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The Concept of the Kurdish Political

Abstract: Recently, some have read Turkish political developments from the perspective of Carl Schmitt's political theory. This paper aims to modify aspects of these readings and offer in response a Schmittian answer to the Kurdish question. By applying Schmitt's conceptual framework, this paper argues that the Kurds, especially in their struggles for autonomy and independence, can be viewed as fulfilling Schmitt's criterion for tellurian partisanship and forming an at least nascent constituent power. We argue that Turks and Kurds are enemies in Schmitt's explicitly political sense. They constitute a threat to each other's political existence. The Kurds exhibit the behavior of a Schmittian people or nation. They fight, against Turks, for their political existence. They aim to govern themselves, and so instantiate the *de facto* attributes of state sovereignty. They thus seek to constitute themselves as a free and independent people, thereby achieving a genuine political existence in the Schmittian sense.

1 The Concept of the Turkish Political

Recently, some have read Turkish political developments from the perspective of Carl Schmitt's political theory (Şahin, 2017; Jovanović and Didić, 2018; Burç and Tokatli, 2019; Kutay, 2019). These readings focus on viewing modern Turkey's constitutional issues from a Schmittian perspective. In particular, they look at roughly the last decade of constitutional changes initiated in Turkey by Recep Tayyip Erdoğan and his Justice and Development Party (AKP). The transition from a parliamentary democracy to an executive presidency through a series of exploited crises and electoral events has led these commentators to view these changes as a gradual descent into illiberal and authoritarian rule, a kind of rule often associated with Schmitt. They see Schmitt's thinking as a clarifying lens through which to view Erdoğan's utilization of anti-government protests, corruption scandals, and a failed military coup to entrench his personal power as a near-dictatorial president. Exploiting a state of emergency, Erdoğan purged and confronted perceived opponents, declaring them enemies of the state, and went on to consolidate an unlimited and discretionary presidential power that resembles in form Schmitt's recommendation that the president of the Weimar Republic use article 48 of the Weimar

constitution to become essentially a commissarial dictator in order to resolve the crises facing Weimar in what were to be its final years (Schmitt, 2014: 180-226).

For example, Bican Şahin (2017) argues that one could read Erdoğan's recent moves as a transition from a Hayekian understanding of the rule of law and democracy as the application of rules and procedures promulgated in advance to a Schmittian understanding of the need to suspend the norms and normality of the rule of law and the associated principles of liberal democracy because of the perceived presence of a genuine existential threat to the state. For Şahin, viewing Turkey's slide into a delegative, authoritarian democracy—and thoroughly away from an already fragile liberal, supposedly Hayekian, constitutionalism—allows us to see that Erdoğan has, from a Schmittian perspective, exemplified his notion of the sovereign as "he who decides on the state of exception" (Schmitt, 2005: 5). By taking extraordinary measures during apparently extreme political disturbances, Erdoğan has exhibited a Schmittain decisionism whereby he and his people alone, however construed, have had the power to declare and act within a state of emergency for the sake of preserving the Turkish state from primarily internal threats like the Gülen movement, critical journalists and academics, and, most importantly for this paper, the Kurds. As we will see, while Erdoğan's hysterical overreaction to the imagined ubiquity of the Gülenist and other establishment threats has led to many unlawful purges and arrests, it is Erdoğan's violent response to the Kurds, through severe attacks on both the Kurdish-led People's Democratic Party (HDP) and the Kurdistan Workers' Party (PKK), that will enable us to flip the Schmittian script and view Turkey from a similar, yet inverted existential political perspective, as the enemy of the Kurdish people.

Srdan Mladenov Jovanović and Ajdin Didić (2018) have likewise interpreted the emergence of a presidential system in Turkey in a Schmittian manner. With the aid of the

Copenhagen School of security theory, Jovanović and Didić claim that Erdoğan's eventual obtaining of an executive presidency started roughly around 2011 with his gradual conflation of state security with regime survival, and the regime itself with his popular support rooted in his supposed political charisma. For Jovanović and Didić, this again resembles Schmitt's point about sovereignty, namely that in states of emergency the one who can successfully declare enemies and overcome them identifies himself with the state's very existence, indeed, with the nation that is the constituent power of the state.[1] Along with Erdoğan's usual hyperbole about the Gülenists and journalists, Jovanović and Didić emphasize his call for national mobilization against the PKK and their allies in Syria, the Syrian Democratic Forces (SDF). Strictly speaking, unlike the Gülenists, journalists, or other establishment threats, the enemy status of Kurdish resistance groups involves actual, physical warfare. In Schmittian terms, Turkey is at war with the Kurds because they view them as an existential threat to the Turkish state. Erdoğan has simply made this more explicit lately as a way to motivate and justify the transition to an executive presidency that, as far as anyone can tell at this point, amounts to, if not a sovereign, then at least something resembling a commissarial dictatorship. The question we will return to is whether Erdoğan has actually done something novel in exploiting the Kurdish threat, declaring Kurds the enemy, and confronting them militarily. What will we need to discover is whether Erdoğan might not be presenting a new form of Turkey's seemingly indefinite siege mentality and ontological insecurity, its infliction with an irremediable "Sèvres syndrome" (Guida 2008).[2]

While echoing similar points to these three articles about Erdoğan's sovereign moment, Acar Kutay (2019) looks at the changes initiated by Erdoğan from a Schmittian perspective by placing a greater emphasis on the change of enemies to the Turkish state. Also, he brings in, somewhat indirectly, Schmitt's understandings of democracy, constituent power, and

representation in order to explain the events of the past decade. According to Kutay, the initial enemy to the Turkish republic was the Ottoman empire, Islamic rule, the caliphate, the sultanate, feudalism, traditional society, and so on, anything that represented the past, that was neither secular nor positivist nor purely Turkish (Kutay, 2019: 748). The great break against Kemalism that Erdoğan represents is that Turkey's new enemy is the old Turkish state itself, the military and bureaucratic elites, the secularists, the journalists and educators thought to be critical of the Muslim majority. Erdoğan's party is conservative, Islamist, populist, and, now, plebiscitarian and authoritarian. The new enemy is the secular past, not the Ottoman past. The new friends are the 'genuine people,' the 'real nation,' authentic Turks who were excluded from the secular state institutions that insulated themselves from the democratic will of the people, the Muslim majority. Since the key decision the Schmittian sovereign makes in the state of exception is deciding who the friends and enemies actually are, Erdoğan's ultimate political decision, for Kutay, is his reckoning that the old regime of Kemalist secular 'liberals' now constitute an existential threat to Turkey, that is, to his party's and his personal rule, which is now also the truest expression of the undiluted will of the Turkish people, the one great symbol of the political unity of the Turkish citizenry. The entire period of secular, Kemalist rule, with its gestures toward liberal constitutionalism and parliamentarianism, is now viewed as an aberration, a disruption of Islamic popular continuity. The guardianship of the military and bureaucratic elite is now over, and their remnants are an existential threat to the new regime of Erdoğanist, political Islamist rule. Turkey's true Islamic culture and identity have been regained and must be preserved against the lingering institutional threat of the Kemalist secular interregnum.

Kutay's Schmittian reading of Erdoğan's declaration of the old secular elite as enemies of the new state, which is now his new regime, is quite informative and clarifying in a certain

historical sense, but it also misses the conceptual point that Schmitt's notion of an enemy does not merely reduce to one's political rivals. An enemy, in Schmitt's sense, is an *existential* threat, that is, a threat to one's existence, someone with whom one can and most likely does fight to the death. Strictly speaking, a Schmittian enemy can neither be a mere party rival (the Kemalist Republican People's Party, or CHP) nor a temporal dimension (the Ottoman or Kemalist past) nor a set of institutions (the sultanate or the secular or military bureaucracy). The enemy is an agent, a human being or group of human beings. The enemy is someone with whom it always possible to fight to the death. One physically and militarily confronts one's enemies. One does not merely vote them out of office or reconstitute their institutions or even unlawfully detain or imprison them. The enemy is someone with whom you engage in combat, who you either likely try to kill or else by whom one is killed. One can fight wars with one's enemies. It is not merely a matter of mostly bloodless internal regime change. There has been no Turkish or CHP-AKP civil war, at least not yet. This existential sense of the enemy seems to be what Schmitt is getting at in *The Concept of the Political* (1996: 32-33):

> [T]o the enemy concept belongs the ever present possibility of combat. …War is armed combat between organized political entities; civil war is armed combat within an organized unit. …The essence of a weapon is that it is a means of physically killing human beings. Just as the term enemy, the word combat, too, is to be understood in its original existential sense. It does not mean competition, nor does it mean pure intellectual controversy nor symbolic wrestlings…. The friend, enemy, and combat concepts receive their real meaning precisely because they refer to the real possibility of physical killing. War follows from enmity. War is the existential negation of the enemy. It is the most extreme consequence of enmity. It does not have to be common, normal, something ideal, or desirable. But it must nevertheless remain a real possibility for as long as the concept of the enemy remains valid.

So, Kutay is right to see Erdoğan's sovereign moment as a kind of regime change and break with the secular institutional past, but it has not yet amounted to a Schmittian existential declaration of enemy status of the old secular elite, both because such a grouping is not itself

unified enough to count as a political entity and because the possibility of true military or physical combat taking place between the AKP and any other Turkish political entity seems exceedingly small, again because there is no other even partially unified Turkish political entity besides the Turkish state itself. Only political entities can declare each other enemies. It can only be possible for political entities to combat each other and fight for the sake of their existence. There remains no other claimant to being a Turkish political entity beside the now Erdoğan-led Turkish state. That it has become less a parliamentary democracy and more an autocratic executive presidency is certainly the result of exceptional political decisions. Yet, such an internal constitutional change does not amount to a truly political or existential alteration, again in the stricter Schmittian sense. While regrettable, suspending usual constitutional checks while in the throes of a state of emergency and then through a rushed referendum does not amount to a truly political confrontation in Schmittian terms. This is to say, such events do not strictly involve the possibility of combat or war. They do not involve groups of human beings fighting each other to the death. They do involve some degree of coercion and violence, but there appears to be little evidence Erdoğan has declared a novel *Turkish* political enemy for the, or rather *his*, Turkish state. As long as Turkey does not dissolve into civil war, Erdoğan's constitutional changes do not amount to the declaration of a novel enemy. Erdoğan has performed an "organizational coup," in the words of Joost Jongerden (2019: 260-273), a co-opting of state institutions by the AKP. Such a coup, in itself, does not reach the level of existential significance from the perspective of Schmitt's political theory. On the other hand, aspects of Erdoğan's coup involve Turkey's continued existential confrontation against one of its real enemies: the Kurds. What Kutay and the other authors miss is that there has been much greater continuity in who

Turkey regards as one of its real enemies. The Kurds have been an existential threat to the Turkish state since its foundation.

The Republic of Turkey was founded upon an ideology of indivisible Turkish nationalism. It is conveniently summarized in the phrase often chanted at Erdoğan's rallies: "one nation, one flag, one state" (Schleifer, 2013). The Turkish constitution makes it clear that the Republic of Turkey 'affirms the eternal existence of the Turkish nation and motherland and the indivisible unity of the Turkish state.' To achieve such an indivisible identification of nation with state, of the Turkish people with the Republic, the Turkish state has, from its beginning, had to engage in an indefinite ethnic-cleansing campaign against those ethnic minorities it trapped within its borders. The Kurds are the largest ethnic minority in Turkey, constituting roughly a fifth of its population. The Turkification process unleashed against the Kurds has been thorough and stark. Along with denying there is such a thing as a Kurdish question, the Turkish state denied there even were Kurds in Turkey until the early 1990s, labeling Kurds 'mountain Turks.'[3] This view is summarized succinctly in a line from an article in *Son Posta* published in April 1946: "In Turkey, no Kurdish minority ever existed either nomadic or settled, with national consciousness or without it" (Quoted in McDowall, 2004: 397). Stretching back to the late Ottoman period on through to the present, Kurds have been forcibly removed from their territory in Northern Kurdistan (Bakûr), or Southeastern Turkey, and required to integrate into cities and town throughout Western Turkey. The prohibition of the use of the Kurdish language, especially in schools, has been a weapon in the Turkish arsenal used in its aim to eliminate the Kurds as an independent people and fully assimilate them into an indivisible Turkishness. This answer to the Kurdish question goes back to the early ideologues of the Turkish state, with Mustafa Kemal Atatürk himself influenced by Namık Kemal (Quoted in Arai, 1992: 3) and his claim that,

> While we must try to annihilate all languages in our country, except Turkish, shall we give Albanians, Lazes, and Kurds a spiritual weapon by adopting their own characters?...Language…may be the firmest barrier—perhaps firmer than religion—against national unity….If we set up regular schools…and carry out the programmes which are now not fulfilled, the Laz and Albanian [and Kurdish] languages will be utterly forgotten in twenty years.

The Turkish obsession with eliminating the Kurdish language also involved changing the Kurdish names of towns and even animals. The coercion of the Kurds by the new Kemalist state did not stop at forced removal from their lands or the attempted elimination of their language and culture. It also involved the brutal suppression of a series of Kurdish revolts in response to Turkey's reneging on promises of relative autonomy under the new regime. Claiming Turks and Kurds shared a pan-Islamic identity that was to be preserved under a retained caliphate, the nascent Turkish state received Kurdish support in confronting the occupying Allied Powers. However, after the signing of the Treaty of Lausanne in 1923, which recognized Turkey's sovereign rights over its territory, talk of Kurdish self-government was completely dropped and harsh suppression of the Kurds commenced, or rather resumed if looked at from a broader historical perspective. Between the early 1920s and late 1930s a series of Kurdish revolts were crushed—including the Koçgiri (1921), Beytüşşebap (1923), Sheikh Said (1925), Ararat (1930), and Dersim (1937-38) Rebellions—leaving well over 100,000 Kurds dead and many more displaced. With the Eastern Reform Plan of 1925, the southeast of Turkey was placed under indefinite martial law. The Kurdish provinces of Turkey have been in some state of exception or emergency since the Republic's foundation (Mizrakli 2019). Atatürk's drift into veritable absolutism was well underway by the 1930s and any mention of provincial autonomy or minor federalism was verboten. The Kurds now became what they always were for the new Kemalist regime: a civilizational problem to be solved, a culturally backward mistake to be remedied, an existential threat to be confronted. The Kurds have been a genuine political threat to the Turkish

state since its foundations. In hindsight, the Kurds appear to be Turkey's primordial and permanent enemy. Indeed, they came to represent a force and a presence that struck the Turkish Republic with deep anxiety and existential terror, what some today call 'ontological insecurity.'

The Kurds have sought some kind of national autonomy or independence since at least the 18th century, but the new Kemalist Turkish state exhibited a pathological response to them that one is hard-pressed to find in the Ottoman period. Obviously, Kurdish separatism counts as a threat to Turkey's purported territorial integrity. A military response against such a perceived threat makes sense. The Kurds are indeed an existential threat, and thus are genuine political enemies, to Turkey in the Schmittian sense. On the other hand, the Kurds are for Turkey not merely political enemies, a people whose desire for autonomy and independence means they must be confronted militarily. There is a deeper reality at play in Turkey's treatment of the Kurds as their enemy. The enemy status of the Kurds is rooted in deeper Turkish psychological problems, problems expressed through an anxiety about Turkey's very being or existence. For Zeynep Gülsah Çapan and Ayşe Zarakol (2019: 263-282), Turkey serves as an example of an ontologically insecure "non-Western self," where such insecurity is expressed in two dimensions: spatial, or structural, insecurity and temporal insecurity. Also, Turkey's ontological insecurity comes in two historical forms: Kemalism and Erdoğanism. In Kemalist terms, Turkey's spatio-temporal insecurity concerns its fear of being too Eastern or Asian to count as truly 'civilized' and 'modern' and thus, because of its feared Eastern backwardness or barbarism, too far behind on the historical path towards progress, development, and modernization. The Kemalist brand of Turkish ontological insecurity codes the Kurds "as 'backward,' 'traditional,' and 'underdevloped,' with the implication that the 'Turkish self' was intrinsically modern and

developed. These ‘others’ were the remnants of the ‘East’ that needed to be Turkified in order to ‘catch up’” (Çapan and Zarakol, 2019: 272).

The Kurds have been Schmittian political enemies of the Turkish state from its beginning, but now we see a possible explanation as to why they have been so. Since the new Kemalist regime viewed the Kurds, their land, and their lifestyle as a repository of all that they feared most—that is, a non-Turk non-Western self impervious to Turkification and modernization efforts and who might drag Turks eastwards and back in time—the Kemalists had to project their fears onto a force with which they could actually fight wars. Out of this deep insecurity about its very being, Turkey had to fight to the death an enemy that it feared represented its own true pre-modern ‘backwardness.’ Out of an insecurity towards and about itself, its own status as a Schmittian friend to itself, it needed to deflect its anxious wrath outward onto a tangible threat, namely a people in its midst who wanted to be anything but Turkish. For Turkey, to confront the Kurds was not only to politically and militarily attack a movement by an oppressed people for autonomy and independence, but it was to fight the ghosts of their own feigned former selves. To discharge its unconscious fear, anxiety, and resentment, the Kurds represented an ideal candidate to serve as a motivating external existential threat for the new Turkish state.[4]

With Erdoğanism, Turkey’s ontological insecurity is inverted so that the anxiety is no longer expressed through a concern with spatio-temporal displacement, but with anything that threatens an affirmation of the inherent superiority of the Turkish people as they already are, that is, as mostly Islamic, rural, conservative, and so in no need of catching up with or identifying with the West. Turkey is now ontologically insecure about whether it reflects the older Ottoman glory enough, whether it has been too contaminated by Western values like secularism and

liberalism. Interestingly, for Çapan and Zarakol, the Kurds remain as much a source for Erdoğanist ontological insecurity as they were for Kemalist ontological insecurity. Now, the Kurds are themselves too secular, leftist, liberal, and egalitarian. They represent a threat to true, popular Islamic Turkishness. Erdoğan, like any good right-wing populist, often sounds rather paranoid about infiltrators amongst his aggrieved, authentic people. As Çapan and Zarakol write (2019: 277), "In this understanding, 'the people' (or 'the nation') are defined more by who is excluded from it: Kurds, Academics for Peace, Gülenists, leftists, etc., all of whom are cast as traitors."

Again, only the Kurds, amongst the members of this list, are fought militarily by the Turkish state because of the existential threat they are perceived to represent. Whether Kemalist or Erdoğanist in form, Turkish ontological insecurity has always been in some way about the threat of the Kurds, a people they have placed in a permanent state of exception and in need of being confronted with lethal violence in order to overcome them as the imagined source of their terror over their own insecure being, their unconscious awareness that their very existence depends upon denying the existence of a people they have fought to the death for the entirety of their existence and who simply refuse to be either assimilated or defeated. This is so essential to Turkey's basic pathology as a state that one may wonder what Turkey could even be without a Kurdish political enemy.

Now we can also see how Erdoğan's moves of the past decade do not constitute a novel change in Turkey's relationship with the Kurds. The Kurds remain, as they always have been, an existential threat to the Turkish state to be militarily confronted. The resumption of hostilities against Kurdish resistance groups, in particular the PKK, in the past ten years has been more the reigniting of the burning flame of a constitutive antagonism against the Kurds than anything else.

Erdoğan has indeed behaved in Schmittian manner in his sovereign consolidation of an executive presidency, but it involves declaring Kurds an enemy they have always already been for Turkey. All that is novel about Erdoğanism is the different reasons it offers for fighting the chief source of Turkey's ontological insecurity: the Kurds. While this may be apt as a Schmittian reading of Turkey, we would now like to change perspective and provide a Schmittian reading of the Kurds.

2 The Theory of the Kurdish Partisan

From a Schmittian perspective, that the Kurds have always been a source of Turkey's ontological insecurity, an existential threat that endows them with a perpetual enemy status, is as informative about the Kurds as it is about Turkey. If the Kurds are Turkey's enemy, then Turkey is also the enemy of the Kurds. The Kurds are friends too. They enjoy a political existence in the specifically Schmittian sense, or else the Turkish state would not have tried to assimilate and eliminate them for the past century. There are roughly two ways the Kurds have rendered themselves a Schmittian political entity. First, in this section, we will discuss how the Kurds, through groups like the PKK, have fulfilled Schmitt's criteria for tellurian partisanship, a form of real political existence Schmitt emphasized in the latter half of his life in response to the changing political and military geostrategic landscape of the post-Second World War world, with its many conflicts of postcolonial resistance and national liberation. Second, in the next section, we will discuss how the Kurds, in some recent political formations, have begun to emerge as a Schmittian constituent power, endowing themselves with the characteristics of a constitutionally independent nation, thereby instantiating the properties of *de facto* state sovereignty. We are claiming that the Kurds have served as such an ideal candidate for being Turkey's enemy because they have exhibited these features of a Schmittian political entity.

In 1962, thirty years after the publication of *The Concept of the Political*, Schmitt delivered two lectures in Spain on the figure of the partisan. When he published these lectures as *The Theory of the Partisan* he subtitled the small text as "a commentary/remark on the concept of the political" (Schmitt, 2004: 1). The text is a remark on the political because it discusses the changing nature of the friend-enemy distinction. The partisan is a political figure insofar as she is not a criminal, thief, bandit, gangster, or pirate. She fights for her people's political independence. But she fights in a number of ways that distinguishes her from the regular soldier of a nation-state military. Since she is veritably stateless, the partisan fights irregularly, and so her treatment of, and treatment by, her enemy is unconventional. Conceptions of enmity clarify the containment, or lack thereof, of hostility. The classical martial law of the *jus publicum Europaeum* saw regular state militaries confront each other openly with the shared assumption of both parties enjoying a relative *jus belli*. In this way, war was contained and peace treaties were possible between warring states. With the figure of the partisan, however, conventional enmity gives way to what Schmitt calls 'real enmity,' an enemy status that takes the fight to new levels of irregularity and intensity. From early 19th century figures like the Spanish guerrillas and Prussian resistance fighters who confronted Napoleon on through to 20th century revolutionary insurgents like Communist rebels, partisans gradually emerged as predominant characters of modern warfare as conventional enmity gave way to real enmity and conventional warfare gave way to guerrilla warfare.

Schmitt aimed to tie a number of overlapping features together as a criterion for distinguishing the partisan from the conventional soldier. As mentioned, two chief attributes of partisanship are irregularity and intense political commitment. The partisan often fights without an obvious uniform against state soldiers in uniform. The partisan often intends to appear and to

fight as one of the people, common in appearance, outlook, and approach. The partisan also often engages in low-intensity, asymmetrical combat, relying on tactics like raids and ambushes. Along with her characteristic military irregularity, the partisan is not primarily motivated by private enrichment. The partisan belongs to a party, not a gang or cartel, that aims to achieve the status of an organized public and political entity that can and indeed does fight other public entities, usually other states. This, as we will see, goes a long way in endowing insurgent parties with the *de facto* trappings of a sovereign state. The goal of the partisan is political existence, which means, ironically enough, a cessation of the irregularity that renders her a partisan and a transformation into a citizen of a *de jure* sovereign state. The partisan fights for constitutive independence, a clear and distinct political existence that amounts to, if at first autonomy, then eventual independence. That is, the partisan aims to achieve for her party and her people the status of an organized political entity, a state. The partisan fights irregularly and unconventionally in order to become regular and conventional, in order to become a recognized nation-state. This is because, at present, the state remains the only true political entity as it is the only thing that can make ultimate and final sovereign decisions about friends and enemies and so engage in possible warfare with declared enemies.

Along with irregularity and intense political commitment, the partisan fights with a degree of mobility and agility that the conventional soldier cannot employ mostly because conventionality usually entails rigidity. Schmitt writes (2004: 11), “agility, speed, and the sudden change of surprise attack and retreat—increased mobility, in a word—are even today a hallmark of the partisan, and this has only increased with mechanization and motorization.” While faster and more agile than the average conventional soldier, the partisan must still fight in a mainly defensive manner. This is because the partisan fights for the sake not only of her people, but for

her land. The independence of her land is just as important as the independence of her people. In fact, the two are mutually constitutive. Schmitt's fourth, and perhaps most important, hallmark of partisanship is its tellurian character. The partisan fights in relation to both popular and spatial dimensions. The partisan fights for territory. A primary element of partisanship for the past two hundred plus years, for Schmitt (2004: 13), has been its "relation to the soil, together with the autochthonous population and the geographical specificity of the country (mountains, forest, jungle, or desert)."

If the Schmittian criterion for partisanship consists in these four elements of irregularity, political commitment, mobility, and being tellurian, the question now is how well the Kurds have, in certain political and military configurations, fulfilled this criterion. Pretty well, it seems, especially if analysis is focused on a group like the PKK and their roughly forty year war against the Turkish state. The PKK is a guerrilla movement and paramilitary organization dedicated to confronting the Turkish domination of the Kurds. They fight irregularly and unconventionally, using the traditional asymmetric tactics of partisan groups, including hit-and-run raids, surprise attacks, harassment, skirmishes, ambushes, sabotage, assassinations, kidnappings, suicide attacks, car-bombings, riots, protests, and demonstrations. For most of its conflict with Turkey, the PKK has used the traditional tactics of a rural guerrilla insurgency, but in roughly the past five years it has used more urban guerrilla tactics, including snipers, tunnels, trenches, and road-side bombs (Konaev and Kandercan). The PKK has used these tactics against ISIS as well, for example in the victorious Battle of Kobane in 2015. Historically, the PKK have often fought in traditional Kurdish dress, but they have recently begun to wear more traditional uniforms, especially in Rojava (Western Kurdistan), or Northeast Syria. The PKK and its Syrian allies, the SDF, fight for the sake of Kurdish autonomy in Syria. Indeed, they fight for Kurdish existence

insofar as, as we have seen, Turkey, along with states like Syria and Iran, simultaneously deny the existence of the Kurds and aim to assimilate and eliminate them. The PKK and its allies is *the* military resistance against the existential threats these states represent.

As with most guerrilla groups, the PKK fights with speed and agility, engaging in mobile warfare by slipping in and out of Turkish bases and areas in rural and urban centers, melting back into the population or the terrain. Their primary base is in the Qandil Mountains, where they train and prepare to execute further attacks in what could be described as a protracted Maoist people's war against not only the Turkish state, but the other states that occupy Kurdish land and dominate Kurdish people: Syria, Iraq, and Iran. The PKK has even had to fight against conservative and Islamist Kurds who were just as often landlords or sympathetic to the Turkish state. This brings us to an interesting aspect of the PKK: its proclaimed ideological motivations and its tendency to rhetorically drift, in Schmittian terms, from real to absolute enmity. This drift, if taken too seriously, starts to strip the PKK of its strictly political determination. We will claim that while the PKK may sound in their professed ideology to be fighting an absolute enemy, they are in fact still fighting a real enemy, namely and primarily the Turkish state and the other states which dominate the Kurds and their lands, again including Syria, Iraq, and Iran. It is through the activities of the PKK, and not its explicit ideological pronouncements, that the Kurds continue to exhibit the status of a people fighting for their land and self-determination against very real enemies and not merely ideologically absolute ones.

Schmitt argues that the difference between real and absolute enmity is the difference between instantiating and not instantiating the political itself.[5] An enemy needs to be one of a plurality of possible political agents for one's enmity to count as a genuine expression of the political. If one's enemy is a global phenomenon, like capitalism in the case of Marxism-

Leninism, one has drifted into a post-political totalized and unconstrained image of enmity. The political is the constraining and containing of enmity. “The war of absolute enmity knows no containment” (Schmitt, 2004: 36). For Schmitt, a figure like Lenin regarded the conventional warfare of the *jus public Europaeum* and the real enmity entailed by guerrilla warfare as either a risible pretense or an unnecessary delimitation of revolutionary intent. True war is fought and won insofar as the world is determined by a final ideological reckoning. Lenin had an absolute class enemy to defeat: the capitalist class, the global bourgeoisie. Partisan war must become total revolutionary war in order to achieve a final victory and abolish the political altogether. No local or specific or territorial victory could ultimately count if it did not contribute to a global communist revolution. Thus, for Schmitt, absolute enmity, while exacerbating the other elements of partisan war nearly beyond recognition, certainly leads to the complete loss of the tellurian aspect of partisanship. The spatial structuring of political conflict for the sake of establishing concrete political orders is given up for the sake of a global vision, which in the end ceases to be political because it countenances no containment of revolutionary enmity. Obviously, for Schmitt, this is a mistake, but our concern here is determining whether the PKK actually fights against an absolute enemy. We do not think so.

Through its ideological evolution, the PKK has fallen prey to the rhetoric of absolute enmity, even as they have simultaneously fought like Schmittian partisans. At first, the PKK was a Marxist-Leninst revolutionary movement. For a Marxist-Leninist war to succeed it must achieve global communism, an overcoming of territory itself. Stopping at the edge of a prospective Kurdistan or an autonomous Kurdish region would be unacceptable. Of course, Marxism-Leninism has just as often been used to fight and occasionally win wars of national liberation and found nation-states, as the PKK were hoping for a prospective Kurdistan through

the first half of its existence, but it remains the case that it is ideologically committed to defeating the absolute enemy of global capitalism, which can have no geographic delimitation. Starting around the early 1990s, the leader of the PKK, Abdullah Öcalan, began to transition ideologically away from Marxism-Leninism and towards a more anarchistically-inclined, directly democratic confederalist model. Öcalan started to see not merely the Turkish state as the proximate enemy or the global bourgeoisie as the ultimate enemy, but the state itself, and any hierarchical or domineering social order (including capitalism, patriarchy, and environmental degradation) as the enemy of the Kurdish cause. Inspired by Murray Bookchin's social ecology and libertarian municipalism, Öcalan now saw top-down or centralized political power itself as the absolute enemy of Kurdish autonomy. Öcalan thus gave up ideologically on achieving an independent Kurdish nation-state, and instead aimed primarily to democratize and federalize the Turkish state. And the success of implementing democratic confederalism in any one particular nation-state necessarily entails the need to impose it in *all* nation-states, thus leading to their irrevocable dissolution, in order for a stateless democracy to truly emerge. Just as with Marxism-Leninism, the success of democratic confederalism ultimately depends upon the overcoming of the limits of all specific territorial orders so it can become a truly global phenomenon.[6]

The key Schmittian point to make in response to Öcalan's ideological evolution is twofold. On the one hand, the PKK, rhetorically or ideologically speaking, merely exchanged one absolute enemy for another in the transition from Marxism-Leninism to democratic confederalism: the global bourgeoisie for the nation-state form. This exchange was a lateral move in Schmittian terms. Both enemies, by being absolute, are not genuine political enemies. One cannot fight a partisan war against a global class or a concept or institutional form. On the other hand, this ideological move has not meant that much considering the PKK continues to

fight in reality in a traditionally partisan manner, especially in their recent successes in Rojava. The PKK fights against its actual enemies (the Turkish state military, the Syrian military, ISIS, Al-Qaeda affiliated groups, etc.) for the sake of taking back Kurdish territory in order for Kurds to govern themselves. That the PKK proclaim to be fighting for the sake of developing a stateless direct democracy based on a global decentralized confederalist model does not mean they do not actually fight to obtain control over a specific territory for the sake of freeing a particular group of people. In other words, the Kurds, through the military successes of the PKK, are constituting themselves as a real political entity because they have fought and continue to fight actual political enemies in real political space. The PKK are, in practice, tellurian partisans with real enemies, not global revolutionaries with absolute enemies, no matter how much they ideologically claim otherwise. It may be the case that proclaiming absolute enemies is an effective means for motivating a partisan to fight her actual enemies, but no one should confuse the psychological objects of one's enmity for the very real enemies one potentially fights and kills on the battlefield. Real wars are won by taking territory and protecting one's people, thereby starting the process of achieving self-determination, regardless of how much one may claim to be fighting abstractions like markets or states. Fulfilling military and political objectives are what allow a people to exist, and we will now claim that the Kurds, regardless of ideological pretensions otherwise, have started to exist in just such a Schmittian sense through their recent successes in Rojava.

3 Kurdish Constitutional Theory

Schmitt (2005: 5) famously said "sovereign is he who decides on the exception." But who is 'he?' In a certain reading of Schmitt, 'he' is the people. The people are sovereign in the sense that they are the entity which ultimately decides on the exception. Usually, what is decided upon

in deciding on the exception is who the enemy is, who it is one may have to fight to the death for the sake of one's existence. The sovereignty of the people, what makes them a political entity, consists in their ability to decide who its enemy is and who it may have to fight in order to exist. This seems to be what Schmitt (1996: 38) is getting at in these lines:

> [T]hat grouping is always political which orients itself toward this most extreme possibility. This grouping is therefore always the decisive human grouping, the political entity. If such an entity exists at all, it is always the decisive entity, and it is sovereign in the sense that the decision about the critical situation, even if it is the exception, must always necessarily reside there.

We have seen how, increasingly over the past century, it is the people who seek national liberation, through their partisan fighters, who are the ones that decide upon and confront their enemies, and how the Kurds, through the PKK and their allies, have constituted themselves as a people, a political entity, insofar as they have determined themselves to have a real enemy to fight, one of whom, and perhaps most importantly, is the Turkish state. But now we would like to emphasize that it is not only in declaring and confronting an enemy that a people, in this case the Kurds, constitute themselves as a sovereign political entity. Sovereignty also entails the ability of a people to constitute themselves legally, to give themselves a constitution. We could say that, for Schmitt, while an enemy declaration characterizes the external aspect of the political, self-constitution expresses its internal dimension. We will aim to show that this is what the Kurds of Rojava having recently tried to do. This is to say that the Kurds of Rojava have become a constituent power in the Schmittian sense, an unmediated will or power of a people, a collective public and political entity, to endow itself with legal form and order. By becoming a constituent power, the Kurds of Rojava have started to instantiate the chief property of sovereign statehood: constitutional independence.[7]

Schmitt developed the notion of constituent power in his *Constitutional Theory* of 1928. He elaborated the concept as it was found in the work of one the main theorists of the French Revolution, the abbé Sieyès. For the abbé Sieyès, the people are a nation, a concrete community or organic subject, that is free to give itself whichever legal form it sees fit. The legal order and government of the state are constituted powers constituted by the constituent power of the people or nation. Constituent power remains before, beside, above, but also permeated throughout the authority it delegates to itself to perform the business of state. Constituent power, as sovereign, is ontologically prior to what it constitutes, the authority of the constitution that is the basic law it gives to itself. Such power is both before the law and the law itself, both its source and its substance, both constitution as a reality and as a document or concrete legal order (Sieyès 2003; Loughlin 2014). Schmitt developed the abbè Sieyès's notion of constituent power by emphasizing the political will implicit in its being a constitution-making power. For Schmitt (2008: 125), "the constitution-making power is the political will, whose power or authority is capable of making the concrete, comprehensive decision over the type and form of its political existence."

Contrary to legal positivists, a constitution is not based on anything already normative for Schmitt, but rather on the existential and concrete facticity of a brute, unified political being deciding it shall exist, willing itself into existence in deciding that it is in a fact a distinct thing, a novel people or nation. Schmitt emphasized that for a people to become a nation they must become aware of themselves as a political unity capable of the concrete political action involved in sovereign decision-making, that is, in self-constituting. This status of being a nation, expressed through the self-aware willful constituent power inherent in making the concrete political decision to exist and thereby giving itself a constitution, is for Schmitt what it also

means for a political entity to be a state. The nation, the people as a constituent power, a willful constitution-making power making the ultimate political decision to exist *qua* the unity it is, is thus also the *status* of being so, of existing and hence unifying enough to exist as a distinct political entity. Schmitt calls this identification of the people with the nation with their constituent power and thus with their status and unity as a self-generating political entity, a state, the 'Absolute Constitution.'

By a constitution in the absolute sense, Schmitt (2008: 59) means "the concrete manner of existence that is given with every political unity." It is the status of being an ontologically prior whole that is implied by being such a political entity. To borrow a concept from contemporary metaphysics, Schmitt is a priority monist. Priority monism is the view that the whole is ontologically prior to its parts and the parts are asymmetrically and irreflexively dependent upon the whole (Schaffer 2010). In the political context, this means that the concrete unity of the people as a nation-state is ontologically prior to the particular constitution and laws with which the people as a constituent power constitute themselves. Particular constituted powers and laws are ontologically secondary to and dependent upon the unified will of a constituent power understood as a whole people. In a sense, this is just to say that popular sovereignty is real and determinative, and that the populist theory of the state, which identifies the state with the status of a unified people making the decision and expressing the will to politically exist, is the correct theory of the state and actually Schmitt's own implicit theory of the state as well.[8]

Though Schmitt can be described as a kind of existential communitarian, he does not at all deny the necessity of any true constitution in the contemporary period to protect first and foremost the legal equality and usual, liberal basic rights of individuals. Schmitt, after all, was

himself aiming to protect the Weimar constitution before Hitler eventually subverted and suspended it, and so trying to solve the crises engendered by the tension between democracy and liberalism inherent to the bourgeois *Rechtsstaat* (Schupmann, 2017: 173-200). What distinguishes Schmitt from the normativism of a liberal positivist, like Hans Kelsen say, is that Schmitt saw the basic rights of individuals posited in a constitutional document or legal order as an expression of the ontological priority of the collective entity of the people as the agent which endows its individual members with such rights. The people come first in an extralegal moment of self-constitution and then it posits the basic rights of the individuals which compose it. Just because Schmitt emphasized and prioritized the political homogeneity of a people does not mean he did not appreciate and perhaps even celebrate the social heterogeneity of its members. It is just that such heterogeneity, *in order to exist*, must rest on a prior decision of a people who enjoy a concrete and unified status to grant itself, and thereby open up the possibility to enjoy, such basic individual rights.

Now, we would like to conclude by pointing out that the Kurds are not only the existential enemies of the states in which they find themselves, especially Turkey and Syria, where partisan fighting has been the most intense, but that through recent successes in Rojava, the Kurds have constituted themselves as a truly distinct political entity, that is, they have become a constituent power embodying the chief quality of a sovereign state in the Schmittian sense. Following the outbreak of the Syrian Civil War in 2011 and the Assad regime's abandonment of the northern and eastern regions of Syria, the primarily Kurdish People's Protection Units (YPG/J), partisan groups linked with the PKK, took over control of a significant portion of these regions and began to govern themselves accordingly through their political wing, the Democratic Union Party (PYD), establishing the cantons of Afrin, Kobane, and Jazira. The

areas under their control came to also include Euphrates, Tabqa, Raqqa, Manbij, and Deir Ez-Zor, but, as is often the case in a civil war, possession of these territories has waxed and waned. While coming to defeat ISIS with US military support, the war between the Kurds and the Turkish state has bled into nominally Syrian territory, which has only gotten more severe over the past year after the official end of US support for the SDF.[9]

On the specifically political front, a committee was tasked by the PYD to write, first, a 'Charter of the Social Contract' and later a 'Constitution of the Autonomous Administration of North and East Syria.' Like most constitutions, this constitution begins with a preamble laying out the identity and purpose of the political entity it is meant to order and govern. Unlike most constitutions, however, the preamble of the Rojava constitution (Kurdish Institute of Brussels, 2017: 113) starts with a denunciation of the nation-state itself as the source of the ills that have befallen not only the Kurds, but all the peoples of the Middle East:

> We, peoples of Rojava-northern Syria, including Kurds, Arabs, Syriacs, Assyrians, Turkmen, Armenians, Chechens, Circassians, Muslims, Christians, Yezidis, and the different doctrines and sects, recognize that the nation-state has made Kurdistan, Mesopotamia, and Syria a hub for the chaos happening in the Middle East and has brought problems, serious crises, and agonies for our peoples. The tyrannical nation-state regime, which has been unfair to the different components of Syrian people, has led the country to destruction and fragmentation of the soci[al] fabric. To end this chaotic situation, the democratic federal system is an optimal solution to address the national, social, and historical issues in Syria.

We have seen how the PKK's ideological transition from claiming to fighting a war of national liberation to claiming to engaging in a more anarchistic confrontation with the nation-state form—expressed in the transition in its declared real enemies from the states Kurds found themselves dominated within to the absolute enemy of the institution of the state itself—betrayed the fact that the PKK and its allies have continued to fight against its purported former real enemies instead insofar as they have remained, in military terms, traditional partisan actors

fighting with usual guerrilla tactics. Now, we can also see how the same rhetoric of absolute enmity against the state has presented itself in the rather ironic form of a preamble to a constitution, a document that usually founds a state. In declaring the abstraction of the state the enemy in a document meant to give legal form to an autonomous and eventually independent political entity is a piece of ideological confusion that can only be remedied with something like the Schmittian analysis we have offered here.

Just as the PKK and the SDF have fought not against the state itself, but against the state militaries and stateless militias that aim to defeat and dominate the Kurds, so to has Rojava constituted and ordered itself as an emerging state. The citizens of Rojava are a constituent power in the sense of being a people unified enough to declare their political independence from the rump nation-state of Syria. No amount of egalitarianism, inclusion of different ethnicities, or direct democratic participation within this novel political entity will change the fact that self-constitution is a very politically real way of announcing one's status as a uniquely unified and distinct political entity. This is to say that the Rojava constitution in fact reflects the emergence of a new state, understood in the populist sense as the self-expression of a unified body of a people who would like to exist together as one. In fairly basic terms, the Autonomous Administration of North and East Syria is behaving like a normal, emerging state. The SDF has aimed to have a monopoly over the use of force in its territory and amongst its people. More importantly, in Schmittian terms, the military leadership has embodied the sovereign authority of holding a monopoly over the capacity to decide, declare, exclude, and confront the real enemies (ISIS, the Turkish state and its mercenaries, etc.) of the project of Rojavan unity, self-determination, and self-government.

In other ways as well has Rojava expressed its constituent power in terms of providing the basic services of a state. The Autonomous Administration has performed the expected state-building functions of providing and repairing infrastructure and utilities, offering education and health care, collecting taxes and redistributing revenue, funding the military, police, and fire departments, and so on (Rojava Information Center, 2020). What is this Autonomous Administration doing but fulfilling the role of a state? But this should not come as a disappointment. In political reality, when a people become unified and enjoy the status of a distinct group, they constitute themselves as the self-governing authority of their own political existence. In Schmittian terms, this is simply what it means to be political. And it not need involve the commonplace oppression and domination of most state-forms. The Kurds can enjoy their directly democratic, environmental, and egalitarian experiment by being a constituent power, a nascent populist state, in Schmitt's terms without sacrificing their principles. Moreover, the Kurds would be better off with more conceptual clarity regarding their own project. We have tried to show that a Schmittian answer to the Kurdish question—through an analysis of Turkish and Kurdish enmity, Kurdish tellurian partisanship, and the emergence of Kurdish constituent power—provides a possible avenue for such clarity.

Notes

[1] Burç and Tokatl (2019) have also recently used Schmitt to understand Erdoğan's autocratic moves. They agree that Erdoğan is best seen as a Schmittian sovereign exploiting a state of exception brought on by the failed coup attempt in order to declare enemies and consolidate dictatorial powers. They focus in particular on Erdoğan's declaration of a state of emergency, and not merely martial law, as the kind of state of exception that enabled him to take thorough advantage of the situation.

[2] The Treaty of Sèvres, signed in 1920, was one of the treaties between the Allied and Axis powers at the close of the first World War that sought to partition the former Ottoman Empire. Particularly vexing for the eventual Turkish state was the treaty's promise of a referendum on an independent Kurdistan. The Treaty of Sèvres was never implemented as it was replaced by the Treaty of Lausanne in 1923.

[3] Just to clarify: the 'Kurdish Question' is the question concerning the political status of the Kurds. Most broadly, the question is something like, 'what is to be done with the Kurds?' Or, more actively, 'what are the Kurds to do?' More specifically, the Kurdish Question asks, 'are the Kurds aiming for political self-determination and independence, and if so, how?' It is this more specifically existential aspect of the Kurdish Question that concerns us most here. See Gunes and Zeydanlioğu, 2014, and Stansfield and Shareef, 2017.

[4] There certainly appears to be something like the dialectical, Hegelian relationship Schmitt noted as being constitutive of the political going on here. Turkishness seems to require an enmity that involves a 'negated otherness' that thereby mutually determines its own identity. And, as we will claim, such mutual negation is constitutive of Kurdish political identity as well. This line by Schmitt (1996: 63), summarizing Hegel, sounds like a description of Turkish-Kurdish relations: "The enemy is a negated otherness. But this negation is mutual and this mutuality of negations has its own concrete existence, as a relation between enemies; this relation of two nothingnesses on both sides bears the danger of war." Thus, one could say, in a Hegel-influenced Schmittian fashion, the mutual enmity between Turkey and the Kurds is determinative of both of their political identities. At least, as we will suggest, it is hard to imagine Turkish identity without the ontological insecurity that results from its relationship with the Kurds. Thank you to an anonymous reviewer for raising this point.

[5] For more on this point, see Rae, 2016: 258-275.

[6] For an interesting discussion of this geographic aspect of democratic confederalism, see Matin, 2019: 1-20. For more on the PKK/SDF goal of stateless democracy, see In der Maur, Staal, and Dirik, 2015. For more evidence of Öcalan's anarchistic dismissal of the state, we can point now to just one of many choice lines throughout his writings where he summarizes his view: "The sovereignty of the nation-state is not only the cause of societal problems, but is also the main obstacle in the way of solutions" (Öcalan, 2016: 16). See also Öcalan, 2011: 9-21.

[7] Of course, something much similar, and perhaps with even more reason, could be said of the Kurds of Başûr (Southern Kurdistan), or Northern Iraq. Through the recent re-constitution of Iraq as a federal parliamentary republic, Başûr achieved a relatively independent status as an autonomous region of the country. For this paper, however, we are going to focus on providing a Schmittian reading of movements for Kurdish autonomy and independence under the influence of the PKK because of its populist leanings, which we will claim is actually a proper reading of Schmitt's notion of constituent power. For Schmitt, the people, understood as a constituent power, are in a certain sense identical to the sovereign state, a view the predominant party of Başûr, the Kurdistan Democratic Party (KDP), would most likely not share considering its center-right or conservative tendencies. This is somewhat ironic given Schmitt's own conservative credentials, but we hope to offer a reading of Schmitt, and application of his theory of constituent power to the Kurds, that is more in line with the recent attempts to read him through a left populist lens (see Mouffe, 2005, 2018; Kalyvas, 2008). One other point we would like to make is that while identifying sovereign statehood with the chief attribute of constitutional independence is a rather Schmittian move, such an identification is also found in some relatively recent English reflections on the issue (see, James, 1986; Malcolm, 1991).

[8] In Quentin Skinner's genealogy of the modern state (2009: 325-370), he offers a typology of conceptions of the state and their evolution through the early modern and modern periods. There is the fictional concept of the state, as found in Hobbes and later continental political and legal thinking, as the fictional or moral person the multitude of the people become in being

represented by the artificial personage of a sovereign authority. This view, for Skinner, synthesizes certain elements of the earlier absolutist and populist views of the state, the former of which identified the state with the personal status of the ruler or king, while the latter identified the state with the unified and self-determining body of the people. It is this latter, populist view of the state which we think is Schmitt's implicit view as found in his *Constitutional Theory* and which we think best captures what the Kurds of Rojava are in the process of becoming.

[9] A reader, at this point, may wonder if we are not confusing two separate issues: the plight of the Kurds in Syria with those in Turkey. A reader may be concerned that we have not sufficiently distinguished the Kurds in Syria from the Kurds in Turkey, and thus may have conflated Northern Kurdish political goals with Western Kurdish ones, thereby ignoring the specifically Syrian problems for Rojavan Kurds. This point is fair enough. There clearly are differences in how Kurds have to deal with internal Turkish and Syrian political realities. However, it would be a mistake to think the Kurds of Rojava are not explicitly fighting Turkey and those whom it directly and indirectly supports in Syria. Turkey has been deeply involved in the Syrian Civil War since its start in 2011. It immediately supported the Muslim Brotherhood and Islamist rebels fighting Assad. It has been, and continues to be, *the* major conduit for weapons, money, and jihadists coming into Syria. Over 40,000 foreign jihadists from more than 100 countries made their way into Syria through Turkey. Most charitably, while one could say Turkey has only indirectly supported ISIS, one would also have to say they have directly supported the Free Syrian Army since 2011. Moreover, with respect to the Kurds, Turkey has invaded Syria and occupied Kurdish territory every year since 2016 through Operations Euphrates Shield, Olive Branch (which involved the occupation and displacement of the majority Kurdish region of Afrin), Peace Spring, and Spring Shield. Turkey has admitted that it regards its actions in Northeast Syria as a continuation of its fight against the PKK. There is, therefore, no obvious or non-arbitrary way to disentangle the struggles of the Rojavan Kurds from those in Bakur. They are both fighting against Turkey and its allies, including ISIS and Al-Qaeda affiliated groups. It would most likely be misplaced to assume the Turkish-Syrian border (and Iraqi and Iranian borders, for that matter) enjoy any sort of genuine or material significance with respect to the existential conflict between Turkey and the Kurds. Of course, there other particularly Syrian political issues that this struggle does not exactly cover, but again what matters most here is the existential confrontation between the Turkish state and the Kurds. There is simply no politically neat way to separate Kurds in Syria from Kurds in Turkey with respect to this existential confrontation.

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