa burada bi sıkıntı var demektir bence. Türkçe bilmesine rağmen Kürtçe ile... Kürtçe 'nin de bi dil olup olmadığı şu anda tartışmalıyken... Yani bu o anlaşmalardan bence çıkmaz gibi geliyor bana.

⁵⁶ Yani burada gerçekten anadili o olduğu için bunu yapmak isteyip istemediği konusu var. Bi propaganda söz konusuysa hakimin verdiği karar bence doğru. Ama bu gerçekten anadili o olduğu için, öyle olduğu için. O dilde kendini ifade edebildiği içinse uygun görülebilir. Kişinin niyetine bağlı. Ama bunu da nasıl anlayacağımızı bilmiyorum.

attribute the judicial body's decision regarding the defense in Kurdish to the subjective attitude of the judicial body.

C: "I guess the reason could be probably psychological. I mean, you arrest the man on the grounds that he attempted to subvert the state and the defense he would make in his own language would turn to a show. The man also knows Turkish, indeed. Okay, if he expresses himself more comfortably in Kurdish language... Yes, it is already stated in the international agreements. If the man expresses himself more comfortably in a different language, it would be necessary then, which it's already so simple to solve with a translator. But, I guess that the judge is unable to bring himself/herself to acknowledging it. Or, he would be afraid of being blasted away. All in all, the day after the newspapers would say that they gave Kurdish defense... Probably, it would be the reason." (Male, Senior - Law School)⁵⁷

F: Well, do you think there is a difference between the languages which are requested to give the defense in. I mean, for instance, if the language would be E n g l i s h o r I t a l i a n . . ? ⁵⁸

C: "Yes, if the defense is in Italian, it would be different. Yes, the judge would not act like that. But, since the case is Kurdish, judge would probably feel under pressure or judge would be unable to bring himself/herself to acknowledging it. But,

⁵⁷ Bence nedeni herhalde psikolojik olsa gerek. Yani, sen orada o adamı devletini yıkmaya kalkıştığı gerekçesiyle tutuklamışsın ve o adamın aslında anadilinde yapacağı savunma bi şov haline gelecek. Bu adam da Türkçe biliyor aslında. Tamam, kendini daha rahat Kürt dilinde ifade edeceksen eğer, evet zaten uluslar arası sözleşmeler de bunu söyler. Adam kendisini farklı bir dilde daha iyi ifade edeceksen bu gerekir, ki zaten bu bi tercümanla sağlanacak çok basit bi şeydir. Ama sanki hakim bunu kendine yediremiyor herhalde. Ya da üzerine geleneğinden korkuyor. Sonuçta, ertesi gün çıkacak gazeteler diyecek ki, Kürtçe savunma yaptılar.. Budur herhalde.

⁵⁸ Peki, sence savunma yapılmak istenen diller arasında fark var mı ? Eğer talep edilen dil İngilizce ya da İtalyanca olsaydı mesela.. ?

I'm not completely sure. As far as I see, the case is like that. That's why; they did not accept the defenses."⁵⁹

*F: "If you were the judge, what would you do ?"*⁶⁰

*C: "If I were him...I would probably allow him to give his speech in Kurdish. I'm not sure. If he/she cannot express himself in Turkish, I do not see any threat or drawback in expressing himself/herself in his own language."*⁶¹

In conclusion, although the respondents discuss the attitude of the judicial actors regarding the decision of rejecting Kurdish defense, the majority of the respondents do not show support to defense in Kurdish. Defining Kurdish as different than official state languages, they find the decision of the court justified. Secondly, the students who oppose the defense in Kurdish question the 'intention' of the defendants. They discuss that the persistence of defendants in Kurdish defense could signify a provocative aim. The Law students showing tolerance towards defense in Kurdish underline that if the Kurdish person cannot express himself comfortably in Turkish, he/she may be allowed. What is striking that if defendants have the political aim, the Law students regard the demand as a challenge or threat to the order.

⁵⁹ Evet, oradaki İtalyanca savunma olsa daha farklı olur .. Evet. Böyle yapmazdı hakim. Ama Kürtçe olduğu için kendisini bi baskı altında hissediyor belki, ya da bunu yediremiyor kendisine. Tam emin değilim ama. Benim gördüğüm kadarıyla, durum böyle. Bu yüzden savunmaları kabul etmediler

⁶⁰ Sen hâkimin yerinde olsaydın ne yapardın?

⁶¹ Ben olsam.. Kürtçe savunmasını yaptırırdım herhalde. Emin değilim.. Eğer kendini Türkçe'de ifade edemeyecekse, anadilinde ifade etmesinde bi tehlike ya da bi sakınca görmüyorum

The Impacts of Legal Education

Education is not confined to receiving a certain form of knowledge; rather, it imposes specific dispositions that overwhelmingly make an impact on the students' everyday practices, actions and behaviors. Thus, while curriculum is important, how the curriculum is (re)produced is also significant. According to Cornbleth (2000), the interaction of students, teacher, knowledge and the context in which that interaction occurs - even in the design of the classroom could play a key role in the reproduction of the curriculum knowledge. In line with Cornbleth, Savoy (1970) states, "The process of education, then, is more important than its content; what you do in your classroom is more important than what you say" (p.481). In this context, it is necessary to understand the inner classroom dynamics; for instance, the interaction of students with professors, with other students and the knowledge delivered in particular.

In the study, based on my observations in the courses I attended as an informal observer and the interviews, I've discerned that the courses in the Law school are taught in a format that the teacher solely supervises. Put differently, the professor gives the lecture in a form of monologue and delivers his/her information without engaging any interaction with the students. As Taylor (1990) indicates, while the active participation and questions of the students open up new dimensions, teacher monologue obviates the possibility of generation of alternative meanings

In accordance with the conducted a survey among the Law students, 80% of the students do not ask a question during the lecture (Gürseler, 2008). Students I

interviewed also note that the due to the large class sizes, they do not participate in the lecture. One of the Law School seniors state,

“Because the classroom is 250-student classroom... 4 years passed and I raised my hand once and I asked a question once. I had a question directed to the professor for once. I mean, you are being shy. I am a quite outgoing and talkative person but I’m not in the classroom environment.”(Male – Senior, Konya Law School)⁶²

Güriz (2004), Erhürman (2004) and Sağır (2010) discuss that the students who cannot ask question try to learn by rote. They underline that the legal education system in Turkey is based on rote-learning. Majority of the Law students criticize and complain about the rote-learning education system. They mainly emphasize that the legal education does not guide them to question or investigate the information delivered to them.

“We have recently had a conversation on this issue... We are taught in a remarkably parrot fashion and in a way which does not lead to read, search and question. I mean, it is being tried to teach some things unilaterally.”⁶³(Male - Law School – Senior)

⁶² Tabi 250 kişilik sınıf olduğu için.. 4 yıl geçti ben 1 kere parmak kaldırdım, 1 kere soru sordum. 1 kere hocayla muhatap oldum. Yani, çekiniyorsun. Ben çok girişken, konuşkan biriyim ama sınıf ortamında olmuyor.

⁶³ Geçen bunun muhabbetini yaptık arkadaşlarla.. Ciddi manada ezberci, ciddi manada okumaya yönlendirmeyen, insanları araştırmaya, sorgulamaya yönlendirmeyen bir eğitim alıyoruz. Ne bileyim, tek taraflı bi şeyler öğretilmeye çalışılıyor.

It is considerable to note that the Law professors do not prefer to open up a discussion and encourage the students to show active participation, because they avoid students putting forward different ideas that stir up a heated debate in the classroom. Thus, legal education system in Turkey does not seem to promote an environment that the student can share his/her opinion and question the information that he/she receives. This understanding discouraging students to be critical could lead the students to accept what is delivered without questioning. While this study tries to cast light upon the impact of the legal education on the political tolerance of Law students, it is notable to understand what Law students think about the impact of the legal education on their opinions and perspectives. As a last question in the interviews, it is asked to Law students that what they think about the impact of education that they receive in terms of to what extent legal education has shaped their ideas; mainly on issues of related to the political demands and rights of the Kurds.

Majority of the Law students think that legal education has shaped their ideas. Although they criticize the teaching style of the professors and the way of the lectures are taught, they acknowledge that the education that they receive has had an impact on their views and opinions.

“Definitely it has an impact. I look at issues quite differently. In my opinion, the courses like constitution should be taught even in high school. Why? When you study Law, you are inculcated a form of knowledge on the running of the system or state. You look at the issues in the circle of the system indoctrinated to you. It could be related to the rights or other things.. For instance, many people shout at the streets. What is the basis of that outcry? Is it that ‘our rights are not granted to us’ ? Why are not you granted the rights? Or, are the rights given to you but you say that they are not? How you look at the issue changes if you know Law. Definitely, legal education changes our perspective completely.” (Male, Senior – Istanbul Law School)⁶⁴

⁶⁴ Tabi ki etkisi var. Şu an çok farklı bakıyorum olaylara. Bana kalırsa lisede bile seçmeli olarak anayasa tarzı dersler konulmalı. Niye. Hukuk okuduğunuzda devletin, sistemin işleyişine dair size tamamen bi bilgi yükleniyor. Bu yüklenen sistem dairesinde siz olaya bakıyorsunuz. Cidden bazı şeylerin imkanı var mı yok mu,

“There is the role of education since when someone asks me the questions you asked to me, I respond it in the way that I learned in the lecture. For example, we discussed in the course of the Constitutional Law at first grade and in the lecture our professor said that the necessity of 330 and 367 people for drafting a new constitution is absolutely silly. And since we learned it in this way, when someone asks to us, we respond it like that. There is definitely a role of education in that situation.” (Male, Senior – Konya Law School)⁶⁵

A senior Law student from Ankara University points out the role of seminars, workshops and student clubs within Law School in the embodiment of their perspectives and perceptions especially regarding the political issues.

“In fact, excluding some professors’ lectures, the topics we’ve just discussed are not touched upon in lectures. Except in the lectures of some professors who come into prominence due to his/her political identity, those issues are not discussed in the lectures unfortunately. Maybe, ‘unfortunately’ is misused here. For, those issues should not be discussed in lectures. But, the seminars, workshops or meetings are really beneficial. For instance, here there is Ankara Law Thought Community and a community called Ankara Law Community. There is a group called Ceride-i Kantar. All these groups have different views. Even, there are clubs that are founded by the Leftist or marginal Leftist students. There are different collective groups and meetings are organized. Unless there are those activities and foundations apart from the lectures... For, it is not through lectures, but the school provides a lot

görüyorsunuz. Haklar olsun, diğer şeyler olsun. Çoğu kişi mesela sokaklarda bağırır. O bağırmanın temeli nedir.. ‘Bize hakkımız verilmiyor..’ size hak neden verilmiyor.. ya da veriliyor da siz verilmiyor mu diyorsunuz. Hukuk biliyorsanız bu duruma nasıl baktığınız değişiyor. ..Tabi ki, bu hukuk eğitimi bakış açımızı tamamen değiştiriyor.

⁶⁵ Biri bana sizin sorduğunuz soruyu sorduğunda ben derste öğrendiğim gibi cevap verdiğim için, eğitimin rolü var 1. Sınıfta anayasa dersinde konuştuk mesela, hocamız yeni anayasa için 330 ve 367 zorunluluğu tamamen saçmalık dedi. Biz de bunu böyle öğrendiğimiz için, birisi bize sorduğunda böyle cevap veriyoruz. Bunda eğitimin kesinlikle rolü var.

information regarding current life. We learned from those channels what we discussed here.” (Male, Senior – Ankara Law School)⁶⁶

The quotation could recall Muller (2000)’s argument on the process of the consumption of the knowledge. According to Muller (2000), curricular knowledge is circulated not only within classroom but also in different social domains within school boundaries or outside. Since education is not confined to the acquisition of technical knowledge but it refers to a social process in which the students’ socialization practices take place, the outside classroom activities of students constitute major importance. In the study, what I observed is that the socialization practices of the students could have an impact in the formation of perspectives and perceptions of the Law students. However, due to time limitation, I could not focus on the outside of the classroom practices of the students, which constitutes one of the limitations of the study. A senior Law student from Istanbul Law School states how legal education she receives shapes her perceptions and perspectives towards Kurds:

“The education has definitely shaped me. I think that my opinions have become matured. And second grade was the time that I first felt this. If you asked me those questions in the first grade, I would try to tell you that the state should not be

⁶⁶ Derslerde bazı hocalar dışında çok da konuştuğumuz konulara değinilmiyor açıkçası. Hani bazı siyasi yönü ön plana çıkmış hocalar dışında çok da değinilmiyor ne yazık ki. Hani ders olması açısından “ne yazık ki” orada yanlış kullanılmış olabilir. Çünkü derste verilmemesi gerekebilir. Ama yapılan seminerler, ne bileyim, bi çalıştaylar, toplantılar gerçekten çok faydalı oluyor. Burada mesela bi Ankara Hukuk Düşünce Topluluğu var, AHT diye başka bi hukuk topluluğu var. İşte bi 50-60 yıllık Cevde-i Kantar diye bi grup var. Bu grupların her birinin görüşleri farklı farklı. Yani hatta sol görüşlü, marjinal sol görüşlü bazı arkadaşlarımızın kurduğu kulüpler var. Farklı kolektif gruplar var ve toplantılar düzenleniyor. Bunlar olmasa, derslerin dışındaki bu aktiviteler ve bu oluşumlar olmasa.. Çünkü, dersler yoluyla çok olmuyor ama, bu okul insana güncel hayatla ilgili çok fazla bilgi veriyor. Bu anlattığımız şeyleri biz burada öğrendik.

divided and the official language should be Turkish. Because, I would feel in that way. But, on the other hand, I would think that I have a lot of Kurdish friends and I would act in an amateur way, feel amateurish and show empathy, maybe I would think “But, no, they (Kurds) feel also sorry, the rights can be granted to them”. Inwardly I would not want the order established by Atatürk to be broken but on the other hand I feel sorrier for seeing that my friends are sad. What brought 4 years (legal education) to me...I can think in a more professional way. I can look at in a wider perspective. I can look beyond or I am trying to.” (Female, Senior – Istanbul Law School)⁶⁷

To summarize, she states that she has learned to look at in a more professional way in the framework of rules and regulations without giving any emphasis on the senses as she did before. She regards it as one of the most important contributions of legal education to her. At this point, it could be useful to recall Savoy. For, Savoy (1970) argues that since the Law students’ mode of thought is stuck within the laws, rules and legal procedures, they exquisitely become insensitive to each other and eventually themselves. To elaborate Savoy’s argument, as discussed before, the commitment to formality and legality imposed by the legal education may render the students to insensible people.

⁶⁷ Eğitim bunu tabi ki şekillendirdi, benim fikirlerimin çok olgunlaştığını düşünüyorum. Ve bunu ilk hissetmeye başlamam benim 2. Sınıftır. 1. Sınıfta bu soruları sorsan bana, ben, sana yine devletin bölünmemesi gerektiğini, resmi dilin Türkçe olması gerektiğini anlatmaya çalışırdım. Çünkü, öyle hissederdim. Ama bi yandan, benim Kürt arkadaşlarım da çok var. Bi yandan onları düşünüp, daha amatör düşünüp, daha amatör hissedip, empati kurarak, “hayır ama, onlar da çok üzülüyorlar, verilsin onlara haklar, diyebilirdim belki. İçten içe istemezdim benim Atatürk’ümün kurduğu düzenin bozulmasını, bi yandan arkadaşlarımın üzüldüğünü görmek benim daha çok canımı yakardı. 4 yıl bana neyi getirdi.. Ben artık çok daha fazla profesyonel düşünebiliyorum. Çok daha geniş bi pencereden bakabiliyorum. Daha ileriye görebiliyorum ya da görmeye çalışıyorum.

Not only Law seniors but also Law freshmen think that legal education has shaped their views.

A freshman from Istanbul Law School,

“As the time went by, the school environment provided for a lot of opportunities to develop or change my ideas. In the beginning, I had some ideas; I mean you think in your own right but all are dispersed. I have always a question like why is like that. But, you come to the school, you can have some people around you that you can ask your questions and find answers to your questions. For instance, when you study in the course of Civil Law, and learn what kind of prohibitions and rules there are in certain relations, you become surprised and say that ‘Is this forbidden as well ?’. In this way, some things become clear for you. It (legal education) has definitely a role. I mean, before now, when you would see the news regarding the amendments in the Constitution and understand nothing, now you have an idea and you say ‘I know those issues’ with a sense of pride. Some things (ideas) are becoming settled by this way.” (Female, Freshman – Istanbul Law School)⁶⁸

“We mention those issues especially in the Constitutional Law course. Now, we are in the process of drafting a new constitution, we mainly discuss those topics. For instance, we are discussing that in what extent human rights should be evaluated; whether it should be in the basis of the constitution, or at the centre; or it should be superficial.. We are discussing those issues. I mean, I learn a lot of things. When I

⁶⁸ Zaman ilerleyince, okuldaki ortam fikirlerimin gelişmesi, değişmesi için çok olanak sağladı. Başlarda böyle ufak tefek fikirlerim vardı; böyle insan kendi çapında bi şeyler düşünüyor ama hepsi dağınık dağınık. Hep bi soru işareti oluyordu, acaba bu niye böyle diye.. Ama okula geldikten sonra soru soracağınız insanlar oluyor etrafınızda. Mesela Medeni Hukuk dersinde okuduğunuz zaman, belli ilişkilerde ne tip yasaklar, kurallar var gördüğünüz zaman, hatta bazen şaşırıyorsunuz da “aa bu da mı yasakmış” diye öğreniyorsunuz. O zaman bazı şeyler netleşiyor. Eğitimin rolü oluyor tabi ki. Yani önceden anayasa değişiklikleri ile ilgili haber gördüğünüzde, haberi açtığınızda hiçbir şey anlamazken şimdi bi fikriniz oluyor ve “biliyorum ben bunları ya” diyorsunuz böyle bi gururla. Bazı şeyler daha oturuyor böylece.

came here, I did not have any opinion regarding those topics. But, now I am able to think (on the issues) at least” (Female, Freshman – Ankara Law School)⁶⁹

The Law freshmen state that there is an impact of education in the formation of their ideas and perspectives toward the particular issues questioned in the study. However, while explaining the change that they observed in themselves, they mainly refer is the technical knowledge they acquire, which is new and different for them. To elaborate, they do not refer to any change in their views or perspectives which brings along with the legal education. As I discussed before, it may be argued that the Law freshmen seem to be in the process of the receiving technical knowledge and the crystallization of the perspectives and perceptions accordingly.

In conclusion, the change in attitudes and the perception of the Law students as well as the discursive differences between the Law and non-Law student’s even freshmen and the senior Law students could be perceived as the impact of legal education.

⁶⁹ Bu konulara özellikle anayasa dersinde değiniyoruz. Özellikle yeni bi anayasa yapım sürecinde olduğumuz için. Daha çok o konulara değiniyoruz. Mesela, insan haklarının hangi ölçüde değerlendirilmeli, temelinde mi olmalı, ortasında mı olmalı.. yoksa yüzeysel mi olmalı.. bunları konuşuyoruz. Yani çok şey öğreniyorum. Buraya geldiğimde bu konularla ilgili hiçbir fikrim yoktu ama, şimdi düşünebiliyorum en azından.

CHAPTER 8

CONCLUSION

This study examined the relationship between legal education and political tolerance in the context of the effect of legal education on the political tolerance of Law students. In this sense, the objective of the study is to reveal whether legal education has an impact on the political tolerance of Law students toward the political demands and rights of Kurds. By trying to discover the Law students' perception of Kurds' political rights and demands, my main aim was to understand the impact of legal education by capturing the discursive differences of the students while grounding their oppositions or approval of certain political demands of Kurds. Then, what does this study reveal?

First, the data of the study were drawn in 3 different Law schools: Istanbul Law School, Ankara Law School, and Konya Law School. No significant difference was observed in the context of the political tolerance of Law students between the schools.

Second, the students express strong support towards human rights and they discuss the indisputability of the supremacy of human rights and the precedence to be secured by law. However, the support for the rights and demands in the context of abstract norms could not be observed when the rights of particular groups come into question.

My data show that there is not any considerable discursive difference between non-Law freshmen and seniors. Furthermore, although there are non-Law students from diverse departments, it's not also observed any significant difference among the departments. As majority of the non-Law students stated in the interviews, they were not knowledgeable about the issues. Thus, their responses mainly were not coherent and they mostly could not provide solid arguments as Law students especially, Law senior students. Rather, they responded the questions in a more personal way; for instance, by referring to an experience she/he had. It is important that differently from Law students, especially seniors, majority of the non-Law students seem that they do not have a concrete perception of state. It is also observed that the concept of state among Law freshmen has not been crystallized yet. There is not a coherent and solid perception of state in theoretical base among Law freshmen as Law seniors. However, although the concept of state has not been crystallized for the Law freshmen, they have the perception of state as a competent and reliable authority. On the issue of broadcasting in Kurdish, I observed that there is no significant difference between the freshmen and senior Law students. majority of the Law students, regardless of the grade, state is perceived as the organization that is credible and reliable which is supposed to provide 'true' information.

In the context of the Law students' political tolerance towards political demands of Kurds, the Law students may be inclined to be intolerant of the recognition of Kurds in the Constitution. Rather, they suggest a formation of new citizenship which does not refer to any ethnic identities; neither Turk nor Kurd. The majority of the Law students substantiate their objection to the recognition of Kurdish identity by suggesting that it would cause disorder or turmoil in the country.

Second, the study indicates that the Law students, to a certain extent, oppose Kurds to receive their education in their mother-tongue. While they argue for offering Kurdish as an elective course in high school or university, they are intolerant of granting education in Kurdish in primary schools. They put emphasis on the importance of getting the very first education in Turkish educational system in which the fundamental Turkish culture and values are provided. Besides, the Law students support the steps taken in the context of education in Kurdish such as offering an elective course or opening Kurdish Language and Literature department. Nevertheless, they oppose to the education in mother-tongue from primary schools. Approaching with the fear of uncertainty, majority of the Law students seem to be intolerant of the initiatives that have not been implemented yet. Especially Law school senior students express their objections by suggesting that education in mother-tongue could challenge the order and lead to disorder.

Thirdly, regardless of grade, all Law students give support to the initiative of broadcasting in Kurdish. However, this is only towards the launch of state-sponsored TV channel or radio station. Besides, they are tolerant of opening private channels broadcasting in Kurdish if only supervised and controlled by state. It is highly emphasized that what is broadcasted should not be against the fundamental principles of Turkish state. While supporting state-sponsored TV Channels broadcasting in Kurdish, they suggest that it is important to enable Kurdish people to receive state-led information. I think that the support given by the Law students on the broadcasting in Kurdish may signify that the Law students are politically tolerant of

the state-sponsored initiatives that have been implemented and which have not posed any 'danger' in the following process.

Another point is that the majority of the Law students oppose to defense in Kurdish. Defining Kurdish as different from official state languages, they find the decision of the court justified. Labeling the insistence of defendants in Kurdish defense as provocative, it is highlighted that if defendants have the political aim, the Law students regard the demand as a challenge to the order.

As a general comment on the insights of the Law students on Kurdish issue, I can argue that the Law students give support to the government's current policies in the context of the Kurdish initiative. It is noteworthy to discuss that the Law students look at the issue in the framework of the government's actions to solve the Kurdish question. Thus, they may be inclined to take Kurdish political demands and rights into consideration in the context of the government policies. This may signify that the Law students may be prone to support the political demands of Kurds sponsored by the state.

As I discussed in the context of national education in Turkey, strong state tradition is inculcated by the Law students. I observed that the protection of order and the supremacy of the state seem to be recognized by the Law students. They do not overtly verbalize precedence of the state when directly asked. However, how they perceive the state could be captured as they stress the indivisibility of the state or the protection of the order while opposing to a particular political demand of Kurds. The perception of state among the Law students could also be deduced in the

analysis of the nature of political demand they show support. There is not coherent stance towards the political rights and demands of the Kurds. In addition, they do not also express support towards all demands and rights. What is striking is the stance of state toward the political demand plays a key role in their tolerance. It is observed that the Law students are more politically tolerant towards the state-sponsored rights granting to Kurds in the context of Kurdish initiative. Thus, it can be concluded that they are intolerant towards the rights and demands burgeoning out of the boundaries drawn by the state.

I also analyzed the approaches of the Law students in the framework of Tocqueville's arguments on men of law and legal education. Tocqueville (1835) argues that men of law are inclined to attach to stability and order through the impact of education. While grounding my arguments, I mainly benefited from Savoy who claims that the observations made by De Tocqueville regarding legal profession and education are still valid today.

In this context, I argue that the Law students are likely to show intolerance towards any external or internal factor that could create a threat for the order. At this point, the Law students, especially senior Law students oppose to the certain political demands of Kurds on the account of that they could cause disorder or chaos in the country. Thus, I claim that acting with a sense to protect the order; the Law students are politically intolerant of the demands of Kurds if they think that it would challenge the established order. Besides, as discussed before, I think that the stance of state is significant for the Law students in drawing a conclusion on whether granting a right to Kurds challenge the order or not. To illustrate, regarding the

recognition of Kurdish identity in constitutional base as well as the education in mother-tongue, the Law school seniors note that it could bring about disorder because it paves the way for dividedness in the country. According to Elwork (1995), based on existing empirical research on attorney profession, the lawyers are intolerant for change, in need for certainty and in need of control of one's environment (Daicoff ,1997) Correspondingly, The fear of disorder of the Law students and their opposition to the demands which have not been put into practice could indicate the Law students' intolerance of uncertainty and ambiguity.

Another point that I want to point out is that the discourse the Law students used while opposing to a political demand of Kurds show overwhelming similarity with the stated reasons in the rejection decisions of judicial body or ruling political actors. I approached the issue with the framework of Savoy (1970), Tocqueville (1835) and Kennedy (1982)'s studies on legal education and legal professionalization suggesting that the Law students are inclined to demonstrate obedience to authority. Based on the argument, what is initiated and supported by the state seem to be taken granted without questioning. While the Law students strongly oppose to the education in mother-tongue from primary schools, they are tolerant of broadcasting in Kurdish. Thus, I argue that by the virtue of strong commitment and faith to authority carried by education which the strong state tradition prevails the Law students are likely to support the rights and liberties sponsored by the state.

Based on the observations in the courses I attended and the interviews I conducted with the Law students and legal professions, I discuss the Law students are influenced by the discussions in the lecture. If the subject I asked took place in

the lectures, majority of them answer the questions by referring to what the professor pointed out in the lecture. Thus, providing that they are not critical of the information they receive, it's likely that they internalize the information in the way they are taught. Recalling Savoy's argument stressing that the legal education play a critical role in rendering the students to compliant, dependent and obedient professions, I argue that legal education in Turkey does not promote an environment that the students are encouraged to question or investigate; rather, it leads them to become inclined to protect the state and status quo.

In conclusion, the political tolerance of the Law students is strongly affected by the attitude of the state toward the demanded right. What is critical for the Law students is that the right should not create a disturbance and challenge the established order. I argue that the difference observed between the discourse of law and non-law students use could signify the effect of legal education because while the senior Law students substantiate their objections to the particular political demands using the rhetoric of state's permanence, importance of the protecting the order, other students' responses seem to be free of those certain type of discourses.

Some Implications and Further Research

The study seeks to fill an important gap in literature. Although there is a substantial literature on national education, the scholarship on education in Turkey overwhelmingly focuses on the technical characteristics of the education. While the critical education scholars mainly discuss the role of state in curriculum-making process, the studies on the implications of that type of education is missing in

literature. The professional socialization literature studying on the impacts of the education, especially higher education on students' academic as well as professional lives is a considerable dearth in the Turkish education scholarship. Thus, the study trying to understand the impact of the education in the context of the political tolerance of the Law students might open new directions for the study of education in Turkey.

The field study that could be extended over a period of time in which the researcher observes and even participates in the socialization practices of the students might serve the purpose of understanding how the information is circulated; mainly, the dynamics of outside of the classroom and their impacts of the consumption of the knowledge. Due to time limitation, this study could not focus on the outside of the classroom practices of the students. But, what I observed is that the socialization practices of the students play a key role in the development of perspectives and perceptions of the Law students. Thus, new studies taking outside of the classroom actions and practices of the Law students into consideration could open up new dimensions in terms of understanding the role of external factors in the process of consumption of legal knowledge.

Schleicher (1993) states that educational system in a country is expected to educate and socialize people into multicultural thinking, rendering the individuals to citizens respecting human rights and democratic principles. In this context, legal education system occupies a special position because Law schools raise the prospective legal actors, judges, prosecutors, lawyers, who are actively involved in judicial decision-making processes in legal mechanism of state. In this respect, since

legal actors are held responsible of conducting judicial system, the education that they are delivered is seen as considerably important. According to Anand (1998), legal education constitutes major importance because the quality of legal education has a direct impact on legal profession. Anand (1998) argues that if law schools are incapable to raise proficient lawyers, judges and prosecutors, the state's justice delivery system collapses. The study might open up discussions on the characteristics of legal education and its impacts on the Law students and legal professions; and eventually the judicial system. The analysis of the judicial system in Turkey in the context of the legal education could pave the way for new studies. Besides, it might become a precursor of developing policies to make necessary amendments in legal education.

Besides socialization practices of the students, another critical dynamic those new studies suggested focusing on the perspectives of the Law professors. To understand the attitudes of Law professors is considerably necessary because they constitute one of the major elements of legal education. According to Apple (1993), although curriculum is imbued with conservative materials, critical teachers could have the power to generate alternative and oppositional interpretations of world that challenging what the text says. In a sense, they reconstruct the curriculum through their interpretations. Therefore, to understand their attitudes toward Kurdish issue deserves attention. In the context of the study, I was planning to conduct in-depth interviews with the professors. My main aim was to disclose their perspectives towards Kurdish issue. However, I could not realize my objective and I had to give up because of some reasons. First, it was hard to reach the Law professors. To establish a contact in order to ask an appointment, I tried to reach them via e-mail.

However, I could receive hardly any responses to the e-mails. What I discerned during the field study, the majority of the Law professors do not use e-mail accounts frequently. After awhile, I built a contact through the Law students with 3 Law professors. I conducted in-depth interviews with them; however, we had to make the interview in their rooms that mostly shared with another Law professor(s) within university campuses. Thus, they were not comfortable enough to share their opinions on Kurdish issue or the political demands of the Kurds. Furthermore, the interviews were mainly concentrated on the subjects of the necessary amendments to improve the legal education in Turkey in terms of producing a solution to the crowd of the classrooms. Therefore, I could not discover their attitudes towards political demands of Kurds, which constitute main limitation of my study. New studies exploring the professors' perspectives of Kurdish issue and the political tolerance of the political rights of Kurds could open up new directions to the literature.

One of the main elements of the education is curriculum and the text-books. While the importance of the curriculum and the text-books emphasized in the literature review, due to both time limitation and the insufficiency of technical knowledge on law, I could not conduct content-analysis of law text-books. The analysis of textbooks could contribute to understand how the state, nation, citizenship, and the human rights paradigms are discussed; thus, it could help to analyze the findings of the study. Nevertheless, the analysis of Law books strongly requires specialized technical knowledge. Due to time limitation, I could not allocate time to acquire the knowledge to be able to do the analysis of law textbooks. This may also be another limitation of the study. New studies analyzing the text-books taught in Law school could pave the way for new dimensions to the literature.

Finally, it is noteworthy to discuss the importance of context-sensitivity of political tolerance for my study, which constitutes another limitation of the study. First, the research was conducted in a specific time context, which signifies a process that the war was accelerated and thus sensitivity toward Kurdish issue considerably increased. New studies that will be conducted in a particular period; for instance, in which the Kurdish issue gains a different momentum with changing the role of the state towards the political demands of Kurds may open up new dimensions. .

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APPENDIX

Demographical Questions:

What is your name:

Which highschool you graduated from? Was it state-highschool or private one?

Where is your hometown?

In which city you spent your childhood and youth?

Are you/your family the owner of the house/apartment you reside? Or is it rented for cash rent?

Do you stay with your family?

If you reside apart from your family, where do you accomodate? (state dormitory, private dormitory, a flat)

What is your family total household income?

The Interview Questions

Do you think that certain basic values /principles should be guaranteed by Law? If you think, what are these values or principles?

Do you think that there could be some cases national interests challenge with human rights? In this case, do you think that state or individual rights should be prioritized? (In some cases, state could limit the human rights in the name of protecting the national unity; what do you think about the case then, do you think state or human rights should be prioritized?)

What do you think about the existing constitution? Do you think that the existing constitution embraces the differences (different religious and ethnic identities) in Turkey? / Do you think that to what extent existing constitution could address the demands of different religious and ethnic identities in Turkey?

What do you think about the recognition of Kurdish identity in constitution?

What do you think about the constitutional recognition and guarantee of different groups' cultural rights?

What do you think about the right of education in mother-tongue?

What do you think about the limitations on Kurdish radio / TV and Kurdish press? What do you think about the TRT-ŞEŞ which is a state-run TV station and the first station to broadcast in the Kurdish language?

Do you think there is Kurdish question in Turkey? If that's so, what is the main source of the question? If you think that there is Kurdish question, what do you think about the policies conducted to solve the problem? Do you think that the policies have managed to solve the problem? / According to you, which policies could be successful to solve the problem?

What do you think about the defense in Kurdish? Do you think that Kurds can give their speeches in Kurdish?

Solely to Law students:

What do you think about the content of the legal education you've taken? What do you think to what extent does the legal education in Turkey reflect the current problems in Turkey? / Do you think that the content of legal education you've taken is influential on the responses of the preceding questions?