

**MILITARISM IN TURKEY AND CONSCIENTIOUS OBJECTION AS AN
ANTIMILITARIST ACT OF CIVIL DISOBEDIENCE**

by

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ANTIMILITARIST ACT OF CIVIL DISOBEDIENCE**

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“Fight the Power!: Youth and Social Change.” So was the name of the course I first attended in my freshman year as an undergraduate student at St. Lawrence University. At the end of a brief introductory session, Prof. John Collins posed the toughest question I have been asked so far: “Politically speaking, who are you?” The question was to be answered in the form of a speech to be addressed before the class the following week. It has been eight years since then, and I am yet to answer it. This thesis shall be an attempt to complete that assignment.

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ABSTRACT

MILITARISM IN TURKEY AND CONSCIENTIOUS OBJECTION AS AN ANTIMILITARIST ACT OF CIVIL DISOBEDIENCE

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Social Movements

The Republic of Turkey is established on a hegemonic founding ideology that is centralist, unitarist and militarist. One of the two major means of maintaining and justifying this ideology is compulsory military service. The fact that Turkey remains the only member state to the Council of Europe that does not recognize conscientious objection and the heavy sentences it gives to conscientious objectors make the functional and ideological essence of military service visible. On one hand, the various coup d'etats, the significance of general staff in decision making, the inauditability of military expenditures, the independence of the military judiciary, and the power of militarily-owned companies in economy make the military an autonomous institution with great impact on the state. On the other hand, military has risen to the level of publicly highest regarded institution, the military service appears as a culturalized establishment along with its values and ethnically and sexually coded hierarchy. In this framework, the acts of civil disobedience taken by the conscientious objectors in Turkey along with their criticisms on the Kurdish issue, militarism, nationalism, androcentrism and heterosexism do not simply initiate a discussion of citizenship but shatter the core values upon which the state is founded. Considering that the Parliamentary Assembly of the Council of Europe has been putting forth recommendations to Turkey for recognizing the right to conscientious objection, and the criticisms of the European Commission on Turkey's democratic credentials based on the decisions of the European Court of Human Rights, the issue merits academic attention both in the area of human rights and in European Studies. This study argues that conscientious objection movement, due its radical but nonviolent nature, carries a transformative potential that can alter the static mindset of the Turkish nation with regards to cultural militarization, and push the Turkish state for further democratization and civilianization via its claims for conscientious objection.

ÖZET

TÜRKİYE'DE MİLİTARİZM VE ANTİMİLİTARİST BİR SİVİL İTAATSİZLİK EYLEMİ OLARAK VİCDANİ RET

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Militarizm, Vicdani Ret, İnsan Hakları, Sivil İtaatsizlik, Toplumsal Hareketler

Türkiye Cumhuriyeti, merkeziyetçi, üniter ve militer bir hegemon kurucu ideoloji üzerine yapılandırılmıştır. Bu ideolojiyi kalıcı ve meşru kılmamanın iki ana yönteminden birisi zorunlu askerlik hizmetidir. Türkiye'nin Avrupa Konseyi'ne üye devletler arasında vicdani reddi tanımayan tek devlet olması ve vicdani retçilerine verdiği cezaların ağırlığı, askerlik hizmetinin işlevselliğini ve ideolojik özünü açığa çıkarmaktadır. Bir yandan, darbeler, genel kurmayın karar vermedeki ağırlığı, ordu harcamalarının denetlenemezliği, askeri yargının bağımsızlığı, orduya ait şirketlerin ekonomideki gücü, orduyu, devlet üzerinde büyük güce sahip otonom bir kurum kılmıştır. Diğer yandan, ordu, toplumun en çok güvendiği kurum seviyesine yükselmiş, askerlik hizmeti de beraberinde getirdiği değerler, etnik ve cinsel bağlamda tanımlanmış hiyerarşisi ile kültürelleşmiştir. Bu çerçevede, Türkiye'deki vicdani retçiler tarafından ortaya konan sivil itaatsizlik eylemleri, Kürt sorunu, militarizm, milliyetçilik, erkek egemenlik ve heteroseksizme dair eleştirileri yalnızca vatandaşlık konusunda bir tartışma açmakla kalmaz, aynı zamanda söz konusu devletin temelini oluşturan değerleri de sarsar. Avrupa Konseyi Parlamenterler Meclisi'nin Türkiye'ye vicdani ret hakkını tanıması için yaptığı davetler ve Avrupa Komisyonu'nun Avrupa İnsan Hakları Mahkemesi içtihadını temel alarak Türkiye'nin demokratikliği hakkında yaptığı eleştiriler göz önünde bulundurulduğunda, konunun hem insan hakları hem de Avrupa Çalışmaları alanlarında arz ettiği önem açığa çıkar. Bu çalışma, radikal olduğu kadar şiddetsiz olan vicdani ret hareketinin, Türk ulusunun kültürel militarizasyon bağlamındaki static zihniyetini dönüştürebilmek, ve vicdani redde ilişkin ortaya koyduğu talepler ile Türkiye devletini demokratikleştirmek ve sivilileştirmek yolunda önemli bir potansiyele sahip olduğunu savunur.

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INTRODUCTION

Among the many challenges the Republic of Turkey has faced through its candidature for the European Union is its practice of the fundamental rights and freedoms of its citizens. Instead of an all-embracing constitutional citizenship framework based on rights, Turkey has held onto a citizenship based on duties and responsibilities, one of which is mandatory military service. Of all the member states in the Council of Europe, Turkey remains to be the only state not to recognize the right to conscientious objection to military service nor offer substitutive civilian service. This situation remains unchanged despite the convictions against Turkey in the five cases at the European Court of Human Rights, four of which were based on freedom of thought, conscience and religion.

Considering the fact that Turkey accepts the superiority and binding nature of international law, the potential reasons for its insistence in not taking the necessary steps regarding the said right are thought provoking. Moreover, the minor social movement that demands this right using an antimilitarist rhetoric hints to a connection that merits academic attention.

This thesis aims to see the connections between Turkey's hesitancy in implementing legislation on conscientious objection and the conscientious objection activists who define the reason for this hesitancy as Turkey's militarism. So as to establish the connection between the two, a three level study was made. The first level was an effort to understand the various conceptions of militarism, conscientious objection, and the connections between. The second level was an attempt to see the militarist elements in Turkish politics and society. The third level constituted a close look at the conscientious objection movement in Turkey. The research was done mostly based on secondary sources, supported also by interviews with conscientious objectors, members of political parties and NGOs.

The three-level analysis finds its reflection on the structure of the thesis as well.

The first chapter aims at establishing the theoretical connection between militarism and conscientious objection. Towards this aim, five sections will be used. Firstly, the terms “militarism” and “militarization” will be defined, and their transformation throughout the past two centuries will be presented. In the second section, the connections between military conscription and the modern state will be sought, followed by a discussion on citizenship so as to put the conscript-state relations into perspective. The third section will host a theoretical debate on whether conscientious objection to law could be considered an act of civil disobedience, followed by a secondary level where the same question will be posed for conscientious objection to military service. In the fourth section a history of the conscientious objection to military service will be presented, along with its variants and practice today. Under the light of these four sections, the final section will attempt to answer the question as to whether conscientious objection to compulsory military service could be considered an act of civil disobedience of an antimilitarist nature.

The second chapter will attempt to see how militarism has penetrated Turkish politics and society. In the first section of the chapter, the authorities of the Turkish Armed Forces will be examined politically, judicially, and economically, so as to answer whether the power of military in the given system secures its position as the ultimate beneficiary. In the second section, the role of the military in the social realm will be examined by analyzing Turkey’s state-making process and the weight that military carries in Turkish culture.

The final chapter will focus on when the term “conscientious objection” has appeared in Turkey; reactions of the public and the state to the idea; whether the idea was able to create a base of social support; whether it has become a movement; divisions among the objectors; interaction and cooperation between conscientious objectors, other NGOs and political parties; the legal implications of the term, and future prospects for the objectors.

In conclusion, the militarist features of the Turkish Republic will be matched with the arguments of conscientious objectors, eventually establishing the connection sought at the beginning.

CHAPTER 1

MILITARISM AND CONSCIENTIOUS OBJECTION

The aim of this chapter is to establish the theoretical connection between militarism and conscientious objection. Towards this aim, five sections will follow. Firstly, the terms “militarism” and “militarization” will be defined, and their transformation throughout the past two centuries will be presented, so as to lay the conceptual foundation for the chapter. In the second section, the connections between military conscription and the modern state will be sought, followed by a discussion on citizenship so as to put the conscript-state relations into perspective. The third section will host a theoretical debate on whether conscientious objection to law could be considered an act of civil disobedience, followed by a secondary level where the same question will be posed for conscientious objection to military service. In the fourth section a history of the conscientious objection to military service will be presented, along with its variants and practice today. Under the light of these four sections, the final section will attempt to answer the question as to whether conscientious objection to compulsory military service could be considered an act of civil disobedience of an antimilitarist nature.

1.1.Militarism and Militarization

Although militarism and militarization tend to be used interchangeably, it is important to draw the distinction in between the two before establishing the framework for the chapter. Historian Volker Berghahn traces the term militarism back to the memoirs of Madame de Chastenay, who had used it to refer to Napoleon’s glorification

of war.¹ Considering that it was also Napoleon who introduced compulsory military service, this reference is especially significant for the purposes of this thesis as it reflects the core connection between militarism and compulsory military service.

Jan Oberg, in an effort to present a history of the different conceptualizations of militarism, points to Herbert Spencer. Spencer provides a social Darwinist interpretation of social progression from a “militant society” into an “industrial society;” i.e., a development from an undifferentiated society structured around hierarchy and obedience into a differentiated society structured around voluntary and contractually assumed social obligations.² According to this evolutionist theory of Spencer, the “militant society” was organized around combat so as to serve the ultimate goal of self-preservation. In the combatant section of the militant society the individual was owned by the state; his life was at the disposal of the society. All individualities in life, liberty and property had to be subordinated. Men had to lose their individuality as a unit and conform to their status in the regimented structure. Nevertheless, the regimented organization of the combatant part of Spencer’s militant society had affected the non-combatant part as well. The military head grew into a civil head in times of peace, creating a permanent commissariat. Usually at once, and in exceptional cases at last, militancy continued. The regulative policies permeated any sphere possible, making the non-combatant body subservient in the wider system of “graduated subordination”. Individuals who did not bear arms had to spend their lives furthering the maintenance of those who did. The non-combatant body had to follow the principle of “compulsory cooperation.”³ For the purposes of this chapter, Spencer’s theory is significant for describing how the regimented military organization reflects itself on the non-combatant part of the society even in times of peace.

¹ Volker R. Berghahn and Hugh Bichenor, “Militarism,” *Oxford Companion to Military History*, <http://www.answers.com/topic/militarism-2>.

² Jan Oberg, “The New International Military Order: a Threat to Human Security” in *Problems of Contemporary Militarism*, ed. Asbjorn Eide and Marek Thee (London: Croom Helm, 1980), 72.

³ Herbert Spencer, “The Militant Type of Society,” in Herbert Spencer, *Political Institutions, being Part V of the Principles of Sociology* (London: Williams and Norgate, 1882); also available at http://oll.libertyfund.org/?option=com_staticxt&staticfile=show.php%3Ftitle=1336&chapter=54831&layout=html&Itemid=27#a_1319166.

The term militarism entered into the political jargon also around this period, when in 1864, Pierre-Joseph Proudhon took up the term militarism to attack the authoritarian mentality that signified war as the best means of mobilizing men's energy. He used militarism to describe "the army-ruled, essentially monarchist and centralized state and the associated financial burden." A century later, Alfred Vagts agreed with Proudhon by describing how militarism imposed heavy burdens on civilians for military purposes, caused the neglect of welfare and culture, and led to the waste of nations' best man power in "unproductive army service."⁴ After Proudhon, the term began to be discussed in two meanings; one was the penetration of military interests into political decision-making, and the other was "social militarism," reflecting the permeating of military values and mentalities into civil society—this second meaning will also constitute the basis of the term militarization as defined below.

Spencer and Proudhon along with some other 19th century philosophers were later criticized for detaching militarism from socioeconomic structures and leaving it entirely as a way of thinking, as a reminiscence from pre-capitalist and pre-industrialist periods.⁵ 19th century socialist thinkers viewed militarism as one of the manifestations of capitalist societies—militarism, as they saw it, arose from the nature of the capitalist mode of production.⁶ Among them was Rosa Luxemburg, who described militarism as "an inexhaustible and increasingly lucrative source of capitalist gain" due to "the incessant technical innovations of the military and the incessant increase in its expenditures."⁷

The two world wars left a deep impact on the way militarism evolved in the 20th century. The totalitarian states of the interwar era served as the stage for mass mobilization around values and ideas conveyed through militarism. Cold War provided yet another strong opportunity for rearmament despite development, as well as a strong motive for social control. Although certain historians such as Berghahn suggested that "with the end of the Cold War, the concept of militarism has lost most of the ideological

⁴ Alfred Vagts, *A History of Militarism, Civilian and Military* (London: Hollis and Carter, 1959), 14.

⁵ Jan Oberg, "The New International Military Order," 60.

⁶ Ulrich Albrecht, "Militarism and Underdevelopment," in *Problems of Contemporary Militarism*, ed. Asbjorn Eide and Marek Thee (London: Croom Helm, 1980), 107.

⁷ Rosa Luxemburg, "The Militia and Militarism," in *Selected Political Writings*, ed. Robert Looker (New York: Random House, 1972), also available at <http://marxists.org/archive/luxemburg/1899/02/26.htm>.

steam that seemed to make it worth discussing,”⁸ criticism on the concept revived in the 21st century with the war on terror.

Today, militarism has gained a wider meaning that extends beyond the battlefield and finds its best embodiment in peacetime practices. As Murat Belge points out, militarism is both as an “ideology” and a “practice” that is oriented at and seeks to alter and shape the society in, what Vagts calls, the “military way.”⁹ In Michael Clare’s definition, militarism is “a dynamic condition characterized by the progressive expansion of the military over the civilian.” This dynamism represents both the tendency of the military apparatus to assume control over the politics and economy of a state, and the increasing domination of military goals and military values over the lives and behavior of its citizens. Within the military apparatus, Clare includes the armed forces, the associated paramilitary, intelligence agencies and bureaucratic agencies; she argues that goals such as preparation of war, acquisition of weaponry, development of military industries, and values such as centralization of authority, hierarchy, discipline, conformity, combativeness and xenophobia would dominate the civilian sphere.¹⁰ This domination, unlike Spencer’s description of the 19th century militant society, does not aim self-preservation; its goal, as Vagts puts it, is to serve military men. As modern armies lost their instrumentality of constant combat, today, in peacetime, the military “exists for diversion or to satisfy peacetime whims like the long-anachronistic cavalry.” Hence, Vagts describes militarism as narcissistic, and argues that it “flourishes more in peacetime than in war.”¹¹

In contrast to the militarism that is implemented by the military elite for the benefit of the military elite, Vagts also offers an alternative term, “civilian militarism,”

“defined as the unquestioning embrace of military values, ethos, principles, attitudes; as ranking military institutions and considerations above all others in the state; as finding the heroic predominantly in military service and action, including war—to the preparation of which the nation’s main interest and resources must be dedicated, with the inevitability and goodness of war always presumed.”¹²

⁸ Berghahn and Bicheno, “Militarism.”

⁹ Murat Belge, *Militarist Modernleşme: Almanya, Japonya ve Türkiye* (İstanbul: İletişim, 2011), 150.

¹⁰ Michael T. Clare, “Militarism: the Issues Today,” in *Problems of Contemporary Militarism*, ed. Asbjorn Eide and Marek Thee (London: Croom Helm, 1980), 36.

¹¹ Vagts, *A History of Militarism*, 17.

¹² *Ibid.*, 453.

Paying these military values, institutions and interests such high regard, argues Vagts, leads to the advocacy of military values and practice of military hierarchy in the totality of a nation's life. Hence, in his definition, Michael Mann emphasizes the social goals underlying militarism: "Militarism is the persistent use of organised military violence in pursuit of social goals."¹³ This social acceptance of militarism and the goals underlie brings us to militarization.

Catherine Lutz defines militarization as "the contradictory and tense social process in which civil society organizes itself for the production of violence."¹⁴ This process is both material and ideological. On one hand it includes reinvigoration of labor and resources allocated to military purposes, as well as synchronization of all institutions with military goals. On the other hand it is a discursive process leading to the alteration of general societal beliefs and values so as to legitimate the use of force, organization of large standing armies, as well as higher taxes and tribute paid for them; as part of this discursive process, national histories are also shaped in ways that glorify and legitimate military action. She describes how the military along with its industrial corporate power have helped make "a military definition of reality" the common sense, along with the assumptions on human nature being aggressive and territorial—effectively conjoining the Leviathan with the militant society of Spencer in the world of the 21st century.

Cynthia Enloe also takes on the idea of making the military values and ideas common sense. She defines militarization as "a step-by-step process by which a person or a thing gradually comes to be controlled by the military or comes to depend for its well-being on militaristic ideas."¹⁵ According to Enloe, as an individual or a society gets to be transformed by militarization, that individual or society begins not only to value those militaristic presumptions, but also regards them as normal.

¹³ Michael Mann, "Authoritarian and Liberal Militarism: a Contribution from Comparative and Historical Sociology," in *International Theory: Positivism and Beyond*, edited by Steve Smith, Ken Booth and Marysia Zalewski (Cambridge: Cambridge University Press, 2008), 224.

¹⁴ Catherine Lutz, quoting Michael Geyer. Cathrine Lutz, "Making War at Home in the United States: Militarization and the Current Crisis," *American Anthropologist*, 104/3 (2002), 723.

¹⁵ Cynthia Enloe, *Maneuvers: the International Politics of Militarizing Women's Lives* (Berkeley and London: University of California Press, 2000), 3.

In agreement with Proudhon and Vagts, Lutz also speaks about the “deformation of human potentials” via militarization, but takes a gender oriented approach; she emphasizes the hierarchies of race, class, gender and sexuality evident in the military and militarized society.¹⁶ The hierarchy that Lutz points to is termed by Raewyn Connell as “hegemonic masculinity,” and is defined as “a cultural dynamic,” a “configuration of gender practice which embodies the currently accepted answer to the problem of legitimacy of patriarchy, which guarantees the dominant position of men and the subordination of women.”¹⁷ Ultimately, Paul Higate and John Hopton situate Connell’s theory of masculinity into Lutz’s militarized hierarchy. They argue that military organizations and rituals represent the endorsement of one model of masculinity that is characterized by the interrelations between stoicism, phallocentricity, domination of weaker individuals, competitiveness, and heroic achievement. Those men who accord to this model tend to have a higher social status. Public demonstration of conforming to this model affirms their masculinity, whereas those who do not yield to this model are tacitly signified as targets for legitimate brutality.¹⁸

In the light of the given conceptualizations, militarism can be defined as a racially and sexually coded exclusivist ideology advocating the expansion of the military over the civilian, and militarization as the process through which the society organizes itself around military interests, values and structure, ultimately implementing militarism.

¹⁶ Ibid., 725.

¹⁷ Raewyn Connell, *Masculinities* (Cambridge: Blackwell Publishers, 2005), 77.

¹⁸ Paul Higate and John Hopton, “War, Militarism and Masculinities,” in *Handbook of Studies on Men and Masculinities*, ed. Michael S. Kimmel, Jeff Hearn and R. W. Connell (Thousand Oaks and London: Sage, 2005), 433-434.

1.2. Conscription

1.2.1. Conscription and the State

Max Weber defined the state as “the monopoly of the legitimate use of physical force within a given territory,”¹⁹ and Thomas Hobbes was the first to found state structure that monopolized the use of legitimate force based on the principle of consent. In his interpretation, humans would use violence to achieve their three major inner desires, i.e., gain, safety, and reputation, which would cause a constant natural state of war. The only way to overcome such a state would be the establishment of a “common power to fear. ... Where there is no common Power, there is no Law; Where no Law, no Injustice.”²⁰ Such would be the legitimatization of an “absolute monarch” with all authorities, providing the masses with a reason to give “consent” to the common power, and hence creating the basis for the Hobbesian social contract.

If the primary monopoly that the modern state held was over means of violence, the second was over the collection of taxes. Since it was the monarch who granted the people with protection, as the ultimate power in full control of all military forces, he was entitled to collecting taxes for maintaining the army as well as the bureaucracy. As Hobbes put it, “they that give to a man the right of government in sovereignty are understood to give him the right of levying money to maintain soldiers, and of appointing magistrates for the administration of justice.”²¹

Charles Tilly, however, denormalizes this uncontested entitlement of the state, and describes how tax collection was transformed from being a coercive measure to a regular resource for the state. He defines soldiers and landlords as the two major overlapping groups of coercion, whose accumulative and coercive means led to the creation of states:

“When the accumulation and concentration of coercive means grow together, they produce states; they produce distinct organizations that control the chief concentrated means of coercion within well defined

¹⁹ Max Weber, “Politics as a Vocation,” in *Max Weber’s Complete Writings on Academic and Political Vocations*, edited by John Dreijmanis (New York: Algora Publishing, 2008), 156.

²⁰ Thomas Hobbes, *Leviathan*, (ePub: McMaster University Archive of the History of Economic Thought, 1651), 79.

²¹ *Ibid.*, 85.

territories, and exercise priority in some respects over all other organizations operating within those territories.”²²

The state, then, becomes not only a structure that monopolizes the means of violence, but by building its civil establishment upon it as well, becomes militarist by nature. The military appears as the manifestation of the state; as Ulrich Bröckling put it, “if there is no army at disposal at all times, the sovereign is *not* either.”²³

The introduction of conscription and the concept of nation-in-arms, however, brought a new dynamic to the social contract that contradicted the Hobbesian contract. Whereas the citizens had waved certain liberties in exchange for the state and the protection of life, conscription, as Alan Baker noted, demanded both the surrender of one’s liberty, and the sacrifice of one’s life for one’s country.²⁴

Margaret Levi describes the history of military conscription in modern states as “the story of the changing relationship between the state and its citizens.”²⁵ Eugen Weber describes the aversion towards the military in 19th century France; “soldiers were treated like an army of occupation” and “soldier and officer are more ill regarded than in enemy country.”²⁶ Presenting conscription as an acceptable policy bargain to the society, argues Levi, “requires the creation of a shared community that overrides the particularistic social groupings with which many people identify.”²⁷ These communities were nations; as “cultural artifacts,” in Benedict Anderson’s terminology, they constituted the image of the communion for which people felt deep attachments.²⁸

²² Charles Tilly, *Coercion, Capital, and European States, AD 990-1990* (Cambridge: Basil Blackwell Publishing, 1990), 19.

²³ Ulrich Bröckling, *Disiplin: Askeri İtaat Üretim Sosyolojisi ve Tarihi* (İstanbul: Ayrıntı Yayınları, 2008), 23.

²⁴ Alan R. H. Baker, “Military Service and Migration in Nineteenth-Century France: Some Evidence from Loir-et-Cher,” *Transactions of the Institute of British Geographers* 23/2 (1998), 194.

²⁵ Margaret Levi, “The Institution of Conscription,” *Social Science History* 20/1 (1996), 134.

²⁶ Eugen Weber, *Peasants into Frenchmen: The Modernization of Rural France 1870-1914* (Stanford: Stanford University Press, 1976), 297.

²⁷ Levi, “The Institution of Conscription,” 161.

²⁸ Benedict Anderson, *Imagined Communities* (London and New York: Verso, 2006), 6.

1.2.2. Conscription and Citizenship

The utilization of the citizen as the tool by and through which the state practices violence, inescapably opens the discussion of citizenship and forces one to question the position of the citizen in the eyes of the state.

T. H. Marshall, defines citizenship as “full membership of a community,” and argues that citizenship is constituted of three elements, which are civil, political and social rights. The civil rights are the rights necessary for individual freedom, including freedom of speech, conscience and equality before the law. For they are exercised within a society, the rights in this category are dependent on whether the government respects the autonomy of the individual. The second group of rights are the rights that provides the individual with the opportunity to participate in political life, including voting, being elected or holding public office. These rights are dependent on universal suffrage, equality and democratic government. The third group of rights are the social rights which grants the citizen with a minimum social status, including basic economic welfare, social security, and are dependent on the development of welfare state and the extension of state responsibilities into economic and social life.²⁹

As for Marshall’s theory, two points tenders importance. First is the passive condition to which Marshall reduces the citizen as the recipient of rights, whereas many of the rights he categorized were products of social struggles. This portrayal of the state as who bestows rights, justifies the state’s demands for duties from its citizens—as the state had delivered its—and delegitimizes any further demands or acts of disobedience. The second point is the lack of a fourth group of rights, that is cultural rights, which includes, for example, the right to speak one’s native language and the right to express one’s identity. This point is significant especially for the conscripts of unitary nation-states, as a categorization of citizenship that disregards cultural rights delegitimizes liberation movements of ethnic, religious and sexual minorities among others.

Adrian Oldfield’s 1990 theory offers a categorization based on rights and responsibilities.³⁰ To Oldfield, Western citizenship can be evaluated in two categories. The first category is referred to as “liberal” or “liberal-individualism,” and bears a

²⁹ For a critical approach to Marshall’s theory, see Bryan S. Turner, “Outline of a Theory of Citizenship,” *Sociology* 24/2 (1990): 189-217.

³⁰ Adrian Oldfield, “Citizenship: An Unnatural Practice?” *Political Quarterly* 61/2 (1990): 177-187.

conception of citizenship as “status.” In this conception, the individual’s status as a citizen is cherished. Each individual is considered sovereign and morally autonomous. The “needs and entitlements” emphasized as part of the conception are considered as requirements for individuals to remain effective agents in the world. Individuals interact with each other on the basis of contract, therefore the individual does not possess any duty or responsibility for the society but that on the contract. Due to the emphasis on the individual, the liberal conception is essentially “private.”

The second category that Oldfield offers is “classical” or “civic-republican” which bears a conception of citizenship as a “practice.” Contrary to the emphasis on individualism and “the private” in the liberal conception, the classical conception cherishes “the community.” The “needs and entitlements” of the liberal conception are replaced by “duties”—hence the emphasis on “practice.” So as to be regarded as citizens, individuals require the “empowering” of others. They gain their autonomy only through socially defined practices, which ultimately ensure social solidarity and cohesion in the community. Thus, this emphasis on the community is the manifestation that civic-republican citizenship is not only based on practice but is also an “attitude of mind.”

Oldfield’s analysis is significant as the civic-republican conception of citizenship he provides reflects the relations between the state and the conscript, as well as the society the judgments of whom defines his position in the hierarchy.

1.3. Conscientious Objection and Civil Disobedience

The term civil disobedience entered into the dictionaries with Henry David Thoreau’s 1849 essay, “Resistance to Civil Government.” The essay posthumously reappeared as “On the Duty of Civil Disobedience,” in opposition to the chapter “Duty of Submission to Civil Government” in William Paley’s 1785 book – which he fiercely criticizes in the essay.³¹ Despite the fact that the term was used in the essay as such,³²

³¹ The essay reappeared in a collection of essays in 1966—four years after his death. It is not known whether it was Thoreau himself to rename the essay as such, yet the latter name better known today. See Howard Zinn’s introduction to *The Higher Law: Thorough on Civil Disobedience and Reform*, Henry David Thoreau, edited by Wendell Glick (Princeton: Princeton University Press, 2010).

Thoreau's work is particularly important not only because he introduced this widely influential concept, but also because at the root of his objection laid conscientious objection to war.

In writing the essay, Thoreau had one clear goal, which was to explain why he had not paid poll tax for six years. The reason was his opposition to slavery and the Mexican War. In his eyes, democracy required consent from the citizen; by not paying his "duty" as a citizen, he was pronouncing his objection to the named policies, or in his words, he was "resign[ing] his conscience to the legislator". The government was fallible, "liable to be abused and perverted before the people [could] act through it." The individual was on equal footing with, if not higher than, the government. "Any man more right than his neighbors constitute[d] a majority of one;" therefore, the withdrawal of one individual from their partnership with the state, argued Thoreau, would be the end of the opposed policy—in this case, slavery. Thus, he advocated "disobedience to the State."

Whether Thoreau overemphasized the power of the individual as the resistor was later taken up by philosophers such as Hannah Arendt. Furthermore, his objection to the Mexican War as an "unjust war," along with his treatise of concepts such as conscience, objection, unjust laws/wars/governments, have served as an ideological pathway for the absolutist³³ conscientious objectors of World War I as well as the Vietnam War.³⁴

In 1961, Hugo Bedau made a categorization for civil disobedience that many followed: "Anyone commits an act of civil disobedience if and only if he acts illegally, publicly, nonviolently, and conscientiously with the intent to frustrate (one of) the laws, policies, or decisions of his government."³⁵ According Bedau, the act had to be illegal, because if the "dissenter," as Bedau referred to his subject, found a particular law, policy or decision unjustifiable he had to act against it, i.e., violate it—after all, civil disobedience was not just done, it was "committed." It had to be public, for it was the

³² In the essay Thoreau speaks only of "disobedience to the State," not "civil disobedience."

³³ See below.

³⁴ Yuichi Moroi, "The Traditions of Conscientious Objection in America: Peace Sects, Peace Societies and Thoreau", in *Ethics of Conviction and Civic Responsibility: Conscientious War Resisters in America During the World Wars*, Yuichi Moroi (Lanham: University Press of America, 2008) 27-48.

³⁵ Hugo A. Bedau, "On Civil Disobedience," *The Journal of Philosophy*, Vol.58/21: 661.

only way that authorities could know of his act, if the dissenter intended a change in policy. It had to be nonviolent, both to avoid the backlash of state violence, and more importantly so, to keep the act “civil.” Another reason for the law to be nonviolent, as John Rawls had later explained, was to reflect “fidelity to law,” that is, accepting the legal consequences of the act. Here, fidelity is significant in proving to the majority that the act is politically sincere and directed at public’s sense of justice.³⁶ It had to be conscientiously motivated; the dissenter had to be able to justify his act based on his political or moral convictions. Finally, it had to have the intention to frustrate the law not by “direct action” where the body of the dissenter becomes the tool of action, but by designing the act in a way so that the act itself would hamper or prevent the government from enforcing the law.

The final characteristic that Bedau offered is significant as it makes it clear that to have a government change a law, the applicability or enforcement of the law has to be hampered. The only way that this could be possible, on the other hand, is having the act committed by a “large minority.” Hannah Arendt concurs; as she views it, the civil disobedient “never exists as a single individual; he can function and survive only as a member of a group... Civil disobedience practiced by a single individual is unlikely to have much effect.”³⁷ She views civil disobedients as individuals gathered around a “common opinion” so as to take a stand against government’s policies, which are backed by a majority. Based on this classification, she draws a distinction between civil disobedients and conscientious objectors. The latter, as she sees it, raise arguments in defense of individual conscience or individual acts, hence are not organized around a common opinion; they are rather individuals sharing a common interest. Conscientious objection, she argues, is “inadequate when applied to civil disobedience.”³⁸

Similar to Arendt, Rawls also tries to establish a counter idea to civil disobedience: “conscientious refusal.” In defining civil disobedience, Rawls takes Bedau as reference, and builds his theory upon his. Also parallel to Rawls, he emphasizes nonviolence. Civil disobedience, he argues, “is clearly distinct from militant

³⁶ John Rawls, *A Theory of Justice* (Cambridge and London: Harvard University Press, 1971), 367.

³⁷ Hannah Arendt, “Civil Disobedience,” in *Crises of the Republic*, Hannah Arendt (New York and London: Harcourt Brace & Company, 1972), 55.

³⁸ *Ibid.*, 56.

action and obstruction; it is far removed from organized forcible resistance.”³⁹ Conscientious refusal, on the other hand, is “noncompliance with a more or less direct legal injunction or administrative order.” Neither is it a form of address appealing to the sense of justice of the majority, nor is it based merely on political foundations. The act may be secretive or covert, and may be based on religious foundations that concern only the subject.

H.J. McCloskey offers a categorization around “conscientious disobedience.” He argues that there can be two types of conscientious disobedience to the law. One is the basic moral rejection to the law, “conscientious objection,” rooted in a person’s refusal to take or abstain from taking an action due to his/her integrity as a “moral agent”. The acts in the second category, “civil disobedience,” are motivated not by the agent’s moral integrity, but by bringing about a change in law, policy or institution. McCloskey also stresses nonviolence in civil disobedience, paying respect to the constitution, and accepting the punishment; the contrary, he argued, would be “revolutionary disobedience.”⁴⁰ In Rawls’ terminology the agent of revolutionary disobedience is “the militant” who rejects the given system as being unjust or unreasonable. S/he does not hold fidelity to the law; on the contrary, looks for acts of disruption and resistance where direct action could be taken.⁴¹ McCloskey also points to the trend that a lot of conscientious objection acts are taking the form of civil disobedience; not much is left of the objection that is limited down to individual moral values.⁴²

1.4. Conscientious Objection to Military Service

Conscientious objection in the West has developed from Christian pacifism, which condemns killing under any circumstance and designates it evil. Of the other two Abrahamic religions, Islam does not have a pacifist tradition, neither does Judaism,

³⁹ Rawls, *A Theory of Justice*, 368.

⁴⁰ H. J. McCloskey, “Conscientious Disobedience of Law: Its Necessity, Justification, and Problems to Which it Gives Rise,” *Philosophy and Phenomenological Research* 40/4 (1980) 536-537.

⁴¹ Rawls, *A Theory of Justice*, 367.

⁴² McCloskey, “Conscientious Disobedience of Law,” 538.

despite the commandment “thou shall not kill!” Some Eastern religions, such as Buddhism also have pacifist elements.

The roots of Christian pacifism lead to a sermon that Jesus of Nazareth had given on nonviolence. His followers had become the earlier objectors, the first among whom known being Maximilian. A 21 year-old from the Numidia region in North Africa, who, as the son of a soldier of the Roman army, was called for the military, refused to perform military service, and was eventually executed in 295AD.⁴³ Moskos and Chambers categorize the history of conscientious objection since Maximilian in four stages.⁴⁴

The first was a proto stage, as we can neither speak of a modern state establishment, nor universal conscription. The just war concept accepted by the Roman army in the 5th century remained a significant element of war-making, as well as an issue which the Protestant Reformation contested. The Anabaptist churches referred to themselves as “defenseless Christians” and laid the foundations of conscientious objection. Through the 16th and 17th century Western world, conscientious objection was in a limbo state where it was left to the arbitrary decision of the state whether to exempt an individual, to have the objector benefit from exemption by payment, or to have the objector face severe punishment. Examples include the Brethen who had refused to pay war taxes and making weapons, and the Mennonites, to whom William of Orange granted formal exemption from military service in exchange for payment.⁴⁵

The second stage covered the early-modern society in which the objector status was granted only to the historic peace faiths that came out after the Protestant Reformation. The introduction of compulsory military service with Napoleon had

⁴³ While the “St. Maximilian of Tebessa” is well known among Christians, some sources also note the similarities with the story of another cult, that of St. Theagenes of Parium. David Woods, “The Origin of the Cult of St. Maximilian of Tebessa,” University College Cork Ireland, 2004, <http://www.ucc.ie/milmart/maxorig.html>.

⁴⁴ Charles C. Moskos and John Whiteclay Chambers II, “The Secularization of Conscience,” in *The New Conscientious Objection: From Sacred to Secular Resistance*, edited by Charles Moskos and John Whiteclay Chambers II (New York and Oxford: Oxford University Press, 1993), 5.

⁴⁵ The Mennonites and the Brethren are two Protestant groups practicing anabaptism named after different religious movements. The former is an exclusive group as they are considered ethnoreligious, but are also active in disaster relief in both the US and worldwide. Similarly, the Quakers have also been active in the two world wars in relief operations.

brought new dynamics and broke the Mennonite peace. This era has also witnessed the travel of these Protestant communities to the United States where they came to be known as “nonresistants”—those who do not resist evil with force—and had their objection recognized. In the 20th century Jehovah’s Witnesses⁴⁶ and Seventh Day Adventists⁴⁷ were also granted objector status. The objectors at this stage were still required to serve in the military, though in non-combatant capacity. The concessions that the states made in this era to the religiously motivated objectors continued in the later centuries.

Those in Europe had gone through a harder experience. The term “conscientious objector” was used in the 1890s for those who opposed compulsory vaccination. However, as the mass conscripts and reserve armies of Prussia had begun to be copied in other major European powers, by World War I the term shortly became equal to conscripts who refused to bear arms. In 1916, Britain became the first state to adopt conscientious objection. While on the other hand, objectors were sent to mental institutions in Germany, and in France they were sentenced to prison up to 20 years.⁴⁸

Hence, early 20th century Europe witnessed the transition to the third stage, which included the granting of objector status to all-religiously motivated individuals—mediated by different Protestant churches and the Roman Catholic Church—as well as the implementation of alternative civilian service as opposed to the early modern era’s non-combatancy principle. Secular objection began to appear.

In the midst of mass mobilization and nationalism of World War I years, objectors became a significant issue for the first time. Pressure from socialist groups such as the “Consistent Antimilitarists” as well as some religious groups have placed considerable pressure on the countries of northern Europe, as a result of which Denmark, Norway, Sweden and Netherlands recognized objection. In 1922, Norway became the first country to recognize non-religious objection based on conscientious

⁴⁶ A Christian denomination who refuse military service and to salute national flags. Although they refuse to bear arms in peace time, they intend to fight at Armageddon. See Chapter 3.2.1.

⁴⁷ Also a Christian church with eschatological beliefs and a historicist interpretation of prophecy.

⁴⁸ For further details on the conscientious objectors of France, Great Britain and the United States during World War I, see George Q. Flynn, *Conscription and Democracy* (Westport and London: Greenwood Press: 2002), 189-213.

grounds. This was the first step towards the official secularization of conscientious objection.

Also during World War I, middle class secular pacifist organizations began to appear, including the Women's International League for Peace and Freedom, and the War Resister's International. Antimilitarism also became a topic of discussion in Russia during the Civil War as well. Lenin and the Bolsheviks issued a directive for the recognition of conscientious objection and the practice of alternative service. Rosa Luxemburg and Karl Liebknecht were among those who wrote on the issue. The practice was eliminated with the Stalin government.

During World War II years, Britain and the United States granted conscientious objection based on religious claims. In Germany objection was granted as a right only after joining NATO. By 1970, the United States began to recognize objections based on ethical or moral grounds as well.

The fourth and present stage has included a major shift in the way conscientious objection has been framed. Secular objection has become widespread. Numerous human rights and antimilitarist groups have begun to take part in the establishment, making the subject even more confrontational, for the idea itself has begun to target the destruction of the military machinery. The advocacy of selective opposition to particular wars has begun to cause extraordinary numbers of active-duty military personnel to declare conscientious objection.

Today, the types of conscientious objections from the objectors' perspective can be categorized in three groups: (i) Depending on their motivation: religious, such as Quakers and Jehovah's Witnesses; or secular, based on political or personal moral stance. (ii) Depending on the scope of wars they oppose: while most conscientious objectors oppose all wars, there also are particularists: those who oppose only particular conflicts; those who do not oppose wars but choose not to participate in wars; those who oppose not wars but operations including the usage of particular weapons such as weapons of mass destruction. (iii) Depending on their willingness to participate with the state: the noncombatant, those who are willing to serve in the military but refuse to bear arms; the alternativists, those who acknowledge their duty to the state but prefer to participate in civilian service; and the absolutists, a.k.a. the total objectors, who oppose

to cooperate with the state in any way, for they oppose the authority of the state as a whole.⁴⁹

1.5. Conscientious Objection and Anti-Militarism

Margaret Levi argues that whether it is executed by an individual or a group of citizens, “noncompliance is an attack on a policy” for it raises the costs of its implementation. Theorizing the political underpinnings of this noncompliance, she offers the term “contingent consent,” explained as “a citizen’s decision to comply or volunteer in response to demands from a government.”⁵⁰ The extent to which a citizen perceives government trustworthy and is satisfied are other citizens willing to comply with state policy. Thus, even when we take an act of conscientious objection performed by one individual on the basis of moral justification, the act has an impact on the willingness of other citizens’ willingness to comply with the law, which ultimately hampers the government’s ability to achieve contingent consent.

When the arguments presented in the previous sections are put into perspective using Levi’s definition, the picture acquired is as follows. The consent given to the modern state for protection does not only deliver the protection of the citizen, but also the protection of the status quo. For states that do not have the necessary means to fund a standing army via taxes, and for the states that use army as an institution through which a national identity can be built, conscription becomes a vital practice to maintain the army, who in return will help the state maintain the status quo. Whether it is classical authoritarian or modern civil society militarism, all militarist structures take their strength from a civic republican conception of citizenship where society is held responsible to the state with duties both enforced and performed with and through the body of the society, thus maintaining militarism both as a practice and as an attitude of mind.

Conscientious objection of individuals who live in their country of citizenship where conscientious objection is recognized as a right can be considered as

⁴⁹ Moskos and John Whiteclay Chambers II, “The Secularization of Conscience.”

⁵⁰ Margaret Levi, *Consent Dissent Patriotism* (Cambridge: Cambridge University Press, 1997), 19.

complaints—since they conform to the law, or make use of a right granted by law, they can be considered conformists.⁵¹ Under conditions to the contrary, i.e., when this right is not recognized, conscientious objection will become an act of civil disobedience against a practice that is by nature the symbol of militarism.

1.6. Conscientious Objection in Europe

The term was adopted with the first draft in Great Britain in 1916, thus making UK the first European country to grant official recognition to conscientious objection. Several countries began allowing conscientious objection after UK, but the issue found its place in the agendas of international organizations only as late as the 1960s.⁵²

The Parliamentary Assembly of the Council of Europe was the first international institution to openly recognize conscientious objection.⁵³ In its 1967 Resolution, the Assembly has openly defined the right to conscientious objection within the scope of Article 9 of the European Convention on Human Rights that describes freedom of thought, conscience and religion.⁵⁴ In 1977, the Assembly took up the duty to “promote legal status for conscientious objectors in Council of Europe,” and recommended the Committee of Ministers to introduce the right to conscientious objection to military service into the European Convention on Human Rights.⁵⁵

⁵¹ See Nilgün Toker’s distinction between conscientious objection and antimilitarism. Nilgün Toker, “Vicdani Ret, Sivil İtaatsizlik ve Antimilitarizm: İtaat Etmeme ve Direnme,” in *Çarklardaki Kum Vicdani Red, Düşünsel Kaynaklar ve Deneyimler*, eds. Özgür Heval Çınar and Coşkun Üsterci (İstanbul: İletişim, 2008).

⁵² For a detailed discussion on conscientious objection and law, see Michael F. Noone, “Legal Aspects of Conscientious Objection: a Comparative Analysis,” in *The New Conscientious Objection: From Sacred to Secular Resistance*, edited by Charles Moskos and John Whiteclay Chambers II (New York and Oxford: Oxford University Press, 1993).

⁵³ Marcus, Emily N., “Conscientious Objection as an Emerging Human Right”, *Virginia Journal Of International Law* 38 (1998), 527-531.

⁵⁴ Parliamentary Assembly of the Council of Europe, “Resolution 337 on the Right of Conscientious Objection” (1967) available at http://www.coe.int/t/dghl/standardsetting/hrpolicy/Other_Committees/DH-DEV-FA_docs/AP_Res_337_1967_en.pdf

⁵⁵ Parliamentary Assembly of the Council of Europe, “Recommendation 816 on the Right of Conscientious Objection to Military Service” (1977), available at <http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta77/EREC816.htm>.

The first European document to explicitly recognize conscientious objection has been the Charter of Fundamental Rights of the European Union, in 2000. In its article 10 on freedom of thought, conscience and religion, the Charter recognizes the "right to conscientious objection" "in accordance with the national laws governing the exercise of this right."⁵⁶ A less explicit reference to this right is granted in the Recommendation No. R (87) 8 by the Committee of Ministers of the Council of Europe to member states: "Anyone liable to conscription for military service who, for compelling reasons of conscience, refuses to be involved in the use of arms, shall have the right to be released from the obligation to perform such service."⁵⁷

Although conscientious objection is not pronounced, Articles 3 (granting the right to life, liberty and security of person) and 18 (the right to freedom of thought, conscience and religion) of the 1948 Universal Declaration of Human Rights are interpreted to cover this right. In its comment on Article 18 of the International Covenant on Civil and Political Rights which grants the right of freedom of thought, conscience and religion, the United Nations Human Rights Committee refers to conscientious objection as a right, for "the obligation to use lethal force may seriously conflict with the freedom of conscience and the right to manifest one's religion or belief"⁵⁸. Additionally, Article 4 of the Covenant guarantees that "no derogation from articl[e] ... 18 may be made" even "in time of public emergency which threatens the life of the nation."⁵⁹

The practices of states regarding conscientious objection can be categorized in four groups: those who do not have conscription (28 out of 47 in the Council of Europe), those who maintain conscription with the option of alternative civilian service (13 states, all of whom except Denmark and Estonia are of discriminatory or punitive

⁵⁶ "Charter of Fundamental Rights of the European Union," *Official Journal of the European Communities* 364/1 (2000), available at http://www.europarl.europa.eu/charter/pdf/text_en.pdf.

⁵⁷ Committee of Ministers of the Council of Europe, "Recommendation No. R (87) 8 of The Committee of Ministers to Member States Regarding Conscientious Objection to Compulsory Military Service" (1987), available at <http://www.unhcr.org/refworld/docid/5069778e2.html>.

⁵⁸ See Article 11 in United Nations Human Rights Committee, "General Comment 22, Article 18" (48th Session, 1993, Article 11), available at <http://www1.umn.edu/humanrts/gencomm/hrcom22.htm>.

⁵⁹ United Nations General Assembly, "International Covenant on Civic and Political Rights" (1966), Article 4/1 and 4/2.

nature), those who have voluntary recruitment under the age 18 (15 states), to give some examples. In Germany, the right to conscientious objection is protected under the constitution, stating that "nobody may be forced against their conscience into military service involving armed combat"; there is no conscription in Belgium and Netherlands where it was abolished in 1995 and 1996, respectively; as the first continental European country to recognize the right of conscientious objection in 1917, Denmark carries its legacy by keeping the duration of military and civilian service equal (for 9 months), whereas in Latvia the contrast is twofold (12-month military vs. 24-month civilian service) and in Greece almost threefold (12-month military vs. 30-month civilian service). Despite this positive picture in Europe, only a limited number of states accept conscientious objection during war time.⁶⁰ Today, out of the 15 countries in the Council of Europe who practice conscription, Turkey remains to be the only one not to recognize the right to conscientious objection.⁶¹

⁶⁰ For a detailed account of seven case studies in Europe, see Greune, Gerd and Michelab Lai. "European Union without Compulsory Military Service: Consequences for Alternative Service: A Comparative Study on the Policies in EU Member States", *EU Study Papers* (Brussels: *Heinrich Böll Stiftung & EBCO* 2000).

⁶¹ European Bureau for Conscientious Objection (EBCO), "Report to the Council of Europe: The Right to Conscientious Objection in the Council of Europe Member States" (2011), available at <http://ebco-beoc.org/files/2011-EBCO-REPORT-CoE.pdf>. The most recent report by EBCO was published as a special issue on Turkey in September 2012. See Chapter 3.

CHAPTER 2

TURKISH MILITARISM

In the first chapter militarism was defined as an ideology advocating the expansion of the military over the civilian, and militarization as the process through which the society organizes itself around military interests, values and structure. Alfred Vagts was quoted to define the military as the ultimate beneficiary of militarism, and Michael Mann was quoted to point to the social goals in practice of militarization. This chapter will attempt to point at the implications of these concerns for Turkey by analyzing how militarism has penetrated Turkish politics and society. In the first section of the chapter, the authorities of the Turkish Armed Forces will be examined politically, judicially, and economically, to answer whether the power of military in the given system secures its position as the ultimate beneficiary. In the second section, the role of the military in the social realm will be examined by analyzing the Turkish state-making process and the weight that military carries in Turkish culture.

2.1. Rise of the Autonomy of the Turkish Armed Forces

2.1.1. Turkish Politics: A War Model in Times of Peace

David Pion-Berlin defines military autonomy as “an institution’s decision-making authority,” and analyzes this autonomy in two dimensions. The first dimension, institutional autonomy, refers to the military’s professional independence and exclusivity; the military retains a “sense of organic unity and consciousness” via rigorous training, hierarchy and rules of conduct, and using autonomy as a “defensive weapon,” draws up nonpermeable boundaries as an expression of its professionalism and authority in the area of management of violence. The second dimension, political autonomy, refers to the military’s “aversion” of civilian control; using autonomy as an

“offensive weapon,” the military acts “above and beyond” the constitutional authority of the government. “As the armed forces accumulate powers,” argues Pion-Berlin, “they become increasingly protective of their gains. The more valuable and entrenched their interests are, the more vigorously they will resist the transfer of control over those to democratic leaders.” Basing his arguments on the Latin American examples, Pion-Berlin names this process as “a double movement of self-enforced isolation and enlargement of political influence;” as the military pushes its institutional boundaries, it also expands its limits of political influence, culminating in “the conquest of state power.”⁶²

The double movement described by Pion-Berlin, whereby the military’s self-enforced isolation and enlargement of political influence to protect and widen its interests culminate in a conquest of power, finds its reflection in the Turkish case as well. Basing her arguments on Pion-Berlin’s analysis, Ümit Cizre argues that the civilian-military relations in Turkey have followed a pattern which reinforced and maintained the independence of the armed forces, creating two “parallel state structures” the existence of which “undermines the authority and democratic accountability of elected civilian governments.”⁶³

Also using the same terminology, Ali Bayramoğlu defines the dynamics between the two as the continuum of the “war model” set out in the early 1920s. The major political aim of this model, he argues, is the control of state power; the model would be consolidated, legitimized, and legalized in the following periods, be them ordinary terms or states of emergency.⁶⁴ By using this constitution-based analysis of Bayramoğlu, below I will try to portray how militarization has penetrated into or indirectly influenced the realm of legislation, judiciary and economy, yet at the same time shied away from taking up the executive power.

⁶² David Pion-Berlin, “Military Autonomy and Emerging Democracies in South America,” *Comparative Politics*, Vol. 25, No. 1 (October 1992), 84-85.

⁶³ Ümit Cizre Sakallıoğlu, “The Autonomy of the Turkish Military’s Political Economy,” *Comparative Politics* Vol. 29 No.2 (January 1997), 151-166.

⁶⁴ Ali Bayramoğlu, “Asker ve Siyaset,” in *Bir Zümre, Bir Parti: Türkiye’de Ordu*, ed. Ahmet İnel and Ali Bayramoğlu (İstanbul: Birikim Yayınları, 2009), 59-118.

2.1.2. 1923-1946: Establishment of the War Model

The model of interaction between the civil and military authorities as it was established in the war years consisted of two major elements: one was the Armed Forces' zeal for autonomy within the state mechanism, and the other was the centralization efforts within the Armed Forces. In the 1920s, three institutional changes were made to achieve these two goals.⁶⁵

The first one was 1923 ordinance that replaced the Western, Eastern and Southern Front Commands with Inspectorships. Not only did the ordinance highly limit the authorities of the front commands; but by eliminating the commanding authorities of these posts, the ordinance discarded the graduated military hierarchy and created a highly centralized chain of command that bestowed all authorities to one single man. Maintained until as late as 1938, this centralized structure was an extension of the war-time model where the head of the state was also the commander-in-chief. The continuation of this model was repeatedly a matter of concern both among the intellectuals, the ruling politicians and the military cadres as well.⁶⁶

The second was the 1924 law that reestablished the General Staff as the highest martial command independent from the Ministry of National Defense.⁶⁷ The Chief of Staff was to be appointed by the offer of the Prime Minister and the approval of the President, without the intervention of the Ministry. The responsibility of the military budget was given to the Ministry. The 1924 Constitution had also annulled the President's auditing authority over the General Staff. Thus, the General Staff had taken a position that is "above ministries" and "above politics," as well as making the ministry a subordinate part of the military hierarchy. It had become a decision making authority without a higher institution to which it would be held accountable, whereas the Ministry of National Defense had become a state institution left merely with administrative duties yet carrying the weight of the decisions taken by the General Staff. This disparity

⁶⁵ Ibid., 63-75.

⁶⁶ Erik J. Zürcher, *Turkey: A Modern History* (London & New York: I.B. Tauris, 2004), 168.

⁶⁷ *Erkan-ı Harbiye-i Umumiye Riyaseti* was closed and replaced with *Milli Müdafaa Vekaleti*.

had laid the foundations of what Bayramođlu calls the “authority-accountability defect.”⁶⁸

The third was the 1925 law on the Higher Military Council.⁶⁹ By giving the council the authority to discuss and to decide upon (though in principle) all political, administrative, civil and martial issues pertaining to national defense, the law widened the military’s domain of influence and effectively made the Council a decisive organ in all aspects of society. The wide area of influence given to the council with the 1925 law was a consequence of internalizing the dominant concept of the Great War era, total mobilization, only this time in times of peace. Thus, the war-time dynamics of Turkish politics, with its highly-centralized military command, autonomous Chief of Staff superior to the Ministry of Defense, and the Higher Military Council that grants the military to extend its boundaries of influence, established the war-time model as the norm in Turkish politics.

2.1.3. 1947-1979: Consolidation of the War Model

The various economic and political changes after World War II have motivated the Armed Forces to plot coup d’etats, among which the 1960 attempt came through, along with amendments in the constitution and particular laws following a memorandum published in 1971. The coups were to consolidate its internal hierarchy by eliminating its potential internal rivals, and to restructure itself on a tripod of autonomy, i.e., legislation, judiciary, and economy. The positionality of the Armed Forces as an actor that has influential power in all these three areas, along with its guaranteed internal institutional hierarchy, have consolidated the autonomy element of the 1920s’ war model, and have extended the centralization element of the model to outside of the military sphere. The reforms made and the institutions established in this era have also created the body of military as a social class, the foundations of which were established in the 1920s.

⁶⁸ Ali Bayramođlu, “Türkiye Siyasi Sisteminde Ordunun Rolü, Devlet Geleneđi, Geleceđe Dair Genel Bir Çerçeve,” in *Türkiye Siyasetinde Ordunun Rolü: Asker-Sivil İlişkileri, Güvenlik Sektörü ve Sivil Denetim*, edited by Nihal Boztekin (İstanbul: Heinrich Böll Stiftung, 2010), 9-16.

⁶⁹ *Âli Askeri Şura*.

Beginning with the institutional autonomy, following the coup of 1960, the first step of the military was to reestablish the former hierarchy of the military which was damaged during the early Cold War era. Truman Doctrine and the membership to NATO not only had canalized large funds to Turkey for modernizing and mechanizing the military, but had also caused a division within the military corps due to the differences in training and vision between the former generation of officers taught in the German school and the younger officers taught in the American. When the coup was executed in May 1960, the new generation had decided to dismiss their rival higher generals; in August 1960, 4171 officers including 235 out of 260 generals were pensioned off.⁷⁰ Later on in 1961 the senior officers have also formed an Armed Forces Union so as to limit military intervention to the hierarchical principle.⁷¹

The second step was on the political autonomy of the military, i.e., the position of the General Staff. In the post-war years the autonomy of the General Staff was shaken by making it accountable to the Prime Minister in 1944, and to the Ministry of National Defense in 1949. With the Article 110 of the 1961 Constitution,⁷² the General Staff was broken off from the Ministry and was once again held responsible to the Prime Minister, thus elevating the position of the General Staff back to the level “above-ministries.”

The third step was also on political autonomy, i.e., the formation of the National Security Council as a constitutionally pronounced actor. The Council was established for the first time in 1933 with the name Supreme Defense Council, with the duty to designate the tasks related to “national mobilization.” Prior to the transition to the multi-party system, a Supreme Council of National Defense was established in July 1949 as a third defense-related actor next to the General Staff and the Ministry of National Defense. Although the Council was lead by the Prime Minister, the duties of the Council indicated enforcement; the primary duty of the Council was defined as “designating the principles of the national defense policy to be implemented by the government.” With the 1961 Constitution, the council was yet again renamed, this time as the National Security Council. The renaming of the council was also symbolic as it

⁷⁰ Bayramoğlu, “Asker ve Siyaset,” 76.

⁷¹ Faroz Ahmad, *The Making of Modern Turkey* (London & New York: Routledge, 2003), 128.

⁷² *1961 Anayasası*, Official Website of the Grand National Assembly of Turkey, <http://www.tbmm.gov.tr/anayasa/anayasa61.htm>

reflected a policy transition from “national defense” to “national security,” the latter denoting total mobilization. It had become not only an authority to “express” the “basic prospects” regarding matters of national security as is suggested in Article 111 of the Constitution, but also an authority that audits the Cabinet’s implementation of “national mobilization plans” during states of emergency.⁷³ With the 1971 amendments, the authority to express prospects was replaced with the authority to “recommend”.⁷⁴

These three steps guaranteed the position of the Armed Forces as an institution that is internally centralized, subject only to the two highest posts in the state structure, with the authority to intervene in and audit the activities of the cabinet. When the military junta took up the rule under the name National Unity Committee, it was the junta to refer to itself as an “above-party-administration,”⁷⁵ in this parallel, the changing position of the General Staff and the National Security Council had constitutionalized the National Unity Committee under peace-time circumstances.

Autonomy, however, would not be complete without an independent judiciary and financial resources of its own. During this era, four important steps were taken with regards to the judiciary. The first one was the establishment of military courts. With Article 138 of the 1961 Constitution and the 1963 Law on the Establishment and Trial Procedures of Military Courts, the judiciary power of the Republic was divided and turned into a double-headed structure. While the authority to establish military courts was given to the Ministry of National Defense, whether a military court was to be established at a particular location was to be decided by the General Staff.⁷⁶ Once again the Ministry was left with administrative duties whereas the General Staff was the decisive power.

The second step regarding judiciary was the limitations brought to the auditing power of the state upon the Armed Forces. An additional clause added to Article 140 in 1971 took the authority to audit proceedings on officers from the Council of State and

⁷³ “Yüksek Müdafaa Meclisi Umumi Katiplığı Dönemi (1933-1949),” “Milli Savunma Yüksek Kurulu ve Genel Sekreterliği Dönemi (1949-1962),” “1961 Anayasası’na Göre Milli Güvenlik Kurulu ve Milli Güvenlik Kurulu Genel Sekreterliği Dönemi (1962-1983),” <http://www.mgk.gov.tr/Turkce/tarihce.html>

⁷⁴ The 1961 constitution pronounces the verb “*bildirmek*” whereas with the 1971 amendment it was replaced with the verb “*tavsiye etmek*”.

⁷⁵ Ahmad, *The Making of Modern Turkey*, 126.

⁷⁶ Article 1, “Askeri Mahkemeler Kuruluşu ve Yargılama Usulü Kanunu,” Law No. 363, Dated 25.10.1963, <http://www.mevzuat.adalet.gov.tr/html/360.html>.

gave it to the Supreme Military Administrative Court, removing the civilian administrative authority on military administration. Yet with another an additional clause to the Article 127 in 1971, the authority of the Court of Accounts to audit the incomes from and expenses on the state-owned properties used by the military was lifted. Thus, with these two amendments in 1971, the authorities of civil courts were significantly limited, and the Armed Forces was emancipated from state auditing both in administrative and partially in financial matters.

The third step involved martial law and trial of civilians in martial courts. According to the Article 138 of the 1961 Constitution, deserters or evaders who have never showed up for military inspection were to be tried in military courts as such actions were considered “treachery towards national defense.”⁷⁷ The amendment on the law in 1971 further allowed civilians to be tried in military courts due to crimes committed against military personnel or on martial sites, regardless of the type of the crime. The amendment has also removed the time limitations to state of siege. Whereas the Article 123 of the 1961 constitution allowed only one month of state of siege which could be extended only for a second month, the 1971 amendment on the article set forth an initial two-month state of siege, which could be repeated by additional two-month terms without any definition of how many. Recognizing that in states of siege it is not the police force but the military that takes up the duty to internal security,⁷⁸ the amendments in the legislation regarding states of siege reflect the military’s eagerness to claim control over administration as well.

The fourth step regarding the judiciary came with another amendment in 1973, dividing the judiciary power yet another time, creating a three-headed judicial structure. The amendment to Article 136 had set forth the establishment of State Security Courts, which were by definition the embodiment of the national security policy. They were established so as to hear cases against “the unity of the state with its land and nation,” but the provisions for states of siege and war were reserved.

Coming to economic autonomy, the two amendments regarding the auditing of the military made to the 1971 referred to above were significant steps in this matter. However, the foundations of the economic autonomy of the Armed Forces were laid

⁷⁷ Kemal Gözler, *Hukuka Giriş* (Bursa: Ekin Kitabevi, 2006), 112-117.

⁷⁸ See Article 3 of the Law on State of Siege, “Sıkıyönetim Kanunu”, 1971, <http://www.mevzuat.adalet.gov.tr/html/466.html>.

prior to these amendments, in 1961 with the Law on the Army Mutual Assistance Association. Despite the large sums of American aid funneled into the economy in 1948 with the Marshall Plan and mechanization in agriculture crowned by the Korean boom, the ineffective investments of the early 1950s with their short-term goals created a sharply declining picture after a brief period of growth and left Turkey with high amounts of external debt and inflation.⁷⁹ Among the major group of classes that were most severely hurt by the worsening conditions were the salaried workers, especially in this case, the officers. The officers were convinced that the government was unwilling to undertake military reforms or make adjustments to officers' salaries both because the government viewed military spending as a secondary item compared to industrialization and because the Prime Minister felt secure from a military intervention with former generals in its cabinet.⁸⁰

As a consequence of these economic concerns of the army, a new social security institution, Army Mutual Assistance Association was established to ensure that the members of the armed forces would "break free from the distress of future" and "achieve material and moral peace."⁸¹ Such remonstrances in the justification statement of the law, argues İsmet Akça, are the reflections of how the Armed Forces viewed itself as a privileged class.⁸² The association required all commissioned and non-commissioned officers and officials to contribute to a fund that was to serve as their pension in the coming years. For this reason, the Army Mutual Assistance Association is an "additional" social security institution serving exclusively the Armed Forces. Also because of the compulsory contributions demanded especially from the non-commissioned officers who do not receive a service in return, Akça refers to the institution as a "compulsory savings association."⁸³

⁷⁹ Between 1950-1956 the economic growth was between 11-13%. By 1960, the total external debt stood at 1.5 billion USD, which was equal to 25% of the GDP. Zürcher, *Turkey: A Modern History* 224-232.

⁸⁰ Ahmad, *The Making of Modern Turkey*, 124.

⁸¹ İsmet Akça, "Kolektif Bir Sermayedar Olarak Türk Silahlı Kuvvetleri," in *Bir Zümre, Bir Parti: Türkiye'de Ordu*, ed. Ahmet İnel and Ali Bayramoğlu (İstanbul: Birikim Yayınları, 2009), 233.

⁸² İsmet Akça, *Türkiye'de Askeri-İktisadi Yapı: Durum, Sorunlar, Çözümler* (İstanbul: TESEV, 2010), 8.

⁸³ Non-commissioned officers are considered temporary members to the association. While a 10% monthly wage-cut is taken from the permanent members, the amount for the temporary members is 5%. Despite their contributions, temporary members do not

Although the association was established as a social security institution on the surface, Article 33 of the law on the association allowed it to establish companies, to build residences, and found private schools, and Article 35 held all these ventures exempt from five different types of taxes, including corporate income tax, inheritance tax, and revenue tax.⁸⁴ Hence, large sums of capital collected from the members, and this capital was used in various sectors, including real estate, banking, insurance, as well as joint ventures in the automobile industry, petroleum products, and cement. By 1969, the equities of the association have increased by 2400 per cent,⁸⁵ i.e., a rise from 0 to almost 100 million USD.⁸⁶ Supported by 60 companies,⁸⁷ and with 260,000 members, today the fund bears the title “biggest privately owned pension fund.”⁸⁸

In explaining the power elite of the United States, Wright Mills draws a “triangle of power,” uniting economy, political order and military. The unity of these three, he argues, can be understood by paying attention to three elements: psychological similarity and social mingling; structural blending of commanding positions and common interests; and explicit coordination.⁸⁹ With its influential power on politics via the directing and auditing authorities of the General Staff and National Security Council, and with its economic ventures with big civilian firms as well as independent investments that are neither administrated nor audited by the state, the Turkish Armed Forces stands as the ultimate embodiment of Mills’ power elite where the three unites as one.

have the right to benefit from the fund. Although there has been court cases on the unconstitutional nature of compulsory membership, the Supreme Military Administrative Court has taken decisions against the temporary members. *Ibid.*, 8-9.

⁸⁴ “Ordu Yardımlaşma Kurumu Kanunu,” OYAK Official Website, http://content.oyak.com.tr/oyakdosyalar/media/editor/files/KURUMSAL/Oyak_Kanunu.pdf.

⁸⁵ Taha Parla, “Mercantile Militarism in Turkey (1960-1998),” *New Perspectives on Turkey*, No. 19 (1998), 44.

⁸⁶ İsmet Akça, “Kolektif Bir Sermayedar Olarak Türk Silahlı Kuvvetleri,” 242.

⁸⁷ Akça *tesev.*, 10.

⁸⁸ “Oyak in Brief”, *Ordu Yardımlaşma Kurumu*, <http://www.oyak.com.tr/EN/corporate/oyak-in-brief.html> .

⁸⁹ C. Wright Mills, “The Structure of Power in American Society,” *The British Journal of Sociology*, Vol.9 No.1 (March 1958), 32-35.

2.1.4. 1980-2001: Ossification of the War Model

The 1980 coup and the following two years during which all political parties were closed⁹⁰ and the junta led the state have provided the Armed Forces with the opportunity to further strengthen its position to the extent of immunization from all civil attempts for control, may them be administrative, judicial or financial.

In the political realm, the influential power of the National Security Council was increased. With Article 118 of the 1982 Constitution,⁹¹ the number of military personnel in the council was increased, the authority to decide on the agenda for the council meetings was granted to the Chief of General Staff in addition to the Prime Minister who formerly was the only authority in this regard, and decisions taken at the meetings became a priority for the Cabinet. Thus, after constitutionalizing its influential power on policy making in 1961, with the new constitution the Armed Forces has elevated its position as a decisive power.

The decisive power of the Council was embodied in three documents: a “National Security Policy Document” updated every five years; a “National Strategy Document” that reconstructed the points of implementation made out from the Policy Document; and the “National Martial Strategic Concept” where the threat assessments were compiled. The weight of the National Security Policy Document gained itself the colloquial reference as the “red book” or the “secret constitution of the state;” it was the former Chief of Staff Doğan Güreş himself who referred to the National Security Policy as “the god of all policies, the constitution.” According to Güreş, under these circumstances the National Security Council decisions could not be regarded as simple advice.⁹²

A second step was on the limits of Armed Forces’ spending and financial auditing. The 1985 amendment in the Law on the Court of Accounts, military spending

⁹⁰ Provisional Clause 4 in the 1983 Law on Political Parties, Law No. 2820, *Official Gazette* 22.04.1983, <http://www.anayasa.gen.tr/2820sk.htm>.

⁹¹ *1982 Constitution*, Official Website of the Grand National Assembly of Turkey, http://www.tbmm.gov.tr/anayasa/anayasa_2011.pdf. For the articles as they were prior to the amendments: <http://www.resmigazete.gov.tr/main.aspx?home=http://www.resmigazete.gov.tr/eskiler/2001/10/20011017m1.htm&main=http://www.resmigazete.gov.tr/eskiler/2001/10/20011017m1.htm>.

⁹² Bayramoğlu, “Asker ve Siyaset,” 92.

and the related contracts were considered as exceptions to the areas that the Court of Accounts could audit.⁹³ Also in 1985 a new Defense Industry Support Fund was established, which again was considered extra budgetary, i.e. out of the auditing domain of the Court of Accounts. In addition to freedom from auditing, the expenditures that were done through this fund were exempt from taxes.⁹⁴ Thus, the 1971 attempts to emancipate the Armed Forces from state auditing were completed with these two laws.

In addition to these regulations for the peace-time conditions, Article 122 of the Constitution amended the legislations regarding state of siege. The initial length of state of siege was increased to six months, with additional terms of four months. The same article held commanders of the state of siege responsible solely to the Chief of General Staff, and according to Annex Clause 3 of the Law on State of Siege, the penal liabilities of the commanders were repealed.⁹⁵ Thus, the executive power had been incorporated into the military hierarchy, with no higher authority to audit. This power was also supported by State of Siege Courts.⁹⁶ Beginning from September 1980, State of Siege has continued in all Turkey until July 1987.

The third step was the consolidation of the idea of total mobilization not only in the state establishment, but also in the social realm. Article 13 of the 1982 Constitution provided the permission to limit the fundamental rights and freedoms of its citizens. Article 118 had redefined the role of the National Security Council as “ensuring the peace and security of the society”. The National Security Council utilized this indefinite domain by establishing various undersecretaries through which it penetrated society, such as the Directorate of Information Collection and Assessment, Directorate of Total Defense Civil Services, Counsellorship of Psychological Operation Training, Counsellorship of Visual and Audio-Visual Media, Counsellorship of Internet.⁹⁷

⁹³ See Article 30 in the Law on the Court of Accounts. <http://www.hukuki.net/kanun/832.15.text.asp>.

⁹⁴ See Articles 11 and 12 for the details on the details of the fund, as well as the taxes of exemption. http://www.ssm.gov.tr/anasayfa/kurumsal/Documents/SSM_3238_tam%20metin.pdf.

⁹⁵ Sıkıyönetim Kanunu, Annex Clause 3, amended 14.11.1980 – 2342/7. <http://www.mevzuat.adalet.gov.tr/html/466.html>.

⁹⁶ Ibid., Article 15, amended 19.09.1980 – 2301/8.

⁹⁷ Law on the National Security Council and the General Secretariat of the National Security Council, *Official Gazette*, 11.11.1983 - 2945, <http://www.mgk.gov.tr/Turkce/kanun.html>.

Founding of the Higher Education Council with Article 131 eliminated the autonomy of the universities, and media was taken under control through the Radio and Television Supreme Council, founded according to Article 133. State Security Courts were also reestablished, and stayed in operation for two decades. Thus, while Article 13 of the constitution provided the permission to limit the fundamental rights and freedoms of its citizens, the various institutions of the National Security Council performed the monitoring and restriction, along with the State Security Courts as its jurisdictional force.

Prior to the ultimatum of February 1997, in January, a directive on state of emergency was passed. Entitled the Directive on Department of Crisis, the directive set forth the proclamation of a new wide-ranging state of emergency, where the political authorities of the civilian members in the National Security Council would be repealed, and the Prime Minister would pass all its authorities to the Secretary General of the National Security Council.⁹⁸ The directive also eased the transition to martial law; according to crisis management regulations, transition to martial law did not require consulting the parliament. It defined social movements⁹⁹ as excuses or reasons for implementing crisis management procedures; all public institutions and private legal entities were obliged to forward information and intelligence to the Crisis Management Office. This way, once the military assumed power, it would hold total control by utilizing not only the instruments of the state, but the citizens themselves.

2.1.5. 2001-2012: Shattering the War Model

The military regime as implemented until 2001 had two definitive elements: (i) institutional centralization of the military to extend into the realm of the state, i.e. an opposite hierarchical structure between the Cabinet and the General Staff; (ii) autonomy of the Armed Forces in administrative, judicial, and financial matters, i.e. emancipation of the Armed Forces from auditing.

⁹⁸ “Başbakanlık Kriz Masası Yönetmeliği,” *Official Gazette*, 9 January 1997, <http://www.resmigazete.gov.tr/main.aspx?home=http://www.resmigazete.gov.tr/arsiv/22872.pdf&main=http://www.resmigazete.gov.tr/arsiv/22872.pdf>.

⁹⁹ The internal reasons calling for crisis regulations were defined in the law as labor union actions such as strikes, and conflicts rising out of religious or ethnic differences.

From 2001 onwards, the civil-military relations in Turkish politics began to change in the opposite direction. The first step was taken in October 2001; 34 articles in the constitution were amended, one of which was article 118. The 2001 amendment has increased the number of civilian members in the National Security Council, creating a civilian majority. It also curbed the sanction power of the military by changing the statement that the Cabinet had to give priority to the NSC decisions, into that the Cabinet would “evaluate” the NSC decisions. The 2001 amendments can be considered symbolic in this regard since they did not interfere with the imbalance in the division of powers; still, they were significant as they marked the beginning of an era that was to reverse the habitual nature of civil-military relations so far.¹⁰⁰

Following the 2001 constitutional amendments, the enthusiasm of the Justice and Development Party for re-accelerating relations with the European Union highly contributed to the civilianization of Turkish politics. In 2003, the National Assembly passed the 7th Reform Program that amended 11 articles in the Constitution.¹⁰¹ 8th Clause on the political criteria of the program curbed the power of the National Security Council, and has opened the way to the financial auditing of military expenditures. The 5th clause was on reforming the judiciary, but the clause was limited only to the judiciary personnel on human rights.

Based on the reform program, significant amendments were made on the Law on the National Security Council: Recruitment procedure of the Council Secretary General was amended; from then on, civilians were also given the right to be appointed as the Council Secretary General, and when appointed they were subject to the law on civil servants. The authority to appoint the secretary general was taken from the Chief of Staff and given to the Prime Minister. The vast authorities of the Council Secretary General were also curbed; such as being authorized by the President and the Prime Minister for planning, following up and auditing of national security policy, as well as having access to all types of classified intelligence or document. The frequency of

¹⁰⁰ Article 2.1.15 in the Adoption Program for the Acquis redefines the National Security Council as an advisory institution and demands amendments accordingly. Article 2.1.12 demands amendments in the Constitution based on the EU Acquis, however the clauses limit the amendments only to the European Convention on Human Rights. See the 2001 Turkish National Program for the Adoption of the Acquis, passed by the National Assembly on 3.10.2001, <http://www.abgs.gov.tr/index.php?p=195&l=1>.

¹⁰¹ 2003 Turkish National Program for the Adoption of the Acquis, passed by the Cabinet on 24.07.2003, <http://www.abgs.gov.tr/index.php?p=195&l=1>.

Council meetings was decreased from once each month to once in two months. The active duties of the NSC, such as preparing national action plans and following them up, were repealed. The obligation of all public institutions and private legal entities to forward all open or classified information to the Council was annulled. Eventually, the Council was left as an institution that only takes “advisory decisions.”¹⁰²

Regarding matters of auditability, with the 2004 amendment of Article 160 of the Constitution, the exemption of state properties held by the Armed Forces from auditing by the Court of Accounts was annulled. This annulling was an extension of the 7th Harmonization Package which opened the way to the auditing of all types of foundations and organizations that benefit from public resources, which also covered the Defense Industry Support Fund as well as the Mehmetçik Foundation. Nevertheless, the fact that the amendment opened the way for auditing does not deliver a regular and systematic auditing of such expenditures and funds; according to the amendment, auditing could be done “upon the request of” the Turkish Grand National Assembly.

Authorities of the military courts vis-à-vis the civilians were also amended with the 7th Harmonization Package. Articles in the Military Penal Code and the Turkish Penal Code that consider acts as “encouraging military personnel to revolt and disobedience,” “alienating public from military service,” and “damaging national strength” were amended so that those individuals who commit these crimes could not be tried at military courts.¹⁰³ Finally, with an amendment on the Law on Military Courts in 2006 has brought the trial of civilians at military courts in peace-time consequences to an end; nevertheless, though they were to be heard in civilian courts, the trial was to be based on Military Penal Law.¹⁰⁴

¹⁰² “MGK ve MGK Genel Sekreterliği Kanunu,” *Official Gazette*, 9.11.1983 – 2945, <http://www.mgk.gov.tr/Turkce/kanun.html>

¹⁰³ See Article 58 in Military Penal Code and Articles 153, 155 and 161 in Turkish Penal Code.

¹⁰⁴ See Clause 3 regarding Article 13 of the said law, “Askeri Mahkemeler Kuruluşu ve Yargılama Usulü Kanununun Bazı Maddelerinde Değişiklik Yapılmasına Dair Kanun,” *Resmi Gazete*, 5.07.2006 – 5530. <http://www.resmigazete.gov.tr/main.aspx?home=http://www.resmigazete.gov.tr/eskiler/2006/07/20060705.htm&main=http://www.resmigazete.gov.tr/eskiler/2006/07/20060705.htm>.

2.2. Consolidation of a Militarized Culture

2.2.1. Militarization as Nation Building

Hans Kohn, in his 1944 book, classified nationalisms in two categories as Western and non-Western nationalisms. The Western type was characterized by individual liberty and rational cosmopolitanism without much attachment to the past; whereas non-Western nationalism was developed through a “backward state of political and social development” in organic, mystical, authoritarian forms. French, British and American nationalisms were the examples he provided for the Western conception of nationalism; the non-Western nationalism was associated more with Central and Eastern Europe and Russia, with German nationalism as the specific example.¹⁰⁵

In his 1990 article, at a time when old conceptions of nationalism and citizenship were being challenged, Rogers Brubaker also presented a categorization of nationalisms comparing France and Germany. He argued that the nation-state was “a figment of the sociological imagination.”¹⁰⁶ Nation-states, as he described, carried the marks of the particular historical circumstances under which these states were established. Comparing the two different historical trajectories of state making and nation building in France and Germany, he introduced two types of nationalisms: “state-led” and “state-seeking nationalisms.” In the case of France, the nation was defined in relation to the state institutionally and territorially. What constituted the nation was not shared culture, but political unity. Culture was built synthetically through the assimilationist practices via schools, army and the centralized administration; hence Brubaker’s definition of the French conception of citizenship as “universalist, rationalist, assimilationist and state-centered.” He contrasted the French case to the German case. He argued that unlike France where cultural unity was built after the state, in Germany national feeling had developed prior to the nation-state. He described the pre-state German community as

¹⁰⁵ Hans Kohn, *The Idea of Nationalism*, (New York: Transaction Publishers, 2008/1944), 329.

¹⁰⁶ William Rogers Brubaker, “Immigration, Citizenship, and the Nation-State in France and Germany: a Comparative Historical Analysis,” *International Sociology* 5/4 (1990), 385.

“an organic, cultural, linguistic or racial community” “in search of a state” and the state they built became “particularistic, organic, differentialist and volk-centered.”¹⁰⁷

Interpreting the implications of these two analyses for Turkey, Ayşe Kadioğlu likens the Turkish case to a Janus with two faces that carries the elements of both French and German nationalisms, therefore embracing both civilization and culture.¹⁰⁸ On one hand, she refers to Ahmet Yıldız who emphasizes the dominance of the ethno-cultural elements in the first two decades of the republic—an organic and ethnic type of nationalism closer to German nationalism. On the other hand, she defines state political unity in Turkey “as the constitutive unit of the Turkish nation-state.”¹⁰⁹ The republic was founded upon “principles that were not genuine but were rather manufactured from above.” In the historical sequence of state-making and nation-building, she argues, Turkish state preceded the nation, hence making Turkey “a state in search of its nation.”

The new state challenged the monarchical, religious, decentralized state along with its war-oriented and widely agricultural economy, and replaced it with a centralized parliamentary democracy based on secular and rationalist principles along with the goal of mechanization of military and industrialization of the economy. The incompatibility of the new republic with the existing society had created various opposition movements from groups of differing motivations, including advocacy of the Caliphate and the Sultanate, or liberation movements of ethnic minorities, all of which were suppressed by military means, along with laws that grant the government with extraordinary powers to establish repose.

Building of an ideology was viewed as a potential weaver for the society and for overcoming the opposition. Hence, the six principles of the founding party—republicanism, reformism, nationalism, populism, statism and secularism—were promoted and taught as the state ideology. Efforts were also made to reframe Turkish superiority among all nations by studies in history, language and eugenics. Kadioğlu finds these attempts neither successful, nor democratic as the state claimed itself to be.

“The Republican elites' attempts to create an ideology were only skin-deep and not espoused by all the classes. The Republic was founded upon

¹⁰⁷ Ibid., 386.

¹⁰⁸ Ayşe Kadioğlu, “Türkiye’de Vatandaşlığın Anatomisi,” in *Vatandaşlığın Dönüşümü: Üyelikten Haklara*, edited by Ayşe Kadioğlu (İstanbul: Metis, 2008), 174.

¹⁰⁹ Ayşe Kadioğlu, “Citizenship and Individuation in Turkey: the Triumph of Will over Reason,” *CEMOTI* 26 (1998).

principles that were not genuine but were rather manufactured from above. In short, the Republic was not democratic. Democracy was not one of the six arrows of the Republican People's Party.”¹¹⁰

Kadıoğlu also argues that the elite's effort to preserve the organic distinctiveness of the society while at the same time transforming this society into a nation was “paradoxical” within itself.¹¹¹

Despite its contradictions, establishing and maintaining an official identity in Turkey, then, was the goal of Turkish militarism.

2.2.2. Military as a Cultural Artifact and its Relevance Today

In Chapter 1.2.1., in an effort to show the connection between state making and conscription, the aversion towards armies in the 19th century was emphasized, and the role of nationalism was defined as the cultural artifact that normalized militarism. Taking the topic up from where Anderson and Enloe left off, Ayşe Gül Altınay points to the culturalization of military service. The citizen as created by the military during the military service, in turn embraces the military service as well as the values and hierarchy of the military as part of its culture.

Quoting to Mevlut Bozdemir, Altınay underlines the “educating” feature of the military service, where the military contributes to “the making of a ‘national citizen’ with a national language, culture, and set of goals.”¹¹² Her research pictures an environment where Turkish is taught and used as the only language, non-Muslims are discriminated against by having them forcibly wear marks on their nametags, soldiers working in the kitchen are addressed with women's names, homosexuals are considered “psychologically impaired” and the gun and the country are entrusted to the soldiers as their chastity, all of which creates a hierarchy where the Turkish-speaking, Muslim heterosexual males entertain the status of the sole accepted breed, whereas all else are

¹¹⁰ Ayşe Kadıoğlu, “The Paradox of Turkish Nationalism and the Construction of Official Identity,” *Middle Eastern Studies* 32/2 (1996).

¹¹¹ Ibid.

¹¹² Ayşe Gül Altınay, *The Myth of the Military Nation* (New York: Palgrave Macmillan, 2004), 71.

treated as potential threats except the women who, along with the country, are to be kept pure and untouched.

The implications of the military mindset in daily life, as Altınay explains, are embodied in the military postures and marches taught at the physical education classes, the military-style celebration of children's day and youth day celebrations, naming of universities with dates of battles, the multiplicity of the statues and monuments being related to military events or personalities.¹¹³ These implications constitute the efforts to realize the military-nation ideology.

The internalization of the military service as a cultural artifact, can be identified by looking at the acknowledgement of this service not only as a service required for being a citizen, but also for being able to continue a life as part of the social environment. Motivations of soldiers for serving in the army, documented in works of Altınay as well as Pınar Selek, Nadire Mater, and Mehmet Ali Birand, show how military service has become a must in social life such as being accepted by your family or social environment, getting a job, getting married, as well as not being alienated from the "men's talk" centered around military service.¹¹⁴

Finally, the question remains as to why militarization is not yet outdated. It has two reasons. The first is the ongoing war between the Kurdish forces and the Turkish military, where the unitary state principle had posed a problem since the establishment of the republic. The constant closures of Kurdish parties in the past 30 years elevated the issue to armed struggle. The tens of thousands of deaths during the process have provided the Turkish side with further excuses for agitating antagonism and maintaining its stance and public support.

The second is the competent nature of Turkish politics where parties as well as their social base struggle to move from the center to the periphery in a tug of war, and when they do claim the center they tend to act in a revanchist manner.¹¹⁵ Thus even though the replacing cadres may not implement armed oppression of an opposition,

¹¹³ Ayşe Gül Altınay, *Tabulaşan Ordu, Yok Sayılan Militarizm: Türkiye'de Metodolojik Militarizm Üzerine Notlar*, in *Modern Türkiye'de Siyasi Düşünce*, edited by Ömer Laçiner (İstanbul: İletişim, 2009), 1245-1257.

¹¹⁴ See Pınar Selek, *Sürüne Sürüne Erkek Olmak* (İstanbul: İletişim Yayınları, 2010); Nadire Mater, *Mehmedin Kitabı: Güneydoğu'da Savaşmış Askerler Anlatıyor* (İstanbul: Metis, 2004); Mehmet Ali Birand, *Emret Komutanım* (Milliyet Yayınları, 1989)

¹¹⁵ See Şerif Mardin, "Center-Periphery Relations: A Key to Turkish Politics?" *Daedalus* 102/1 (1973) 169-190.

inclination to suppression is maintained. The various reforms made in the past ten years by the current government to civilianize politics as explained earlier in this chapter had created the image of revenge¹¹⁶ of the Islamist cadres against the secular military, by whom the Islamists were interpreted as a threat. The recent series of cases about the plotting of military coups against the given government during which numerous high level officers had been arrested created the sense of retaliation. The increasing emphasis in the police force¹¹⁷ and intelligence agencies¹¹⁸ along with the increasing human rights violations¹¹⁹ created the sense of emerging authoritarianism¹²⁰ to replace military dominance—replacement of military suit, hierarchy and values with those of the replacing stratum.

¹¹⁶ See, for example, Kerem Öktem, “Turkey, the End of Islamism with a Human Face,” *opendemocracy.net*, 20.12.2012, <http://www.opendemocracy.net/kerem-oktem/turkey-end-of-islamism-with-human-face>.

¹¹⁷ See Talip Aktaş, “Polis Bütçesi Artışta Askeri İkiye Katladı,” *Dünya Gazetesi*, 17.12.2011, <http://www.dunya.com/polis-butcesi-artista-askeri-ikiye-katladi-140711h.htm>.

¹¹⁸ See Aysel Alp, “Güvenlik ve Yargı Bütçesinde Olağanüstü Artış” *Hürriyet Gazetesi*, 22.10.2012, <http://www.hurriyet.com.tr/ekonomi/21754098.asp>.

¹¹⁹ Human Rights Watch, “Protesting as a Terrorist Offense: The Arbitrary Use of Terrorism Laws to Prosecute and Incarcerate Demonstrations in Turkey” 1.11.2010, <http://www.hrw.org/reports/2010/11/01/protesting-terrorist-offense-0>

¹²⁰ See *Financial Times*, “Erdogan, Justice and the Rule of Law,” 10.01.2012, <http://www.ft.com/cms/s/0/46463fa0-3b8e-11e1-bb39-00144feabdc0.html#axzz2LjuVLb5i>.

CHAPTER 3

CONSCIENTIOUS OBJECTION IN TURKEY

This chapter will focus on when the term “conscientious objection” has appeared in Turkey; reactions of the public and the state to the idea; whether the idea was able to create a base of social support; whether it has become a movement; divisions among the objectors; interaction and cooperation between conscientious objectors, other NGOs and political parties; the legal implications of the term, and future prospects for the objectors.

3.1. Emergence of the Conscientious Objection Movement in Turkey

In an effort to establish the connection between militarism and conscientious objection, the first chapter presented various types of objections. At the most basic level, conscientious objection was defined as the rejection to some type of compulsory service in the military – the conditions of this service varied. Based on this generalized definition, the concept can easily be stripped off its political connotations, allowing even draft evaders to be referred to as conscientious objectors—hence the choice of the term “concept” instead of “act”.

Using this terminology, the earliest conscientious objectors in the history of Turkey would be considered the draft evaders in the 18th century Ottoman Empire. The draft – not yet compulsory military service by then – was introduced as a step towards centralization within the modernization project of the Ottoman State. In this regard, the military service had easily become the state’s major medium of control over its citizens. Although the number of draft evaders has sharply decreased in the republican era, evasion never totally ceased.

Objection to military service based on political justifications, on the other hand, began in the late 20th century. Beginning with the anarchists, men and women who are

Christians, Muslims, and Kurds declared their objections to military service. Although their number have never raised higher than a few hundred, the movement, considered along with the widening circle of supporters, increasing media coverage, and hundreds of thousands of draft evaders, can be seen as a minor movement or one that carries the potential to become a social movement.

However, due to the militarist nature of Turkish politics and culture, their objections have gained them a radical position against the system, as a result of which they had to face heavy pecuniary and intangible burdens. Although some of these objectors managed to carry the violations of rights originating from conscientious objection to international courts, the implications of these cases had not been strong enough to cause a change in the circumstances of the objectors.

In this framework, this first section will present the history of conscientious objection in Turkey from the Ottoman Empire until now.

3.1.1. Earlier Objectors: Draft Evaders

The first step in the Ottoman Empire towards creating a European style army was taken in 1792 with the establishment of the New Army by Selim III. While this army was not comprised of conscripts, it was a professional establishment that increased its size from 1500 up to 27,000 in ten years. In 1826, Mahmud II had taken up reformation in military and took the radical step of closing down the Janissary army, which had become a threat to the political authority. Instead, he established a professional army of 27000, consisting of conscripts and volunteers, who were required to serve 12 years.¹²¹

Conscription became the subject of discussion with the establishment of a reserve army based on the Prussian model in 1834. The arbitrary forms of recruitment were partially brought to an end with the Imperial Edict of 1839. But the first time that conscription was set out in detail came in 1848. This was a conscription based on drawing lots, where non-Muslims were exempt from service, also exempt were Muslims who paid particular higher taxes. Despite the irregularities of the practice of

¹²¹ Erik Jan Zürcher, "Teoride ve Pratikte Osmanlı Zorunlu Askerlik Sistemi," in *Devletin Silahlanması: Ortadoğu'da ve Orta Asya'da Zorunlu Askerlik (1775-1925)* edited by Erik Jan Zürcher (İstanbul: Bilgi Üniversitesi Yayınları, 2003), 88.

conscription, the 1848 law brought the army to a total of 150,000 soldiers, recruiting 30,000 men each year. The Edict of 1856 brought conscription to non-Muslims as well, which meant further exemption taxes for the military, rather than additional men.¹²²

After the Edict of 1856, the law was reissued twice in 1871 and 1914. Both of them included detailed legislation on recruitment as well as penalties for evaders. Either way, the lack of a well established system of census limited the implementation of these laws. The severity of the problem became clear during World War I when the number of draft evaders had reached 300,000, i.e. about 20% of the population, whereas this rate was never higher than 2% in the European armies.¹²³

The motivations for these evaders however, were far from the civil disobedience discussed in Chapter 1. The economic conditions of the collapsing empire had left its army poorly dressed and poorly fed. The consecutive wars had tired not only the soldiers but also their families that deserters were able to find hospitality among local population. Even during the War of Independence, when martial courts had been sentencing deserters with death, about 10% of the army had been reported to be missing.¹²⁴

Situation had changed with the centralization efforts and modernized systems of census in the modern republic. In addition to the practice of compulsory military service from 1927 onwards, military was promoted with reference to national sentiment. National armies were portrayed as the savior and protector of national sovereignty, military service was defined as the most sacred duty as well as a characteristic of the Turkish nation.¹²⁵ Still, today the total number of draft evaders, deserters and deferred stand around 1 million.¹²⁶

¹²² Ibid., 91.

¹²³ Erik Jan Zürcher, “Hizmet Etmeyi Başka Biçimlerde Reddetmek: Osmanlı İmparatorluğu’nun Son Dönemlerinde Asker Kaçaklığı,” in *Çarklardaki Kum Vicdani Red, Düşünsel Kaynaklar ve Deneyimler*, edited by Özgür Heval Çınar and Coşkun Üsterci (İstanbul: İletişim, 2008), 61.

¹²⁴ Ibid., 67.

¹²⁵ See Ayşe Gül Altınay and Tanıl Bora, “Ordu, Miltiarizm ve Milliyetçilik,” *Modern Türkiye’de Siyasi Düşünce* (İstanbul: İletişimi) 140-154.

¹²⁶ “1 Milyon Tecilli, Asker Kaçağı ve Bakaya Var” *Milliyet Gazetesi*, 1.6.2008, <http://www.milliyet.com.tr/default.aspx?aType=SonDakika&ArticleID=761649>.

3.1.2. Objection with a Political Agenda: the War Resisters' Association

The seeds of the conscientious objection movement in Turkey were sown with Tayfun Gönül and Vedat Zencir's declaration of conscientious objection in February 1990 via the weekly *Sokak* and the daily *Güneş*.

In his statement of objection, Zencir emphasized his determination to live a life that is absolutely free from any chain of command, in line with the particular moral principles and world-view to which they adhere. Recognizing human life to be sacred, he declared his objection to participate in any structure or institution oriented at killing, including the military which “gave him cramps in the stomach.”¹²⁷

Unlike Zencir who centered his declaration around personal reasons, Gönül had a more political stance. In his manifesto entitled “No to Compulsory Military Service,” he has defined military and militarism as the two biggest taboos to be shattered on the path to freedom. As he saw it, militarism was a sickness that legitimized and affirmed tyranny and systematic violence, and military was the organization oriented around these aims. It was responsible for guarding the status quo, i.e., all types of power relations within a society. In parallel, as an institution of education, it established these power relations primarily within its own structure by de-personalizing and numbing its members, teaching absolute obedience, hatred for the different, and killing of an enemy as defined by an authority. Within a system where there was freedom of conscience, no one could have been forced to serve in the military.¹²⁸

Following these interviews, two court cases were opened on these individuals. Based on Article 155 of the Turkish Penal Code, Gönül and Zencir were accused of “alienating the public from military service.”¹²⁹ Despite having tried at a State Security Court, Zencir was acquitted and Gönül was sentenced to three months of imprisonment, which was turned into punitive fine.¹³⁰

¹²⁷ Can Başkent, *Vicdani Ret Açıklamaları Almanığı 1989-2010* (ePub: Propaganda, 2011, <http://propagandayayinlari.net/kitap/vr.pdf>), 13.

¹²⁸ “Tayfun Gönül’ün Sokak Dergisi Röportajı,” *Bianet*, 31.07.2012, <http://www.bianet.org/bianet/bianet/140036-tayfun-gonul-haki-veya-beyaz-uniforma-uniformadir>.

¹²⁹ Article 155 of the 1926 Turkish Penal Code, as implemented in 1938, available at <http://www.ceza-bb.adalet.gov.tr/mevzuat/765.htm>.

¹³⁰ Ayşe Gül Altınay, *The Myth of the Military Nation* (New York: Palgrave Macmillan, 2004), 89.

The timing of Gönül and Zencir's declarations were significant due to the escalation of the civil war between the Turkish state and the Kurdish separatist movement. Since its launch in 1984 until 1990, over 2500 had died in the clashes; by 1994 it had reached 7000.¹³¹ In April 1991 the government passed the Anti-Terrorism Law¹³² that annulled laws such as the 1983 Law on Publications in Languages Other than Turkish and the 1963 Law on Freedom of Assembly and Demonstrations, and provided the state a blurry definition of terrorism that granted them "extraordinary powers to deal with whatever they choose to designate as terrorism." Furthermore, the Gulf War that erupted in August 1990 during which Turkey sided with the United States by shutting down its Kirkuk pipeline, effectively causing the creation of a *de facto* front in Turkey's southeast.¹³³

In this environment, in İzmir, Antalya, Ankara and Istanbul there were a few activist groups that were organizing around anti-militarist ideas. One of these activist groups was Amargi,¹³⁴ an anarchist group that put heavy weight in anti-militarism. One of the three pieces in the first issue of their magazine was written by the first conscientious objector Vedat Zencir, and was about the experiences of a man who was about to be called for the military. The second issue of the magazine was completely devoted to antimilitarism.¹³⁵ During a networking meeting between these anarchist groups in the summer of 1992 in Dikili, Amargi came up with the proposal to establish

¹³¹ Erik Jan Zürcher, *Turkey: A Modern History* (London & New York: I.B. Tauris, 2004), 318.

¹³² "Terörle Mücadele Kanunu," *Official Gazette*, 12.04.1991, Law No. 3713, available at <http://www.egm.gov.tr/hukuk/EMNIYET%20TESKILATINDA%20GORULEN%20IDARI%20DAVA%20KONULARI%20ILE%20BUNLARA%20ILISKIN%20MEVZUAT/KORUMA%20ISLEMLERI/TERORLE%20MUCADELE%20KANUNU.htm>. Article 23 of the law annulled the two above said laws, i.e., "Vicdan ve Hürriyetlerin Korunması Hakkında Kanun" (Law No. 6187) and "Türkçe'den Başka Dillerde Yapılacak Yayınlar Hakkında Kanun" (Law No. 2932).

¹³³ Faroz Ahmad, *The Making of Modern Turkey* (London & New York: Routledge, 2003), 198-199.

¹³⁴ Not to be confused with the feminist organization with the same name. The latter was established in 2006 in Istanbul with the aim of publishing a magazine that strived to "establish the theoretical background for their activism" ("Feministçe Bak," *Amargi* 1 (2006), 3). The organization has declared itself closed in October 2012.

¹³⁵ Can Başkent, ed., *Türkiye'de Anarşist Düşünce Tarihi Serisi – 4: Amargi Dergisi Seçkisi* (ePub: Propaganda, 2012), <http://propagandayayinlari.net/kitap/amargi.pdf>.

an organization with a focus on conscientious objection, and to organize the annual international conscientious objectors' meeting in Turkey the following year.¹³⁶

In December 1992, they established the War Resisters' Association in Izmir. If the trials of Gönül and Zencir were the first appearance of conscientious objection in public sphere, the War Resisters' Association was the first attempt to institutionalize conscientious objection as a movement. The aim of the association was defined in the program as

“to struggle against war, militarism, and racism; to unite the people who are concerned on this subject, to mediate solidarity among them, to be the hub of common struggle; and to contribute to the creation of a culture that favors peace and freedom instead of the dominant racist and militarist culture.”¹³⁷

Although the association would be closed and re-opened in the following years in different provinces, their aims and actions have remained in line with the first establishment.

The association was coming from an anarchist tradition, and therefore had a non-hierarchical structure that did not have a directing body. Official paperwork and correspondence was followed through by a central secretariat. The association had a democratic structure with a rotating executive council and without a chair. The activities were taken up by work-groups focusing on various issues including publishing and media, conscientious objection, Kurdish issue, and the planned international conference.¹³⁸ The activities of these groups that are significant for our purposes can be categorized in three areas of focus: spreading conscientious objection and making it visible; non-militant and non-violent activism primarily for ending the civil war in Turkey as well as other wars outside of Turkey's borders; establishing cooperation between other NGOs for activism for these two aims.

Although short-lived, the association was able to make an impression and ignite the spark of a nation-wide conscientious objection campaign. The first act came in January 1993; six members of the association made a joint declaration of conscientious objection during a public event, which constituted the first among the many planned

¹³⁶ Pınar Selek, *Barişamadık* (İstanbul: İthaki, 2004), 386.

¹³⁷ *Ibid.*, 389.

¹³⁸ *Ibid.*, 395.

“waves of objection declarations”. Unlike the declarations in 1990, this joint declaration was ignored by the state.¹³⁹

A second act was the organization of the first international conscientious objectors meeting in July 1993, in İzmir. With this meeting, cooperation and dialogue with War Resisters’ International was made. Established in 1981 and based in Spain, War Resisters’ International had constituted the only international platform for global activism on and political strategizing of conscientious objection. The meeting brought together 90 individuals from 19 countries. It also was the first time when this annual meeting was held out of Europe.¹⁴⁰

International cooperation was not limited to the conference in Turkey. In 1994, İzmir War Resisters’ Association led by Osman Murat Ülke had attended meetings in Germany organized by Greenpeace, where they were given nonviolence training. The training was adapted for the Turkish objectors and is being given since then.¹⁴¹ They had also attended a meeting of international conscientious objectors in Colombia, and a meeting of anti-war campaigners in Brazil. In 1996, these members received criminal convictions based on the 1983 Act that required associations travelling abroad to obtain permission from the Ministry of Interior. The prison sentences that the members received were turned into fines. However, when the European Court of Human Rights had evaluated the case, it unanimously found Turkey in violation of Article 11 of the Convention, i.e., freedom of association.¹⁴² In its March 2006 judgment, the Court noted that the peaceful intentions of the given individuals were “beyond dispute,” and the conviction “was problematic in an interdependent world in which associations’ activities were interlinked and had international ramifications.”¹⁴³ Despite the reputation of the Court, the case did not find much coverage in the media.

¹³⁹ Altınay, *The Myth of the Military Nation*, 90.

¹⁴⁰ Coşkun Üsterci and Uğur Yorulmaz, “Türkiye’de Vicdani Red,” in *Çarklardaki Kum Vicdani Red, Düşünsel Kaynaklar ve Deneyimler*, eds. Özgür Heval Çınar and Coşkun Üsterci (İstanbul: İletişim, 2008) 218.

¹⁴¹ Altınay, *The Myth of the Military Nation*, 94.

¹⁴² European Convention on Human Rights, as amended by Protocol 11 and entered into force on 1.11.1998, http://www.echr.coe.int/NR/rdonlyres/D5CC24A7-DC13-4318-B457-5C9014916D7A/0/Convention_ENG.pdf.

¹⁴³ European Court of Human Rights, “İzmir Savaş Karşıtları Derneği and Others v. Turkey – 46257/99,” Judgment, 2.3.2006, <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=002-3450>.

The third act aimed at creating an anti-militarist platform focusing on the Kurdish issue that would cooperate with other NGOs for working on a call for peace centralized around the motto “Neither the military, nor the mountain!” It was named the Peace Platform, and consisted of 25 individuals representing 13 organizations, including the Human Rights Association and Confederation of Public Laborers’ Unions. The platform first began by attending the Newroz¹⁴⁴ celebrations in the eastern provinces of Van, Diyarbakır and Mardin in 1993, and visited the governors’ offices in these cities. On September 1 Day of Peace, they have initiated a petition campaign in İzmir for ending the civil war, as part of which they have collected about 7000 signatures within a week’s time.¹⁴⁵

Their acts were not limited to Turkish politics, and have also experimented with different methods of activism. In August 1993, on the anniversary of the bombing of Hiroshima and Nagasaki, they have held street demonstrations, performed street theater, and stopped people to hand them provocative pieces of writing that said “You are responsible!”¹⁴⁶

The declarations, when followed by the international meeting, drew public attention the concept; the association was asked to remove the anti-militarism statement from their program, on grounds that there was no militaristic structure in Turkey. In November 1993, at a time when the counter-PKK policy and “special operations”¹⁴⁷

¹⁴⁴ Newroz is the celebration of the traditional new year among the Kurdish society. In 1993, the paramilitary organization Kurdish Workers’ Party had declared a ceasefire at the time of Newroz, which signalled potential negotiation.

¹⁴⁵ Selek, *Barışamadık*, 403-404.

¹⁴⁶ *Ibid.*, 406.

¹⁴⁷ In 1993, counter-terrorism policy of the state gained utmost significance. The re-establishment of the Department of Speacial Operations (which was established in 1982, but was given further authorities in 1993) created an environment of distrust and fear, which had its reflections on the media. This atmosphere later came to be referred to as the “Concept ’93”. See General Directorate of Security, “Özel Harekat Daire Başkanlığı,” http://www.egm.gov.tr/icerik_detay.aspx?id=169. For “concept ’93,” see Volkan Şahin, “Yine mi ’93 Konsepti?” *BirGün*, 28.06.2012, http://www.birgun.net/actuel_index.php?year=2007&month=06&day=28; and Hatip Dicle, “Özal’ı Devlet Çetesi Öldürdü,” *Özgür Gündem*, 12.12.2012, http://www.ozgur-gundem.com/?haberID=58161&haberBaslik=%C3%96ZAL%E2%80%99I%20DEVLET%20%C3%87ETES%C4%B0%20%C3%96LD%C3%9CRD%C3%9C&action=haber_detay&module=nuce.

were at its highest,¹⁴⁸ the governor's office commanded the closure of the association.¹⁴⁹ The closure of the association was significant in reflecting the antimilitarist agenda of the movement; unlike their name which only reflects the anti-war or pacifist feature of the association, the anti-militarist statement in their agenda had itched the sensitivities of the state.

The event that drew the biggest attention to the organization, however, was the interview with Aytek Özel and Menderes Meletli at the program named "Anten," broadcasted on the nation-wide TV channel HBB. Following the broadcast, the producer of the program, the cameraman, along with Özel and Meletli were arrested upon the order of the then-Chief of Staff Doğan Güreş himself, and were tried at military court on grounds of the Article 155 of the former Penal Code, "alienating the public from military service".

The trials have caused reactions not only in the media, but more importantly, in the parliament. In March 1994, Zübeyir Aydar, a parliamentarian from the Democracy Party, had proposed a draft law on conscientious objection. This was the first proposal on conscientious objection by the Kurdish party—none of the other parties that did not belong to the Kurdish political movement was to come up with a similar proposal in the years to come. In April, the Social Democratic Populist Party¹⁵⁰ had come up with a draft bill to avoid civilians to be tried at military courts. Even President Süleyman Demirel had given a public briefing on the subject, but no avail. Following the decision of the State Security Court on lack of jurisdiction, a decision of joint chambers in December 1994 allowed the objectors to be tried at military courts, .¹⁵¹

The closed War Resisters' Association in İzmir was reestablished in February 1994 under the name İzmir War Resisters' Association. In the autumn 1993, a parallel organization was established in İstanbul, entitled İstanbul War Resister's Association.

¹⁴⁸ Parallel to the increase in the clashes between the PKK and the armed forces, the military spending had also increased drastically. The 150,000 employed personell that the armed forces kept in 1991, had increased to 250,000 by 1994. See Zürcher, *Turkey: A Modern History*, 318.

¹⁴⁹ Üsterci and Yorulmaz, "Türkiye'de Vicdani Red," 218 .

¹⁵⁰ Former Republican People's Party. Their name had changed in the aftermath of the 1980 coup.

¹⁵¹ "Türkiye'de Vicdani Ret," *SavaşKarşıtları.com*, 01.01.1998, <http://www.savaskarsitlari.org/arsiv.asp?ArsivTipID=2&ArsivAnaID=143&ArsivSayfaNo=4>.

In the later years, the association was re-opened and re-closed several times under different names, among them the Conscientious Objection for Peace Platform and the Istanbul Antimilitarist Initiative. After the establishment of the website [savaskarsitlari.org](http://www.savaskarsitlari.org), it became the main hub of interaction for the conscientious objectors around the country.

Although in the following years the acts of the objectors were mostly organized around supporting detained objectors, as objector Ercan Aktaş has noted,¹⁵² other campaigns were also able to create some discussion in the media. A Conscientious Objectors' Festival was organized in 1998 and 2000, with the involvement of 400 and 1000 participants, respectively, some of whom were former military school students.¹⁵³ The invasion of Iraq provided some opportunities to the movement; however, in the midst of wide campaign to prevent Turkey to be involved in the war, the conscientious objectors were not loud enough to pick from the crowd. In January 2003, the Peace Initiative had organized an international conference entitled Assembly of the 100s, bringing together 3000 individuals to raise the voice of the opposition to the war in Iraq and Turkey's involvement in it.¹⁵⁴

From 2004 onwards for three consecutive years, the objectors have celebrated the “May 15 Day of Conscientious Objection” as what they called a “Militourism Festival.” The festival series were important as they reflected the aspects that the movement wanted to highlight — making the detained objectors, the ongoing war and militarism visible along with its patriarchal heterosexual culture as well as promotion of antagonisms against foreigners — while at the same time remaining obedient to the principle of nonviolent activism.¹⁵⁵ With these aims, they paid visits to military barracks, conscription offices, war monuments, and companies owned by the military. They visited marketplaces where conscripted men purchase their needs including not

¹⁵² Ercan Jan Aktaş, spoken during the preparatory meeting for the Mediterranean Conscientious Objectors' Meeting, on 16.12.2012, İstanbul.

¹⁵³ Üsterci and Yorulmaz, “Türkiye’de Vicdani Red,” 224.

¹⁵⁴ Barış Girişimi, “100’ler Meclisi Sonuç Bildirgesi,” 25.1.2003, https://www.google.com.tr/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CC0QFjAA&url=http%3A%2F%2Fwww.imoistanbul.org.tr%2Fist-bulten%2Fbulten64%2FBARISGIRISIMI1.doc&ei=29DVUL3KHM-Lswabl4CABA&usg=AFQjCNGOWUgW0rChLu_12zchYqLTuBbZfQ&bvm=bv.1355534169,d.Yms&cad=rja

¹⁵⁵ “Militurizm Festivali’ne Davet,” *SavaşKarşıtları.com*, <http://www.savaskarsitlari.org/arsiv.asp?ArsivTipID=8&ArsivAnaID=18361>.

only clothing, but also posters and music tapes that appeal to their heterosexual inclinations. Military hospitals were also visited as places where gays had been humiliated by requesting visual material to prove sexual orientation. During these visits, they keep using alternative means of activism. In addition to previous methods such as street theaters and concerts, they use traditional dances to remove the “fairy dust of invisibility” on the conscientious objectors, leave broken guns in front of militarily owned companies.¹⁵⁶

In December 2007, a petition campaign was initiated by SavasKarsitlari.org against Article 318 of the Turkish Penal Code that defines alienating the public from military service—former Article 155.¹⁵⁷ The law was intensified after it was incorporated into the Anti-Terror Law in 2006. Several intellectuals, artists, musicians and activists were tried based on this article, including the member of the Conscientious Objection Commission of the Human Rights Foundation Doğan Özkan, due to a public statement he made during the Human Rights Week events in 2004; writer Perihan Mağden, due to an article she had published in the weekly *Yeni Aktüel*, entitled “Conscientious Objection is a Human Right;” and Vice President of the Liberty and Solidarity Party Saruhan Oluç, due to an article published in a monthly in 1993.¹⁵⁸

Another case worthy to mention with regards to Article 318 was about the Turkish saying, “Each Turk is born a soldier.” During a campaign to support the conscientious objector Enver Aydemir, five individuals including objector Savda had used the motto “Each Turk is is born a baby” so as to reflect, in the words of the defendant in the case Fatih Tezcan, “how the Kemalist wing had been using military service as a camp for propaganda.”¹⁵⁹ After the first hearing in April 2011, at the fourth

¹⁵⁶ Ayşe Gül Altınay, “Militarizm’den Miligösteri’ye Türkiye’de Antimilitarizmin Yeni Yüzleri,” *Birikim* 207, 56-61.

¹⁵⁷ “‘Öldürmeyi Reddetmek Suç Değildir!’ 318’e Hayır De Bir İmza Ver!” *SavaşKarşıtları.com*, 27.12.2007, <http://www.savaskarsitlari.org/arsiv.asp?ArsivTipID=8&ArsivAnaID=41019>.

¹⁵⁸ “318 Dosyası – TCK 318: Halkı Askerlikten Soğutma Suçu(!?)” *SavaşKarşıtları.org*, 24.10.2007, <http://www.savaskarsitlari.org/arsiv.asp?ArsivTipID=6&ArsivAnaID=41609&ArsivSayfaNo=1>.

¹⁵⁹ Emir Çelik, “Herkes Bebek Doğar Sloganına Askerlikten Soğutma Davası,” 21.2.2011, <http://www.bianet.org/bianet/bianet/129407-herkes-bebek-dogar-sloganina-askerlikten-sogutma-davasi>.

hearing the “defendants” requested a gynaecologist as a court expert.¹⁶⁰ In July 2011, European Bureau for Conscientious Objection had presented a report to the Council of Europe where this case was also quoted, along with the recommendation for the abolishment of Article 318.¹⁶¹ The case was closed in December 2012. In the decision, the act was recognized within the scope of Articles 18 (freedom of thought, conscience and religion) and 19 (freedom of opinion and expression) of the Universal Declaration of Human Rights, and Articles 9 (freedom of thought, conscience and religion) and 10 (freedom of expression) of the European Convention on Fundamental Rights and Freedoms.¹⁶² The case was important both it reflected the reaction of the conscientious objectors to the normalization and culturalization of military service,¹⁶³ and for a Turkish court had decided in favor of the objectors.

In 2010, the International Hrant Dink Award was given to the Conscientious Objectors of Turkey. In his speech, objector Mehmet Tarhan has underlined the significance of militarism within the conscientious objection movement: “Each declaration of conscientious objection is a personal contract to struggle against militarism and to talk in the language of peace.”¹⁶⁴

Finally, in December 2011, a campaign was initiated to have conscientious objection recognized in civil law. Although the pronounced goal was recognition of conscientious objection as a right, the principle of the campaign was defined as “clearing society from militarism.” As the first step of this campaign, 123 academicians

¹⁶⁰ Işıl Cinmen, “Askerlikten Soğutma Davasına Jinekolog Bilirkişi,” *Bianet*, 6.10.2011, <http://www.bianet.org/bianet/ifade-ozgurlugu/133231-askerlikten-sogutma-davasina-jinekolog-bilirkisi>.

¹⁶¹ European Bureau for Conscientious Objection, “Report to the Council of Europe: The Right to Conscientious Objection in the Council of Europe Member States,” 18.7.2011, <http://ebco-beoc.org/files/2011-EBCO-REPORT-CoE.pdf>.

¹⁶² Ekin Karaca, “Mahkeme Karar Verdi: Asker Değil Bebek Doğuyormuşuz,” 7.12.2012, <http://www.bianet.org/bianet/vicdani-ret/142647-mahkeme-karar-verdi-asker-degil-bebek-doguyormusuz>.

¹⁶³ See Chapter 2.

¹⁶⁴ “Vicdani Retçi Tarhan: Hrant Gibi Ürkek ama Özgürce Yaşıyoruz,” *Bianet*, 16.09.2010, <http://www.bianet.org/bianet/bianet/124814-vicdani-retci-tarhan-hrant-gibi-urkek-ama-ozgurce-yasiyoruz>.

had signed a petition demanding the right to conscientious objection.¹⁶⁵ In the campaign, the objectors have defined their demands as follows:

- (i) The right to conscientious objection must be recognized as a fundamental human right that is accessible and usable by everyone. The Law on Military Service No. 1111 must be abolished and be replaced by a new legislation that also includes the right to conscientious objection,
- (ii) It is unlawful for conscientious objectors to be tried at military courts. All the cases based on Articles 63, 66, 87, 88 of the Military Penal Code¹⁶⁶ that the objectors are being tried must be abated. Article 45 of the same law, which limits freedom of religion and conscience, must be abolished.
- (iii) Article 318 of the Turkish Penal Code, which defines the crime “alienating the public from military,” must be abolished.
- (iv) The damages with respect to the conscientious objectors who had been imprisoned or been condemned to “civil death” have to be compensated.
- (v) Conscientious objector İnan Süver who has served in prison for 16 months, and Muhammed Serdar Delice, who had been arrested on November 27 have to be released.¹⁶⁷

Since then, Delice was released, Süver was released but rearrested. The rest of the demands listed in 2011 are still current today. As of December 2012, conscientious objectors are planning for an international conscientious objectors’ meeting that will cover the countries of the Mediterranean, to be held in May 2013.¹⁶⁸

3.1.3. Cases of Turkish Conscientious Objectors at ECtHR

Although conscientious objection has been a matter on which Turkey has been criticized in all the progress reports of the European Commission since the accession negotiations began, it was with the case of Osman Murat Ülke and the decision of

¹⁶⁵ “Vicdani Ret İçin İmza Kampanyası,” *Bianet*, 5.12.2012, <http://www.bianet.org/bianet/toplum/134535-vicdani-ret-icin-imza-kampanyasi>.

¹⁶⁶ Given articles are, respectively, about draft evasion, desertion, persistent disobedience, disobedience when armed. See “Military Penal Code – 22.05.1930/1632,” *Official Gazette*, 15.06.1930, <http://www.mevzuat.adalet.gov.tr/html/496.html>.

¹⁶⁷ “Öncelik Militarizmin Temizlenmesi,” *Bianet*, 5.12.2011, <http://www.bianet.org/bianet/toplum/134534-oncelik-militarizmin-temizlenmesi>.

¹⁶⁸ Ercan Aktaş, “Akdeniz Vicdani Redçiler Buluşması,” 11.12.2012, <http://akdenizvicdaniret.blogspot.com/2012/12/akdeniz-vicdani-redciler-bulusmasi.html>

European Court of Human Rights against Turkey that the situation of conscientious objectors in Turkey has come to the forefront and became a subject of public discussion.

On the International Day of Peace, 1 September 1995, Osman Murat Ülke, a member of the War Resisters' Association, has burnt his papers calling him to military service at a press conference in İzmir.¹⁶⁹ He got arrested In November 1996. This was to be one of the many times that he would be tried on the basis of “alienating the public from military service,” “insubordination,” “persistent disobedience,” and “desertation;” following vicious cycle of custody, trial, imprisonment, mistreatment, reconviction, re-declaration of conscientious objection, etc. When he was discharged in March 1999, he had already served 701 days in prison, yet still had 17.5 more months to serve as imposed after his last conviction.¹⁷⁰

Following Ülke's arrest, an Anti-Militarist Initiative (AMI) was formed in Istanbul, along with an alarm network and solidarity groups in different cities in Turkey, and with the support of War Resisters International, in countries such as Belgium, Spain, France and Germany. Turkish and Kurdish individuals made collective declarations of conscientious objection. In 1997 Human Rights Association of Turkey awarded the Human Rights Prize to Ülke. The Association of German Protestant Churches and Missions has also given a human right award to İzmir War Resisters' Association. In 1998, Amnesty International began a campaign where Ülke was defined as the “conscientious objector imprisoned for life.”¹⁷¹ Later that the year, on the fiftieth anniversary of the UN Universal Declaration of Human Rights, Amnesty International declared Ülke as the symbol of Article 18, i.e., freedom of thought, conscience and religion.¹⁷² The following year, in December 1999, the UN Working Group on Arbitrary Detention took up his case and concluded that the principle of *ne bis in idem*, i.e., no

¹⁶⁹ For the objection declaration of Ülke, see Can Başkent, *Vicdani Ret Açıklamaları Almanacağı 1989-2010*, 16.

¹⁷⁰ Yıldırım Türker, “Osman Murat Ülke'nin Çilesi,” *Radikal Gazetesi*, 16.07.2007, <http://www.radikal.com.tr/haber.php?haberno=227078>.

¹⁷¹ “Turkey: Osman Murat Ülke – Conscientious Objector Imprisoned for Life,” *Amnesty International*, May 1998, <https://www.amnesty.org/en/library/asset/EUR44/022/1998/en/9050a5f1-daab-11dd-80bc-797022e51902/eur440221998en.pdf>.

¹⁷² “UAÖ: Ülke'yi Düşünce Mahkumu Sayacağız,” 26.07.2007, *Bianet*, <http://www.bianet.org/bianet/insan-haklari/100089-uao-ulkeyi-dusunce-mahkumu-sayacagiz>.

one shall be repeatedly convicted of a crime which they have already acquitted.¹⁷³ Interestingly enough, when Vedat Zencir, as an act of civil disobedience and of support for Ülke, re-declared his objection on a press conference and written a complaint about himself to the State Security Court, he neither was arrested, nor sued. Still, several intellectuals were tried on the basis of alienating public from military service.¹⁷⁴

In January 1997 the case was brought to the European Commission of Human Rights, and was transmitted to the European Court of Human Rights in November 1998. The application was made on the basis that the series and proceedings and convictions that Ülke went through had breached Articles 3 (prohibition of torture, inhuman or degrading treatment or punishment), 5 (right to liberty and security), 8 (right to respect for private and family life), and 9 (freedom of thought, conscience and religion) of the European Convention on Human Rights.¹⁷⁵ In June 2004 the case was declared admissible. In the decision taken in January 2006, the Court has concluded that Ülke had been living a “clandestine life, amounting almost to ‘civil death.’” It has decided unanimously that Turkey had violated Article 3 of the Convention, charged Turkey with damages equivalent to 10,000 Euros and 1000 for costs and expenses, but did not see it necessary to examine the complaints under Articles 5, 8 and 9 of the convention.¹⁷⁶ Thus, although the Court had decided against Turkey, the decision did not make a significant impact on the recognition of conscientious objection as a human right. If it at all did, it was symbolic.

The decision helped the visibility of the matter in public, however. NGOs began awarding Ülke and the Association with human rights prizes yet again after ten years. In 2007, International Physicians for the Prevention of Nuclear War Clara has given Immerwahr Award for antiwar and disarmament activists to Ülke.¹⁷⁷

¹⁷³ United Nations Working Group on Arbitrary Detention, Opinion No. 36/1999 (Turkey), adopted 2.12.1999, <http://www.wri-irg.org/node/1600>.

¹⁷⁴ Üsterci and Yorulmaz, “Türkiye’de Vicdani Ret,” 211-213.

¹⁷⁵ For an evaluation of the case as to whether the case could be considered within the scope of Article 9 of the Convention, see Ertuğrul Cenk Gürcan, “Zorunlu Askerlik Karşısında Vicdani Ret: Bir İnsan Hakkı (mı)?” *Ankara Üniversitesi SBF Dergisi*, Vol. 62/1, 89-111.

¹⁷⁶ European Court of Human Rights, “Case of Ülke vs. Turkey,” Judgment, 24.06.2006 [http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-72146#{"itemid":\["001-72146"\]}](http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-72146#{)

¹⁷⁷ “Savaş Karşı Ödül Vicdani Retçi Ülke’ye,” *Bianet*, 12.03.2007, <http://bianet.org/bianet/bianet/93238-savasa-karsi-odul-vicdani-retci-ulkeye>.

Following the 2006 decision of the Court, Turkish authorities, during the June 2007 meeting of Committee of Ministers, have informed the Committee about a draft law prepared to prevent the violations of Article 3, which would prevent prosecutions and convictions based on “persistent disobedience.” The Committee, as the supervisor to the execution of the Court’s judgments,¹⁷⁸ followed up the case. In its October 2007 resolution on the case, the Committee emphasized the lack of “specific provision in Turkish law governing the sanctions for those who refused to perform military service on conscientious or religious grounds,” and urged the Turkish authorities “to take without further delay all necessary measures to put an end to the violation of the applicant’s rights under the Convention.”¹⁷⁹ Two years later, in its March 2009 resolution, the Council “firmly recalled” the Turkish state on the obligation of every state to abide by the judgments of the Court under Article 46/1 of the Convention, and “strongly urged” the Turkish authorities for taking the necessary measures.¹⁸⁰ Finally, in June 2011, the Committee set a deadline for Turkey, and invited Turkey to adopt the necessary legislative measures “without any further delay after the general elections of June 2011.”¹⁸¹

While the Committee was busy warning Turkey to hold its promise, the Court had taken two significant decisions where it changed the precedent. In July 2011, the Court concluded the case about the citizen of Armenia Vahan Bayatyan. As a Jehovah’s Witness, Bayatyan had declared in writing¹⁸² in 2001 that he had “trained his

¹⁷⁸ European Convention on Human Rights, Article 46, paragraph 2.

¹⁷⁹ Committee of Ministers of the Council of Europe, “Resolution CM/ResDH(2007)109,” adopted on 17.10.2007 at the 1007th meeting of the Ministers’ Deputies, [https://wcd.coe.int/ViewDoc.jsp?Ref=CM/ResDH\(2007\)109&Language=lanEnglish&Ver=original&Site=CM&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383](https://wcd.coe.int/ViewDoc.jsp?Ref=CM/ResDH(2007)109&Language=lanEnglish&Ver=original&Site=CM&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383).

¹⁸⁰ Committee of Ministers of the Council of Europe, “Resolution CM/ResDH(2009)45,” adopted on 19.03.2009 at the 1051st meeting of the Ministers’ Deputies, <https://wcd.coe.int/ViewDoc.jsp?id=1423229&Site=CM&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383>.

¹⁸¹ Committee of Ministers of the Council of Europe, Decision taken at the 1115th meeting of the Ministers’ Deputies on 8.6.2011, <https://wcd.coe.int/ViewDoc.jsp?id=1797109&Site=CM&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383>.

¹⁸² To the General Prosecutor of Armenia, the Military Commissioner of Armenia, and the Human Rights Commission of the General Assembly.

conscience by the Bible” and “consciously” refused to perform military service. Although he had noted that he was ready to perform alternative military service, it was declined. He got arrested in 2002, was released after serving 10 months in prison. Bayatyan applied to the ECtHR in 2003. Following the hearing at the Court in November, 2010, the Court made its decision in July 2011: Armenia had violated Article 9 of the Convention, and the state was to pay to Bayatyan 10,000 Euros in damages and 10,000 Euros in costs and expenses.¹⁸³ This decision was the first time that the Court had based its argument on Article 9, hence clearly recognizing conscientious objection within the scope of freedom of conscience.

While the Bayatyan decision was expected to have an indirect impact on Turkey,¹⁸⁴ the decision on the case of Yunus Erçep directly involved Turkey. Erçep was a citizen of Turkey. Born in 1969, he was baptized as a Jehovah’s Witness in 1982. After he was called for the military in 1998, 25 lawsuits were filed against him. He had applied to the Court in 2004 claiming violation of Articles 5 (right to liberty and security), 6 (right to a fair trial), 7 (no punishment without law), 9 (freedom of thought conscience and religion), and 13 (right to an effective remedy). Upon evaluating the case, in November 2011, the Court had declared the violation of Article 6 as the trial in Turkey was not independent and objective, and Article 9 as Erçep held a conscientious objector status.¹⁸⁵

The following months have witnessed the biggest discussion on conscientious objection to date. Conscientious objection has breached its usual limited media organs, and became a topic of discussion in the mass media, including newspapers such as

¹⁸³ Grand Chamber of the European Court of Human Rights, “Case of Bayatyan v. Armenia,” 7.7.2011, <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-105611>.

¹⁸⁴ Tolga Şirin, “Vicdani Ret Hakkı ve Yalnız Ülkemiz,” *Radikal Gazetesi*, 17.7.2011, <http://www.radikal.com.tr/Radikal.aspx?aType=RadikalDetayV3&ArticleID=1056656&CategoryID=42>.

¹⁸⁵ The case was not evaluated with respect to the other three articles. Deuxieme Section de Cour Europeenne des Droits de l’Homme, “Affaire Erçep c. Turquie,” 22.11.2011, <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-107532>. Turkish translation available at the official website of the Turkish Supreme Court of Appeal, <http://www.yargitay.gov.tr/aihm/upload/43965-04.pdf>. A short summary of the case in English is also available in European Court of Human Rights, “Information Note on the Court’s Case Law,” No. 146, November 2011, p.18, http://www.echr.coe.int/ECHR/resources/hudoc/CLIN/CLIN_2011_11_146_ENG_897517.PDF.

Hürriyet and television channels such as CNNTürk. First, in mid-October, just before the “deadline” was reached, the Minister of Justice Sadullah Ergin declared that the issue was to be concluded within a week’s time,¹⁸⁶ yet the right to objection was planned to be limited to “freedom of religion and conscience only.”¹⁸⁷ Then, the Deputy Prime Minister Bülent Arınç made a six-month promise following which a legislation on conscientious objection would be laid out.¹⁸⁸ Vice President of Republican People’s Party Sezgin Tanrikulu had made a pro-declaration that they had also been working on the matter.¹⁸⁹ As the discussions extended into the following year, even the Director of Religious Affairs had made a public statement on the subject, declaring that conscientious objection is “unwarrantable” according to Islam.¹⁹⁰ Nevertheless, another simultaneously growing discussion was on exemption from military service through payment, which constituted a potential block in front of conscientious objection.¹⁹¹ The discussions were sharply ended with Prime Minister Tayyip Erdoğan’s declaration that “such a regulation has never been in the agenda of our government... I hope that exemption from military service by payment will be for the good of our country, nation, youth, and their families.”¹⁹²

Meanwhile, statements on the matter were also flowing from Europe as well. Conscientious objection had been a matter of discussion in the Annual Progress Reports by the European Commission since the accession negotiations had begun. In October 2011, General Secretary to the Council of Europe Thorbjorn Jagland has further invited

¹⁸⁶ “‘Vicdani Ret’ Karara Bağlanıyor,” *Radikal Gazetesi*, 14.11.2011, <http://www.radikal.com.tr/Radikal.aspx?aType=RadikalDetayV3&CategoryID=77&ArticleID=1069511>.

¹⁸⁷ “Vicdani Reddin Sınırı Şimdilik Dar Olabilir,” *Radikal Gazetesi*, 16.11.2011, <http://www.radikal.com.tr/Radikal.aspx?aType=RadikalDetayV3&ArticleID=1069654&CategoryID=78>.

¹⁸⁸ “Arınç’tan Vicdani Ret Açıklaması,” *Hürriyet Gazetesi*, 1.12.2011, <http://www.hurriyet.com.tr/gundem/19371084.asp>.

¹⁸⁹ *Ibid.*.

¹⁹⁰ “Diyanet Vicdani Redde Fetva Vermiyor,” *Milli Gazete*, 16.4.2012, <http://www.milligazete.com.tr/haber/vicdani-red-caiz-degil-236007.htm>.

¹⁹¹ “Hükümetten Bedelli İtirafı: Herkesin İstifade Edeceğini Düşünmeyin,” *Radikal Gazetesi*, 19.11.2011, <http://www.radikal.com.tr/Radikal.aspx?aType=RadikalDetayV3&ArticleID=1070043&CategoryID=78>.

¹⁹² “Başbakan Erdoğan’ın Vicdani Ret Açıklaması,” *Hürriyet Gazetesi*, 22.11.2012, <http://www.hurriyet.com.tr/gundem/19303120.asp#>.

Turkey to take the necessary measures.¹⁹³ In November, the Turkish Judge at the ECtHR Işıl Karakaş has also emphasized in an interview that Turkey “definitely had to recognize the right to conscientious objection.”¹⁹⁴

Nevertheless, the responses to the discussions from the objectors’ side were not positive. Hülya Üçpınar, the advocate to Osman Murat Ülke, had stated that the proposal as mentioned by Minister Ergin was not a satisfactory attempt in solving the problems of the objectors. Conscientious objector Halil Savda had responded by declaring that most of the objectors were against legislation as such that disguised militarism under alternative civilian service.¹⁹⁵ This statement was also significant as it reflected the anti-militarist agenda of the objection movement and where the roadmap may lead to after a legislation would be passed. Savda made the stance of the objectors with regards the exemption-by-payment option clear: “For the armed forces, neither one lira, nor one minute!”¹⁹⁶

In December 2011, it became clear that the whole discussion was a fuss. After a 14-hour discussion in the parliament, Minister of National Security İsmet Yılmaz had declared that a short-term practice that would allow exemption from military service in return for payment,¹⁹⁷ but no regulation would be made about conscientious objection. An amendment was to be made in the law, which would be framed around the conviction by the ECtHR on the *ne bis in idem* principle; i.e., it would merely remove multiple imprisonments.¹⁹⁸ Objector Mehmet Tarhan criticized this proposal by stating

¹⁹³ “Vicdani Ret Orduyu Güçlendirir,” *Radikal Gazetesi*, 15.11.2011, <http://www.radikal.com.tr/Radikal.aspx?aType=RadikalDetayV3&CategoryID=77&ArticleID=1069588&CMessageID=931270&CRes=1#fc931270>.

¹⁹⁴ “Vicdani Ret Mutlaka Uygulanmalı,” *NTVMSNBC.com*, 28.11.2011, <http://www.ntvmsnbc.com/id/25300906>.

¹⁹⁵ “Vicdani Ret Yasası Retçilerin Taleplerini Karşılamaz,” *Bianet*, 15.11.2011, <http://www.bianet.org/bianet/bianet/134041-vicdani-ret-yasasi-retcilerin-taleplerini-karsilamaz>.

¹⁹⁶ Mehmet Atakan Foça, “Askerliğe Ne Bir Lira, Ne Bir Saniye,” *Bianet*, 20.12.2012, <http://bianet.org/bianet/ifade-ozgurlugu/134885-askerlige-ne-bir-lira-ne-bir-saniye>

¹⁹⁷ Provisional Clause 46, in the Law on the Recruitment of Military Personnel, “Askere Alma Kanunu,” *Milli Savunma Bakanlığı*, 30.11.2011-6252/4, http://www.asal.msb.gov.tr/kanun/1111_as.kanunu.pdf.

¹⁹⁸ “Vicdani Retçinin Adresi Hapishane Olacak,” *Radikal Gazetesi*, 1.12.2012, <http://www.radikal.com.tr/Radikal.aspx?aType=RadikalDetayV3&ArticleID=1071174&CategoryID=77>.

that Turkey had to view conscientious objection not as a crime to be punished, but within the category of rights.¹⁹⁹

After the Erçep case, the Court had taken three additional and consecutive decisions that were significant for the purposes of this study—the cases of Feti Demirtaş, Halil Savda and Mehmet Tarhan. The Demirtaş case was parallel to that of Erçep. The cases of Savda and Tarhan, however, were different as unlike Erçep and Demirtaş, Savda and Tarhan had based their objections on secular grounds. Thus, even though the Court had considered Erçep’s objection within the scope of Article 9 as “freedom of belief” and could as well evaluate the Demirtaş case in the same parallel, the Savda and Tarhan cases could have resulted with a different decision due to the secular justification of their objections.

Feti Demirtaş baptised as a Jehovah’s Witness at the age of 20. In the three letters he wrote to the Ministry of Defense, Demirtaş refused to serve in the military, but stated that he was willing to perform alternative civilian service. He was arrested in 2005 and served two years in prison. Following the application submitted to the ECtHR, in its January 2012, the Court decided that Turkey had violated Articles 3, 6 and 9 of the Convention, and awarded Demirtaş 15,000 Euros in damages and 5000 Euros for costs and expenses.²⁰⁰

Halil Savda was a Kurdish political activist who was arrested at the age of 20 for “aiding and abetting” member(s) of the Kurdistan Workers’ Party (PKK). Two years later, in 1996, he was called for military service; although he was conscripted, he deserted the regiment after three months. Later he was re-arrested in possession of a weapon, and was imprisoned for carrying acts for the PKK. He was released in November 2004 and was transferred to the military regiment for completing his military service, but he declared his conscientious objection.²⁰¹

In April 2008 he was subjected to psychological tests at the military hospital, and was diagnosed to have “anti-social personality disorder,” as a result of which he

¹⁹⁹ Ekin Karaca, “Türk İşi Vicdani Ret AİHM’i İkna Etmez,” 1.12.2012, <http://www.bianet.org/bianet/ifade-ozgurlugu/134451-turk-isi-vicdani-ret-aihmi-ikna-etmez>

²⁰⁰ Deuxieme Section de Cour Europeenne Des Droits de l’Homme, “Feti Demirtaş c. Turquie,” 17.1.2012, <http://www.strasbourgconsortium.org/document.php?DocumentID=5795>.

²⁰¹ See the objection declaration of Halil Savda in Can Başkent, *Vicdani Ret Açıklamaları Almanığı 1989-2010*, 35.

was exempted from military service. By 2011 he had been arrested several times, and had served 17 months in prison. On the Human Rights Day in December 2011, Amnesty International used him as a symbol of human rights, and organized a petition campaign for his release.²⁰² In February 2012, he was re-arrested due to a public statement he made in 2006 during a demonstration against the Israeli occupation of Lebanon; he had declared his support for the Israeli conscientious objectors, which was evaluated within the scope of Article 318.²⁰³ The arrest was condemned both by Amnesty International and the Human Rights Foundation; in the condemnation, both organizations declared that “Article 318 blesses militarism.”²⁰⁴

Savda had applied to the European Court of Human Rights in 2005, claiming violation of Articles 6 (right to a fair trial), 9 (right to freedom of thought, conscience and religion) and 10 (right to freedom of expression) of the European Convention on Human Rights. In its decision in June 2012, the Court declared that Turkey had violated Articles 3 (prohibition of inhuman or degrading punishment or treatment), 6 and 9 of the Convention, and held that Turkey was to pay to Savda 12,000 Euros in damages and 2000 Euros in costs and expenses.²⁰⁵

The case of Mehmet Tarhan was no less interesting. Tarhan was a Kurdish homosexual activist who had declared his conscientious objection in 2001. Having made his declaration in the wake of the 9/11 attacks, in his declaration Tarhan referred to the Afghan war, but situated himself against all wars and militarist mechanisms, referred to state registration systems as control mechanisms, and declared that he was

²⁰² Ekin Karaca, “Halil Savda Galata Kulesi’ndeydi,” *Bianet*, 11.12.2011, <http://bianet.org/english/insan-haklari/134677-halil-savda-galata-kulesindeydi>.

²⁰³ Ekin Karaca, “Halil Savda’nın İhtiyacı Kitap ve Avukat,” 28.2.2011, <http://bianet.org/bianet/bianet/136521-halil-savdanin-ihciyaci-kitap-ve-avukat#>.

²⁰⁴ “İHD ve Af Örgütü Savda’nın Tutuklanmasını Kınadı,” *Bianet*, 24.2.2012, <http://bianet.org/bianet/bianet/136450-ihd-ve-af-orgutu-savdanin-tutuklanmasini-kinadi>.

²⁰⁵ Deuxieme Section de Cour Europeenne des Droits de l’Homme, “Affaire Savda c. Turquie,” 12.6.2012, <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-111414>. For the Press Release of the case in English, see Registrar of the European Court of Human Rights, “Press Release: Refusal to Grant Conscientious Objector Status is not Necessary in a Democratic Society,” 12.6.2012, https://www.google.com.tr/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CC0QFjAA&url=http%3A%2F%2Fhudoc.echr.coe.int%2Fwebsites%2Fcontent%2Fpdf%2F003-3980699-4625431&ei=IB_XULziB87bsgbSvoDwCA&usg=AFQjCNFeXjBJNMeHvwYXLVZfuErhtwb1Ilg&bvm=bv.1355534169,d.Yms.

wholly against the state structure along with the particular duties imposed upon him by the state. Furthermore, he also refused the military exemption option offered to homosexuals as a “right” in return for receiving a health report that classifies the given individual “rotten.” It is important to quote him here due to the wide spectrum of issues that he has touched upon in his declaration, which may therefore be used as a summary declaration for the movement:

“I will not be of service to any militarist mechanism. I am yearning for a humanity that is purified of violence, distant to power struggles, free of all borders and in harmony with nature. ...I do not believe in the necessity for the state apparatus and do not feel attachment to any state. The state that claims me as its citizen wants to conscript me and turn me into an instrument of war that will kill and die, if need be, to ensure its vitality. ...I will not allow this and preserve my beliefs. I also consider the “rotten report” offered to me for I am homosexual as the rottenness of the militarist structure. ...Ultimately, I will serve in the military under no circumstances. I also invite everyone not to serve, ...to object to control mechanisms such as ID and social security numbers... The only way to stop wars is to drain their human source.”²⁰⁶

In February 2005, an investigation was opened about Tarhan in relation to the press releases read during the objectors’ day in 2004. In April 2005 he was arrested. The following day, when he was about to be transferred to the military regiment, he was sent off with a group of antimilitarists and anarchists who chanted “the greatest objector is our objector” as opposed to the slogan “the greatest soldier is our soldier” used when conscripts are sent off to military service. Having refused to wear uniform or obey orders, he was tried in military court based on persistent disobedience. A health report was prepared against his will, which stated that he was “unfit” (“rotten”) for the military. Various support demonstrations were held during his imprisonment by anarchist, antimilitarist, LGBT groups, Kurdish activist groups, and other human rights activists. In May 2005, the Human Rights Association had organized a press release event, and the Freedom and Solidarity Party published a press release demanding Tarhan’s release. The World Tribunal on Iraq suggested to dedicate a seat to Tarhan on the “Jury of Conscience” that was to hold its final session in June in Istanbul. In June 2005, War Resisters’ International has published a report on conscientious objection in

²⁰⁶ See Can Başkent, *Vicdani Ret Açıklamaları Almanacağı 1989-2010*, 19-20.

Turkey, where they called for international action.²⁰⁷ In March 2006, Tarhan deserted his regiment.

An application was submitted to the court in the name of Tarhan in February 2006. After declaring the case admissible in 2009, the Court published its decision in July 2012. The Court, unanimously, held that Articles 3 and 9 of the Convention were violated, and sentenced Turkey to 10,000 Euros in damages and 2300 Euros for costs and expenses.²⁰⁸ Despite the decision of the Court, Tarhan remains to be wanted by the police since his desertion in March 2006.

3.2. Variants and Divisions in the Movement

Although conscientious objection as a collective act of civil disobedience had emerged in the 1990s as an anarchist and antimilitarist initiative, conscientious objectors in Turkey are dispersed in a wider political and religious spectrum. Pacifist religious denominations such as the Jehovah's Witnesses had been living in Turkey before the 1990s, but they have neither been taking this stance as a political act, nor have taken collective action to demand the right to conscientious objection. The movement that emerged in the 1990s was organized around total objection, and was utterly political, trying to leave an impact on the Kurdish issue, while at the same time demanding the right to conscientious objection.

As their actions became visible in the following years, the initiative began to grow and vary within itself. During the interview with objector Tayfun Gönül published in the weekly *Sokak*, Gönül had specified three potential groups from whom the conscientious objection movement could gain support. The feminists, as to him militarism was, indisputably, a male ideology, and therefore stood as one of the main issues of the feminist movement. The Kurds, as there was a non-declared civil war against the Kurdish nation. By not participating in the war, Gönül saw himself as in betrayal of both his own sex and his national identity—for the Kurds, this probably

²⁰⁷ War Resisters' International, "Mehmet Loves Barış: Documentation, Conscientious Objection in Turkey," 22.6.2005, <http://www.wri-irg.org/system/files/turkey05-en.pdf>.

²⁰⁸ Deuxieme Section de Cour Europeenne des Droits de l'Homme, "Affaire Tarhan c. Turquie," 12.7.2012, <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-112199>.

would be the opposite. He also expected support from the Muslims as the state was not religious, and serving in such an army would be problematic for them as well.²⁰⁹ As he has expected, the following 20 years has witnessed the emergence not only of these three groups of objectors, but also LGBTs, nationalist objectors, and high school students. Nevertheless, the various levels of politicization in these objector groups as well as the differing types of police repression to which they had been subjected, caused divisions within the movement, along with a mocking discussion of who the “most,” “best” or “real” objector is.

3.2.1. Jehovah’s Witnesses

Jehovah’s Witnesses are the quiet group of objectors in Turkey. Defining themselves as the follower of the said Christian denomination, they refuse to serve in the military based on the Bible, verse Isaiah 2.4: “...and they shall beat their swords into plowshares, and their spears into pruning hooks; nation shall not lift up sword against nation, neither shall they learn war anymore.”

This verse became the basic source of argument that was used both in Vahan Bayatyan’s, Yunus Erçep’s and Feti Demirtaş’ cases at the EctHR in 2011.²¹⁰ The Bayatyan decision, followed by Erçep constituted the legal ground upon which individuals could claim conscientious objection as a fundamental right within the scope of freedom of conscience and belief. The 2012 Demirtaş decision, proved the Court’s consistency in case law.

Nevertheless, unlike the total objectors, Jehovah’s Witnesses in Turkey do not try to organize around activist groups to have their religious practice recognized by law. Just as they viewing objection to military service as a duty defined by god, they also prefer to live through and suffer, if need be, in the set legal procedure of the country they live in so as to complete their religious duties. Viewing this service as an individual practice, Jehovah’s Witnesses also refuse to receive public support when they

²⁰⁹ “Tayfun Gönül’ün Sokak Dergisi Röportajı,” *Bianet*.

²¹⁰ See European Court of Human Rights, “Case of Bayatyan v. Armenia;” and Cour Européenne des Droits de l’Homme, “Affaire Erçep c. Turquie.”

are imprisoned. The editor of SavaşKarşıtları.org, Oğuz Sönmez, has also noted their experiences with the followers of this faith:

“Today, Jehovah’s Witnesses are the only group to follow [conscientious objection] within its religious characteristics, and they really are very hardedged. They are more hardedged and consistent than us. ... When we posted the story of Barış, we called his lawyer and asked whether we could give him our support. He replied, ‘Why have you even posted him on your website!’” They do not favor this at all. There should not be any propaganda whatsoever. It is our experience, and we will suffer through it by ourselves. That’s their attitude.”²¹¹

The objector that Sönmez had referred to was Barış Görmez. Described as “a basketball player 2 meters tall, not even able to fit in the bunked bed,” Sönmez contrasted Görmez’s pacifist stance with his body shape. Until his release in February 2012, Görmez had served 4 years in prison, during which he was tried for disobedience 12 times. Following the Bayatyan decision of the ECtHR, in March 2012, Isparta Military Court had decided to free Görmez based on the Article 90 of the Turkish Constitution, i.e., supremacy of international law.²¹²

3.2.2. Total Objectors

“I hereby repeat that I will not be in cooperation with the militarist apparatus. Because, I am a TOTAL OBJECTOR!
For I do not recognize any higher authority, I refuse to receive or issue orders. Because, I am DISOBEDIENT!
I will continue to act for a just and free world without nations, countries and wars, and I will not be the soldier of anybody. Because, I am an ANARCHIST!” – Yavuz Atan, 1993 (capitalization original)²¹³

The movement that emerged in the 1990s was organized around total objection, and was utterly political, struggling against militarism and trying to leave an impact on the Kurdish issue, while at the same time demanding the right to conscientious objection. Despite the generalized pacifist name of their association, “War Resisters,” they had come to the forefront to bring an end to one war above all, i.e., the war

²¹¹ Author’s interview with Oğuz Sönmez, editor of Savaskarsitlari.org, 17.11.2011.

²¹² Ekin Karaca, “Yehova Şahidi’ne Vicdani Ret Hakkı,” *Bianet*, 13.4.2012, <http://www.bianet.org/bianet/bianet/136899-yehova-sahidine-vicdani-ret-hakki>.

²¹³ Can Başkent, *Vicdani Ret Açıklamaları Almanığı 1989-2010*, 15.

between Kurdish insurgents and the Turkish state. Their collective public declarations as individuals who refuse to serve in neither of the armies, they believed, presented an alternative stand to the war. The “waves” of declarations, street demonstrations, and due to the unlawful nature of the act, trials would draw the attention of the media and the public. Although this stance was not visible in the declarations of the first decade, their campaigns such as the 1993 campaign with the motto “Neither the military, nor the mountain!” made this point clear. In their interviews, they also made statements about the need for coherence between an individual’s identity as an objector, and his/her stance towards the ongoing war.

“It is normal that the number of conscientious objectors in Turkey is not high. One objector may come up and say this: ‘I am against the dirty war in Kurdistan, I can never serve in the Turkish military.’ Based on common thinking mechanisms, that person may easily be taken aside and be defined as a supporter of the PKK. ... This is not to say that one cannot become a conscientious objector with such motivations. However, his/her justification for the act of conscientious objection should not be based on those ideologies.”²¹⁴

Taken from an interview with Osman Murat Ülke, these words are reflective of the dilemma of the total objectors in their effort to widen support. On one hand, they had a political agenda that they wanted to achieve, therefore the total objectors were willing to draw borders around the concept of conscientious objection. On the other hand, they were trying to remain a democratic initiative, which required them not to impose a dominant definition of conscientious objection. Moreover, if one of their major aims was to have conscientious objection recognized as a right, then they had to welcome as many people as possible so as to have the initiative evolve into a social movement. At this point, the category of total objection came in handy; it allowed a division within the movement, while at the same time allowing other political denominations to support or become a part of the movement. Hence, during the public demonstrations or support campaigns for detained objectors, what type of objector the supported individual had been became an important element in their campaigns. Still, despite this sensitivity of total objectors about the Kurdish issue, and despite the campaigns they held, some objectors – especially the Kurdish objectors – criticize the

²¹⁴ Mehmet Çetin, “Osman Murat Ülke (OSSİ) ile Söyleşi,” *Ütopya*, 1, Winter 1997, available at usenima.blogspot.com/2009/10/osman-murat-ulke-ossi-il-soylesi-mehmet.html.

first decade of the movement as a period when “not much attention was paid to the reality of the war.”²¹⁵

3.2.3. Kurdish Objectors

The objection declarations began to include statements about the war in Turkey only in the 2004 with Doğan Özkan, who stated that “Kurdish, Palestinian, and Iraqi and many other nations are being subjected to torture, exile and massacres by states.”²¹⁶ In 2004, Halil Savda mentioned his former ownership of weapons and membership of the PKK in his declaration. Ercan Aktaş, also a Kurdish total objector, recalls the resistance among the other objectors against Savda’s objection due to his former membership.²¹⁷ Although Savda later became a significant element in the movement, objections to his membership was the signal of a future division with the non-antimilitarist Kurdish objectors.

In 2005, Eylem Barış was the first objector to openly declare his refusal of the ignorance or rejection policies of the Turkish state with regards to the Kurdish nation. In 2007, Ahmet Aslan referred to these policies as a “genocide of identity and culture.” In 2008, yet another Kurdish objector, Mehmet Ali Avcı, declared his objection to being a “Turkish Citizen” and to being a soldier in the Turkish military which he referred to as a criminal organization:

“As an individual within the Kurdish Nation, ... I have never accepted to be a “Turkish Citizen” in the Republic of Turkey.

As a Kurdish citizen, I officially declare my objection to serve in Military of the Republic of Turkey, the state that that diseases my language, economic, political, social, cultural, shortly all human rights, and to become a part of the crimes against humanity committed by its Military.”²¹⁸

²¹⁵ Zeynep Kuray, “Ercan Aktaş: Vicdanlı Ol, Bütün Savaşları Reddet,” *BirGün Gazetesi*, 22.5.2010, http://www.birgun.net/report_index.php?news_code=1274537148&year=2010&month=05&day=22.

²¹⁶ Can Başkent, *Vicdani Ret Açıklamaları Almanığı 1989-2010*, 31.

²¹⁷ Ruken Adalı, “Türkiye’de Vicdani Ret Hareketi Oluşmadı,” *Fırat Haber Ajansı*, 5.12.2011, <http://www.firatnews.com/index.php?rupel=nuce&nuceID=54161>.

²¹⁸ Can Başkent, *Vicdani Ret Açıklamaları Almanığı 1989-2010*, 55.

In 2009, the initiative chose to reorganize under a new title, Conscientious Objection for Peace Platform. The primary aim of the new establishment was defined as taking a stance with regards to the ongoing war.²¹⁹ The most recent act within the initiative was also oriented at the Kurdish issue and was organized by Savda. Following the airplane bombings of 34 Kurdish citizens near the town of Roboski (in the southeastern province of Şırnak) in December 2011, Savda decided to take an act. Beginning on the peace day, September 1, 2012, he began to walk a 1300 km distance from Roboski to Ankara. The 50 day walk was discussed in the mass media as well.²²⁰

The Platform was not supported by all the former antimilitarist total objectors, however. Yavuz Atan, for instance, highlights the difference in the terminology of choice between the Peace Platform and the former War Resisters.

“I cannot speak of what the Conscientious Objection for Peace Platform. I was not among them, because, the term ‘peace’ does not coincide with my views. I am a war resister; the agreement of two states or the handshake of two commanders would mean to cover the blood spilt until then and to continue the status quo.”²²¹

In September 2010, another group of conscientious objectors began to appear. Referring themselves as the “Kurdish Conscientious Objection Movement,” these objectors, similar to the early War Resisters’ Association, made public objection declarations wherein they refused to participate in both the Turkish Armed Forces and the Kurdish guerilla. Some of these declarations were even mediated by the Human Rights Association in Istanbul, and supported by the Socialist Party of the Oppressed, and the Peace and Democracy Party, whose MPs were present in the declaration event.²²²

Nevertheless, in the later months, the nature as well as the method of the declarations began to change. Instead of organizing press release events, the objectors began sending their declarations to the Platform, sometimes without any statement of objection. Later on, these “notifications” from the Kurdish objectors began to turn into

²¹⁹ Zeynep Kuray, “Ercan Aktaş: Vicdanlı Ol, Bütün Savaşları Reddet.”

²²⁰ “Barış Yürüyüşü Polise Takıldı,” *Milliyet Gazetesi*, 29.9.2012, <http://gundem.milliyet.com.tr/baris-yuruyusu-polise-takildi/gundem/gundemdetay/29.09.2012/1603959/default.htm>

²²¹ Author’s interview with Total Objector Yavuz Atan, 17.11.2012.

²²² Emir Çelik, “10 Kürt Genç İstanbul’da Reddini Açıkladı,” *Bianet*, 20.09.2010, <http://bianet.org/bianet/insan-haklari/124891-10-kurt-genc-istanbulda-vicdani-reddini-acikladi>.

news in the media where not even the names of the objectors were declared. Such methods caused discomfort among the total objectors—as long as the names were not evident, as long as the individuals did not make their statements in public, as long as their statements were not forwarded to the Ministry of National Defense or the related conscription office, these declarations would not constitute an act of civil disobedience. Such nameless declaration news that state only the number of objectors in a given city, was no different than news informing about the number of draft evaders whose intentions were unknown.

In addition to their method of objection, these later individuals also advocated a different type of objection—unlike the war resisters who were against being a party or taking a side in the ongoing war, the Kurdish objectors had centered their argument on objecting to participate only in the Turkish military. This stance had become clear with the emphasis of the Kurdish objectors on “not being an antimilitarist movement.” Later on, the Kurdish objectors wanted to reflect their different stance in the outlook as well. Whereas until then Savaskarsitlari.com had been keeping a list of objectors’ names on the website, the Kurdish objectors, according to Yavuz Atan, requested their names to be published as a separate list.²²³ By March 2011, the collective objections by the Kurdish Conscientious Objection Movement ceased. Atan notes that this may be due to a decision by the Kurdistan Workers’ Party who might have decided that the objections were not functional. Another reason, he argues, may be the listing of names, which might have caused security related concerns.²²⁴

3.2.4. Women Objectors

Objection declarations by women conscientious objectors were distinctly significant in highlighting the patriarchal gender roles that were overlooked by the male objectors, hence strengthening the political foundations of the movement with a feminist outlook. Although they had been giving support to the objectors in

²²³ For the list, see “Kürt Vicdani Ret Hareketi’nin Açıklamaları,” Savaskarsitlari.org, 23.1.2011, <http://www.savaskarsitlari.org/arsiv.asp?ArsivTipID=2&ArsivAnaID=62883&ArsivSayfaNo=1>.

²²⁴ Interview with Yavuz Atan.

demonstrations, petitions, and various types of activism, they were still seen peripheral to the movement, as they were not required to serve in the military. Hence, women conscientious objector Hilal Demir draws attention to the inclination of conscientious objection movement to become a forum for male politics. Just as the military did not find women “worthy” enough for military service and did not grant them the “right to serve” their country as a “noble” citizen, neither did the conscientious objectors:

“My objection was calling attention to the risk of this movement becoming some kind of forum for male politics and reminding us that militarism can’t be confined to military service. That women have no place in the Turkish army is due to the perception that we are not deemed worthy of such a “noble” institution. This means that compulsory service is not just a practice of “national defense,” but also serves to differentiate between men’s and women’s citizenship and their place in society.”²²⁵

Thus, the first objections by women on the Conscientious Objectors Day of May 2004, gave the women objectors a chance to move to the center of the movement, and, in the words of Ferda Ülker, to “become the subject of the process within which they had previously been perceived as supporters.”²²⁶

In her declaration, İnci Ağlagül established women’s relations to compulsory military service as the sisters, daughters, mothers, friends and lovers of the conscripted. Nazan Askeran strikingly expresses how value systems impact these relations and cause establishment of patriarchal control and possession upon women.

“I do not want to be under possession of someone, to be closed up based on an awry thought such that I am someone’s chastity, to be beaten, to be killed for being a WOMAN. I do not want to be ruled, directed, tailed by some and the society who assume that they put me under control by the labels ‘mother,’ ‘wife,’ ‘offspring,’ nor not to have any say or right on my body.”²²⁷

Ferda Ülker points out how these roles to which women are subjected are also extensions of militarism. Militarism, as Ülker puts it, does not only remain in the barracks; it constructs a world where militarism is rubbed in to the daily life: “In this construction, womanhood is humiliated, ignored, ignored. [Militarism’s] notions are

²²⁵ Hilal Demir, “A Feminist Perspective on Conscientious Objection in Turkey,” in *Women Conscientious Objectors: an Anthology*, ed. Ellen Elster and Majken Jul Sorensen (ePub: War Resisters International, 2010), 111.

²²⁶ Nilgün Yurdalan, “Kadın Vicdani Redçi Ferda Ülker’le ‘Red’ Üzerine,” *Amargi*, 2, 2006, 36.

²²⁷ Can Başkent, *Vicdani Ret Açıklamaları Almanacağı 1989-2010*, 30.

authority, hierarchy, obedience.”²²⁸ As Cynthia Enloe puts it, unless they waded in the strong tides of patriarchy, they would reinforce it.²²⁹

Among the women conscientious objectors, Kurdish women objectors had yet a more significant place. Just as it was with the men objectors, women objectors were highly motivated by the propaganda for the war, and the particular roles attributed to women within it. All the mottos used in the culturalization of militarism in the Turkish culture had a counterpart in Kurdish. The saying “Every Turk is born a soldier” was rephrased as “Every Kurd is born a guerilla,” hence imposing the same obedient wife, or sacred mother identities on Kurdish women. The warrior attribution, however, was even stronger. “That who fights becomes free; that who is freed becomes pretty; that who is pretty becomes loved.” Ayşe Gül Altınay points to the encouraging effect of this construction and exemplifies it with Zeynep Kınacı, the first woman in the Kurdish movement to perform a suicide attack, as a result of which 6 soldiers were killed and more than 30 were injured in 1996 in the province Tunceli—formerly Dersim.

All in all, women objectors have taken the issue from the hegemony of men, claimed themselves not only supporters but subjects in the movement, signified the connection between militarism, patria and patriarchy, and hence made themselves a major unbreakable component of the movement.

3.2.5. LGBT Objectors

Mehmet Tarhan, a Kurdish homosexual objector, highlighted the significance of the civil war for him at a conference. Born in Lice, Diyarbakır, a town “burnt down twice by the state”, Tarhan mockingly described how he was born into a Kurdish family but was unable to speak Kurdish; how he had become a civil servant at the age of 16 and became the figurehead state-authority since “the only real authority there was the military.” He expressed the paradoxical feelings he experienced while holding the position of a “state authority,” as he witnessed the clashes, the shattered bodies of Kurdish guerillas, and the wounded children to help whom he was called even though

²²⁸ Can Başkent, *Vicdani Ret Açıklamaları Almanığı 1989-2010*, 38.

²²⁹ Cynthia Enloe, Preface to *Women Conscientious Objectors: an Anthology*, ed. Ellen Elster and Majken Jul Sorensen (ePub: War Resisters International, 2010), 12.

he was a veterinarian by training. “As I debated all these, I became very close to ‘taking the mountain.’ What held me back was my homosexual identity.” Holding himself back from the mountain, he was left with the other option, i.e., the military service. Thus, he began questioning militarism.

“The war made me question militarism. As I see it, questioning militarism—i.e., antimilitarism—is the opposition to a totality or a system of different types of power relations that consolidate each other, including heterosexism, sexism, and tyranny of human upon the nature. The ‘opposition,’ here, is not only verbal—it’s weaving your life against this totality, beginning from the tiniest element.”²³⁰

After all the domestic and international campaigns organized in his name, today Tarhan notes in the past two years he came to realize that he was “not recognized as an objector until he was imprisoned.” Although he had participated in the movement for four years prior to his declaration, his fellows had not regarded him as a “subject of the movement.”

“There is one circumstance that we share with the woman objectors: simply because I was a homosexual and was not wanted by the military, I was not considered a proper citizen to be ‘awarded with rights and responsibilities.’ It was only after I was imprisoned that wider audiences began to like me, my objector status became indisputable, I was described as much anarchist²³¹ and courageous as never before—I can’t describe the feeling, most of the time I fall in love with myself when I hear all this. [laughs]”²³²

Thus, it is interesting to see the parallels between the other as depicted by the state and by the movement itself. Just as the state depicted a proper citizen with its ethnicity, religious sect, and sexual orientation, the conscientious objectors had also created a proper objector among themselves. It required effort for women and LGBT activists to change their position from mere supporters to subjects. While the description of the courageous and heroic soldier was criticized as the reproduction of the militarist manhood, the same features were being attributed to the conscientious objectors—no one would be accepted into the fraternity of objectors unless they proved to possess these qualities.

²³⁰ Mehmet Tarhan, speaking at the 10th Green Dialogue Meeting of the Green Party of Turkey, 17.12.2011.

²³¹ Tarhan, in another conversation, emphasizes that he is not an anarchist as most total objectors are, but he does refuse to perform civilian military service.

²³² Ibid.

Unlike the other objectors discussed above, Tarhan's declaration was also important as he not only rejected compulsory military service, but had also rejected the process of getting exempted. This process, due to the humiliating demands and treatment towards the applicants, has created a discussion not only in the national but also in the international media.²³³ That the Turkish Armed Forces considered LGBT individuals as having a "psychosexual disorder" has found its place in the Progress Reports of the European Commission as well.²³⁴ Although former practices such as requirement of photographic proof or rectal exam are no longer in practice, the applicants are still subjected to various psychological tests and "interviews" to have their homosexuality approved by the state.²³⁵ The latest disciplinary rules drafted for the armed forces defined homosexuality as "unnatural affinity" and categorized it among the heaviest crimes.²³⁶

Some homosexual man had been considering not serving in the military by following the path set out by the state as an antimilitarist stance. While on the other hand, other homosexuals like Barış Bortaçına had been fiercely criticizing those who follow to these practices as succumbing to the militaristic system and the rhetoric reproducing it. Exemption from the military was also being exempt from the male identity, as well as the particular responsibilities attached to it, such as fighting in a war. On the other hand, remaining distant to the war simply by not participating in it reflected their ignorance and apathy. Thus Bortaçına was accusing the exempt of watching a "systematic and deliberate massacre" in utter apathy, while taking refuge on the claim that to fight is a man's job.²³⁷

²³³ Piotr Zalewski, "Do Ask, Must Tell," *Foreign Policy*, 4.12.2010, http://www.foreignpolicy.com/articles/2010/12/03/do_ask_must_tell?page=0%2C0;

²³⁴ See, for example, European Commission, "Turkey 2010 Progress Report," 9.10.2010, http://ec.europa.eu/enlargement/pdf/key_documents/2010/package/tr_rapport_2010_en.pdf.

²³⁵ For an account of a recent experience, see Erkan Altay, "Bir Çürük Askerlik Hikayesi," *KaosGL Website*, <http://www.kaosgl.com/sayfa.php?id=12777>.

²³⁶ See the Draft Act as prepared by the government, at "TSK Disiplin Tasarısı TBMM'de," AK Parti Web Site, 20.12.2012, <http://www.akparti.org.tr/site/haberler/tsk-disiplin-kanunu-tasarisi-sunuldu/35326>

²³⁷ Barış Taner Bortaçına, "Tatlısu Anti-Militarizmi ya da 'İbneler' Neden Askere Gitmezler," *KaosGl*, 45, March 1998.

Bortaçina's criticisms were in line with Tarhan's reason to refuse. While explaining the connections between his Kurdish identity, homosexuality, and his decision for total objection, he pointed to the need to refuse to be a part of the rules and values set out by the state. "If I was to act within their system of values, if I was to play according to their game rules," he argued, "then I would become a party in the war."²³⁸

3.2.6. Muslim and/or Nationalist Objectors

Just like Jehovah's Witnesses, Muslim conscientious objectors differ from the total objectors both in the justification on which they build their objection, and on their attitude towards alternative civilian service.

Enver Aydemir was the first individual to use his religious beliefs as the justification for his objection when he made his declaration in 2007. As a Kurdish Muslim anarchist, his statements were worthy to think. As a Muslim he considered human life sacred and opposed killing—unless in self-defense. The Islamic holy war, jihad, was not conquest in the name of god; it was the fight for your freedom and was valid only when one's freedom was threatened. As an anarchist he was against state structures where select classes formed states and governed them. In his point of view, the communal Friday prayers were to be the places of decision making—local population was to gather each week after the Friday prayer to discuss and decide by and for themselves. As a Kurd, he had lived through various types of discrimination, humiliation, as well as imprisonments and mistreatments; on the other hand he still condemns PKK due to its methods and the lives it has caused.²³⁹

In his declaration of objection, however, we see a reckoning with the secular structure of Turkey. Aydemir argues that the elites in the armed forces have "hostile feelings" toward his religion, complains about how her mother and wife, who had come to visit him two days after he had got arrested but were not taken in to the prison for they were wearing headscarves. Thus, he had declared his objection to serve in the

²³⁸ Mehmet Tarhan, speaking at the 10th Green Dialogue Meeting.

²³⁹ Tuğba Tekerek, "Reddetmişim Dünyayı," *Taraf Gazetesi*, 10.10.2010, <http://www.taraf.com.tr/haber/reddetmisim-dunyayi.htm>, also available at <http://www.savaskarsitlari.org/arsiv.asp?ArsivTipID=1&ArsivAnaID=59750&SayfaNo=1>

military. Still, “considering the realities of the geography” he lived in, he did accept to perform alternative civilian service, had he been offered.²⁴⁰

Another different objection came from Muhammed Serdar Delice. Defining himself as a nationalist Muslim, he takes pride in Ottoman/Turkish history and Islam. Coming from an ultranationalist family whose father had been an active member in the upper echelons of the Nationalist Action Party, he had grown up learning that the Turkish history had been that of tolerance where all nations were protected. The current war in Turkey, he argues, is degeneration and neglecting the past. After five months of military service, in 2010, he had deserted his regiment and declared his conscientious objection: “I will not be the soldier of an army that is not Muslim. Remaining quiet before cruelty, is cruelty itself. From now on, I no longer am a soldier.”²⁴¹

Two years after his declaration, he reflects on his dilemmas regarding his ideology and declaration. While the expectations of his mother and child tend to picture him as a soldier obedient to his nation, his interactions with individuals from various economic and political background has led him to re-evaluate his former ideology:

“When I deserted the military and came back home, at the dinner table my mother told me that she had raised me to become a soldier. My son, who is 6 years old now, thinks that I am the *Mehmetçik*. How am I supposed to remain loyal to my declaration?! ... We have discussed with socialists, anarchists, friends from all different political backgrounds. After hearing nationalism from their point of view, now I sometimes feel embarrassed to say that I am a nationalist. How am I to stay loyal to my declaration?!”²⁴²

Gizem Altınordu is a woman objector who bases her arguments on religious foundations. In her declaration she underlines that she would not respect any authority but that of god. Not only does she succumb to the other female objectors’ statements on being an indirect subject to military practices, she also adds the alienation she feels due to the headscarf she wears—an issue Aydemir also had also brought up.²⁴³

²⁴⁰ Can Başkent, *Vicdani Ret Açıklamaları Almanığı 1989-2010*, 49.

²⁴¹ *Ibid.*, 69.

²⁴² Muhammed Serdar Delice, spoken during the preparatory meeting for the Mediterranean Conscientious Objectors’ Meeting, on 16.12.2012, İstanbul.

²⁴³ Can Başkent, *Vicdani Ret Açıklamaları Almanığı 1989-2010*, 61.

3.2.7. Environmentalist, Disabled, Anticapitalist, and High School Student Objectors

Keeping away from categorizing the smaller groups of objectors as others, in this section four additional objection types will be brought up.

The first is the environmentalists. Although we cannot speak of a separate group as environmentalist objectors, we still can discuss environmentalism as a subject of concern widely pronounced in the declarations of objectors in all categories. These objectors describe war as a destruction brought by humans upon humans as well as nature and the ecosystem. In a naïve but sincere declaration, İbrahim Yıldız relates nature to himself as family: “Watermelon seed is my sister, mount Everest, my neighbor; cuckoo is my uncle, the Pacific, my aunt.”²⁴⁴

The objectors with disabilities are probably the most unheard group, for they are not required to serve in the army, but are given the option to complete their service in one single day. In one declaration of objection, five disabled individuals have drawn attention to this issue. In the declaration, they have stated that “the biggest reason for the physically disabled is war.” They had described the one-day-service option and the support of the media for the individuals participating in this service as “an ugly propaganda for war and militarism,” and had objected to presenting their lives “as expandable in the shade of arms.”²⁴⁵ Both because they are not required to serve and because their bodies are subjected to propaganda for militarism and nationalism, the disabled objectors can be defined as the group that best symbolizes the antimilitarist intentions of conscientious objection.

Anticapitalist and socialist objectors should also be noted. Although they cannot be categorized as a separate group as they work in cooperation with all objectors, their claims are significant both because they diverge from the dominant armed-struggle militancy of the left wing movements in Turkey, and because of the systemic perspective they bring to conscientious objection. Deniz Özgür explains the reason for the left wing for not favoring conscientious objection by referring to the pacifist and nonviolent acts of the movement; pacifism and pure nonviolence, in the eyes of socialists, were reproduction of the very tools of oppression used by the dominant

²⁴⁴ Can Başkent, *Vicdani Ret Açıklamaları Almanacağı 1989-2010*, 53.

²⁴⁵ *Ibid.*, 32.

powers.²⁴⁶ Therefore he views conscientious objection as “a symbolic stance”²⁴⁷ that has to have a mission beyond objecting compulsory military service, and take up antimilitarism with an anticapitalist outlook, for example, by approaching the issue through the lens of capitalism, class and hegemony.

The youngest group of objectors are the high school students gathered around anarchist organizations. Defining militarism as “the condition in which people leave their own thoughts and conscience aside, definitively obey and learn the art of killing,”²⁴⁸ liken schools to barracks, and argue that they experience militarism at school with its entire rigor.²⁴⁹

3.3. Interaction and Cooperation with Other NGOs and Political Parties

Prior to stating the collaborations of conscientious objectors with political parties and NGOs, the lack of institutional structure among the conscientious objectors has to be underlined. That is to say, collaboration occurs not on institutional but network basis. Having said that, two political parties and three major NGOs will be defined here that give support to conscientious objectors.

Given the fact that conscientious objection as a movement in Turkey takes its roots from anarchist organizations, collaboration with political parties deserves attention. There are two important parties that give support to conscientious objection. The first is the line of Kurdish parties. In Chapter 3.1., Zübeyir Aydar of Democracy Party is noted to have given a draft bill on conscientious objection in 1994. Peace and Democracy Party, the current political representative of Kurdish movement, has proved

²⁴⁶ Atalay Göçer, “Vicdani Ret Yaygınlaşıyor, Muazzam Bir Gelişme,” *Bianet*, 14.5.2011, <http://bianet.org/biamag/ifade-ozgurlugu/129978-muazzam-bir-gelisme>

²⁴⁷ Deniz Özgür (does not use the family given name Ramazan Akgün), during the preparatory meeting for the Mediterranean Conscientious Objectors’ Meeting, on 16.12.2012, İstanbul

²⁴⁸ Furkan Çelik’s definition. See Ekin Karaca, “Liseliler Vicdani Retlerini Açıkladı,” *Bianet*, 30.5.2011, <http://www.bianet.org/bianet/bianet/130335-liseliler-vicdani-retlerini-acikladi>.

²⁴⁹ See declarations by Dilan Erdoğan and Deniz Benol at Emir Çelik, “Vicdani Ret Forumu’nda Savaş, Militarizm ve Profesyonel Ordu,” *Bianet*, 16.5.2011, <http://www.bianet.org/bianet/genclik/130015-vicdani-ret-forumunda-savas-militarizm-ve-profesyonel-ordu>.

itself to be a major supporter of conscientious objection as well. One of the parliamentarians from the party, Sebahat Tuncel, has also given a draft bill on conscientious objection, though the status of the bill is still unknown.²⁵⁰

The Greens and Left Future Party (former Greens), also include conscientious objection in their agenda.²⁵¹ In a January 2010 Grand Chamber Decision, the party had related conscientious objection to the weight that the military has on political and social life, questioned the “sacredness of the army,” and described it as the place where the military chain of command is imposed and militarist structure reproduced.²⁵² Therefore they demanded conscientious objection as a right. With regards to their connection with the conscientious objectors, party member Alper Akyüz noted that it was the party that approached the conscientious objectors in the first place.²⁵³

The first NGO organization is the Human Rights Association. The association has given support to the objectors in various areas, especially in organizing press release events for objection declarations; the association has hosted various public declarations. They had also given support to the families of imprisoned objectors.

A second NGO is Amnesty International, who does not run campaigns on conscientious objection, but only runs campaigns for objectors who are imprisoned as the organization views them to be prisoners of conscience. As noted above, Osman Murat Ülke and Halil Savda were among the two objectors on whom international campaigns were organized. Burcu Türkay of Amnesty International also reminds the significance of celebrity Amnesty International activists for lobbying; when the rock band U2 had come to Turkey and paid a visit to the Prime Minister, they were also directed to bring up conscientious objection as an international concern watched by Amnesty International.²⁵⁴

Finally, there is the Human Rights Foundation of Turkey, who does not specifically focus on conscientious objectors, but focus on mistreatment of detainees,

²⁵⁰ “Kanun Teklifi Bilgileri,” *Türkiye Büyük Millet Meclisi*, 22.11.2011, http://www.tbmm.gov.tr/develop/owa/tasari_teklif_sd.onerge_bilgileri?kanunlar_sira_no=98430.

²⁵¹ Yeşiller ve Sol Gelecek Partisi, “Programatik Metin,” <http://yesillervesolgecek.org/belgeler/programatik-metin/>.

²⁵² Yeşiller Partisi, “Vicdani Red,” <http://www.yesiller.org/web/politikalarimiz/vicdani-red-mainmenu-175.html>.

²⁵³ Author’s interview with Green Party member Alper Akyüz, 17.11.2011.

²⁵⁴ Author’s interview with Amnesty International activist Burcu Türkay, 5.1.2012.

including conscientious objectors. They also give support to traumatized families. Hürriyet Şener, coordinator of the Foundation in Istanbul, also is a conscientious objector.²⁵⁵ In April 2012, in cooperation with other objectors, they had paid a visit to Constitution Conciliation Commission, demanding the right.²⁵⁶

²⁵⁵ Author's interview with Hürriyet Şener of the Human Rights Foundation of Turkey, 26.12.2011.

²⁵⁶ Ekin Karaca, "Vicdani Retçiler Anayasa için Meclis'te," *Bianet*, 9.4.2012, <http://bianet.org/bianet/ifade-ozgurlugu/137513-vicdani-retciler-meclisteydi>.

CONCLUSION

The study pointed at the militarist elements in Turkish politics and society. Based on the antimilitarist rhetoric used by the conscientious objection movement, it sought to see the connections between the two theoretically, historically, and practically. The thesis holds that the Republic of Turkey is established on a hegemonic founding ideology that is centralist, unitarist and militarist. One of the two major means of maintaining and justifying this ideology is compulsory military service. The fact that Turkey remains the only member state to the Council of Europe that does not recognize conscientious objection and the heavy sentences it gives to conscientious objectors makes the functional and ideological essence of military service visible. On one hand, the various coup d'états, the significance of general staff in decision making, the inauditability of military expenditures, the independence of the military judiciary, and the power of militarily-owned companies in economy makes the military an autonomous institution with great impact on the state. On the other hand, military has risen to the level of publicly highest regarded institution, the military service appears as a culturalized establishment along with its values and ethnically and sexually coded hierarchy. In this framework, the acts of civil disobedience taken by the conscientious objectors in Turkey along with their criticisms on the Kurdish issue, militarism, nationalism, androcentrism and heterosexism do not simply initiate a discussion of citizenship but shatter the core values upon which the state is founded. The Parliamentary Assembly of the Council of Europe has been putting forth recommendations to Turkey for recognizing the right to conscientious objection, and the criticisms of the European Commission on Turkey's democratic credentials based on the decisions of the European Court of Human Rights, reflect the significance of the issue from the perspective of the European communities as well. In this regard, conscientious objection movement, due its radical but nonviolent nature, carries a transformative potential that could alter the static mindset of the Turkish nation with regards to cultural militarization, and push the Turkish state for further democratization and civilianization via its claims for conscientious objection.

BIBLIOGRAPHY

Books and Articles

- Ahmad, Faroz. *The Making of Modern Turkey*. London & New York: Routledge, 2003.
- Akça, İsmet. "Kolektif Bir Sermayedar Olarak Türk Silahlı Kuvvetleri." In *Bir Zümre, Bir Parti: Türkiye'de Ordu*, edited by Ahmet İnel and Ali Bayramoğlu. İstanbul: Birikim Yayınları, 2009.
- Akça, İsmet. *Türkiye'de Askeri-İktisadi Yapı: Durum, Sorunlar, Çözümler*. İstanbul: TESEV, 2010.
- Albrecht, Ulrich. "Militarism and Underdevelopment." In *Problems of Contemporary Militarism*, ed. Asbjorn Eide and Marek Thee. London: Croom Helm, 1980.
- Altınay, Ayşe Gül and Tanıl Bora, "Ordu, Miltiarizm ve Milliyetçilik," *Modern Türkiye'de Siyasi Düşünce*, edited by Tanıl Bora. İstanbul: İletişim, 2002.
- Altınay, Ayşe Gül. *The Myth of the Military Nation*. New York: Palgrave Macmillan, 2004.
- Altınay, Ayşe Gül. "Tabulaşan Ordu, Yok Sayılan Militarizm: Türkiye'de Metodolojik Militarizm Üzerine Notlar," 1245-1257. In *Modern Türkiye'de Siyasi Düşünce*, edited by Ömer Laçiner. İstanbul: İletişim, 2009.
- Altınay, Ayşe Gül. "Militurizm'den Miligösteri'ye Türkiye'de Antimilitarizmin Yeni Yüzleri." *Birikim* 207 (2006): 56-61.
- Anderson, Benedict. *Imagined Communities*. London and New York: Verso, 2006.
- Arendt, Hannah. "Civil Disobedience," in *Crises of the Republic*, Hannah Arendt. New York and London: Harcourt Brace & Company, 1972.
- Baker, Alan R. H. "Military Service and Migration in Nineteenth-Century France: Some Evidence from Loir-et-Cher," *Transactions of the Institute of British Geographers* 23/2 (1998).
- Başkent,Can. *Vicdani Ret Açıklamaları Almanacağı 1989-2010*. ePub: Propaganda, 2011. <http://propagandayayinlari.net/kitap/vr.pdf>
- Başkent,Can. ed., *Türkiye'de Anarşist Düşünce Tarihi Serisi – 4: Amargi Dergisi Seçkisi*. ePub: Propaganda, 2012. <http://propagandayayinlari.net/kitap/amargi.pdf>.
- Bayramoğlu, Ali. "Asker ve Siyaset." In *Bir Zümre, Bir Parti: Türkiye'de Ordu*, edited by Ahmet İnel and Ali Bayramoğlu. İstanbul: Birikim Yayınları, 2009.

- Bayramođlu, Ali. "Türkiye Siyasi Sisteminde Ordunun Rolü, Devlet Geleneđi, Geleceđe Dair Genel Bir Çerçeve." In *Türkiye Siyasetinde Ordunun Rolü: Asker-Sivil İlişkileri, Güvenlik Sektörü ve Sivil Denetim*, edited by Nihal Boztekin. İstanbul: Heinrich Böll Stiftung, 2010.
- Bedau, Hugo A. "On Civil Disobedience," *The Journal of Philosophy*, Vol.58/21
- Belge, Murat. *Militarist Modernleşme: Almanya, Japonya ve Türkiye*. İstanbul: İletişim, 2011.
- Berghahn, Volker R. and Hugh Bicheno. "Militarism." *Oxford Companion to Military History*. <http://www.answers.com/topic/militarism-2>.
- Bröckling, Ulrich. *Disiplin: Askeri İtaat Üretimin Sosyolojisi ve Tarihi*. İstanbul: Ayrıntı Yayınları, 2008.
- Brubaker, William Rogers. "Immigration, Citizenship, and the Nation-State in France and Germany: a Comparative Historical Analysis." *International Sociology* 5/4 (1990).
- Cizre Sakallıođlu, Ümit. "The Autonomy of the Turkish Military's Political Economy," *Comparative Politics* 29/2 (1997).
- Clare, Michael T. "Militarism: the Issues Today." In *Problems of Contemporary Militarism*, edited by Asbjorn Eide and Marek Thee. London: Croom Helm, 1980.
- Connell, Raewn. *Masculinities*. Cambridge: Blackwell Publishers, 2005.
- Çetin, Mehmet. "Osman Murat Ülke (OSSİ) ile Söyleşi." *Ütopya* 1(1997). usenima.blogspot.com/2009/10/osman-murat-ulke-ossi-il-soylesi-mehmet.html.
- Demir, Hilal. "A Feminist Perspective on Conscientious Objection in Turkey." In *Women Conscientious Objectors: an Anthology*, edited by Ellen Elster and Majken Jul Sorensen. ePub: War Resisters International, 2010.
- Enloe, Cynthia. *Maneuvers: the International Politics of Militarizing Women's Lives*. Berkeley and London: University of California Press, 2000.
- Enloe, Cynthia. Preface to *Women Conscientious Objectors: an Anthology* edited by Ellen Elster and Majken Jul Sorensen. ePub: War Resisters International, 2010.
- Gözler, Kemal. *Hukuka Giriş*. Bursa: Ekin Kitabevi, 2006.
- Greune, Gerd and Michelab Lai. "European Union without Compulsory Military Service: Consequences for Alternative Service: A Comparative Study on the Policies in EU Member States." In *EU Study Papers*. Brussels: Heinrich Böll Stiftung & EBCO, 2000.
- Gürcan, Ertuđrul Cenk. "Zorunlu Askerlik Karşısında Vicdani Ret: Bir İnsan Hakkı (mı)?" *Ankara Üniversitesi SBF Dergisi*, 62/1.
- Higate, Paul and John Hopton, "War, Militarism and Masculinities," in *Handbook of Studies on Men and Masculinities*, ed. Michael S. Kimmel, Jeff Hearn and R. W. Connell. Thousand Oaks and London: Sage, 2005.
- Hobbes, Thomas. *Leviathan*. ePub: McMaster University Archive of the History of Economic Thought, 1651

- Kadıoğlu, Ayşe. "The Paradox of Turkish Nationalism and the Construction of Official Identity." *Middle Eastern Studies* 32/2 (1996).
- Kadıoğlu, Ayşe. "Citizenship and Individuation in Turkey: the Triumph of Will over Reason." *CEMOTI* 26 (1998).
- Kadıoğlu, Ayşe. "Türkiye'de Vatandaşlığın Anatomisi," in *Vatandaşlığın Dönüşümü: Üyelikten Haklara*, edited by Ayşe Kadıoğlu. İstanbul: Metis, 2008.
- Kohn, Hans. *The Idea of Nationalism*. New York: Transaction Publishers, 2008/1944.
- Laçiner, Ömer. "Türk Militarizmi 1." In *Bir Zümre, Bir Parti: Türkiye'de Ordu*, ed. Ahmet İnel and Ali Bayramoğlu. İstanbul: Birikim Yayınları, 2009.
- Levi, Margaret. "The Institution of Conscription." *Social Science History* 20/1 (1996).
- Lutz, Cathrine. "Making War at Home in the United States: Militarization and the Current Crisis," *American Anthropologist*, 104/3 (2002)
- Luxemburg, Rosa. "The Militia and Militarism," in *Selected Political Writings*, ed. Robert Looker. New York: Random House, 1972. Also available at <http://marxists.org/archive/luxemburg/1899/02/26.htm>.
- Mann, Michael. "Authoritarian and Liberal Militarism: a Contribution from Comparative and Historical Sociology." In *International Theory: Positivism and Beyond*, edited by Steve Smith, Ken Booth and Marysia Zalewski. Cambridge: Cambridge University Press, 2008.
- Marcus, Emily N., "Conscientious Objection as an Emerging Human Right", *Virginia Journal Of International Law* 38 (1998)
- McCloskey, H. J. "Conscientious Disobedience of Law: Its Necessity, Justification, and Problems to Which it Gives Rise," *Philosophy and Phenomenological Research* 40/4 (1980)
- Mills, C. Wright. "The Structure of Power in American Society," *The British Journal of Sociology*, 9/1 (1958).
- Moskos, Charles C. and John Whiteclay Chambers II, "The Secularization of Conscience," in *The New Conscientious Objection: From Sacred to Secular Resistance*, edited by Charles Moskos and John Whiteclay Chambers II. New York and Oxford: Oxford University Press, 1993.
- Noone, Michael F. "Legal Aspects of Conscientious Objection: a Comparative Analysis." In *The New Conscientious Objection: From Sacred to Secular Resistance*, edited by Charles Moskos and John Whiteclay Chambers II. New York and Oxford: Oxford University Press, 1993.
- Oberg, Jan. "The New International Military Order: a Threat to Human Security" In *Problems of Contemporary Militarism*, edited by Asbjorn Eide and Marek Thee. London: Croom Helm, 1980.
- Oldfield, Adrian. "Citizenship: An Unnatural Practice?" *Political Quarterly* 61/2 (1990)
- Parla, Taha. "Mercantile Militarism in Turkey (1960-1998)," *New Perspectives on Turkey*, No. 19 (1998)
- Pion-Berlin, David. "Military Autonomy and Emerging Democracies in South America," *Comparative Politics*, 25/1 (1992)

- Rawls, John. *A Theory of Justice*. Cambridge and London: Harvard University Press, 1971.
- Spencer, Herbert. "The Militant Type of Society." In Herbert Spencer, *Political Institutions, being Part V of the Principles of Sociology*. London: Williams and Norgate, 1882). Also available at http://oll.libertyfund.org/?option=com_staticxt&staticfile=show.php%3Ftitle=1336&chapter=54831&layout=html&Itemid=27#a_1319166.
- Takemura, Hitomi. *International Human Right to Conscientious Military Service and Individual Duties to Disobey Manifestly Illegal Orders*. Heidelberg: Springer 2009.
- Tilly, Charles. *Coercion, Capital, and European States, AD 990-1990*. Cambridge: Basil Blackwell Publishing, 1990.
- Toker, Nilgün. "Vicdani Ret, Sivil İtaatsızlık ve Antimilitarizm: İtaat Etmeme ve Direnme." In *Çarklardaki Kum Vicdani Red, Düşünsel Kaynaklar ve Deneyimler*, eds. Özgür Heval Çınar and Coşkun Üsterci. İstanbul: İletişim, 2008.
- Turner, Bryan S. "Outline of a Theory of Citizenship," *Sociology* 24/2 (1990)
- Selek, Pınar. *Barişamadık*. İstanbul: İthaki, 2004.
- Üsterci, Coşkun and Uğur Yorulmaz, "Türkiye'de Vicdani Red," in *Çarklardaki Kum Vicdani Red, Düşünsel Kaynaklar ve Deneyimler*. eds. Özgür Heval Çınar and Coşkun Üsterci. İstanbul: İletişim, 2008.
- Vagts, Alfred. *A History of Militarism, Civilian and Military*. London: Hollis and Carter, 1959.
- Weber, Eugen. *Peasents into Frenchmen: The Modernization of Rural France 1870-1914*. Stanford: Stanford University Press, 1976.
- Weber, Max "Politics as a Vocation," in *Max Weber's Complete Writings on Academic and Political Vocations*, edited by John Dreijmanis. New York: Algora Publishing, 2008.
- Woods, David. "The Origin of the Cult of St. Maximillan of Tebessa." University College Cork Ireland, 2004. <http://www.ucc.ie/milmart/maxorig.html>.
- Yurdalan, Nilgün. "Kadın Vicdani Redçi Ferda Ülker'le 'Red' Üzerine." *Amargi*, 2 (2006), 36.
- Zalewski, Piotr. "Do Ask, Must Tell." *Foreign Policy*, 4.12.2010, http://www.foreignpolicy.com/articles/2010/12/03/do_ask_must_tell?page=0%2C0;
- Zürcher, Erik J. "Teoride ve Pratikte Osmanlı Zorunlu Askerlik Sistemi," in *Devletin Silahlanması: Ortadoğu'da ve Orta Asya'da Zorunlu Askerlik (1775-1925)* edited by Erik Jan Zürcher. İstanbul: Bilgi Üniversitesi Yayınları, 2003.
- Zürcher, Erik J. *Turkey: A Modern History*. London & New York: I.B. Tauris, 2004.
- Zürcher, Erik J. "Hizmet Etmeyi Başka Biçimlerde Reddetmek: Osmanlı İmparatorluğu'nun Son Dönemlerinde Asker Kaçaklığı," in *Çarklardaki Kum Vicdani Red, Düşünsel Kaynaklar ve Deneyimler*, edited by Özgür Heval Çınar and Coşkun Üsterci. İstanbul: İletişim, 2008.

Other Sources

- akdenizvicdaniret.blogspot.com*, Ercan Aktaş, “Akdeniz Vicdani Redçiler Buluşması,” 11.12.2012, <http://akdenizvicdaniret.blogspot.com/2012/12/akdeniz-vicdani-redciler-bulusmasi.html>
- AK Parti Web Site*, “TSK Disiplin Tasarısı TBMM’de,” 20.12.2012, <http://www.akparti.org.tr/site/haberler/tsk-disiplin-kanunu-tasarisi-sunuldu/35326>
- Amnesty International*, “Turkey: Osman Murat Ülke – Conscientious Objector Imprisoned for Life,” May 1998, <https://www.amnesty.org/en/library/asset/EUR44/022/1998/en/9050a5f1-daab-11dd-80bc-797022e51902/eur440221998en.pdf>.
- Anayasa 1961* Official Website of the Grand National Assembly of Turkey, <http://www.tbmm.gov.tr/anayasa/anayasa61.htm>
- Anayasası 1982*, Official Website of the Grand National Assembly of Turkey, http://www.tbmm.gov.tr/anayasa/anayasa_2011.pdf. For the articles as they were prior to the amendments: <http://www.resmigazete.gov.tr/main.aspx?home=http://www.resmigazete.gov.tr/eskiler/2001/10/20011017m1.htm&main=http://www.resmigazete.gov.tr/eskiler/2001/10/20011017m1.htm>
- “Askere Alma Kanunu,” *Milli Savunma Bakanlığı*, 30.11.2011-6252/4, http://www.asal.msb.gov.tr/kanun/1111_as.kanunu.pdf.
- Askeri Ceza Kanunu – 22.05.1930/1632, *Official Gazette*, 15.06.1930, <http://www.mevzuat.adalet.gov.tr/html/496.html>.
- “Askeri Mahkemeler Kuruluşu ve Yargılama Usulü Kanunu,” Law No. 363, Dated 25.10.1963, <http://www.mevzuat.adalet.gov.tr/html/360.html>
- “Askeri Mahkemeler Kuruluşu ve Yargılama Usulü Kanununun Bazı Maddelerinde Değişiklik Yapılmasına Dair Kanun,” *Resmi Gazete*, 5.07.2006 – 5530. <http://www.resmigazete.gov.tr/main.aspx?home=http://www.resmigazete.gov.tr/eskiler/2006/07/20060705.htm&main=http://www.resmigazete.gov.tr/eskiler/2006/07/20060705.htm>
- Barış Girişimi, “100’ler Meclisi Sonuç Bildirgesi,” 25.1.2003, https://www.google.com.tr/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CC0QFjAA&url=http%3A%2F%2Fwww.imoistanbul.org.tr%2Fist-bulten%2Fbulten64%2FBARISGIRISIMI1.doc&ei=29DVUL3KHM-Lswabl4CABA&usg=AFQjCNGOWUgW0rChLu_12zchYqLTuBbZfQ&bvm=bv.1355534169,d.Yms&cad=rja
- “Başbakanlık Kriz Masası Yönetmeliği,” *Official Gazette*, 9 January 1997, <http://www.resmigazete.gov.tr/main.aspx?home=http://www.resmigazete.gov.tr/arsiv/22872.pdf&main=http://www.resmigazete.gov.tr/arsiv/22872.pdf>
- Bianet*, “Savaşa Karşı Ödül Vicdani Retçi Ülke’ye,” 12.03.2007, <http://bianet.org/bianet/bianet/93238-savasa-karsi-odul-vicdani-retci-ulkeye>

- Bianet*, “UAÖ: Ülke’yi Düşünce Mahkumu Sayacağız,” 26.07.2007, <http://www.bianet.org/bianet/insan-haklari/100089-uao-ulkeyi-dusunce-mahkumu-sayacagiz>.
- Bianet*, “Vidani Retçi Tarhan: Hrant Gibi Ürkek ama Özgürce Yaşıyoruz,” *Bianet*, 16.09.2010, <http://www.bianet.org/bianet/bianet/124814-vidani-retci-tarhan-hrant-gibi-urkek-ama-ozgurce-yasiyoruz>.
- Bianet*, Emir Çelik, “10 Kürt Genç İstanbul’da Reddini Açıkladı,” 20.09.2010, <http://bianet.org/bianet/insan-haklari/124891-10-kurt-genc-istanbulda-vidani-reddini-acikladi>.
- Bianet*, Emir Çelik, “Herkes Bebek Doğar Sloganına Askerlikten Soğutma Davası,” 21.2.2011, <http://www.bianet.org/bianet/bianet/129407-herkes-bebek-dogar-sloganina-askerlikten-sogutma-davasi>.
- Bianet*, Işıl Cinmen, “Askerlikten Soğutma Davasına Jinekolog Bilirkişi,” 6.10.2011, <http://www.bianet.org/bianet/ifade-ozgurlugu/133231-askerlikten-sogutma-davasina-jinekolog-bilirkisi>.
- Bianet*, Ekin Karaca, “Halil Savda’nın İhtiyacı Kitap ve Avukat,” 28.2.2011, <http://bianet.org/bianet/bianet/136521-halil-savdanin-ihtiyaci-kitap-ve-avukat#>.
- Bianet*, Atalay Göçer, “Vidani Ret Yaygınlaşıyor, Muazzam Bir Gelişme,” 14.5.2011, <http://bianet.org/biamag/ifade-ozgurlugu/129978-muazzam-bir-gelisme>
- Bianet*, Ekin Karaca, “Liseliler Vidani Retlerini Açıkladı,” 30.5.2011, <http://www.bianet.org/bianet/bianet/130335-liseliler-vidani-retlerini-acikladi>.
- Bianet*, Emir Çelik, “Vidani Ret Forumu’nda Savaş, Militarizm ve Profesyonel Ordu,” 16.5.2011, <http://www.bianet.org/bianet/genclik/130015-vidani-ret-forumunda-savas-militarizm-ve-profesyonel-ordu>.
- Bianet*, Ekin Karaca, “Halil Savda Galata Kulesi’ndeydi,” *Bianet*, 11.12.2011, <http://bianet.org/english/insan-haklari/134677-halil-savda-galata-kulesindeydi>.
- Bianet*, “Vidani Ret Yasası Retçilerin Taleplerini Karşılama,” 15.11.2011, <http://www.bianet.org/bianet/bianet/134041-vidani-ret-yasasi-retcilerin-taleplerini-karsilamaz>.
- Bianet*, “İHD ve Af Örgütü Savda’nın Tutuklanmasını Kınadı,” *Bianet*, 24.2.2012, <http://bianet.org/bianet/bianet/136450-ihd-ve-af-orgutu-savdanin-tutuklanmasini-kinadi>.
- Bianet*, Ekin Karaca, “Yehova Şahidi’ne Vidani Ret Hakkı,” *Bianet*, 13.4.2012, <http://www.bianet.org/bianet/bianet/136899-yehova-sahidine-vidani-ret-hakki>.
- Bianet*, Ekin Karaca, “Vidani Retçiler Anayasa için Meclis’te,” 9.4.2012, <http://bianet.org/bianet/ifade-ozgurlugu/137513-vidani-retciler-meclisteydi>.
- Bianet*, “Tayfun Gönül’ün Sokak Dergisi Röportajı,” 31.07.2012, <http://www.bianet.org/bianet/bianet/140036-tayfun-gonul-haki-veya-beyaz-uniforma-uniformadir>.
- Bianet*, Ekin Karaca, “Türk İşi Vidani Ret AİHM’i İkna Etmez,” 1.12.2012, <http://www.bianet.org/bianet/ifade-ozgurlugu/134451-turk-isi-vidani-ret-aihmi-ikna-etmez>

- Bianet*, “Öncelik Militarizmin Temizlenmesi,” 5.12.2011, <http://www.bianet.org/bianet/toplum/134534-ocelik-militarizmin-temizlenmesi>.
- Bianet*, “Vicdani Ret İçin İmza Kampanyası,” *Bianet*, 5.12.2012, <http://www.bianet.org/bianet/toplum/134535-vicdani-ret-icin-imza-kampanyasi>
- Bianet*, Ekin Karaca, “Mahkeme Karar Verdi: Asker Değil Bebek Doğuyormuşuz,” 7.12.2012, <http://www.bianet.org/bianet/vicdani-ret/142647-mahkeme-karar-verdi-asker-degil-bebek-doguyormusuz>.
- Bianet*, Mehmet Atakan Foça, “Askerliğe Ne Bir Lira, Ne Bir Saniye,” 20.12.2012, <http://bianet.org/bianet/ifade-ozgurlugu/134885-askerlige-ne-bir-lira-ne-bir-saniye>
- Bianet*, “Vicdani Ret Yasası Retçilerin Taleplerini Karşılama,” 15.11.2011, <http://www.bianet.org/bianet/bianet/134041-vicdani-ret-yasasi-retcilerin-taleplerini-karsilamaz>.
- Bianet*, Mehmet Atakan Foça, “Askerliğe Ne Bir Lira, Ne Bir Saniye,” 20.12.2012, <http://bianet.org/bianet/ifade-ozgurlugu/134885-askerlige-ne-bir-lira-ne-bir-saniye>
- BirGün Gazetesi*, Zeynep Kuray, “Ercan Aktaş: Vicdanlı Ol, Bütün Savaşları Reddet,” 22.5.2010, http://www.birgun.net/report_index.php?news_code=1274537148&year=2010&month=05&day=22.
- BirGün Gazetesi*, Volkan Şahin, “Yine mi ’93 Konsepti?” 28.06.2012, http://www.birgun.net/actuel_index.php?year=2007&month=06&day=28;
- “Charter of Fundamental Rights of the European Union,” *Official Journal of the European Communities* 364/1 (2000), available at http://www.europarl.europa.eu/charter/pdf/text_en.pdf.
- Committee of Ministers of the Council of Europe, “Recommendation No. R (87) 8 of The Committee of Ministers to Member States Regarding Conscientious Objection to Compulsory Military Service” (1987), available at <http://www.unhcr.org/refworld/docid/5069778e2.html>.
- Committee of Ministers of the Council of Europe, “Resolution CM/ResDH(2007)109,” adopted on 17.10.2007 at the 1007th meeting of the Ministers’ Deputies, [https://wcd.coe.int/ViewDoc.jsp?Ref=CM/ResDH\(2007\)109&Language=lanEnglish&Ver=original&Site=CM&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383](https://wcd.coe.int/ViewDoc.jsp?Ref=CM/ResDH(2007)109&Language=lanEnglish&Ver=original&Site=CM&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383).
- Committee of Ministers of the Council of Europe, “Resolution CM/ResDH(2009)45,” adopted on 19.03.2009 at the 1051st meeting of the Ministers’ Deputies, <https://wcd.coe.int/ViewDoc.jsp?id=1423229&Site=CM&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383>.
- Committee of Ministers of the Council of Europe, Decision taken at the 1115th meeting of the Ministers’ Deputies on 8.6.2011, <https://wcd.coe.int/ViewDoc.jsp?id=1797109&Site=CM&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383>.
- Cour Europeenne des Droits de l’Homme, “Affaire Erçep c. Turquie,” 22..11.2011, <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-107532>

- Cour Europeenne Des Droits de l'Homme, "Feti Demirtaş c. Turquie," 17.1.2012, <http://www.strasbourgconsortium.org/document.php?DocumentID=5795>.
- Cour Europeenne des Droits de l'Homme, "Affaire Savda c. Turquie," 12.6.2012, <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-111414>
- Cour Europeenne des Droits de l'Homme, "Affaire Tarhan c. Turquie," 12.7.2012, <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-112199>.
- Emniyet Genel Müdürlüğü, "Özel Harekat Daire Başkanlığı," http://www.egm.gov.tr/icerik_detay.aspx?id=169.
- European Bureau for Conscientious Objection (EBCO), "Report to the Council of Europe: The Right to Conscientious Objection in the Council of Europe Member States" (2011), available at <http://ebco-beoc.org/files/2011-EBCO-REPORT-CoE.pdf>.
- European Bureau for Conscientious Objection, "Report to the Council of Europe: The Right to Conscientious Objection in the Council of Europe Member States," 18.7.2011, <http://ebco-beoc.org/files/2011-EBCO-REPORT-CoE.pdf>.
- European Commission, "Turkey 2010 Progress Report," 9.10.2010, http://ec.europa.eu/enlargement/pdf/key_documents/2010/package/tr_rapport_2010_en.pdf.
- European Convention on Human Rights, as amended by Protocol 11 and entered into force on 1.11.1998, http://www.echr.coe.int/NR/rdonlyres/D5CC24A7-DC13-4318-B457-5C9014916D7A/0/Convention_ENG.pdf.
- European Court of Human Rights, "İzmir Savaş Karşıtları Derneği and Others v. Turkey – 46257/99," Judgment, 2.3.2006, <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=002-3450>.
- European Court of Human Rights, "Case of Ülke vs. Turkey," Judgment, 24.06.2006 [http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-72146#{"itemid":\["001-72146"\]}](http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-72146#{) "MGK ve MGK Genel Sekreterliği Kanunu," *Official Gazette*, 9.11.1983 – 2945, <http://www.mgk.gov.tr/Turkce/kanun.html>
- European Court of Human Rights, "Case of Bayatyan v. Armenia," 7.7.2011, <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-105611>.
- Fırat Haber Ajansı*, Ruken Adalı, "Türkiye'de Vicdani Ret Hareketi Oluşmadı," 5.12.2011, <http://www.firatnews.com/index.php?rupel=nuce&nuceID=54161>.
- Hürriyet Gazetesi*, "Arınç'tan Vicdani Ret Açıklaması," 1.12.2011, <http://www.hurriyet.com.tr/gundem/19371084.asp>.
- Hürriyet Gazetesi*, "Başbakan Erdoğan'ın Vicdani Ret Açıklaması," *Hürriyet Gazetesi*, 22.11.2012, <http://www.hurriyet.com.tr/gundem/19303120.asp#>.
- KaosGL Website*, Erkan Altay, "Bir Çürük Askerlik Hikayesi," <http://www.kaosgl.com/sayfa.php?id=12777>.
- KaosGL*, Barış Taner Bortaçına, "Tatlısu Anti-Militarizmi ya da 'İbneler' Neden Askere Gitmezler," 45, March 1998. *Milli Gazete*, "Diyanet Vicdani Redde Fetva Vermiyor," 16.4.2012, <http://www.milligazete.com.tr/haber/vicdani-red-caiz-degil-236007.htm>.

- Milli Güvenlik Kurulu ve Milli Güvenlik Kurulu Genel Sekreteri Hakkında Kanun, *Official Gazette*, 11.11.1983 - 2945, <http://www.mgk.gov.tr/Turkce/kanun.html>
- Milliyet Gazetesi*, “1 Milyon Tecilli, Asker Kaçağı ve Bakaya Var” 1.6.2008, <http://www.milliyet.com.tr/default.aspx?aType=SonDakika&ArticleID=761649>.
- Milliyet Gazetesi*, “Barış Yürüyüşü Polise Takıldı,” 29.9.2012, <http://gundem.milliyet.com.tr/baris-yuruyusu-polise-takildi/gundem/gundemdetay/29.09.2012/1603959/default.htm>
- NTVMSNBC.com*, “Vicdani Ret Mutlaka Uygulanmalı,” 28.11.2011, <http://www.ntvmsnbc.com/id/25300906>.
- “Ordu Yardımlaşma Kurumu Kanunu,” OYAK Official Website, http://content.oyak.com.tr/oyakdosyalar/media/editor/files/KURUMSAL/Oyak_Kanunu.pdf
- “Oyak in Brief”, *Ordu Yardımlaşma Kurumu*, <http://www.oyak.com.tr/EN/corporate/oyak-in-brief.html> .
- Özgür Gündem*, Hatip Dicle, “Özal’ı Devlet Çetesi Öldürdü,” *Özgür Gündem*, 12.12.2012, http://www.ozgur-gundem.com/?haberID=58161&haberBaslik=%C3%96ZAL%E2%80%99I%20DEVLET%20%C3%87ETES%C4%B0%20%C3%96LD%C3%9CRD%C3%9C&action=haber_detay&module=nuce.
- Parliamentary Assembly of the Council of Europe, “Resolution 337 on the Right of Conscientious Objection” (1967) available at http://www.coe.int/t/dghl/standardsetting/hrpolicy/Other_Committees/DH-DEV-FA_docs/AP_Res_337_1967_en.pdf
- Parliamentary Assembly of the Council of Europe, “Recommendation 816 on the Right of Conscientious Objection to Military Service” (1977), available at <http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta77/EREC816.htm>.
- Radikal Gazetesi*, Yıldırım Türker, “Osman Murat Ülke’nin Çilesi,” 16.07.2007, <http://www.radikal.com.tr/haber.php?haberno=227078>.
- Radikal Gazetesi*, Tolga Şirin, “Vicdani Ret Hakkı ve Yalnız Ülkemiz,” 17.7.2011, <http://www.radikal.com.tr/Radikal.aspx?aType=RadikalDetayV3&ArticleID=1056656&CategoryID=42>.
- Radikal Gazetesi*, “Vicdani Ret’ Karara Bağlanıyor,” 14.11.2011, <http://www.radikal.com.tr/Radikal.aspx?aType=RadikalDetayV3&CategoryID=77&ArticleID=1069511>.
- Radikal Gazetesi*, “Vicdani Ret Orduyu Güçlendirir,” 15.11.2011, <http://www.radikal.com.tr/Radikal.aspx?aType=RadikalDetayV3&CategoryID=77&ArticleID=1069588&CMessageID=931270&CRes=1#fc931270>.
- Radikal Gazetesi*, “Vicdani Reddin Sınırı Şimdilik Dar Olabilir,” 16.11.2011, <http://www.radikal.com.tr/Radikal.aspx?aType=RadikalDetayV3&ArticleID=1069654&CategoryID=78>.
- Radikal Gazetesi*, “Hükümetten Bedelli İtirafı: Herkesin İstifade Edeceğini Düşünmeyin,” 19.11.2011,

- <http://www.radikal.com.tr/Radikal.aspx?aType=RadikalDetayV3&ArticleID=1070043&CategoryID=78>.
- Radikal Gazetesi*, “Vicdani Retçinin Adresi Hapishane Olacak,” 1.12.2012, <http://www.radikal.com.tr/Radikal.aspx?aType=RadikalDetayV3&ArticleID=1071174&CategoryID=77>.
- SavaşKarşıtları.com*, “Türkiye’de Vicdani Ret,” 01.01.1998, <http://www.savaskarsitlari.org/arsiv.asp?ArsivTipID=2&ArsivAnaID=143&ArsivSayfaNo=4>.
- SavaşKarşıtları.com*, “Militurizm Festivali’ne Davet,” <http://www.savaskarsitlari.org/arsiv.asp?ArsivTipID=8&ArsivAnaID=18361>.
- SavaşKarşıtları.org*, “318 Dosyası – TCK 318: Halkı Askerlikten Soğutma Suçu(!)”24.10.2007, <http://www.savaskarsitlari.org/arsiv.asp?ArsivTipID=6&ArsivAnaID=41609&ArsivSayfaNo=1>.
- SavaşKarşıtları.com*, ‘Öldürmeyi Reddetmek Suç Değildir!’ 318’e Hayır De Bir İmza Ver!” 27.12.2007, <http://www.savaskarsitlari.org/arsiv.asp?ArsivTipID=8&ArsivAnaID=41019>.
- Savaskarsitlari.org*, “Kürt Vicdani Ret Hareketi’nin Açıklamaları,” 23.1.2011, <http://www.savaskarsitlari.org/arsiv.asp?ArsivTipID=2&ArsivAnaID=62883&ArsivSayfaNo=1>.
- “Sıkıyönetim Kanunu”, 1971, <http://www.mevzuat.adalet.gov.tr/html/466.html>
- “Sıkıyönetim Kanunu,” amended 14.11.1980 – 2342/7. <http://www.mevzuat.adalet.gov.tr/html/466.html>
- Siyasi Partiler Kanunu, 1983, Law No. 2820, *Official Gazette* 22.04.1983, <http://www.anayasa.gen.tr/2820sk.htm>
- Taraf Gazetesi*, Tuğba Tekerek, “Reddetmişim Dünyayı,” 10.10.2010, <http://www.taraf.com.tr/haber/reddetmisim-dunyayi.htm>, also available at <http://www.savaskarsitlari.org/arsiv.asp?ArsivTipID=1&ArsivAnaID=59750&ArsivSayfaNo=1>
- “Terörle Mücadele Kanunu,” *Official Gazette*, 12.04.1991, Law No. 3713, available at <http://www.egm.gov.tr/hukuk/EMNIYET%20TESKILATINDA%20GORULEN%20IDARI%20DAVA%20KONULARI%20ILE%20BUNLARA%20ILISKIN%20MEVZUAT/KORUMA%20ISLEMLERI/TERORLE%20MUCADELE%20KANUNU.htm>. Article 23 of the law annuled the two above said laws, i.e., “Vicdan ve Hürriyetlerin Korunması Hakkında Kanun” (Law No. 6187) and “Türkçe’den Başka Dillerde Yapılacak Yayınlar Hakkında Kanun” (Law No. 2932).
- Turkish Ceza Kanunu, 1926, as implemented in 1938, available at <http://www.ceza-bb.adalet.gov.tr/mevzuat/765.htm> .
- Turkish National Program for the Adoption of the Acquis, passed by the National Assembly on 3.10.2001, <http://www.abgs.gov.tr/index.php?p=195&l=1>
- Turkish National Program for the Adoption of the Acquis, passed by the Cabinet on 24.07.2003, <http://www.abgs.gov.tr/index.php?p=195&l=1>

- Türkiye Büyük Millet Meclisi*, “Kanun Teklifi Bilgileri,” 22.11.2011, http://www.tbmm.gov.tr/develop/owa/tasari_teklif_sd.onerge_bilgileri?kanunlar_sira_no=98430.
- United Nations Human Rights Committee, “General Comment 22, Article 18” (48th Session, 1993, Article 11), available at <http://www1.umn.edu/humanrts/gencomm/hrcom22.htm>.
- United Nations General Assembly, “International Covenant on Civic and Political Rights” (1966)
- United Nations Working Group on Arbitrary Detention, Opinion No. 36/1999 (Turkey), adopted 2.12.1999, <http://www.wri-irg.org/node/1600> “Yargıtay Kanunu.” <http://www.hukuki.net/kanun/832.15.text.asp> .
- Yeşiller ve Sol Gelecek Partisi, “Programatik Metin,” <http://yesillervesolgecek.org/belgeler/programatik-metin/>.
- Yeşiller Partisi, “Vicdani Red,” <http://www.yesiller.org/web/politikalarimiz/vicdani-red-mainmenu-175.html>
- War Resisters’ International, “Mehmet Loves Barış: Documentation, Conscientious Objection in Turkey,” 22.6.2005, <http://www.wri-irg.org/system/files/turkey05-en.pdf>
- “Yüksek Müdafaa Meclisi Umumi Katıplığı Dönemi (1933-1949),” “Milli Savunma Yüksek Kurulu ve Genel Sekreterliği Dönemi (1949-1962),” “1961 Anayasası’na Göre Milli Güvenlik Kurulu ve Milli Güvenlik Kurulu Genel Sekreterliği Dönemi (1962-1983),” <http://www.mgk.gov.tr/Turkce/tarihce.html>