

*On the Civil Struggle of Academics in Turkey:  
The Peace Petition Signers*

**Abstract**

Three years ago, some 2,000 academics in Turkey, signed the **Peace Petition**, a document that calls for cessation of the extreme acts of violence and destruction perpetrated against Turkey's Kurdish citizens in the eastern part of the country and for resuming negotiations between the state and Kurdish leaders, interrupted six months earlier. The Petition was met with extreme rage on behalf of the Turkish government. Since then, persecution of the petition signers has intensified and their circumstances have deteriorated. They have been subject to severe measures, resulting in a continuous state of uncertainty regarding their future. They are among tens of thousands of Turkish citizens who have been similarly persecuted, questioned, imprisoned or dismissed from their jobs while being accused with various accusations ranging from support of terrorist propaganda to treason. In view of the daunting distress of the petition's signatories, the organization that initiated it, [\*Academics for Peace \(AfP\)\*](#) (*Barış için Akademisyenler*), has evolved into a network of support and solidarity with the signatories. *AfP* mobilizes material support for those who were fired from their work. In addition, *AfP* publishes online information on the related trials and about the teaching and research work that the signatories continue to undertake in extra-academic forums.

This essay addresses the struggle of this group of academics, whose members are not deterred by the heavy personal price they may incur for protecting the principles of equality, democracy, freedom of expression and abstention from violence. Armed only with solidarity and their conscience, they confront the authorities fearlessly. It is not an academic article. Rather, it is my account of the still ongoing ordeal to which the Turkish state is subjecting the signatories of the peace petition, of the courageous civil struggle they are waging as individuals, and of their inspiring group solidarity.

**Introduction**

In January 2016, *AfP*, an organization of academic activists, which at the time comprised only several hundreds, held a press conference, in which it published a petition signed by 1,128 of their colleagues, including researchers, professors and doctoral students, who work or study in over sixty universities across Turkey and worldwide. **We will not be a party to this crime** (*Bu Suça Ortak Olmayacağız*) the signers of the petition declared, calling upon the Turkish government to stop the harsh oppressive acts that the Turkish army had been taking since summer 2015 against Kurdish citizens in east Anatolia. The petition also called to resume the negotiation that

had been taking place several years earlier between the government and Kurdish organizations regarding their demands for recognition of their political and cultural status in Turkey and for a peaceful resolution of the prolonged conflict between the state and its Kurdish citizens.

As soon as it was out, hundreds more signed the petition adding up to 2,200 signatures. As a result, the signatories became a target of detentions, tracking, police questionings, raids and searches of their offices. Additional measures included suspension and dismissal from work, denial of pension rights and welfare and healthcare services, denial of access to employment in the public sector and seizing of their passports. Following the suppression of the attempted military coup against President Recep Tayyip Erdoğan in July 2016, the persecution and harassments against the signatories and [many other Turkish citizens](#) have aggravated further. Many faced criminal indictments in which they were accused of disseminating terrorist propaganda. Trials began at the end of 2017, some of which concluded with imprisonment sentences while others are still underway.

As a scholar of Ottoman history, I have often traveled to Istanbul for research and academic conferences. During these visits, I have established professional relationship with Turkish colleagues. Over the years, some of them have become dear friends. Like other scholars of the Ottoman Empire and Turkey, I too have been following the recent developments in Turkey with a growing concern, often alarmed by reports on the suffering and abuse experienced by my friends and colleagues (as well as their friends and colleagues). Their only fault was their willingness to take a humane initiative, calling for cessation of the violence against the Kurdish citizens of Turkey. Since the beginning of the trials against the signers of the **Peace Petition** (December 2017), news has been accumulating on the arbitrary nature of the legal proceedings taken against them. Growing evidence show that the petition signers have been feeling increasingly isolated from the world despite gestures of support and identification on behalf of [academic organizations outside Turkey](#). Some of the petition signatories describe their own situation as “social death” following dismissal from their jobs accompanied by restriction of movement. These testimonials clearly convey the importance and urgency of covering the trials in media outlets and sparking [international attention](#) and action around the struggle of the petition signers.

In addition to my interest in learning and spreading the facts about the political persecution of friends and colleagues in Turkey, this essay is related to my field of research, namely socio-legal history of the Ottoman Empire. Scholars who specialize in this field understand the legal arena as a dynamic social and political, often chaotic, space. The law as they conceive it is a locus shaped by all members of society (not just jurists), with implications on the social relations and legal culture.

The Ottoman Empire boasted a rich and intricate legal culture during its protracted existence. In the 'long' 19<sup>th</sup> century, the last Ottoman century, the Ottoman political elite generated profound legal reforms aimed at transforming the Empire into a modern centralized state while preserving its characteristics as a diverse, multi-ethnic society. We will never know whether the Ottoman reforms might have had the power to save the empire from disintegration, or whether they were bound to fail, as argued by many

historians after the fact. We only know what had happened in practice. Assuming that what did not happen could not have happened in the first place is a fallacy, but it is nonetheless a common assumption. At any rate, the Ottoman Empire (like other empires) did not survive and the transition from an empire to the nation states of the Middle East was a process accompanied by dramatic changes with far-reaching consequences. The current reality in Turkey, in the Middle East, and in fact in the entire world reflects some of these consequences. In this context, the reports from Istanbul on the criminal charges filed against the petition signers give rise to questions on the consequences of the transition from empire to nation state in Turkey. In particular, I wonder how this transition influenced the Ottoman legal system with which I am familiar and which the Turkish nation state inherited from the Ottoman Empire.

I should also note that while I was often tempted in the course of writing this essay to mention similar developments and phenomena in countries other than Turkey (including my own country), I decided to avoid this temptation and to focus on the group of signatories, highlighting their actions and reactions in response to their treatment by the Turkish regime.

## **I. The State and the Kurdish Minority in Turkey**

As noted above, the political harassment of the signatories intensified following the publication of the **Peace Petition**. In July 2016, Erdoğan succeeded in suppressing an attempted military coup d'état and instated a state of emergency (the lifting of the [state of emergency](#) recently did not signify a shift to more lenient treatment of the signatories or other critics of Erdoğan's rule). Hiding behind the formal state of emergency and the **Anti-terrorism Law** No. 3713, Erdoğan has been stretching the concept of "rule of law" ad absurdum. The Anti-terrorism Law defines as treason, subversion and support of terrorist propaganda any action or expression of opinion, which in democratic nations is classified as "freedom of thought and expression" and is recognized as a basic human right. In this context, in addition to their professional and academic status, the signatories of the **Peace Petition** are part of a [huge group](#) of Turkish citizens who since 2016, have been suffering from similar abuse: dismissal from work, interrogations, political trials and imprisonment. Tens of thousands of men and women in Turkey – including military personnel, state officials, teachers, jurists and journalists – are accused of being accomplices to the attempted coup d'état, of supporting Erdoğan's nemesis *Fethulla Gülen*, or simply of [supporting terrorism](#). The accusations are often grounded on information provided by peers of the accused as a way of settling personal animosity or dispute. Within this large group, the signers of the **Peace Petition** represent stances similar to those taken by other activists in Turkish civil society, people with liberal professions (journalists and lawyers), activists of non-profit organizations and human rights organizations. All of them struggle against political oppression, discrimination against minorities, women and other marginalized groups and against the compromise of democracy in Turkey. However, as will be shown below, the petition signers are unique in their efforts to deal together with the implications of their protest on their routine lives, their position vis-a-vis the legal system and their academic agenda.

Let us start by considering the backdrop on which the **Peace Petition** published in January 2016:

*AfP* was founded in 2012 to advance a peaceful resolution of the prolonged conflict between the Turkish State and its Kurdish minority. In a nutshell, the Kurds are the largest ethnic minority in Turkey. Like the Turks, the Kurds are mostly Sunni Muslims, but unlike the Muslim Sunni Turks who adhere to the Hanefi school, the Sunni Kurds are mostly Shafi'is. There are also Alevi Kurds, and a few Kurdish members of other religious minorities. While the Kurds are not the only minority in Turkey, historical circumstances have caused their relationship with the Turkish regime to take an antagonistic turn since Turkey was established as a nation state (1923) on the ruins of the Ottoman Empire. At the end of World War I and the dissolution of the Empire, the victorious powers (Britain and France) established nation states in most of the formerly Ottoman territories, in line with their own political and economic interests in that region. The new nation states were structured with French or British colonial-mandatory regimes, respectively. Various religious and ethnic groups were compiled into these new political structures, which had little, if any, affinity with the former inter-communal structure or with the preceding regional geopolitical rationale. The colonial European rulers expected that new political entities would emerge inside the new borders they had charted and that with time, they would evolve into organic nation states.

The dissolved empire had been a rich tapestry of religious and ethnic groups, all of which were subjects of the Muslim Ottoman dynasty. In the 19<sup>th</sup> century, the Ottoman dynasty and political elite set off an intricate and prolonged process of modifying the fundamental tenets of the state in attempt to modernize the Empire's government and society. The Ottoman government hoped that the reform would be a panacea for the separatist attempts of some religious or ethnic groups. This effort had continued to the very end of the Empire. While in the later years of the Empire the multi-communal fabric was unraveling, it helped usher in the concept of "minorities" and its associated politics into the Middle East. Once the nation states replaced the Ottoman Empire in the Levant, the colonial rulers of these new states turned the notion of minorities into a major vehicle for controlling the local population while claiming they continue in this way an Ottoman tradition (the so-called *Millet* system). Though not a colonial project, the newly established Turkish Republic virtually adopted a similar approach towards its minorities (now without the *Millet* discourse), the Kurds in particular.

[The Kurds](#), who had been promised by the British that they would receive their own nation\_state in northern Iraq and Syria, were left empty-handed and divided between some of the new states, chiefly Iraq, Syria and Turkey. Turkey, on the other hand, turned out to be the only new state that escaped colonial rule under Mustafa Kemal (Atatürk). From its first days as an independent republic to this day, all of Turkey's leaders regarded their Kurdish citizens as a threat. Worse still, the Kurdish threat, as they saw it, was further aggravated by the presence of the Kurdish communities of Syria and Iraq, east of the Turkish border. The various Turkish governments have invariably perceived any aspiration for Kurdish autonomy in eastern Turkey or appeal by Kurds to acknowledge their cultural and language rights in Turkey as a challenge to Turkish sovereignty. Meanwhile, the Kurds have not been sitting idle. Their collective national

and cultural identity was fueled by their social and economic plight, which in turn, was due to the neglect of the regions in eastern Turkey, where many Kurdish citizens live. The military arm of the Kurdistan Workers' Party (*PKK*), which is active in eastern Turkey and in the Kurdish areas in northern Syria and Iraq is a belligerent guerrilla organization considered by Turkey, as well as by NATO, the European Community, the US and other countries to be a terrorist organization. Although the *PKK* adopted a non-violent policy during certain periods, it would be hard to overlook the violent nature of much of its struggle.

In view of the above, Turkish governments have tended to react strongly to any criticism of their treatment of the Kurds or to repeated escalation of the Turkish-*PKK* conflict. Concurrently, citizens and organizations sensitive to issues of equality, democracy and minority rights in Turkey could not remain indifferent to the conflict. Up to a certain point, it seemed that in contrast to his predecessors in government, Erdoğan tended to employ a different, somewhat more constructive, attitude to the conflict with the Kurds. The establishment of *AfP* in 2012 may be understood against this background. The organization's work prior to the **Peace Petition** included such activities as comparative research and publications on peacemaking and cultural-linguistic integration of minorities in various countries worldwide, organizing conferences on these topics, and advancement of gender equality. The organization highlighted the contribution of women to peacemaking around the world, and endorsed the negotiation between the Turkish government and the Kurdish organizations between 2013 and 2015.

The very fact that negotiations were held must have sparked hope among *AfP* activists and Turkish citizens with similar stances. In practice, however, it seems that even before the collapse of the negotiations, a deep chasm had existed between the state's interpretation of an acceptable agreement with the Kurds and the goals set by Kurdish leaders. The government worked to obtain control over the conflict with the Kurds and to develop tools to manage it. The Kurdish movements, on the other hand, sought cultural autonomy. In fact, they even started exercising such autonomy in several towns in eastern Turkey. In the elections of June 2015, pro-Kurd Halkların Demokratik Partisi (*HDP*) succeeded in crossing the unusually high election threshold (10%) for entering the Turkish parliament. Erdoğan, in contrast, failed to obtain a sufficiently high majority for passing a constitutional amendment that would make him an omnipotent president with no need for a referendum. The Kurdish success seemed to shake the regular power imbalance between the government and the Kurds in the delicate negotiations between them. The talks finally collapsed following a terrorist action in July 2015 in [Suruç](#) on the Turkish-Syrian border. The terrorists targeted Turkish and Kurd activists who initiated a project of rebuilding a neighboring Syrian town, Kobane, the victorious stronghold of Kurdish fighters against *ISIS*. While it is believed that the terrorist act in Suruç was perpetrated by *ISIS*, *PKK* took revenge against Turkey by murdering two Turkish police officers. At that time, Turkey's interests on the border with Syria were complex. On the one hand, Turkey supported the war against *ISIS*, allowing thousands of refugees from Syria and Iraq to camp near the border. At the same time, Turkey feared that the victory over *ISIS*, achieved thanks to Kurdish efforts, combined with the civil war in Syria, would lead to the fulfillment of the Kurds' hope



for a state of their own. This concern, in turn, contributed to Kurdish suspicions concerning the true agenda of the Turkish government.

At the end of July 2015, the Turkish army launched a military campaign of unprecedented scale in the regions of [east Anatolia](#), as if it were fighting an enemy army, not a civilian population of its own citizens. Hundreds of thousands of homes were demolished and their inhabitants forced to flee. Infrastructures were destroyed and neighborhoods turned into rubble. The citizens were held under prolonged curfews, unable to make a living, get water, food, medical aid to the injured or burial for the dead. Women were raped by soldiers, and civilians – men, women and children - were [killed or injured in the shooting and bombardments](#). At the same time, the authorities prevented the transmission of information beyond the region or across Turkey's borders, shutting down newspapers and websites, detaining Kurdish journalists, political activists, governors and mayors.

Helpless in face of the extreme violence, destruction and the gag on reports publicizing the horrors, *AfP* members drafted a petition calling to the government to cease the violence and return to the negotiation table. In response to the silencing forced upon them, they convened a press conference in which they publicized the petition, under the slogan *we will not be a party to this crime*. The press conference was successful in shattering the veil of silence, but the harsh reaction soon followed.

## **II. The Reaction of the Turkish Regime to the Peace Petition**

Turkey's older, more established universities are State owned. They report to the government and to the council of higher education (*YÖK*). Academics employed in these universities are considered civil servants. Petition signatories working in public universities were summoned to disciplinary hearings, many of which resulted in their dismissal, annulment of their social benefits and pension plans, prohibition of employment in the public sector and in some cases, seizure of passports. In certain public universities, petition signatories lost their jobs on the same day, their offices were searched and they were forbidden to enter the campus. Nevertheless, not all the public universities have treated the petition signatories in the same manner; some have shown more leniency.

At the private universities and colleges, which have multiplied extensively across Turkey over the last decade, the reactions of senior managements have varied as well. The petition signatories in these universities have been, therefore, doomed to a similar fate as their colleagues in public universities. Yet, the rates of dismissal at private institutions is ostensibly lower due to the different means used by their administrators for ending signatories' employment. As contracts are personal, many governing councils have refrained from renewing signatories' contracts on allegedly academic grounds. Still, certain private institutions have chosen not to collaborate with the government's repressive policies.

As mentioned above, the interrogations, detentions and dismissals started shortly after the petition was published, but increased considerably following the failed military coup and the announcement of a state of emergency in the summer of 2016. Filing

criminal charges constituted the next stage in the [process of criminalization](#). This tactic was set in motion in 2017, following the interrogation of some of the signatories by the public prosecutor's office. In these interrogations, the prosecution pressed the academics to admit their support for **PKK**, in order to link their signatures on the petition to charges involving propaganda for a terrorist organization. Once filed, [the charges](#) led to criminal trials, which have been held in multiple criminal courts in Istanbul and in certain other cities as of December 2017. The bills of indictment cite the **Anti-terrorism law** (Law No. 3713), clause 7/2, which defines support for terrorist propaganda as a criminal offense. Also, the bills of indictment refer to Article 53 of the **Penal Code** (Law No. 5237), enabling the court to prohibit the accused who are found guilty from substantial civil rights. Alternately, some of the accused signatories have been indicted with degrading the Turkish Nation, the Turkish Republic and its organs, based on the Turkish **Penal Code** (Am. 2016; Art. 301/1).

By June 2019, 739 of the petition signers have been subjected to [legal proceedings](#). One hundred ninety-four cases have resulted in a ruling. In all of these, the court found the defendants guilty, sentencing them to 15-36 months of imprisonment. The judge has decided whether to carry out each sentence or suspend it based on procedural rules and a kind of negotiation in court. Initially, the prosecution focused on the first signatories, mainly those who work in 15 universities located in Istanbul. Next in line were academics from universities in other cities. Some of the defendants have announced they plan to appeal the verdict and are now waiting for an appeal date to be scheduled. One appeal, submitted by Professor Füsün Üstel, was heard in March but rejected. Professor Üstel has already been sent to jail for 15 months.

It must be stressed that these legal proceedings do not meet the norms customary in law-abiding countries. Rather, they are emblematic political show trials. As such, they assume the appearance of proper proceedings while compromising the principle of rule of law, which in itself is a vague concept whose original meaning can be bent and distorted. It should be noted, in this context, that formally, Turkey is a democratic republic, despite the clearly authoritarian tendencies evident in Erdoğan's regime of the past few years. The republic exhibits a parliament, general elections, a constitution and many other attributes associated with liberal democracy. However, this is not the first time that the fragility of Turkish democracy appears in its fullest form. In recent years, it has been waning at an even faster pace while the appearance of liberal democracy is maintained. This in itself gives rise to questions that go beyond the formal definitions of democracy. Some commentators have explained this contradictory situation by describing Erdoğan's authoritarian regime as "neo-Ottoman" (also echoing the pretensions and rhetoric of his party, the *AKP*). Nevertheless, these explanations manifest a profound misunderstanding of Turkey's Ottoman past. Perhaps one could see some echoes of Ottoman legacies in Erdoğan's early years in power through his development and welfare policy (which is also the title of his party, *AKP*). However, describing Erdoğan's early policy as neo-Ottoman (the prefix "neo" does not change the essence of the policy) makes no sense in the context of the realities of a nation state in the 21<sup>st</sup> century. The claim forwarded by such a description falls even further from the mark in the context of the clearly totalitarian present, which bears no resemblance to the imperial heritage. While the Ottoman sultans stopped at nothing when attempting

to secure the continuity of their rule, their regime should be analyzed within the framework of their concrete historical circumstances. Besides, one must admit that their dynasty would not have existed for six consecutive centuries, surviving crises that other imperial dynasties failed to endure unless they excelled in striking some right political and social balances, demonstrating a great deal of pragmatism.

### III. Political Trials

Several aspects of the trials of the signatories of the **Peace Petition** illustrate their futility in terms of implementation of the rule of law and reveal the political goals that they are meant to conceal.

First and foremost is the use of anti-terrorism legislation in order to criminalize criticism and political protest, a tendency favored by regimes like Erdoğan's, including ones with an even more democratic image. In this case, the pattern is further underlined by the fact that the Turkish Penal Code includes a clause stating explicitly that "expression of an opinion for the purpose of criticism does not constitute an offence" (Art. 301/3). Criminalization of protest of the kind that democratic regimes are expected to contain and tolerate became quite common at the end of the 20<sup>th</sup> century. In the wake of the terrorist attack on the Twin Towers in New York in September 2001, the use of criminalization of this sort has practically gone viral. Many nations enact special anti-terrorism laws, the need for which may be understandable. However, once enacted, these laws seem to acquire a life of their own, at times turning into an instrument of political oppression in a legalistic disguise. Erdoğan's regime obsessively accuses various political parties and groups of spreading terrorist propaganda whenever it faces criticism of its treatment of the Kurdish issue. Legitimate political criticism is often labelled as support for the attempted coup d'état of July 2016.

The trials of the signatories of the **Peace Petition** are characterized by an inherent distortion of the letter of the law. In no way does the petition encourage violence or support terrorist organizations. In fact, it calls for the cessation of violence and for employing peaceful means to resolve the conflict with the Kurds, who are Turkish citizens. Not a single trial of the signatories has proven collaboration between *AfP* and any other subversive party, let alone a terrorist organization. These facts are highlighted time and again by the attorneys of the signatories and by the defendants themselves during the hearings. However, this lack of evidence hardly impresses [the courts](#), and the government does not even bother to comment on these arguments. The prosecution has arbitrarily applied the definition of "terrorist propaganda" to the petition, and the judges take this definition for granted, turning it into their point of departure and completely ignoring defendants' claims that no evidence links the petition with the stipulations of the law under which they are indicted. In other words, the prosecution dodges its duty to [prove guilt](#), an elementary requirement of every criminal trial, by not providing any evidence to substantiate the link between the defendants' action and the definition of the relevant felony in the bill of indictment. Acquittal for lack of guilt or a not-proven verdict does not even seem to be considered as an option [in these trials](#).



Secondly, these legal hearings are being held simultaneously in several halls of the criminal court compound in Istanbul and other cities, each one with a different judge. Immediately at the end of trials, the judges announce that the defendants are found guilty and hand down the sentence. Denials made by the defendants in the hearings encounter the judges' complete disregard. Attorneys' statements about the pro-peace, anti-violence and civic nature of the defendants' activities, are completely ignored by the judges. In other words, while the defendants receive formal legal defense as required by law, the judges take no notice of the content of this defense, making up evidence out of thin air and concluding the hearing with formulaic announcements such as "it has been proven that..." and "Hence, we decided that..." Based on these invented grounds, they reiterate their decree and verdict.

Thirdly, the rulings of the trials decided so far have sentenced many petition signers to 15 months of imprisonment. Some cases involved longer sentences (up to three years), with more recent cases tending to exhibit harsher punishments. No legal logic or consistency is evident in the penalties or the length of imprisonment each judge chooses to impose (as part of the penalties stipulated in the penal code). No grounds for the sentences are given in the trials except for the arbitrary, general conclusion that the guilt of the defendants had been proven. In some cases, the judges list specific considerations when handing down the verdict, such as longer imprisonment because the defendant had not expressed remorse. Both the term of the imprisonment and the procedure that follows pronouncement of the sentence (see below) indicate that the trials are meant to intimidate the defendants, also serving as a warning sign to other citizens and academics who might be pondering participation in a civic protest.

The automatic nature of the hearings and the rulings may be associated with the strong legalistic tradition in Turkey. Legal procedure may serve as a vital pillar in implementing the rule of law, provided that it is entrenched in a profound understating of its underlying logic. During its near Ottoman past (the 19<sup>th</sup> century), the legal elite in Istanbul and other cities of the empire demonstrated impressive professional and ideological determination in advancing a formalist legal culture. However, some hundred years after the establishment of the Turkish nation state, the legal proceedings of the criminal court system in Erdoğan's Turkey seem to have become an empty shell which one is expected to obey without further consideration. Notably, in this context, judges and jurists too have fallen victim to the recent political purge, with some losing their jobs. Moreover, the signers of the Peace Petition received letters of support from two unions of legal professionals – the Judges' union and the bar. Whether or not the judges presiding in these trials believe they are doing the right thing in conducting the trials in this manner, they certainly weigh their own personal calculations considering the fate of their colleagues who 'failed' to obey.

A fourth aspect of the proceedings that indicates their futility is the implementation of rules that allow postponement of a formal announcement of the penalty when the penalty is lighter than two years in prison. The defendant is asked if s/he agrees that the announcement be postponed and whether s/he is planning to appeal. Under adequate legal proceedings, the right to appeal is a basic right of the defendant. In these trials, however, the defendants practically receive 'an offer they cannot refuse': when the sentence is shorter than two years of imprisonment, the defendant is entitled to postpone

publication of the sentence provided that s/he waives her/his right to appeal. In exchange, the prison sentence turns into a suspended (or deferred) sentence, effective for five-years. In other words, opting for the right to appeal is practically perceived as provoking the prosecution and as retroactive proof that the sentence is justified. This is a Catch-22. Although so far none of the signatories who insisted on their right to appeal (other than Professor Üstel) has been given a date to appear before the [Court of Appeal](#), or the Constitutional Court (which is yet another appeal method) no one seriously expects that these appeals will be upheld. Choosing to appeal is, in fact, more likely to result in immediate implementation of the prison sentence, following the appeal, or in an even harsher sentence.

Under these circumstances, most of the defendants whose sentence has been decided choose to waive their right to appeal. They do so even though it is clear to them that the suspended sentence they receive in exchange may very well be implemented in the course of the next five years, in case the prosecution decides to indict them for a felony similar to the one for which they had been tried. If this happens, they will be retried and penalized for the later 'felony', in addition to implementation of the suspended sentence. Judging from their current experience, the defendants have no reason to assume the suspended sentence hanging over their heads will not be implemented arbitrarily. Still, the second option, namely opting for the right to appeal, is a much more difficult choice, in particular for people who are just beginning their academic career. Often, these people have young children who depend on them. Therefore, it is no coincidence that many of those who insist on appealing are academics in the more advanced stages of their career or who are even retired. This should not be understood to belittle or undervalue the incredible courage required to insist on appeal, regardless of the stage of one's career or life, considering the prospect of immediate imprisonment for an unknown length of time. Analogously, the decision to waive the right to appeal does not detract in the least from the [civic courage](#) displayed by those of the signatories who opt for this, or the insistent perseverance needed to keep on fighting for justice, equality and human rights in Turkey.

#### **IV. Solidary and Critical Academies**

No less remarkable and inspiring than the individuals who are performing these deeds, is the network of mutual support and solidarity sustained for the fourth year now, by this group of academics. During these years, the signatories have been enduring all forms of abuse, harassment and intimidation and the *AfP* has become the core of a resilient and creative support network which is also sustained by a range of other activists, professionals, artists, friends and family members. The criminal charges filed against them are a source of continued worry and anxiety, both because of the tough encounter with the legal system and due to the uncertainty that awaits them when rulings are handed down. The principle of trial's publicity, which the regime uses to transform the trials into a political show, allows *AfP* members to attend the hearings of their colleagues. Indeed, they show up, filling the court halls. Those who cannot find a vacant seat wait outside the hall to learn about the outcome of the hearing as soon as it ends. The defendants take advantage of the public attention and answer the questions

directed at them with elaborate statements, explaining the nonsensical nature of the charges of promoting terrorism. They criticize the court strongly for its mistreatment of the rules of evidence and for inflicting penalties due to the legitimate exercise of freedom of speech and academic freedom. As soon as the hearing is over, the supporting *AfP* members take photos with their peers who are stranding trial and upload the photos to an online daily report and to websites covering the trials. One of the most effective websites is [Bianet](#), which reports in Turkish, Kurdish and English on all acts of oppression, trials and dismissal of regime opponents. At the same time, *AfP* members protect those peers who prefer keeping a low profile given the vulnerability of their academic or personal situation. Their names, as well as details of their trials remain confidential. Conversely, those who decide to fight back openly, also on behalf of their peers, and decide to go public, allow publication of their statements to the court in English in hopes of gaining interest in international media and academic circles and mobilizing international support, which have recently become a very challenging task. In this context, it should be noted that this essay discloses no identifying information on the signatories and the leaders of various *AfP* actions who are prosecuted by the regime. It should be stressed that many of those *AfP* members who play an important role in the solidarity efforts are women, including well-known [Turkish feminists](#).

Another aspect of the solidarity around the signers of the **Peace Petition**, which has long-term implications is the establishment of working groups of dismissed academics who are cut-off from resources and tools of research. These groups, organized as **solidarity academies** outside of academic institutions, teach and supervise research students. While they cannot solve the economic difficulties of the scholars who have lost their jobs, these groups allow them to carry on with academic work through joint studying, ongoing interaction with students and training of research students, also alleviating the "social death" forced on them. It is important to note that on top of losing their jobs and academic positions, some of the signers of the Peace Petition also suffer from personal defamation on social media and threats for their lives. It appears that the persecution has already led one of the signers to commit [suicide](#). Besides, to earn a living, some of them take the physical risks of becoming [construction workers](#).

The establishment of solidary academies is also motivated by long-term goals that go beyond the hardships of the dismissed and suspended scholars. They reflect a criticism of, and a challenge to, the current neo-liberal model of local and global academia. *AfP* has established several such solidary academies. One of them, located in Berlin, has attracted some of the signatories who left Turkey. These academies are experimental in nature and influenced by the different local circumstances of each working group. They look for ways to generate academic knowledge and research, teaching and training alongside free and egalitarian principles. In so doing, they seek to offer alternatives to contemporary neo-liberal academia by unraveling the power hierarchies typical of its institutions.

These activities illustrate part of the ways in which *AfP* deals with the difficult fate of the **Peace Petition** signers. However, they also form part of the original academic and civic agenda of the organization, which from the outset motivated its members to work towards normalizing the relationship between the Turkish state and the Kurds in peaceful ways. Collecting signatures for the petition that calls for cessation of violence

in east Turkey was one of the courses taken to advance this objective. On top of having to cope with dire personal situations and being forced to mobilize great personal courage when facing persecution by the government and the legal system, the signatories' determination in upholding their critical academic agenda testifies to their deep commitment to equality and democracy. It should be noted that intellectuals and academics in Turkey have been criticizing the regime and ultra-nationalistic trends in Turkey for many years, displaying courage and taking risks long before Erdoğan came to power. As such, the **Peace Petition** signers can be regarded as part of Turkey's tradition of intellectual criticism and resistance.

### V. Non-Nostalgic Longing for the Empire...

In conclusion, I would like to go back to my initial questions regarding the link between current developments in Turkey and their relatively near Ottoman past (the 'long' 19<sup>th</sup> century, until 1923), with which I am familiar from my research. In the late 20<sup>th</sup> century, historians of the Ottoman Empire challenged common historical narratives. Among others, they revised the common wisdom concerning the administrative and legal reforms instated in the Ottoman Empire of the 19<sup>th</sup> Century. This effort generated much progress in the research of socio-legal history. As part of this momentum, historians like myself have realized that the modern legal system introduced in the 19<sup>th</sup> Century by the Ottoman political and legal elite was quite successful and efficient (although far from perfect, like any other modern legal system). The reformed legal system, which comprised a broad network of jurists and officials, was founded on the concept of the rule of law. This understanding runs contrary to the descriptions provided by contemporary European observers who regarded the Ottoman reformed legal system as a failing attempt to create a superficial imitation of western legal systems. Obviously, the Ottoman legal system was not fault free, in fact presenting particular weaknesses shared by other legal systems that were modernized at the time (including those of Western Europe).

In this context, reports on the extensive use of present-day Turkey's criminal justice system as a tool of political oppression and silencing have led me to raise questions about the transition from empire to nation state in Turkey. In 1923, an independent Turkish state was established in the former Ottoman Anatolia, defined as a secular republic. Its justice system, whose foundations are perhaps the most notable legacy of the Ottoman Empire, was based on two out of three judicial channels developed in the 19<sup>th</sup> century by the legal elite: civil courts and criminal courts. The trials of the **Peace petition** signers are held in the latter courts under the penal code and the anti-terrorism law.

In the 19<sup>th</sup> century, the principle of the rule of law, which assumes that everyone – regardless of their place in the social hierarchy – is equal before the law, was perceived by many across the globe as the clearest expression of the modern order. It emerged as an ideal of enlightenment and rationalism, almost as an interest- and power-free 'operating system' whose mere implementation guaranteed that its goals would be met. This ideal may explain the strict adherence to procedures and bureaucracy, regarded by political and professional elites as necessary tools in applying a standard rule of law.

The Ottoman political elite regarded the rule of law as a framework that reinforced its sovereignty and governance over the vast territories of the empire and the rich mosaic that was its population. A recent study shows that while reforms initiated by the Ottoman justice system were carried out rather successfully, power struggles in the higher echelons of the regime were manifested in the form of political trials. These trials exposed the fluid, vague nature of the notion of the rule of law. But there is nothing new or unique in distortions of the ideal of rule of law in those political trials. After all, power struggles are the bread and butter of political elites in all periods and regions. It is only natural, therefore, that they would take place in an arena strongly associated with and representative of the accumulation of political power. In the Ottoman Empire of the 19<sup>th</sup> century, this arena was the criminal justice system shaped by the principle of the rule of law.

One may argue that the use of the criminal court and legal formalism render the political trials of the 19<sup>th</sup> century similar to the trials of the **Peace Petition** signers and of many other Turkish individuals under Erdoğan and his predecessors in Turkey. However, the balance of power in the trials of the **Peace Petition** signatories is very different from the one that shaped the political trials of 19<sup>th</sup> century-Ottoman Empire. The trials of the signatories and of many other citizens who resemble them do not represent power struggles within the ruling elite; the defendants are not political rivals trying to promote an alternative political grand design (although the prosecution accuses them of such schemes). Rather, these trials are held against a very large number of individuals, ordinary citizens, who pose no real threat to the regime. In fact, this group of individuals calls for nothing more than adhering to universal principles endorsed by all liberal democracies. The trials and the penalties imposed on the defendants aim to intimidate, to quell criticism, and to discipline the members of social and professional groups that may affect public opinion, generate knowledge and educate, even when these members have little to no influence.

Based on my knowledge of the criminal justice system established with great efforts in the Ottoman Empire of the late 19<sup>th</sup> century, the one thing that strikes me the most in these mass political trials is the use that the justice system is making of the principle of the rule of law. After all, the Founding Fathers of the Turkish republic came from the ranks of the Ottoman elite. Ottoman legal formalism was anchored in a philosophy that tied the rule of law with centralized modern justice. This justice system continued to exist once Turkey became a republic. The decision of Mustafa Kemal, the founder of the republic, to adopt a European civil code (the Swiss code, 1926) and separate religion from state, reinforced the attributes of the reformed Ottoman legal system, including the principles of the rule of law and equality before the law. Moreover, as a nation state, the Turkish Republic was no longer committed to the Ottoman efforts to find a middle ground between its multi-ethnic structure and the nationalistic separatist aspirations of some of the Ottoman communities (aspirations endorsed in the 19<sup>th</sup> century by European powers). Instead, the new Turkish state managed to impose the uniformity and centralization of its justice system. Ostensibly, these were optimal conditions for internalizing the rule of law and equality before the law by the judiciary and by ordinary citizens. However, judging by the trials of the **Peace Petition** signers and of many others, this does vehemently not seem to be the case in today's Turkish courts. It seems



