

# Civil Disobedience in Contemporary Turkey



# Civil Disobedience in Contemporary Turkey:

*Whispers of Justice*

By

Abdulmelik Alkan

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To my two apples of eyes  
be brave in your heart and in this world  
stand up for Justice, fight for injustice, always!



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First of all, I would like to express my deepest gratitude to all who are brave and courageous enough to stand against injustice—regardless of who they are or which tyrannical regime they face—doing so without violence, becoming the voice for the voiceless, and walking, speaking, and marching for a just world.

In this book, I have brought together cases from Turkey, yet the struggles described here echo the experiences of people in many other parts of the world—those who fight for justice and endure inhuman and degrading treatment. Among the highest values is human dignity, a principle enshrined in every culture, creed, and faith, and one that must be upheld at all costs. This book is also dedicated to dignity itself.

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I am deeply grateful to my wife; whose quiet disobedience finds its strength in prayer—prayers for all who are deprived of justice and basic human rights. I dedicate this work to my children as well, who came to understand the meaning of “asylum seeker” when they stood in line for six hours at the Georgian Immigration Office for a registration that took just five minutes. They have learned what it means to live without a passport, to be unable to visit the city where their grandparents come from an “imagined city” in their minds. They have come to recognize which leaders stand for good, and which embody the opposite.

Last but not least this book is for all children who are deprived of their basic rights because their families have been subjected to injustice under authoritarian regimes. I hope they grow to be brave in their hearts and fearless in their words and to the one who marches for the justice.

## FOREWORD

Civil disobedience is often imagined as a distant ideal—something found in history books, tied to famous names and long-past struggles. Yet, in the Turkey of today, it is a living, breathing act, carried out by ordinary people whose courage far outweighs their numbers. This book tells their stories.

Over the past two decades, Turkey has experienced profound political shifts. The erosion of democratic norms, the shrinking of civic space, and the tightening grip of authoritarian governance have created an environment where even modest dissent can carry immense personal risk. In such a climate, acts of nonviolent resistance—whether public vigils, symbolic marches, or solitary protests, or sits in, even hunger strike take on a significance that extends beyond the individuals involved. They become moral markers in a society struggling to remember its democratic promises, or a megaphone to remind the society what ought to be constitutionally.

In these pages, I bring together ten cases of civil disobedience that cut across ideology, religion, ethnicity, and profession. Some are collective movements that have endured for decades; others are the work of individuals who stood alone, still continue. All share one essential purpose: the determination to confront injustice without resorting to violence. Through their stories, we see that resistance in Turkey is not confined to any one political camp or social group—it is, at its heart, a human response to the denial of dignity. But we don't see the collective reaction.

The purpose of this work is not simply to document these cases, but to situate them within a broader theoretical and historical framework, drawing from both Western and Turkish scholarship. By doing so, I aim to show how the principles of civil disobedience adapt—and sometimes transform—when practiced in environments where the rule of law is fragile and dissent is criminalized.

While this study is grounded in the context of Turkey, its lessons resonate far beyond its borders. Around the world, authoritarian tendencies are on the rise, and the question of how individuals and communities respond to injustice is more urgent than ever. The stories here offer no easy answers, but they do provide a powerful reminder: that even in the darkest political climates, there are those who will stand, speak, and act for

what is right. However, I do personally believe in nonviolent acts from Socratic, Throadu, to Gandi to Omer Gergerlioglu.

*Dr. Abdulmelik Alkan*  
*Tbilisi, August 12, 2025*



# CHAPTER 1

## INTRODUCTION

### **1.1 Relevance to Turkish Contemporary Politics**

This study holds strong relevance to Turkish politics as it explores how dissent and resistance manifest under the Justice and Development Party (AKP), particularly in an era marked by increasing authoritarianism, shrinking democratic space, and the erosion of judicial independence. The cases examined in this research—ranging from the Saturday Mothers and Roboski families to dismissed civil servants and environmental protests—reveal the unresolved tensions between state authority and grassroots of justice-seeking. These movements and individuals directly engage with key themes in Turkish political life: state violence, denial of justice, impunity, and marginalization of ethnic and ideological minorities. Rather than rejecting the state, these individuals/groups demand its moral accountability without applying to nonviolence act. This makes them not only politically significant but also normatively challenging in a system where dissent is often equated with treason. The Kurdish issue, judicial politicization on the Gulen/Hizmet movement and members, and the suppression of civil society all emerge as vital components of the political landscape in which these disobedient acts unfold. As such, the study sheds light on how certain actors engage in sustained, morally grounded, and nonviolent resistance to call attention to structural injustices that the formal political and legal systems refuse to address.

### **1.2 Novelty of the Work**

This research introduces several novel contributions to both Turkish political analysis and the broader theory of civil disobedience. First, it applies a normative concept which is civil disobedience to the specific and culturally distinct context of Turkey, a country where protest and resistance are frequently criminalized. By reconceptualizing Turkish protest actions through the lens of civil disobedience, the study broadens the interpretive field and offers a framework to understand grassroots action that does not

fit neatly into categories of either legal protest or radical insurgency. Secondly, the study draws from cases that are underexplored or often excluded from scholarly treatments of resistance, particularly Roboski and Melek Çetinkaya, offering a bottom-up view of how disobedience is practiced.

The use of internet-based data collection is also innovative, reflecting the reality that, under authoritarian regimes, most disobedient acts are archived and disseminated online rather than in institutional or archival settings. Since most cases periods date after post-coup in July 2016, also underline the importance of new faces using the space of civil disobedience. The book also challenges assumptions that civil disobedience is an alien or Western-derived idea, showing instead how Islamic, Kurdish, and Anatolian traditions contain indigenous resources for understanding nonviolent resistance.

### **1.3 Aim of the study**

The central aim of this study is to investigate whether certain acts of nonviolent protest in Turkey—particularly those that are morally driven, publicly visible, nonviolent and sustained over time—can be classified as civil disobedience. Specifically, this book seeks to answer whether a meaningful theoretical and practical application of civil disobedience can be made to the Turkish context. The research focuses on how these acts operate within and against an increasingly authoritarian regime, and whether their goals—to restore justice, reclaim rights, and defend rule of law—can be understood as legitimate forms of disobedient citizenship. These acts are not revolutionary or insurgent in nature; rather, they represent efforts to reinsert ethical accountability into a legal system that has lost credibility. Thus, the research is both a political and philosophical inquiry, aimed at identifying the criteria for civil disobedience and testing their applicability to 10 real-world cases in modern Turkey during Justice and Development Party, Erdogan regime.

### **1.4 Methodology**

This research adopts a qualitative, case-based methodology to investigate how civil disobedience is manifested in Turkey under the governance of the Justice and Development Party (AKP) from 2002 to 2024. The central research question guiding the inquiry is: Are there sustained, nonviolent, and justice-oriented movements in Turkey that can be defined as civil disobedience within theoretical and contextual constraints? To address this

question, specific cases were selected based on three key criteria: nonviolence, continuity, and justice-seeking purpose. These include: the Saturday Mothers, Roboski families, Melek Çetinkaya, Bergama environmental activists, and dismissed civil servants (KHK victims), Omer Gergerlioglu, Selahattin Demirtas, Ahmet Altan etc.

Data cases were collected primarily through digital ethnography: online archives, human rights reports, independent Turkish media (e.g., Bianet, Duvar, T24), and academic publications in both English and Turkish. Interviews, legal documents, ECHR filings, parliamentary speeches (particularly by HDP members and dissidents), and visual materials from protests were also reviewed. Also, through observation, we began observing Melek Cetinkaya, Omer Gergerlioglu, Ahmet Altan, Selahattin Demirtas, Sensayer Family's daily activities.

Most of the data were traced through internet-based open-source material, given the legal and political risks of fieldwork in a high-surveillance environment. This digital traceability also reflects the nature of Turkish civil disobedience today—performed not only in streets but also online and in symbolic speech acts.

The analysis method includes thematic coding of materials, with a focus on moral vocabulary, public appeal, and visibility of the acts. Attention was paid to how participants framed their actions (e.g., “calling for justice,” “resisting forgetting,” or “mourning publicly”), which helps position these acts within the framework of civil disobedience, rather than broader resistance or militant opposition.

## 1.5 Chapter Overview

The structure of the book consists of 8 chapters.

**Chapter 1.** focuses on the rationale behind the study, explaining its novelty, aim of the study and methodology, and methods underpinning the study.

**Chapter 2.** introduces the concept of civil disobedience, exploring its various definitions—broad, standard, and narrow—and establishing its core characteristics: nonviolence, publicity, moral motivation, and accountability.

**Chapter 3.** expands on elements of civil disobedience, philosophical and legal right to resist, drawing from Western thinkers like Locke Habermas, and Rawls as well as Turkish scholars review of Civil Disobedience.

**Chapter 4.** investigates the legal legitimacy of civil disobedience, especially in the context of the democracy constitutional breakdown, exploring whether unlawful acts can be morally and democratically justified, and introducing a new concept of the transnational disobedience. connects civil disobedience to democracy and participation, showing how disobedient actions can express political agency even when formal mechanisms are unavailable or corrupted, also addresses the main critiques of civil disobedience, such as its alleged threat to order, and offers a rebuttal in defence of its democratic value.

**Chapter 5.** provides global examples—such as Gandhi, King, and Thoreau—to illustrate the moral and political force of disobedience in other contexts.

**Chapter 6.** is the empirical core, presenting a series of case studies from Turkey including the Saturday Mothers, Roboski families, KHK victims, Melek Çetinkaya, Selahattin Demirtaş, Ahmet Altan, Cemal Yildirim, Omer Gergerlioglu and the Bergama environmental protests. These are examined considering the theoretical framework to evaluate whether they qualify as acts of civil disobedience.

The final chapter offers a reflective conclusion on the future of civil disobedience in Turkey and its implications for political ethics and resistance under authoritarianism.

## CHAPTER 2

### DEFINITIONS OF CIVIL DISOBEDIENCE

Civil disobedience is a method of political participation. It does not have a clear definition, so. It is still a matter of debate which actions fall within its scope, but the boundaries and method of unity are clear. Its most distinctive feature, its refusal to use violence, plays a key role in determining which subjects and actions can be included within its scope. In fact, its nonviolence is why it is an ideal alternative way of political participation and why it is in social contracts and constitutions. That said, civil disobedience must be seen as the last resort: though participants do not resort to violence, they risk being exposed to it from opponents (Vadi, 2012: 13).

The words “civil disobedience” was first used on January 26, 1848, by Henry David Thoreau in his essay of the same name, also known as *Resistance to Civil Government* (Coşar, 2013: 9). Thoreau’s essay was a reaction to discrimination against Blacks in America and was the first to systematically explain civil disobedience and bring it into the literature (Nişancı, 2013: 177). However, the history of that political act dates back hundreds of years.

One of the first to use it was Socrates, even though he did not use the term or conceptualize or systematize it as Thoreau later did. The main idea of his period was the protection of the State (system), so when his lessons to youth were understood differently than intended, he was accused of being against the law and sentenced to a heavy penalty. In such instances, his nonviolent protest was utilizing persuasion to stand up for what he believed in regardless of the punishment, and this underscored his life (Nişancı, 2013: 173).

Another actor of civil disobedience was Mahatma K. Gandhi. He adopted Thoreau’s term and interpreted and developed it throughout his life, combining it with ancient Indian ideas to create a unique mode of opposition and rebellion. He wielded this nonviolent approach to fulfil his goal of liberating India and its population of over one hundred million, albeit not on his preferred terms regarding the India-Pakistan partition. Nonetheless, he was one of the most successful examples of civil disobedience.

However, with its Anglo-Saxon origin, it is important to note that the term and/or its Western concept do not exist or vary in other Eastern

political ideologies. The connotation of “civil disobedience” for a Turk or an Asian is quite different than for an American (Kaya, 2008: 21). In fact, like many other ideas translated from other languages and cultures, especially from English to Turkish, civil disobedience does not have an established place in Turkish political history. Traditions in Turkey that have formed and developed over tens to thousands of years see such protest as negative and discourage it: *Devlete İtaatsizlik*, “disobedience to the State”, has been regarded as undermining the State’s structure, disruption of its unity and participation in an unconstitutional action. Such rebellion is perceived to create unrest by planting a hate-seed and misleading and enticing the State against the masses. Indeed, Turkish President Recep Tayyip Erdoğan is hesitant when referencing the act in democratic societies and even harsher when referencing it in other societies:

Civil disobedience, as developed in Western political thought by thinkers like Thoreau, Gandhi, Rawls, and Arendt, is defined as a public, nonviolent, and morally motivated breach of law aimed at initiating change. In the Turkish political tradition, however, civil disobedience remains a marginal and often misunderstood concept. The state-centric ideology dominating Turkish political culture traditionally equates dissent with disorder, and any form of “disobedience to the state” (*devlete itaatsizlik*) is often cast as betrayal rather than legitimate protest.

This has created a normative tension between law and justice. As Erdoğan himself once stated, civil disobedience “may exist in societies built on law and justice, but in others it is merely rebellion” (Erdoğan, 2001: 300). Hence, acts of protest in Turkey are often excluded from the civil disobedience category due to the perceived absence of a just legal structure. Nevertheless, this research argues that civil disobedience in Turkey does exist—but in localized, moral, and emotionally driven forms that appeal to public conscience rather than legal institutions. The clearest examples are long-term, symbolic, and peaceful protests that call attention to state violence, judicial impunity, and the erosion of rights.

Unlike revolutionary rebellion, these Turkish acts of disobedience do not reject the state entirely but seek to restore justice within the state framework. For instance, the Roboski families continue to mourn and demand justice for 13 years not through armed opposition, but by public commemoration, court filings, and symbolic presence at cemeteries. Their acts do not aim to overthrow the state, but to reinsert justice into a failed legal system a hallmark of civil disobedience per Rawls and Habermas. This nuanced Turkish manifestation shows that while the concept may be foreign, the practice is deeply rooted in shared cultural and ethical values, especially in the Kurdish regions and among marginalized groups.

Civil disobedience can sometimes contain wrongdoings and injustices. Civil disobedience may be in question for societies whose basic structure and general functioning are based on justice, the rule of law, human rights, and democracy. In states that have a very weak relationship with the principles of justice and the rule of law due to its constitutional structure and functioning, or states that do not take these principles into consideration at all, there is no question of civil disobedience, only “resistance, rebellion or revolution” can be mentioned in these societies. (2001: 300).

So is civil disobedience a human right or a legal right, or both? What is the concept of civil disobedience that not all States are familiar with, and when does it emerge? Is the coexistence of law and disobedience possible in a functioning system? We can raise more questions like these, and before giving a more detailed analysis, we can say in short that while there are writers who do not see civil disobedience as human or legal? Right here are others who do, though it is not right that anyone can haphazardly exercise. Ökçesiz (2011: 162) characterizes civil disobedience as a “little right of resistance”, and in highlighting its role in democracies, Coşar is equally cautionary, even deeming it “illegal”:

Civil disobedience is an illegal political acquisition that rejects violence, and is based on the common understanding of justice in constitutions and social contracts, which is resorted as a last resort at the point where legal remedies are exhausted in a democratic system where “somehow fair” relations prevail (Yasar 2013: 10)

As mentioned before, like many concepts in the social sciences, the concept of civil disobedience has not been fully clarified. The biggest reason for this is the difference between practitioners and the systems in which civil disobedience is implemented. If a framework is to be created, it must be from common points within diverse views. These points will be discussed in the following sections titled “Broad Definition”, “General Definition” and “Narrow Definition”.

## **2.1 Broad Definition**

The broad definition of civil disobedience is a new action that is done in public, with a special kind of motivation, deliberately violating a legal norm (Nişancı, 2013: 212). This is actually too broad, pointing to an almost unqualified violation of the law; in contrast, civil disobedience has more narrow parameters: with its focus on nonviolence, it is more constructive and humane than other forms of protest fitting this definition, such as rebellion, revolution and anarchy, which are more destructive. By lumping together these concepts under the term “resistance” (implied in the broad

definition), discussions related to civil disobedience may blur and/or violate its purpose. That said, civil disobedience can reach the limits of the broad definition, changing its form according to the time, place and conditions in which it is practised. Further complicating matters, it does not always occur directly or actively. These factors point to the need for a better definition.

## 2.2 Standard Definition

Hugo Bedau defined civil disobedience as “any act in violation of the law done with the intention of frustrating or changing the law, conducted ... not to involve intentional violence ... and done ... to achieve social justice or some other fundamental moral goal” (Smith P., 2008), adding that “if a person engages in an unlawful, public, nonviolent and conscientious act, he/she commits an act of civil disobedience” (Nişancı, 2013: 195). Bedau’s is a standard definition, narrower than the broad definition because it includes the key component of nonviolence. His description affirms that such action can strongly prevent the operation of a law that is unfair, and it allows room for indirect and passive actions, which most dominant definition theorists place under the standard definition (Nişancı, 2013: 196). *Indirect disobedience* is where the method of protest breaks a law that is not the subject of the protest, while *direct disobedience* is where the method of protest breaks a law that is the subject of the protest. Passive disobedience, the opposite of an active protest, can be either one. One example of passive, indirect disobedience that Bedau cites is Thoreau’s refusal to pay taxes for war expenses to protest war.

Type	Definition	Example
Direct	Breaking the specific law one opposes	Rosa Parks refusing to comply with segregation law
Indirect	Breaking a different law to draw attention to another policy/injustice	Unpermitted protest leading to minor trespassing

  

Type	Definition	Example (in Turkey)
Direct	Violating the specific law or policy one is opposing	Bergama villagers directly blocking gold mining operations using cyanide
Indirect	Violating a different law to draw attention to another injustice	Holding unpermitted commemorative marches for the Roboski massacre and blocking roads

Rawls’ concept of civil disobedience also fits the standard definition and captures the same ideas as Bedeau’s: “Civil disobedience is a public, non-

violent, conscientious but illegal political act aimed at changing laws or government policy” (Nisanci 2013: 57). He went on to emphasize the shared sense of justice as the leading element in his definition, and states how social solidarity emerges indirectly through it, underscoring (like Bedeau) indirect actions as a natural part of civil disobedience. However, Rawls assumed—as do democratic societies—that the masses concerned are fair-minded, which is not often the case.

In looking at constitutional systems and free societies, Rawls offered a three-part constitutional theory of civil disobedience.

*First*, this form of opposition is determined in theory to distinguish it from other types of opposition.

*Second*, the reasons for the action are sorted out and the circumstances under which it may be justified are considered.

*Third*, the role of theory in the system and the degree of the agreeableness of civil disobedience in society should be determined (Nisanci 2013: 57-69).

In attaching such importance to the law of the relevant country, he made it clear that civil disobedience is always a limited demonstrative statement of ideas (Ökçesiz, 2011:130).

Without the aforementioned factors confine, it may seem that, since a civil disobedient and a rebel, revolutionary or anarchist have the same aspiration of changing the world, the line between the first one and the last three are blurred. Yet, aligning with the standard definition, those who partake in civil disobedience are not against the entire body of law and attach great importance to justice, while a militant for example—although perhaps conscientious in some ways in their actions—is not concerned with justice and can view the entire order and system as illegitimate, lending to violence. This is another marker for civil disobedience that separates it from other forms of protest, especially those resulting in severe sanctions. It is more selective, purposeful, and meaningful. The participant, who shapes knowledge and strategy within their political philosophy, adheres to at least some legal principles despite their disobedience. Civil disobedience would become totally different if it were to negate the whole order and system beyond the elimination of injustice. Therefore, it remains an action limited by its bowing (at least partially) to the law as well as a philosophical movement carefully framed by the elements that define it (Anbarlı, 2006: 92-93), like nonviolence. Considering these factors, Habermas concludes that civil disobedience can only exist and be in question within a rule of law:

only then can the individual who violates the law directly assume the role of the sovereign citizen participating in the administration (within the limits of the majority) (Habermas, 2013: 131).

### 2.3 Narrow Definition

The most important part of the civil-disobedience discussion is to clarify the contribution of civil disobedience to democracy, and to do that, we need an even narrower definition that includes the fact that the activist is ready and willing to bear the consequences of their actions. Habermas points to this when elaborating on the standard definition, stating that civil disobedience is a moral gesture that cannot be based solely on personal interests and beliefs: it is a foretold, symbolic, public act that entails violating certain norms, with a course generally predictable to law enforcement. It is therefore only a form of protest for those prepared to take its repercussions (Habermas 2013: 128).

Fleisch's (2008: 24) definition concurs with this: civil disobedience is a public protest—without the use of brute force—against a state action that is clearly visible and understandable to third parties and that is perceived as unfair, without the use of brute force. Fleisch claimed that it does not just stem from remarkable political motivation but from a moral one as well and includes a violation of law that corresponds to at least one criminal pattern. Thus, as in Habermas' definition, it requires a readiness to face legal consequences.

Fleisch concluded that, to place an action in the category of civil disobedience, it must:

- 1) be against clear injustice,
- 2) be non-violent,
- 3) be open to the public,
- 4) be caused by political moral motivation,
- 5) deliberately violate a rule of law, and
- 6) consider the criminal consequences that will arise from the act.

The most well-known narrow definition was made by Hannah Arendt, a critic of standard definitions of civil disobedience. While Bedau and Rawls incorporated conscientiousness and indirect disobedience in their definitions, Arendt did not denoting civil disobedient as an organized minority group that come together not out of a common moral interest but solely to oppose governmental policies perceived as illegitimate. This

organization is based on a compromise, a consensus that gives credibility and persuasive power to the actions of the activists. (Arendt 2013: 183-194).

According to Arendt, “Conscience is apolitical everywhere. It is neither about the world in which injustice is committed nor about its consequences. Disobedience to the law can never be explained by conscience, which is based on morality or the moral system. Because the voice of conscience is not only apolitical but also extremely subjective” (Nişancı: p, 210).

In her narrowing of the definition of civil disobedience, Arendt argued that such protest should have a collective form and collective consciousness, not an individualist and subjective one.

Having spent a night in prison for refusing to pay election taxes to a government that tolerated slavery (she was released the next morning after her aunt paid the debt), Arendt evaluated Thoreau’s refusal to pay taxes as well as Socrates’ use of persuasion in the face of accusations regarding his teachings, and she did not accept them as civil disobedience since they were indirect (Nişancı, 2013: 211). By constricting the definition so much and thus not accepting these historical figures as the pioneers of civil disobedience that they were, they took a bold stance.

Looking again at Turkey, Ökçesiz is one of the most important names there examining civil disobedience. He agrees with the above interpretations but does not seem to take a stance on whether indirect action is included; “Civil disobedience” is an act of peaceful protest that is carried out publicly and illegally for the sake of the lofty values contained in the idea of the rule of law, while not violating the superior right of third parties. By stating and demonstrating that he or she is ready to bear the consequences of violating the norm, civil disobedient can support his or her belief in the justification of his action. (Ökçesiz 2011: 151)

Even with the progression from broad to narrow, the definitions and explanations of civil disobedience above evidence that there is still no single concept of it, though they also evidence that it has taken its place within the purview of political as well as social science. While there is no consensus on what civil disobedience is, most writers agree on what it is not. Ultimately, reaching a consensus, more scientific studies of its practice are required. In conclusion, the theoretical landscape of civil disobedience reveals a continuum of definitions that shift from the broad and inclusive to the narrow and highly specific, each offering valuable insights into the moral, legal, and political dimensions of such acts. While consensus remains elusive, a unifying thread that persists in civil disobedience is fundamentally a conscientious, nonviolent, and public form of resistance that seeks to correct perceived injustices within a legal framework. It distinguishes itself from more radical forms of dissent through its selective

challenge to law and order, rather than a wholesale rejection of the system. The inclusion of direct and indirect forms, the willingness to accept legal consequences, and the tension between individual conscience and collective action all point to the richness and complexity of topic. As civil disobedience continues to shape and evolving across different socio-political contexts—including Turkey—its study remains critical for understanding how citizens engage with power, legitimacy, and justice in democratic and semi-democratic societies alike. However, one must know, the definition of the civil Disobedience changes from the culture to societies and to the form of the government and state institutions, to many it is constitutional civil rights, as long as the societies regardless of the above factors will be thriving because human nature loves freedom, and want to fight for it.

## CHAPTER 3

### THE ELEMENTS OF CIVIL DISOBEDIENCE

Although the definitions of civil disobedience vary, almost all of them have the main criteria that Ökçesiz listed, which he determined according to 15 countries he defines as democratic. (Ökçesiz, 2011:100):

- 1) nonviolence,
- 2) the violation of a positive rule of law and the purpose's compliance with the ideals of the rule of law,
- 3) the activist's readiness to bear the consequences of the violation, and
- 4) the performance of these actions publicly.

A call to a common sense of justice or public conscience was not specified by Ökçesiz, but it will be discussed per the opinions and explanations of other authors.

These are the most basic elements of civil disobedience. Although each element is essential, each has its own characteristics and conditions, requiring that every element be considered and studied separately. At the end of the book, examples from Turkey will be used to question whether these criteria truly fit the overall idea and practice of civil disobedience. For now, we will take a more in-depth look at each element.

#### **3.1 Rejection of Violence**

Nonviolence is one of the most fundamental and distinctive characteristics of civil disobedience. However, due to the fact that the characterizations of and limitations on the use of violence are imposed by those who approve of the latter, the relationship and evaluation of the purposes and methods encompassed by nonviolence continue to be a subject of discussion (Ökçesiz, 2011: 138). In the simplest terms, nonviolence is a philosophy and strategy of protest that aims to avoid aggression, leaning on peaceful protest via non-bellucose actions.

Based on this point, there are many other methods of disobedience and resistance that cannot be termed "civil disobedience" due to their incorporation of or focus on violence: spontaneous militant actions or more

organized efforts, including rebellion, revolution, and terror. In a state where the principles of freedom and legality prohibit violence, the latter can only foment within one of these methods, including a coup d'état (Ökçesiz, 2011: 139). Such violent protest stems from factors like self-centeredness, frustration and anger with no constructive outlet, psychopathology, and/or a bellicose mindset. Civil disobedience, in contrast, arises and develops out of a respect for life and the concordant desire to preserve self and others (Ökçesiz:130-132) while pursuing the overall goal. Its nonviolence is thus “a violation of the norm that takes into account the physical and mental integrity of the protesters and third parties” (Habermas, cited in Nişancı, 2013: 223).

It is understandable why there is so much emphasis on nonviolence. Being the only power that can legally use physical violence—for the purpose of maintaining control and preventing or limiting violence between individuals—the State tends to have a monopoly on it. Human history is full of examples of oppression by leaders and/or political bodies who earmarked their regimes with physical aggression, from bullying to torture to murder. Due to violence as a form of governmental practicality and, in some societies, an unwarranted governmental reality, it tends to be a last choice for many protestors, who do not wish to use the same and exacerbate the State's wrath. Instead, they have bet on civil disobedience—including against those who use violence—to pressure the State into change (Anbarlı, 2006: 80)

Nonviolence is not limited to physical activity only. Civil disobedients also refuse to commit verbal, psychological, and property violence (Uyanık, 2015: 19). As Habermas notes above (2013: 125), the violation of the rule of law in civil disobedience is symbolic in the sense of getting a message across. So, it can be inferred that the protest should be carried out accordingly (without blatant violence, within which the message could be obscured). However, it is a matter of debate what violence is and where its boundaries begin and end. Do factors such as psychological pressure and image and noise pollution qualify as violence? The commonly accepted answer is that they do only if the structure of the action causes significant upset so that it violates a superior right of a third party. For example, if a protest racial discrimination blocks the only road to the hospital (patients and families having superior rights and need to access the hospital), it is considered violence and thus not civil disobedience. Yet if the protest blocks one of many roads to the hospital, such pressure and pollution would safely fall under “civil disobedience”.

Since violent threats and actions cannot be compatible with the purpose of the act, civil disobedience comes in the form of visual and verbal

statements and warnings, along with a steadfast physical presence, from assemblies to sit-ins to marches, expressing complex, conscientious ideas (Nişancı, 2013: 225). These strategies are a call for others—particularly the State—to listen and pay attention, and indeed, the non-threatening approach renders others more likely to do so, in turn making the protest's success more likely.

Criticisms of nonviolence come first among the criticisms of civil disobedience. There are views that nonviolence is the result of cowardice and/or feelings of helplessness and therefore the inability to react in other ways (e.g., aggressively). However, this is not the case: civil disobedient *choose* to not use violence—for all the reasons—even though they could. As noted above, it is true that many who choose nonviolence wish to avoid aggravating the State's wrath, but they also understand that even in peaceful protest such aggravation could occur. In that vein, a person who feels cowardice or helplessness would not protest at all. Nonviolence should therefore be perceived as avoiding negative behaviors—not out of feelings of fear or impotence but out of shrewdness and principles, including a non-destructive mindset. It is about prioritizing and encouraging positive behaviours centered on constructiveness (Uyanık, 2015: 19), not only constituting an effective means of resistance but the philosophical basis of society's recovery and reform via the rejection of brute force (Ökçesiz, 2011: 40). It is thus so much more, and more nuanced than simply not using violence.

Another criticism is that this type of protest does not always stay nonviolent; to reduce the risk of violating its peaceful orientation, protesters must strive for complete harmony between the goal and agent (themselves and their strategies) so that the former rather than latter is sanctified. If the agent is sanctified, there could be a sense of limitlessness with which the boundaries of nonviolence could be violated. If the goal—which harbors nonviolence—is instead sanctified, the latter would be upheld.

Of course, as discussed before, it is possible for a peaceful protest to be met with violence. Such violence could require the same in defense if it means the preservation of self-and/or others (e.g., upholding life). Additionally, since civil disobedience is a concrete act, it will inevitably create various changes in the environment in which it occurs, which can be viewed as a form of violence. For example, even with its intention to curb war, the closure of a nuclear-submarine base cannot be considered an act completely free of violence since the base-workers' jobs and therefore lives are negatively impacted. That said, there is still an effort to keep protest processes and outcomes as nonviolent as possible in terms of minimizing negative effects. Any violence tied to movements undertaken in the name

of lofty goals is considered not to contradict those goals *only* if it remains minimum. Civil disobedient thus restrain themselves, e striving to constructively channel their anger, including deprioritizing feelings of revenge (Nişancı, 2013: 227).

Although civil disobedience can be effective in protecting, restoring, and gaining rights and freedoms, it is an extremely difficult method to implement due to this challenge of adhering to nonviolence when confronted with oppression and aggression. It demands the possession and expression of a peaceful attitude, conscientious motivation, courage, patience, and sacrifice (Kapani, 2011: 314). Figures like Mahatma Gandhi and Martin Luther King, Jr., simultaneously proved and surmounted this difficulty by *becoming* the qualities through gargantuan trials, and hence to this day are shining symbols and the highest standards of civil disobedience.

Like these historic figures, whoever chooses nonviolence risks suffering, and the risk is greater the further one gets from democratic systems (yet even those systems often have proven aggressive towards peaceful protestors). Whether on the streets or in prison, civil disobedient flirt with all kinds of violence—particularly from the targets of their demonstrations—including abuse, torture, and/or murder. Participants may even choose suffering as their protest, like in hunger strikes, in which they experience everything from physical depletion to death. This gallantry pervading nonviolence is epitomized in Socrates' thought that activists choose to be exposed to evil rather than committing it (Nişancı, 2013: 224).

We can summarize the core of nonviolence as follows (Singer, cited in Özbey, 2016: 58):

1. It provides a constructive alternative to violence for resolving conflicts, indicating the existence of a favorable and positive power.
2. Violence cannot be tempered or eliminated by violence, only by enduring violence consciously; to use violence to combat itself is contradictory not only physically but also psychologically.
3. In civil disobedience the goal does not bless the means: there must be complete agreement between the two, with the goal being elevated higher, so that any violence occurring for its sake remains minimum enough to be considered noncontradictory to the intended purpose. Civil disobedient therefore choose this method not because they lack the resolve to resort to violence, but because they prioritize their goals over feelings of revenge.
4. It is a universal principle and can be applied everywhere: every oppressive and coercive challenge has a corresponding nonviolent counter-act.

Especially since Gandhi's and King's successes, nonviolence has been seen as a crucial element of civil disobedience, giving the latter a strong stance in society. From Thoreau to King and beyond, prominent civil disobedient have constantly warned their supporters (and opponents as well) that violence is a dead end and to avoid it, even as they and their followers have been aware that their protests would not take place in a peaceful environment. Drawing attention to this reality while remaining resolutely opposed to the destructive tension of violence, Martin Luther King, Jr. states that "creating tension is part of the duty of those who carry out acts of nonviolent resistance...constructive, nonviolent tension... is essential for development". Every movement that denies the rule of law will find itself outside the scope of legitimacy (King, cited in Gönen, 2011: 16), but only nonviolence, with its refusal of destruction and careful use of tension, has proven its potential to effect positive, lasting change.

### **3.2 Violation of a Positive Rule of Law and Compliance of the Purpose with the Ideals of the Rule of Law**

There is opposition to at least one positive rule of law in civil disobedience (Gönen, 2011: 15). As defined above, in direct disobedience, the protest violates the same law protested (the violation is then both literal and symbolic), while indirect disobedience, a different law (e.g. about assembling in a certain place) is flouted while the original law is protested but not violated. The latter happens the most frequently since it is often not possible within the confines of civil disobedience for the law being protested and the act of protest to overlap (Nişancı, 2013: 219-228).

Whether direct or indirect, civil disobedience is always illegal, taking place in conditions that create and shape its uniqueness (Ökçesiz, 2011: 135). For example, participants determine and may even switch nonviolent strategies depending on their opponents' reactions. Note that engaging in illegal activity does not necessarily mean *advocating* illegal organization or action. Civil disobedience is the violation of a single legal norm in the name of a supreme moral norm (Nişancı, 2013: 219). In other words, it expresses concerns about, and the need to remedy, a rule of law violation of the social contract. So, although illegal in nature, civil disobedience is considered a legitimate strategy (Altunel, 2011: 453), pointing to how legality and legitimacy are not always tied (Nişancı, 2013: 219). Evidencing this legitimacy, is the legal requirement that all State reactions to such protest be bound by law: manifestations of State power must be measurable and foreseeable (Ökçesiz, 2011: 114). This makes the illegal act committed by civil disobedients open, transparent, and bearable because they can foresee

the probable consequences. Unfortunately, State reactions do not always stay bound by law, yielding injustices like police brutality. This is one of the reasons this type of protest is a last resort.

It is important to highlight that due to its focus on a single legal norm, civil disobedience has no objection to the overarching constitutional order and the principles upon which it is founded in democratic societies (Cosar, 2013: 10) (this is not typically the case in authoritarian regimes). Therefore, activists accept the current authority and legal order (Nişancı, 2013: 229), seeing a need for not a system change but the reconciliation of a certain conflict of duties (Uyanık, 2015: 19). This makes their motivations and actions different from those who initiate other forms of rebellion like revolution (which is more prone to arise in authoritarian regimes).

Considering its legitimacy and overall respect for the law, one may ask why civil disobedience has not been legalized. Unfortunately, there are factors that weigh heavily on the choice and possibility of doing so. One is that the legalization of a civil-disobedience demonstration implies that the rule of law protested in that demonstration is illegitimate (whether or not it actually is), opening the door for other rules of law to be undone, until violating such rules becomes routine and acceptable. This points to one of the biggest impediments faced by efforts to legalize civil disobedience: undesirable normalization, where more people perform civil disobedience more often until, law by law, legal and social foundations crumble. This would be exacerbated and accelerated if those bent on violence see such normalization—though intended only for nonviolent protest—as an open door. Keeping civil disobedience illegal and having legal consequences for protestors (e.g., being sentenced to punishment) is a check on these potential problems, ensuring that civil disobedience is used only when it becomes clear that legal remedies have been blocked or exhausted (Uyanık, 2010: 93).

That said, even though it's illegal, the success of a civil-disobedience action could result in a legal change. For example, if Thoreau's refusal to pay the tax could have influenced public opinion and the legislature, his protest could have become a legal act no longer punishable (so his sentence would have been commuted), and/or that taxation could have been eliminated from the body of law or redirected to purposes other than war.

### **3.3 Activists' Readiness to Bear the Consequences of the Rule Violated**

One important aspect of civil disobedience is that the participant must consent to the potential consequences of their act's legal violation, taking on themselves the risk with no delusions of protection from arrest and