

# A Study on the Acts of Civil Disobedience That Have Nationwide Significance in Republic of Turkey

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## Abstract

When the relationship between the government and the citizens is taken into consideration, at the times when the government is misusing its power, the citizens may express themselves about the injustice in various ways and civil disobedience is one of them. If the injustice still exists after all the judicial proceedings are taken, then, this act that has nonviolence as its fundamental philosophy is seen to take place. The most important representatives of civil disobedience in the world are Socrates, Henry David Thoreau, M. Luther King and Mahatma Gandhi. These thinkers with their discourses and actions put forth what constitutes as civil disobedience and set an example to other societies. In this study, firstly, the aforementioned notion of civil disobedience is explained. Then, some demonstrations that took place in Turkey are evaluated in the framework of civil disobedience. The aim is to determine whether or not these demonstrations can be considered as examples of “civil disobedience”. Also, the reasons why some of these demonstrations are not in the scope of civil disobedience are discussed. In this study, depiction and historical methods are used.

## Keywords

Passive resistance, civil disobedience, nonviolence

Individuals who think they are being treated unjustly because of the policies and implementations of the sovereign powers that restrict their rights and freedom act in a variety of ways. These reactions in general are called resistance against oppression. To determine where civil disobedience stands in the process that starts with resistance against oppression and goes all the way to revolution, it will be useful to explain these notions. In Velieçoğlu's dictionary that he organized in accordance with Turkish Language Association, resistance is defined as: “to insist on an idea or a subject” (Velieçoğlu 2005: 125). In Asukin's *Dictionary of Politics*, revolution is defined as: “radical change, the sudden transition from one state to another” (Asukin and Butirskiy 1979: 60). This

movement that intends to make a radical change may be violent. On the other hand, resistance is the embodied version of a reaction against a situation, a law, or a ruler and is a necessity of human nature. But, sometimes resistance may also include the existence of violence. Therefore, it may sometimes be difficult to distinguish between the two. There are two types of resistance against oppression. These are: “active resistance” and “passive resistance”. The actions that

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are resorting to force in the form of rebellion and uprising are considered as active resistance whereas actions that are opposing against a singular, specific injustice peacefully are considered as passive resistance (Nisanci 2013: 28). Since passive resistance is a method that demands patience, calm, and stability and relies on the principle of not counteracting and is nonviolent, it has not been very popular and it has a tendency of being forgotten. Maybe, the reason for this is: Due to its nonviolent nature, passive resistance does not come up on the public's agenda as much as an action that involves violence. People who think they are right and who think they should defend what they think is right want to be heard and gain public support. But, fortunately, the emergence of civil disobedience that is a type of passive resistance changed people's point of view about passive resistance since it was an effective method of protest.

The notion that exists as "civil disobedience" in English corresponds to "*sivil itaatsizlik*" in Turkish. The notional analysis of the phrase civil disobedience is possible when it is examined word by word. In English, the word civil is defined as "of or relating to the state or its citizenry, relating to citizens and being civilized" (Password Dictionary 2004: 132), and disobedience is defined as "refusal to obey laws" (Password Dictionary 2004: 228). This phrase fully describes the meaning of the notion in English.

Turkish Language Association defines the word "*sivil*" which is derived from the French word "civil" as: "a person who is not connected to the military, clothing that is not in a certain form, clothing that is not a uniform" and as "disobedience, not complying, not obeying". According to Hoccoğlu's explanation (Hoccoğlu 1997: 106): The Turkish word *sivil* is derived from the Latin word "*civitate*" (city, state, site). The words "civil" and "*sivil*" are phonetically similar but they do not have the exact same meanings. When these definitions are taken into consideration, it is understood that the Turkish phrase "*sivil itaatsizlik*" describes the meaning of the notion. But because the

word "*sivil*" which is defined as "not connected to military, unarmed and non-combatant" means nonviolent, it corresponds to the meaning of the notion indirectly. Also, because in the society and the academic circles, the notion is known with the phrase "civil disobedience", it is helpful to use it with this phrase.

Based on its elements, civil disobedience has three definitions which are narrow, broad, and common/general. The various elements of the specific definition allow only a few of the actions to be called as civil disobedience. On the other hand, the broad definition has fewer determining factors, thus, a larger number of actions can be named as civil disobedience. When the principle of "nonviolence" is included to the elements of the broad definition, the common definition of civil disobedience is obtained (Nisanci 2013: 195).

Christian Bay, Hugo Adam Bedau, John Rawls can be considered as the most important representatives of the general/dominant definition of civil disobedience (Kaya 2008: 17). Rawls emphasized the subject of violence and said that civil disobedience is not an action based on violence. He defined the broad definition of civil disobedience as: "a public, nonviolent, conscientious yet political act contrary to law, usually done with the aim of bringing about a change in the law or policies of the government" (Rawls 2014: 56-57). Bedau made a similar definition: "If someone undertakes an illegal, public act committed openly, nonviolently and conscientiously, he/she demonstrates an act of civil disobedience" (Bedau 1991: 50).

When the broad definition is taken into consideration, it is seen that with its various features, it allows many actions to be named as civil disobedience. These features are: conscious violation of the legal norms, a special incentive for the action, publicity of the action, and for the action to be immanent in the system and not to be revolutionary (Kaya 2008: 28). Because the general definition

defines civil disobedience only as an ordinary violation of the law, it is not greatly adopted.

Hannah Arendt is one of the primary people who defines civil disobedience in the narrow sense. Her explanation of civil disobedience is as follows:

Civil disobedience arises when a significant number of citizens made up their mind about the dysfunctions of the current system and they see no possibility of revelation, freedom or change within the normal channels or the government may be about to change in a way that arises doubts about its legality and constitutionality. (Arendt 2014: 98)

According to Arendt, a civil disobedience advocate being taken seriously is directly related to her being a member of a certain group. A civil disobedient action of an individual does not make much of a difference. It will make more of an impact if the people that defend a common interest come together to perform the action (Arendt 2014: 83).

## CIVIL DISOBEDIENCE

### *The Basic Principles of Civil Disobedience*

The origin of the movement of resistance against oppression goes way back into the old times. But it is possible to find the roots of the action of civil disobedience in the form of passive resistance against oppression in Socrates' defense in court. Following Socrates, Henry David Thoreau, Mahatma Gandhi, and Martin Luther King have become the theoreticians and practitioners of this movement. Martin Luther King who is one of the important pioneers of civil disobedience explained what civil disobedience is not rather than what it is and indicated its elements while answering the questions of the judge in his defense in court. King stated to the judge, who equated delinquents to the people demanding the absence of a state, that those people opposed only some of the law and did not defend the complete absence of the state. Moreover, the evidence of their recognition of law

was that they took the risk of being arrested and jailed as a result of their actions. Another point that King states here is that eliminating individual injustices increases the respectability of legislation. The key aspect here is the nonviolence that is the method in revealing these injustices. Furthermore, King emphasized that civil disobedience is the last resort of changing the laws. In conclusion, King's sorting is as follows: Does the complaint have a rightful basis? Are rightful remedies depleted? Is there a possibility of accepting the result of the acts? And is the action taken without harming third parties (Nisanci 2013: 215-218)?

As it can be understood from the conversation, civil disobedience is not an ordinary action. It has its own aims, theories, and rules. Only the action including these elements can be an action of civil disobedience.

*Violation of the law.* Civil disobedience is the violation of a single legal norm. It is an action taken against what is thought to be an unjust law and not against the body of laws as a whole. People may engage in an act of civil disobedience when the outcome is not favorable although all the legal actions are taken against an unjust implementation (Nisanci 2013: 219). Gandhi who is one of the most important pioneers of civil disobedience, in his famous act, the Salt March, objected against the Salt Law which prohibited the Indians to extract salt and violated this law by extracting salt followed by tens of thousands of Indians (Reca 2013: 54-55).

Civil disobedience is an illegal act, but this does not make it any less valuable because there is not a direct link between legality and legitimacy. That is, civil disobedience is illegal, but it is a legitimate act because this act is aimed at a single, particular injustice and not at the basic principles of the constitution or the social contract (Cosar 2014: 10). Also, the fact that people are willing to accept the legal consequences following the illegal act they committed shows that the act of civil disobedience

obeys the rule of law in general and this adds legitimacy to the act.

It is necessary to distinguish civil disobedience from any ordinary offence. For example, a driver running away not to get caught because he has violated the traffic rules is different from him saying that one of the traffic rules is not just and acting against the law with the aim of changing it since this act occurs due to a political demand.

*Publicity and prediction.* Although it is illegal, civil disobedience is not committed secretly, on the contrary, it is committed openly. For the act to be perceived by the people, it should be carried out in public (Cosar 2014: 11). This act that aims to persuade its opponents also can only find support if it is expressed in public. Besides, the dissenter who is willing to face the legal responsibilities due to this act does not feel the need to hide herself. Because of this reason, publicity has been generally accepted and is the least controversial feature of civil disobedience.

Prediction is the match of what has been said at the beginning of the act and the result. If it has been decided to take an action in the form of a sit-in against a law which is thought to be unfair or an event that needs to be prevented, an action other than that of a sit-in cannot take place. An act which started out as an action with an environmental aim cannot change its course and be about some other issue. What has been said should be consistent with the actions that have been taken (Cosar 2014: 11).

*Taking responsibility of the action committed.* For the dissenter, not to evade responsibility of the action she engaged in, may be the most basic element of civil disobedience. The person put up with the consequences of his/her actions (Anbarli 2006: 86). Besides, the person who does not face the legal consequences of the action she engaged in would be considered to have violated civil disobedience on moral grounds. When the pioneers of civil disobedience are taken into consideration, it is seen that they all served time in prison. It would not be

wrong to give Mandela who was famous for being a leading advocate of civil disobedience as an example for the case in point. The South Africa Act 1909 put forth an evident discrimination between black and white people (Mandela 1986: 17). To be freed from the domination of the white, with Mandela leading the way, black people objected against this law and fought for the independence of the country. And for the sake of this aim, he spent 27 years of his life in prison (Değirmencioğlu 2013: 84).

According to Nisanci (Nisanci 2013: 232), to consider “accepting the legal responsibilities of an action” as a basic element of civil disobedience is controversial. However, it is a fact that fidelity to legal system and civil disobedience are integrated. While some theorists state that one should accept the responsibilities if there is fidelity to legal system, others say punishing a legitimate act is unacceptable. But not accepting the punishment because the action is legit contradicts with the principle of fidelity to law. According to Socrates who is an important pioneer of civil disobedience, the disobedient should accept the punishment that corresponds to the offence they committed.

When the elements of civil disobedience are taken into consideration, it is inevitable for an act of civil disobedience to be sanctioned because it is an illegal action. Since it is a nonviolent act, the most appropriate thing would be to accept the punishment.

The disobedient can change the legal consequences in her favor without any use of violence. She can make people realize that her arrest is not just and make a call for her act and gain public support. Rosa Parks who was the main actor in M. Luther King’s boycott can be given as an example for this case. According to the “Jim Crow” laws established in America (these laws enforced black people to be inferior): The front rows of seats in the bus were reserved for the whites and the rear section was for the black people. There were also rows of seats right behind the seats for the white people where black

people could sit. But they had to give up their seats if the front rows were filled and a white person stood standing. Rosa Parks who was sitting in this section refused to give up her seat to a white person saying she was tired. Then the bus driver called the police and she was arrested. The black people started to protest after she was taken into custody. They stopped riding the buses. The bus officials were not happy with this situation. Thus, black people's struggle for equality started (Hacir 2013). Rosa Parks' arrest was the spark that had long been waited for, for blacks' righteous struggle.

*Refusal to use violence.* In Turkish Language Association's Daily Turkish Dictionary "violence" is defined as (Turkish Language Society 2015): "The extent of an action or force, intensity, toughness, velocity, the force caused by a motion, exerting physical force on people with opposing views, brute force, intensity of emotion or behaviour". Nonviolence is an essential element in terms of civil disobedience. What makes civil disobedience what it is and the cause that dignifies passive resistance is the notion of nonviolence. As a matter of fact, in some dictionaries of politics, the notion of civil disobedience is defined as a nonviolent action. According to this view: A nonviolent action is explicitly the opposite of a political act that includes instruments of violence (Bogdanor 2003: 381).

According to Habermas, what violence is and where its line is drawn is a controversial subject. Is every type of coercion and enforcement considered as violence? Is applying psychological pressure considered to be in this scope? In this sense, an act of civil disobedience should not be doing any harm to the physical and psychological integrity of its opponents and third persons (Habermas 2014: 128). According to Gandhi, aside from avoiding damaging actions, one should also avoid harming opponents' property and saying hurtful words. Because the aim of civil disobedience is not to deepen enmity but to resolve it and not to eliminate your opponents but to persuade

them (Cosar 2014: 12). Therefore, violence does not comply with the aim and discourse of civil disobedience. Gandhi clearly stated that he was against violence by saying "You can't shake hands with a clenched fist" (Reca 2013: 75). When you take the opinions of philosophers like Thomas Hobbes who say that people have an innate tendency to be violent into consideration, it would be accurate to state that to carry out a nonviolent protest one needs to have virtue.

Violence is not always directed at a third person. A person can inflict violence to herself. A person inflicts violence to herself by participating in death-fast and in some other ways. At this point, it matters if the act can still be considered as nonviolent. Mustafa B. Misir concluded this matter in his study by saying (Misir 2007: 45-46): "Death-Fast, usually takes place when one is helpless at the point of making a call for the public's conscience, but violence even when it is self inflicted does not conform to civil disobedience".

*Civil disobedience has to be against and related to a serious injustice.* To carry out a civil disobedient act, the issue that is thought to be unjust must be about a sincere and serious injustice. An act of civil disobedience cannot be carried out every time one fails to get a result through legal ways. Then, civil disobedience would lose its function. The claim whether the injustice is serious or not is controversial. But in general, the state of violation of rights and freedoms can be taken as a measure. Discriminating the people who have been treated unjustly is out of question (Cosar 2014: 15). For example, if the act is against violence, then it should not be of any importance if the violence is against women, children, men, members of a certain religion, or a specific ethnic group.

*A call to public conscience.* An act of civil disobedience also has the purpose of calling out to the public. The messages are carried out to other people through means that are thought to be effective. For

this reason, it would not be wrong to exclude the acts that do not have the purpose of calling out to people from acts of civil disobedience. For example, the protest of the animal rights advocates that they are carrying out for the release of the lab animals would not be an act of civil disobedience unless they make their message heard by the public. The action should be public to raise awareness of the opponents and not to avoid responsibilities. The dissenters should be in public without the thought of hiding themselves (Ökçesiz 2011: 142-143). An action that is carried out quietly on one's own does not make people believe that there is really an injustice and it cannot be said that it is going to fulfill its aim. The action is successful only when it attracts a wide audience and gains public support.

### **ACTS OF CIVIL DISOBEDIENCE WITH NATIONWIDE SIGNIFICANCE IN THE REPUBLIC PERIOD**

Stating that acts of civil disobedience take place frequently in Turkey would not be accurate for even its theory did not find the chance to be discussed in the literature. But, even though they were not named precisely and did not become turning points, there have been events that took place in Turkey from time to time that can be named as civil disobedience.

#### *1969 Teachers' Actions*

The teachers' boycott of the Teachers' Union of Turkey in 1969 is considered to be the first act of civil disobedience. The initiations of this civil disobedient act that took place in 1969 were Teachers' Union of Turkey (TÖS) and The Union of Elementary School Teachers (ILKSEN). TÖS is a union founded by the 92 teachers of the National Federation of Teacher's Association of Turkey (TÖDMF) led by the renowned writer of the time Fakir Baykurt on July 8, 1965. TÖS had 92 members at the time of its foundation, with time, expanded to 535 branches and reached a total of

approximately 72,000 members. But it was closed down on September 20, 1971. TÖS carried out its operations during Süleyman Demirel's prime ministry. Demirel considered the union activities of teachers as dangerous and objected to the constitution that secured the union rights of the government officials and workers by saying "A state cannot be governed with a constitution that has the union rights of government officials and workers" (Yalçın 2000).

TÖS and ILKSEN undertook the Great Teacher's Boycott that lasted for four days during September 15-18, 1969. 109,000 teachers attended this boycott. 50,300 teachers were prosecuted because they attended the boycott and sanctions such as pay cut, degradation of seniority, banishment to another city, assignment to another workplace in the same city, dismissal from the duty of headmaster, demotion, and dismissal from duty were imposed. Eventhough TÖS paid the wages of the teachers who were suspended or dismissed because of the boycott, they still suffered an unjust treatment (Koc 2011b).

Teachers boycotted for four days because the ruling of the Council of State which was in their favor was not implemented and because they were deprived of living with dignity, the secular principles of the state in education and teaching were disregarded and there was no freedom of thought and no safety provided for state officials. Due to its high attendance rate, it could be considered as Turkey's most far-reaching strike.

The actions did not occur suddenly, there was a certain preparation period or in other words a period of growth. From September 4 to September 8, 1968, TÖS assembled "the Revolutionary Education Council", on February 15, 1969 in Ankara, it organized "the Great March of Education" that was attended by 30,000 teachers, and lastly it carried out "the Great Teacher's Boycott" (Yalçın 2000). Before this boycott, in many cities of Turkey, teachers did not attend the classes and made a warning that they were going to protest after the Ramadan Feast if their wages

were not paid (Milliyet 1969: 1).

According to TÖS' statement, the requests of those in strike were as follows (Kaynak 1978: 93-131):

(1) The authorized government representative should accept and declare to meet with our qualified representatives and sign a common protocol at the end;

(2) In this protocol, first, it should be stated that the foreign experts and peace corps are to be expelled from all the educational institutions and the dietetics that contains foreign ingredients that we determined to be toxic will be stopped;

(3) In this protocol, it should be stated that the proposal for all the teachers and instructors to be paid a wage that is in accordance with the current circumstances will be debated and will be legislated;

(4) In this protocol it should be stated that the bill for *National Education Aid Foundation* which also includes the opinions of the representative teachers will be presented before the parliament in the quickest way possible and sufficient effort will be made for it to be passed into law;

(5) In this protocol, it should be stated that the Act 624 that is unconstitutional will be changed and the civil servants will be free to have unionism opportunities. It should be mentioned that the right to strike is also included;

(6) In this protocol, it should be stated that the teachers who were punished because of their union work, their opinions and behaviour that are not illegal by the law and teachers that were banished, dismissed or forced to quit will be reinstated or will be given another job with their consent;

(7) In this protocol, the date and the format of the gathering of the National Education Council that did not meet for the last seven years should be announced upon talking with our representatives;

(8) In this protocol, it should be stated that from now on the educational problems will be concluded by talking with the representative teachers and be implemented and this should be adopted as a principle;

(9) In this protocol, it should be stated that the teacher who put forth their professional honor and dignity during these boycotts will not be given administrative punishments as a principle.

TÖS was exposed to several attacks. For example, on October 15, 1968, the chairman Fakir Bayburt was attacked and suffered a head injury while giving a speech in a movie theater in Birecik. After the March

12, 1971 Turkish *coup d'état*, the executives of TÖS along with its 3,500 members were taken into custody and were subjected to torture. Also, the 185 executives and members of TÖS were prosecuted at the Military Court of Ankara Martial Law Commandership. While the 59 defendants were given prison sentences with various periods of imprisonment, the chairman Fakir Baykurt, the vice-chairman Dursun Akçam, the general secretary, and an executive committee member were sentenced to heavy imprisonment of 8 years 10 months and 20 days (Koc 2011a: 6).

What differentiated the 1969 TÖS boycott from an ordinary strike was that they duly performed some of the elements of civil disobedience. For instance, their protest that violated the Article 624 implied that they broke the law intentionally. They also did not deviate from their aim when they protested in public. They accepted the penal sanctions that were implemented as consequences of their actions.

### *Freedom of Thought*

The demand for freedom of thought is a struggle of democracy. In the Article 25 of the Constitution of the Republic of Turkey, it says: "Everyone has the right to freedom of thought and opinion. No one shall be compelled to reveal his thoughts and opinions for any reason or purpose, nor shall anyone be blamed or accused on account of his thoughts and opinions". Again in the Article 26 of the Constitution of the Republic of Turkey, it says that everyone has the right to express and disseminate his thoughts and opinions by speech, in writing, or in pictures or through other media. But other articles of the constitution restrict these rights. One of the struggles for rights of the 90's was for freedom of thought and expression. The event that started the struggle was the prosecution of Yaşar Kemal with the claim that he was advocating separatism because of an article he wrote for *Der Spiegel* magazine (Yurdatapan 2002: 79). In his article entitled *Campaign of Lies*, he wrote about the on-going policy of oppression of the state against the

Kurdish people and criticized the republican regime. He was released on conditions of trial without being arrested by the National Security Court (NSC). But this event started an act of civil disobedience with the aim of having the right to freedom of thought. The 83 intellectuals consisting of writers and artists who gathered outside the NSC in support started a protest by putting their signature under the passage (Milliyet 1995):

Whether I approve its content or not, out of my respect to freedom of thought I put my signature under the opinions that are wanted to be under legal pressure. I will accept any kind of sentence due to this signature with honour. (Milliyet 1995: 23)

After the Freedom of Thought Initiative was formed, the articles that were alleged to be criminal of the writers who were being tried because of their opinions were collected in a booklet entitled *Freedom of Thought* and were published repeatedly with the name of 1,080 intellectuals appended in the publishers list. Thus, a crime was voluntarily committed by those intellectuals. These writers and publishers who broke the law intentionally were arrested several times. But the aim of these people who committed the same crime and reported themselves to the state prosecutor was to create a workload for jurisdiction and practice a policy of exhaustion. Their basic goal is for thinking and expressing opinions not to be considered as a crime any longer because they have the understanding of “Nobody has to have the same opinion but everyone has to respect the other’s opinion”. When considered in terms of the theory of civil disobedience, it is seen that there is no use of violence and the protesters accept the punishments. Also, the protests took place in public. These protests started in 1995 and continued periodically until 2009. Their main aim was for the laws of the Article 25 and Article 26 of the constitution that restrict the right to freedom of thought to change. They succeeded in doing that. Thus Article 301 was changed.

### *The Protests of the Villagers of Bergama*

The Bergama movement is an act of civil disobedience taken against the construction of a gold mine that had women protesters in the frontlines of the demonstration.

In 1989, “Eurogold”, a multinational mining corporation, obtained the licences from the Ministry of Energy to run the gold mines in the villages of Çamköy, Ovacık, and Narlica in Bergama/İzmir that have a major gold reserve and started the preparations to operate (Özen 2009: 2). Although at first, the villagers were happy that they were living above a gold reserve, the situation changed and the villagers started to oppose to the construction of the gold mine after finding out that the gold was going to be extracted by cyanide and being informed of the environmental risks it entails. Gold extraction by cyanide leaching is needed to be explained to prove the rightfulness of the villagers’ struggle; gold is one of the few metals that is found in its native form in the nature and is among the least reactive elements. Although it provides no benefits to human life, due to high demand the gold reserves that are found in riverbeds and soil have been diminished long ago leaving only the gold reserves that are in rock veins (Reinart 2003: 19). This is where cyanide comes into the equation. The gold is extracted from the rocks by resolving it via cyanide leach method. This poses a great risk for the environment since the rocks and the soil decayed because of the cyanide leaching turn into toxic waste that cannot be degraded.

To be able to use the cyanide method, tailing ponds with impermeable liners should be constructed (Reinart 2003: 20). Despite this, there can be leakage from the ponds that contaminates the soil and the underground water. Regardless of the precautions taken by the company, the damage is inevitable in the case of a spill that contaminates the water supply or an occurrence of an earthquake and unfortunately there are cases of it in the world.



From a financial perspective, it is seen that the gold mine's costs are greater than its benefits because the villages Ovacik, Çamköy, and Narlica are located in the Bakırçay basin which is the most fertile land in Turkey (Reinart 2003: 28-29). Considering that the agricultural income will disappear and that the region is a major earthquake zone, it is not difficult to anticipate the damage it will cause.

As the awareness of the villagers was raised about the risks of gold extraction with cyanide leach method posed to themselves, their agricultural produce, the environment, and to future generations through the visits from professors and panels held in the villages, they started to mobilize against the gold mine. During the course of channelling information and mobilization of the villagers against the gold mine, Sefa Taşkın, the mayor of Bergama played an effective role (Cimrin 2015: 312). The mayor later formed a committee with the 17 elected heads of villages to inform the media about their experiences. The protests were carried out under the leadership of Oktay Konyar from CHP (Republican People's Party) upon the villagers' request (Özkan 2004: 3-4). After becoming the leader, Konyar formed committees consisting of ten people (Reinart 2003: 57) in every village and with these committees he put the protest in a systematic order. Konyar who read about Gandhi and admired him decided to practice his methods (Reinart 2003: 59). This is why the protests of the villagers of Bergama are considered to be among the best examples of the acts of civil disobedience.

The protests that started in the summer of 1992 became more frequent in 1993 and turned into a mass protest in 1996 in response to the cutting-down of thousands of olive and pine trees by the company. The peasants of Bergama practiced most of the methods of civil disobedience. On November 15, 1996, the villagers blocked the İzmir-Çanakkale highway for six hours. Approximately ten days later, thousands of people from Bergama succeeded in attracting attention by marching under the heavy rain holding coffins and

shouting the slogan "do not dig our graves." accompanied by the municipal band playing the funeral march (Ince 2014a). On December 23, 1996, the men of the village who were stripped down to their underwear handed out their declaration under the rain. In March of 1997, the dynamite explosions at the mine site made the villagers nervous and in response, the villagers gathered in Bergama Cumhuriyet Square and marched with torches and performed a folk dance. Not surprisingly, during this protest they came in direct contact with the police. Although the protesters were not being violent neither to the police nor to their surroundings, they were exposed to the violence of the police. After this event, the protest got bigger, and 4,000 villagers occupied the mine. The villagers carried out the occupation by entering the mine at midnight and protesting in the form of a sit-in without vandalizing and without using any violence. The villagers were relieved after being promised that the mine was going to be closed in a month and headed back to their houses. After the demonstration, Konyar and a few other demonstrators were detained (Reinart 2003: 61-70). In fact, with the presence of 4,000 peasants, the demonstrations could become violent. But instead of resorting to violence, the peasants chose to pursue a legal struggle and kept silent even when they were detained.

In 1994, after the Ministry of Environment granted the permission for the mine to operate, the Movement of Bergama villagers entered a remarkable phase in terms of the history of social actions and the struggles for seeking justice in Turkey. As the legal struggles for the mine to stop operating continued on one hand, on the other hand the villagers mobilized acceleratingly (Cimrin 2015: 313).

In June 1997, the peasants interrupted the press conference held by David W. Evans, the ambassador of Austria, to support the cause of Eurogold in İzmir with the slogans "Eurogold leave Bergama" and "Turkey won't be Africa". After this demonstration, the ambassador had to leave the room (Millyet 1997: 27).

The first one being in 1994, multiple of lawsuits were filed against Eurogold, with the court ruling in favor of the villagers. But the decision of the court was not implemented (Ince 2014b). The Ovacik operational facility which was opened for a period of eight years initially still continues to exist in the area of the three villages, giving the region two big tailings ponds. The people who live in the villages of Bergama where tobacco farming has come to an end and migration is taking place cannot consume the produce that grows in their garden trustfully or drink the tap water in their houses. Although the conflict between the villagers who are against the mine and who support the mine has started to resolve slowly, there is still an invisible line that exists among the villagers. The worst is they are feeling defeated (Cimrin 2015: 316). After proving their rightfulness legally, there is nothing more they can do. Eventhough there were women and old people in the frontlines, they were not scared off by the violence exerted by the security forces and pursued to demand justice through legal proceedings.

### *One Minute of Darkness for Continuous Light Action*

The event that marked the year 1996 was a traffic accident and what set this accident apart from the others was the people inside the vehicle. On November 3, 1996, near Susurluk, a district of Balıkesir, a Mercedes car and a truck collided and three out of the four passengers in the car were killed, only the fourth passenger Sedat Bucak survived the crash. The weird thing about the accident was the identities of the people involved in the crash. Sedat Edip Bucak who was a clan leader and a member of Parliament from Şanlıurfa, Hüseyin Kocadağ who was once the deputy chief of the Istanbul Police Department and then the principle of a police school, Abdullah Çatli who was a nationalist militant and Çatli's girlfriend were all in the same car (Orhon 2007: 109). After this event, the relationship between the

state and organized crime was questioned. The first action that took place was called "the citizen initiative for continuous light" which distributed brooms and swept the streets and had the slogan "sweep for clean politics". When the severity of the event was realized, the Parliament formed the TBMM (The Grand National Assembly of Turkey) Susurluk Investigation Commission that consisted of nine MPs (Members of Parliament) to uncover the case and gave start to the investigation on November 26, 1996 (Orhon 2007: 109). Tansu Çiller, the deputy prime minister at the time said: "Those who shoot and stop bullets for the sake of this country are always remembered with respect. They are honorable" (Birand 2012). That caused people to think that the name of the state was being "stained" for the cause of counterterrorism. The people understood something was wrong but could not figure out how to act. Right at this point, Ergin Cinmen, attorney at law, found a way to show the unrest of the people without putting anyone at risk personally. Every day, households would turn off their lights at exactly 21:00 for one minute (Ince 2014c). The Citizen Initiative that was founded with the demand of a clean society, spread the news of the action all over the country via fax and the first day of action took place on February 1, 1997. This act of civil disobedience was embraced by the public and was easily spread nationwide. The number of households participated in the action continued to grow each night. The action which started out solely as turning off the lights for one minute soon took on different forms of switching the lights on and off, making noise with pots and pans and even gathering in the streets and blowing out the candles they were holding at 21:00. These actions that were embraced by the people certainly were not tolerated by the people in the power. Prime Minister Necmettin Erbakan said: "Those who turn off their lights are envious. What they are doing is childish" (Kul, Tümer, and Kir 1997). Also the Minister of Justice Şevket Kazan made a comment about "blowing out the candles", making an

inappropriate reference to the Alevis which escalated the tension further more. After a while, the action partially deviated from its aim and took the form of government opposition. Also, the Susurluk Investigation Commission formed by TBMM could not come to a conclusion since their investigation was being constantly stopped due to confidentiality. The reasons for this action to be considered in the scope of civil disobedience are its success in reaching out to people throughout the country to raise awareness and its compliance with the basic principle of nonviolence of civil disobedience. It was the period where criticism against state structure was at its peak. People wanted their voice to be heard and wanted illegal activities to be put to an end.

### *The Protests of Saturday Mothers*

This act of civil disobedience initiated by the protesters called as Saturday Mothers who are the relatives of the “disappeared” people started on May 27, 1995 and halted on March 13, 1999 due to coercive intervention of the security forces (Anbarli 2006: 238). The protesters gathered in front of Galatasaray High School on İstiklal Street in central İstanbul every Saturday to make their voices heard. Their aim is to find their relatives who have disappeared in custody whether they are dead or alive and for the perpetrators to be prosecuted.

In Turkey, the disappearance of the people in custody started with the oppressive governance of the state after the September 12, 1980 Turkish *coup d'état* and escalated in the 1990s due to terrorism, becoming almost a state ideology (Yilmaz 2014: 53). Although the relatives of the victims of forced disappearance took legal actions, they could not get any satisfactory results. Thus, right at this point, the group named as the Saturday Mothers took action in the form of silent sit-ins holding up the pictures of their lost relatives for four years. It could be said that the Saturday Mothers movement was influenced by the Mothers of the Plaza de Mayo who occupied the

Plaza de Mayo protesting the disappearance of their children in custody during the years 1976-1983 after the military juntas was installed in 1976 in Argentina (Yilmaz 2014: 53). In fact, the group did not consist of just the mothers but also included the fathers, the siblings, and other relatives of the disappeared. But, since the word “mother” would be more sentimental, the media coined the term “Saturday Mothers” (Günaysu 2014). The protesters stated that they halted their protest due to the attacks of the security forces (Birand 2012: DVD 1). Although they continued to protest for a long period of time, the fact was that their demands for justice were not met and the constant police attacks made the mothers tired and they gave away to despair. The Saturday Mothers’ movement is the civil disobedient act that lasted the longest in Turkey. The protest was public and the protesters were objecting only against their situation which they thought was unfair and not the whole system. They took legal actions to demand justice but when they could not get any results, they committed the civil disobedient act as a last resort. They proved that their protest was civil disobedient by acting in compliance with the principle of nonviolence of civil disobedience.

### *The Headscarf Protests*

Millions of people attended the protest of “hand in hand for respect to faith and freedom of thought” that was organized on October 11, 1998 and formed a human chain by holding hands. The main reason of the protest was the closure of the Quran courses and the Imam Hatip high schools (religious high schools) in the last couple of years and the headscarf ban at the universities depriving the university students of their right to education (Altinoluk 1998: 53). In Cerrahpasa Faculty of Medicine of İstanbul University where the headscarf ban started, İzmit, Adapazarı, Bolu, Ankara, Çorum, Amasya, Samsun, Ordu, Giresun, Rize Hopa, Kirikkale, Kırşehir, Kayseri, Sivas, Malatya, Kars, Gaziantep, Urfa, also Adıyaman, Konya, Bursa,

Erzurum, Adana, and İzmir, people formed a human chain called “hand in hand for freedom”. It can be said that it was the first time that people formed a human chain that was for kilometers long on the same day in most parts of the country. According to some sources, it was the largest gathering in the form of an act of civil disobedience that ever took place in Turkey (Benli 2011: 65). But because it was a critical period for Turkey, these protests were not approved neither by the secular citizens nor by the government and were regarded as a reactionary movement and an attack to the state. The students who attended and organized the protests were put on trial by the State Security Court because on February 28, 1997, the NSC banned the headscarf in the public institutions due to “the fight against reactionary movement” (Ince 2014d).

The process of various protests that attempted to abolish the ban on headscarf brought results in 2000s and the ban was lifted first in the universities and then in public institutions.

### *Conscientious Objection*

The notion of conscientious objection is to refuse to do something with one's own personal will due to religious, moral, or political reasons. This decision usually takes place when one refuses to carry out the mandatory obligations. It can be understood that military service is an obligation as it is said in the Constitution of the Republic of Turkey Article 72, in the expression “Service to homeland is the right and duty of every Turk...”. Thus, conscientious objection brings the rejection of performing military service to mind. In fact, it is necessary for an individual to be able to reject, to kill, or to take part in a war due to religious, moral, or intellectual reasons in terms of human rights. But according to the laws of the Republic of Turkey, military service is compulsory and cannot be voluntarily rejected. One is obligated to perform this duty regardless of his wishes. One can be exempted from the military service only if he can get a

report stating he cannot perform the duty.

Despite the laws and implementations, there have been people who were conscientious objectors in Turkey. From 1989 to the end of 2013, almost 299 people most of whom were arrested and were sent to military prison declared that they were conscientious objectors. Their time of imprisonment was not decreased from their military service nor were they considered to have performed their military service. Instead, they were asked to serve after their imprisonment. In 1993, Osman Murat Ülke who stated that he was a conscientious objector was arrested due to the fact that he committed the crime of causing people to become estranged from military service. Ülke who was sent back to his troop after he completed his time in prison was convicted again because he refused to wear his uniform and kept running off from the premises. In 1997, he brought a case against Turkey to the European Court of Human Rights (ECHR). In 2006, ECHR reached a verdict that fined Turkey due to the fact that Turkey had violated Article 3 of the European Convention on Human Rights citing the prohibition of inhuman or degrading treatment (Aslan 2008: 72-73). Turkey had to pay a fine only for the violation of Article 3, there was no punishment or warning because of conscription. Turkey was not fined due to restriction of liberty or violation of human rights. No legislative changes were made regarding the right to declare conscientious objection. Since military service was considered to be a sacred duty in the society, the people who were conscientious objectors were seen as “traitors”. Thus, this act of civil disobedience had a more individualistic manner to it and did not have any repercussions in the society. This action of declaration of conscientious objection could not succeed and could not gain public support. But it is the type of action that best suits the meaning of the word “civil” in the phrase “civil disobedience”. What sets this action apart from any other actions taken against the law is the fact that there is no use of violence.

### *The Gezi Park Protests*

Gezi Park which was subject to the events known as the Gezi Park protests that happened in 2013 is an urban park in Istanbul's Beyoglu district located between the Taksim Square and Elmadag neighbourhood. Gezi Park is at the former site of a grand and majestic artillery barracks named Halil Pasha Artillery Barracks that was built in 1806 and that carried traces of Ottoman, Russian, and Indian architecture (Akşam 2013). The demolition process of the Taksim Artillery Barracks was initiated by the city governor and mayor Lutfi Kırdar in 1939 for the arrangement and rebuilding of the Taksim Square. The project that was developed according to the suggestions of the French urban planner Henry Prost included a big park that would stretch out from Taksim to Harbiye and recreational facilities. The name of the park would be İnönü Esplanade and a statue of İnönü would be erected in the middle of the park. In 1940, Taksim Military Barracks were demolished as the first step of the project. A park was constructed in its location. But the rest of the project was not carried out (Aymali 2013).

In 2013, the project of rebuilding the military barracks and pedestrianising Taksim Square was brought to agenda. The people who were against the demolition of the park wanted to prevent it by gathering in the park and even building tents there. The protests were shaped by verbal and written slogans, graffiti, comics, songs sung by choirs (Kalaycıoğlu 2013) and spread nationwide. İstanbul's 1st Administrative Court annulled the changes of the construction plan regarding "the Beyoglu District, Taksim Square Pedestrianising Project" on June 6, 2013. The sixth chamber of the Council of State approved the decision of the court on April 29, 2014. But İstanbul Metropolitan Municipality appealed for a revision of the decision. Normally, the high court rejects the appeals made for revision of decisions unless there is an error of fact (Hürriyet 2015).

Although it was on exceptional terms, the project was approved and was brought into action.

The protest which initially started as an environmental movement, with time, was turning into riots against the government. The movement that started out with a single aim was later shaped by the mass demonstrations of the people who were against the authoritarian rule of the government. Because of the clashes between the police and the demonstrators after the heavy police crackdown, the movement was no longer in the scope of civil disobedience. Nevertheless, "the standing man", the sit-ins, reading books, and handing out flowers to security forces can be considered as civil disobedience since it complies with its principle of nonviolence.

### *The Protests of Villagers of Yirca*

Just like the actions of the villagers of Bergama, the actions of Yirca villagers who wanted to save their village are among acts of civil disobedience that took place in Turkey.

On October 8, 2012, an agreement was signed in Ankara which transferred the field in which the coal reserves of the villages of the town Soma named Deniz, Evciler, Kozluören, and Turkipiyale are located to the company that won the tender by royalties for thirty years for it to build a coal-fired power plant. Before the transfer, the site for the construction of the power plant was determined and then on December 26, 2013, the Energy Market Supervisory Board decided that the power plant was for the "public good". Although the expropriation cases were not even litigated, with the decision that the power plant was for the public good, the company accelerated its operations and laid the foundations of the new power plant on March 19, 2014. After the foundation was laid, the decision of "urgent expropriation" of the power plant construction site by the Council of Ministers was announced in the official journal. After the announcement in the official journal, the courts made the valuation of the immovable properties that

was going to be expropriated and served the relevant people. The villagers filed a legal complaint to the Council of State for the annulment of the “urgent expropriation” decision. “Urgent expropriation” is an extraordinary way of expropriation, regulated in the Article 27 of the Expropriation Law that can only be passed by the Council of Ministers if the clauses of the law occur. For the decision about urgent expropriation to be given, there should be a case where defense of the country is necessary, in other words, the country should be in a state of war or extraordinary circumstances that were regulated by special laws should occur. The demands of the villagers of Yirca are the annulment of the urgent expropriation decision that is unlawful and for the state to take measures to prevent the company’s illegal tree-cutting in the groves. Also, they demand a relocation of the power plant and for the power plant to be constructed on an idle public field rather than an excellently fertile agricultural land (Okur 2014).

In the Yirca village of Soma, before the judicial process was completed, the employers of the Kolin company cut down 6,600 olive trees in the power plant construction site in one night. In the evening of that same day, the court ordered a stay of execution against the urgent expropriation of the olive groves. In this time, the Council of State annulled the proceedings of the power plant. Upon this, the Kolin Company started to look for a place to relocate and started to buy land located in the Turkipiyale and Kayrakalti villages with the consent of the villagers (Posta 2015). New olive saplings were planted in the place of the unrooted trees at the festival organized by the villagers of Yirca and Greenpeace. At first, 100 saplings were planted and watered. The first saplings that were planted were named as “Victory Tree” (Milliyet 2015).

Although the villagers were forced to accept the construction of the power plant by the company’s tree-cutting, the power plant was not constructed there because the villagers raised their voices. The local

people earn their livelihoods either by working in the mines or the oil groves. Thus, working in the oil groves is the only alternative against working in the mines. For this reason, the oil groves have a special importance. The power plant that was planned to be built would make a big impact on the current and future residents’ right to live. In terms of civil disobedience, just like the other acts, this act can be considered as partially civil disobedient too. This protest was started by the people living in the area, but even though it had the support of Greenpeace, it could not expand outside that region. Although the events had national media coverage, it did not start any protests nationwide.

## CONCLUSIONS

Civil disobedience is a type of resistance practiced against the significant injustice after all kinds of legal remedies have been exhausted. There are certain elements which differentiate the civil disobedience from active resistance models such as usurpation, revolution, reformation, and criminal disobedience.

Civil disobedience aims to remove a negative situation which was born due to a significant injustice. To this respect, it leans toward two main targets. The first target consists of the decision makers such as the government/state/rulers. The second is the public opinion. Civil disobedience aims to remove the injustice by influencing the decision makers as well as the public opinion by creating an awareness among them. It carries a message both to the government and the public regarding the relevant injustice. Therefore, civil disobedience aims to remove the injustice by delivering its message to its recipients.

Civil disobedience, which is a resistance model practiced after all the legal remedies have been exhausted, must be cautiously practiced in order to convince the public and the ruling authority (government/state etc.). Civil disobedience, as a resistance model, should reject illegality and violence,

should be publicly open and transparent, should not be against the system in its entirety but only the specific events of injustice, should require an attitude to bear and contribute to the sanctions imposed by the positive law norms, should not contradict with the state of law ideology, should be practiced with a political and an ethical motivation, should not use double standards in relation to the events of injustice, should not seek for self-interest, and should be collective and final.

Since it is a resistance model aiming to convince the public and decision makers to make the necessary revisions, practitioners of civil disobedience must take the above-mentioned elements into consideration. Civil disobedience does not aim at the establishment of a new order, the main target is to extend the boundaries of the order. It is an instrument in democratic constitutional states used to trigger the law and democracy to be updated and adjusted to ever-changing conditions.

On the other hand, the conditions from which the civil disobedience arises are also very important. The development level of the civil society and democratic culture are the primary elements which determine the success rate of the civil obedience events. Therefore, Turkey's a century of journey to democratization and the current understanding of the civil society must be taken into consideration in terms of evaluating the success rate of the civil disobedience and reflections of it on the public. Turkey's specific cultural and political nature is also a factor in determining the perspective on these kinds of events.

Considering the democratization journey of Turkey and how far it has managed to come in terms of democracy, the rates of civil obedience events are limited in number when compared with the highly developed understanding of civil society and democratic culture in the West. Nevertheless, there have been certain events closely linked to the nature of civil disobedience, some of which managed to be successful and some did not, due to cyclical reasons.

Civil disobedience movements such as "1969 Teachers' Movement", "Freedom of Opinion", "Bergama Villagers' Movement", "A Moment of Darkness for Constant Light", "Mothers of Saturdays Movement", "Veil Movement", "Conscientious Objection", "Gezi Park", "Yirca Villagers' Movement" all of which took place in Turkey, although not comparable with the highly successful civil disobedience events in the West, will take their place in the historical process of Turkey as leading civil disobedience events of Turkey for they have managed to bring up the unjust events into discussion and created a sense of awareness among the public to make a difference without resort to violence.

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