

## Stripped of the right to have rights: The case of Academics for Peace

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### Résumé

Dénigrer le droit d'avoir des droits : le cas des universitaires pour la paix

Nous ne serons pas complices de ce crime! est le titre de la pétition (connue sous le nom de "*Pétition pour la paix*") publiée le 11 janvier et signée par 1128 universitaires turcs résidant en Turquie et à l'étranger, qui se sont appelés "les universitaires et les chercheurs de ce pays". Le crime mentionné dans la pétition était les violations flagrantes des droits de l'Homme commises par les forces de sécurité turques dans les villes kurdes de Turquie. La pétition pour la paix ne se contente pas de dénoncer les abus, mais appelle également les autorités turques à cesser la violence et à reprendre les négociations du Processus de Paix<sup>3</sup> avec une feuille de route visant à le rendre durable.

Dans son discours suivant la publication de la pétition, les déclarations du président turc visaient à restituer la vérité "officielle" sur la nature des événements survenus autour de la question kurde et ainsi, à rendre possible la qualification de la pétition comme à une tentative de déformation de la vérité tout en discréditant et en criminalisant les signataires comme des personnes affiliés à une organisation terroriste. Les déclarations du président Erdoğan ont enflammé la rage contre les universitaires concernés et les enquêtes à la fois disciplinaires et criminelles ont été lancées. Ainsi, l'accusation portée par Erdoğan contre les signataires, selon laquelle ces derniers soutenaient *le terrorisme*, a servi de base aux enquêtes ultérieures<sup>4</sup>. Au cours de cette

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<sup>3</sup> Processus de Paix, connu également comme Processus de Résolution couvre une période de négociations sur la question kurde entamées entre l'Etat turc et le mouvement kurde entre 2013 et 2015.

<sup>4</sup> TIHV (2019a) Üniversitenin Olağanüstü Hali: Akademik Ortamın Tahribatı üzerine Bir İnceleme. [L'Etat d'urgence de l'université : Une analyse sur la dévastation du milieu universitaire] *Türkiye İnsan Hakları Vakfı Yayınları* No. 126. <https://tihvakademi.org/wp-content/uploads/2020/02/universiteninolanaganustuhaliy.pdf>

période, les UP (*Universitaires pour la Paix*) ont été confrontés à des actes les ciblant par le biais des médias sociaux et traditionnels, à des listes noires et à des licenciements. Avec la déclaration de l'état d'urgence par suite à la tentative de coup d'État en juillet 2016, qui est restée en vigueur pendant deux ans, l'oppression et les mesures de sécurité sont devenues encore plus sévères pour les UP ainsi que pour tous les dissidents politiques en Turquie. Au cours de cette période, plus de cent mille fonctionnaires, y compris 6081 universitaires, dont 406 UP, ont été démis de leurs fonctions. Le licenciement par des décrets-lois entraîne l'interdiction à vie d'occuper tout poste dans le secteur public, mais cette sanction peut également provoquer la mort civile à cause de la stigmatisation, en plus de multiples violations des droits liés à la citoyenneté.

Cet article tente de développer une perspective sur la violation des droits fondamentaux des UP et leur exclusion de l'espace public et de la communauté politique sous l'étiquette de citoyens dissidents, et vise à présenter une compréhension de leurs actes en tant que réponse à la punition de l'État. Ce faisant, cette perspective s'articule autour du concept éminent d'Arendt du "droit d'avoir des droits" et s'appuie sur les résultats des recherches menées entre 2017-2019 par la Fondation des droits de l'Homme de Turquie (TİHV).

Le concept du droit d'avoir des droits d'Arendt, dans l'interprétation normative de Benhabib, découle d'abord du fait d'être un être humain et ensuite d'être un membre de la communauté politique. En d'autres termes, c'est la citoyenneté qui introduit des droits. Cependant, l'adhésion formelle ne garantit pas la jouissance de droits fondamentaux tels que la justice et la liberté, ce qui s'est produit dans le cas des membres des UP qui ont été licenciés, étant donné qu'ils ont subi des pratiques dégradantes et le déni de reconnaissance en tant que membres libres et égaux de la communauté politique. Ils ont été publiquement visés de diverses manières ; leurs droits au travail, à l'éducation, à la circulation et à la réalisation de soi ont été violés, et ils sont partis dans des labyrinthes juridiques kafkaïens où il n'existait pas de possibilité efficace de faire recours au droit. En outre, du fait de leur enfermement dans des mécanismes juridiques dysfonctionnels, les UP sont collectivement bloqués dans leur droit de revendiquer leurs droits et réduits à être associés au crime et être condamnés à l'exclusion même en dépit de décisions juridiques qui les blanchissent

Néanmoins, il est possible que les droits ne soient accessibles et actualisés que par une reconnaissance *de jure*, ce qui signifie le fait d'être reconnu en tant que citoyen, mais cela l'est, si l'on y accède par l'acte et qu'on peut les *obtenir* par ce biais. Les UP ont lutté et insisté pour leur droit de revendiquer et d'avoir des droits même s'ils sont considérés comme indésirables et dépravés en tant que citoyens. Ils ont collectivement organisé des réseaux de solidarité active pour ne laisser aucun UP seul devant les tribunaux, pour continuer à exercer leur profession, à écrire, à enseigner, à faire des recherches, à alléger la répression sur la pensée critique tant dans les universités que dans le pays, pour montrer du doigt l'injustice et pour lutter dans le but de la surmonter.

*We will not be a party to this crime!* was the title of the petition (famously known as the *Peace Petition*), released on the 11<sup>th</sup> of January, 2016<sup>5</sup> via two press conferences in İstanbul and Ankara, Turkey. The petition was originally signed by 1128 Turkish academics based in Turkey and abroad, who called themselves “the academics and researchers of this country” (Barış için Akademisyenler 2016). By the time the petition was submitted to Parliament, ten days later, it had been endorsed by 2212 Turkish academics and 2215 supporting signatures of scholars around the world.

The crime referred to in the petition was gross human rights violations, including violations of right to life, right to health (TİHV 2016), as well as enforced disappearance, torture, excessive use of force (OHCHR 2017), and infringement of the constitution and international treaties, committed by Turkish security forces in the Kurdish cities of Turkey. Thousands of people had died, hundreds of thousands of people had been forced to migrate, cities had been destroyed, and traumatic memories had been created for decades related to the Kurdish issue. The extreme violence in the southeastern part of the country broke out in July 2015, as a result of the discontinuation of the *Peace Process*, which comprised negotiations on the Kurdish issue between the Turkish state and Kurdish movement that had been ongoing

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<sup>5</sup> For the petition, see <https://barisicinakademisyenler.net/node/63>

for two years. The violence continued until December 2016. During those thirteen months, the cities in southeastern Turkey were under a prolonged regional State of Emergency (SoE) and curfew, during which, the most serious human rights violations took place (OHCHR 2017: 2).

The Peace Petition not only denounced the abuses, but also implored the Turkish authorities to cease the violence and resume the negotiations of the Peace Process with a road map to make it last. The petition ended with a declaration of persistence on advocacy of the issue until demands would be fulfilled, and it was not different than many other objections raised by academics and intellectuals in many other countries and contexts, as well as in Turkey (Başer et al. 2017). Its impacts had been pervasive, albeit in an undesirable way.

This article attempted to develop a perspective on the violation of fundamental rights, and exclusion from public space and political community of Academics for Peace (AfP) as dissident citizens, and aimed to develop an understanding of their acts as a response to punishment of the state in terms of Arendt's prominent concept of 'right to have rights'.

### **State of emergency and dismissal by decrees**

As the AfP dared to speak publicly on violence, human rights violations, and state policy (Biner 2019) targeting Kurdish people, they were then cursed and accused of treason. President Erdoğan's statements calling them "pseudo-intellectuals, you are full of darkness" (Agos 2016) incriminated the petitioners, and his call to punish them as 'betrayers' (Diken 2016) inflamed the rage and targeting via traditional and social media<sup>6</sup>. The President's statements aimed at reconsolidating the 'official' truth about the nature of the events that had happened regarding the Kurdish issue and thus, paved the way to frame the petition as an attempt to twist the truth while discrediting and criminalizing the petitioners (TİHV 2019b: 43). Meanwhile, the authorities, especially the Council of Higher Education (YÖK) and prosecutors, followed the words of the President, which were a call for action rather than a signal, and launched formal investigations concomitantly. Thus, Erdoğan's accusation of the signatories, that they were supporting *terrorism*, formed the basis for subsequent investigations (TİHV 2019b: 45). After the press conference of the AfP on the 10<sup>th</sup> of March, 2016, to call attention to the ongoing crusade against the petitioners, such as the disciplinary actions, targeting, suspensions and forced resignations, avoidance of the renewal of the contracts, etc., four academics<sup>7</sup>, who had read the press release, were arrested on the charges

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<sup>6</sup> For detailed documentation of the events that took place after the declaration of the petition, see HRFT Academy, 2019.

<sup>7</sup> Esra Mungan, Muzaffer Kaya, Kıvanç Ersoy, and Meral Camcı read the press release at the press conference. On the 14<sup>th</sup> of March, 2016, an arrest warrant issued for these academics, three of whom were arrested after giving their statements. Although Camcı was abroad at the time of the arrests, she returned to Turkey for the

of making terrorist propaganda under the Counter-Terrorism Law (Article 7/2) (Altıparmak and Akdeniz 2017:5).

With the declaration of the SoE that remained in force for two years, following the coup attempt in July 2016, oppression and measures became even harsher for all political dissidents. During that period, SoE decrees (SoEDs) appropriated the Grand National Assembly's power, as its authority was *de facto* suspended, and the country was ruled by the decrees.

During the SoE, 125,678 (ICoSoEM 2020) public servants, including 6081<sup>8</sup> academics, of whom 406 were the AfP, were dismissed from their posts along with the cancellation of fellowships of students abroad, the closure of thousands of institutions and organizations (including 15 universities), and amendments to more than a hundred laws. Those who were included in the dismissal lists were associated with terrorism and related crimes by the statement on SoEDs, under the section of Public Personnel Measures. In the statement in the respective section, those people whose names were included in the list were identified as "Persons who are members of terrorist organizations or the structure, formations or groups that have been designated as acting against the national security of the State by the National Security Council". Furthermore, in the same section, it was stated that dismissal was valid "without further processing", and without any other notification. Inasmuch as the dismissals occurred without either a prior finalized investigation or legal process thereupon, the SoED was an imposition of accusation and punishment at the same time (TİHV 2019a). Dismissed public personnel found out about their dismissal at the same time as the general public via the internet.

The Justice and Development Party (AKP, Adalet ve Kalkınma Partisi) and Erdoğan came to power promising more democracy and economic growth in 2002, yet ended up in absolute authoritarianism. In the new regime under the AKP rule, the police and judiciary form the center, and a clear distinction is made between the acceptable citizen and the terrorist (Akça 2014: 38-39), with the *terrorist* designating a broad category that would include any dissenter. The aggravation of authoritarianism and its institutionalization in the state apparatus through legislative changes gained a new dimension (Kaygusuz 2018) with the 2016 coup attempt.

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sake of solidarity with her imprisoned colleagues and was then sent to prison. During the five weeks of solitary confinement of four academics, national and international campaigns and calls were made to the government.

<sup>8</sup> This was the number of dismissals included in the section "dismissal from universities" in the released additional lists of SoEDs.

The SoE and its functioning were defined and limited to certain conditions under the constitution, wherein it was specified as a temporary administrative regime for situations such as deterioration in the public order, and the proliferation of violence, disaster, or economic distress. While the government was given power to issue decrees in Article 121 (TİHV 2019b: 89), it was limited in subject and time in the last paragraph of the same article, which was in force at the time of the declaration of the SoE in 2016. According to the decree, measures could be applied only in the regions where the SoE had been declared, on the relevant issues required by the SoE to be valid during the SoE. Nonetheless, during the latest SoE in Turkey, SoEDs were issued contrary to the legal limitations in terms of geography and time span (İHOP 2018). Moreover, personalized decisions were made that conflicted with the principle of universality (Günday 2007), and the SoEDs exceeded their boundaries described in the law and became a means for oppression and punishment (AI 2017) as the result of arbitrary, unfair, and political motivations (ibid: 4), and the feeling of revenge, political engagement, and even personal animosity (ibid: 10). In addition to the extrajudicial practice of the SoEDs, dismissal by the emergency decrees is considered as a gross human rights violation since it nullifies the rule of law, denies the right to a fair trial and the presumption of innocence according to the Vienna Declaration, and leads to loss of legal personality, and causes stigmatization and systemic discrimination, which is considered as political violence (TİHV 2019a)<sup>9</sup>.

### **Right to have rights**

The well-known conception of Arendt, the *right to have rights*, signifies “a kind of protest or objection against anyone’s being placed or left in a condition of having no rights” (Michelman 1996: 200). Arendt articulated the idea in the chapter titled “The Decline of the Nation-State and the End of the Rights of Man” in *The Origins of Totalitarianism* (1962), where she also “details the ways in which the notion of human rights was put to the test in the decades after World War I” (DeGooyer et al. 2018: 5). Arendt divulged the human rights notion and its paradoxes regarding stateless and minority groups in Europe who were stripped of their rights and reduced to bare human beings by the reason of loss of membership to (any) political community. As Arendt put it, “the loss of a community willing and able to guarantee any rights whatsoever, has been the calamity... and only the loss of a polity itself expels him from the humanity” (Arendt 1962: 297).

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<sup>9</sup> For an extended summary of the research report, see [https://tihvakademi.org/wp-content/uploads/2020/02/Academic\\_Purge\\_in\\_Turkey\\_Executive\\_Summary.pdf](https://tihvakademi.org/wp-content/uploads/2020/02/Academic_Purge_in_Turkey_Executive_Summary.pdf)

In Benhabib's normative interpretation of the expression, the first right originates from being a human, while the second, the plural one, is attributed to citizens (DeGooyer et al. 2018). Therefore, the loss of nationality status was equivalent to a loss of rights (Benhabib 2004: 50). Michelman (1996: 205) pointed out that "fundamental Arendtian right is the right to political inclusion" since if one is excluded from the polity then she has no access to attending rights of included members. In other words, citizenship introduces rights.

Membership in a polity, however, not a formal membership, does not guarantee enjoying basic rights, such as justice and freedom. For example, although one may have the "right to have *it*", the Arendtian fundamental right of inclusion, "precondition ... of the possibility of your having (further) rights" (ibid: 206) *it* may not function for certain individuals or groups as for other fellow citizens. That is to say, membership is the basic feature of citizenship, however, it must include the "foundational right to social and political membership, as well as both *de jure* and *de facto* inclusion and recognition<sup>10</sup>" (Somers 2008: 6).

Public servants in Turkey dismissed under the emergency decrees have been subjected to degrading practices that have caused the loss of meaningful membership to the political community and recognition as equal right-bearing citizens. Among them, the AfP have been collectively subjected to total abasement, as well as judicial process that functioned as a destruction of rights *de jure*.

### **Violations**

Dismissed public servants are members of the political community of Turkey. Despite the rights entitled to citizens, dismissed public servants have been treated to the contrary, and subjected to extra-legal action. The findings below present the transgressions that the AfP have been exposed to, which have been gathered through a research document<sup>11</sup>, entailing not

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<sup>10</sup> The emphases in original text.

<sup>11</sup> The research covers violations of rights, comprising economic, social, and academic losses that the dismissal has caused, and finally, resistance and empowerment process. It was conducted as part of the Project titled "Supporting Academics as a Human Rights Actor in a Challenging Context", funded by the European Commission, European Instrument for Democracy and Human Rights (EIDHR) Country-based Support Scheme (CBSS) Turkish program by the Human Rights Foundation of Turkey. The research report is available in Turkish <https://tihvakademi.org/wp-content/uploads/2020/02/akademisyenihraclariy.pdf> For an extended executive summary, see <https://tihvakademi.org/wp-content/uploads/2020/02/akademisyenihraclariy.pdf>. The research team consisted of dismissed AfP (in alphabetic order): Cansu AKBAŞ DEMİREL, Feride AKSU TANIK, Nermin BİTER, Aslı DAVAS, Lülüfer KÖRÜKMEZ, Hanifi KURT, Güldem ÖZATAĞAN, Zeynep ÖZEN BARKOT, and Nilgün TOKER KILINÇ. All of the findings and figures covered in this article were gathered through the research cited in this footnote if not indicated otherwise. The research was based on 248 surveys and 50 semi-structured interviews with dismissed AfP, conducted over an eleven-month period between August 2018 and July 2019. The sampling of the fieldwork was designed according to distribution of the dismissed AfP by gender, age, academic discipline, and academic title. The research originally identified human rights violations on the basis of definitions offered under the Universal Declaration of Human Rights, the United Nations

only the illicit conduct they have faced, but also their exclusion and deprivation from their citizenship rights.

*Targeting, threat, and attack* are one of the most common assaults that dismissed academics have been subjected to since the announcement of the petition. Following the press release of the petition, academics' names and photos were published online by a news portal and shared by many others. Almost 85% of the dismissed AfP stated that their personal information was disclosed via electronic and social media with the intention of targeting. The participants mentioned the following among the pointers of targeting: *President, government authorities, ministers, journalists, rectors, and colleagues*. Moreover, more than half of the survey participants revealed that they were threatened verbally or in writing by ultra-nationalist groups, student councils, pro-government union of teachers, Sedat Peker<sup>12</sup>, a well-known mafia leader in Turkey, and so on. In addition, as the SoEDs published the names, citizenship ID numbers, and institutional affiliations of the academics who were accused of having "a connection with a terrorist organization", it was a clear violation of the presumption of innocence, which eventually led to state-sponsored stigmatization. Furthermore, 21 of the dismissed AfP stated that they had been attacked physically by students, colleagues, or the police in their offices at the university and on the campus.

Long before the SoE and dismissals, the AfP, at both work at public and private universities, had lost their jobs through the cancellation or non-renewal of their contracts, as well as forced resignation and retirement. Moreover, the research findings revealed that their *right to work* and *right to equal pay* has been severely violated in many ways. Dismissal under the SoED means indefinitely being banned from working in the public sector. However, the prohibition also covers the private sector, since special codes about dismissals were inserted into the files of the dismissed AfP in the national social security system. Thus, any potential employer will be informed about the respective candidate's dismissal, which functions as intimidation mechanism. More than 62% of the participants reported that they were not hired due to this coding. Moreover, cancellation by authorities of professional licenses or certificates (including law licenses, arbiter licenses, certificates of occupational

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Covenant on Civil and Political Rights, the United Nations Covenant on Economic, Social and Cultural Rights, and the European Convention of Human Rights (TİHV 2019a: 21). The diagnostic framework covered the right to life, right to liberty and security of person, presumption of innocence, right to protection of privacy, right to work, right to equal pay, right to social security, right to retirement, right to property, right to education, and right to assembly and organization, as well as violations that may be observed during detention or arrest.

<sup>12</sup> He openly threatened the AfP saying, "We will let their blood run in streams and we will take a shower in it". His threat was determined as "freedom of thought and expression" by the court.



safety specialist trainers and planning competency documents for city planners) for no other reason than the dismissal has been another form of violation of rights related to work.

A columnist advised the public to exercise civil death for the AfP, citing “those people should not be able to find a job again and their careers should end. They should not be able to appear in the media, thus society will automatically exclude them” (Küçük 2016) just after the announcement of the petition. A provincial head of the government cursed all dismissed public servants, saying, “Let them eat tree roots” (Hürriyet 2016). Nonetheless, 24% of the participants were reported as unemployed, while many had to work informally, without social security registration, due to either employer’s fear of stricter governmental control or the opportunity to exploit a valuable, yet vulnerable, work force. Academics that could get a job were compelled to accept underpaid and unqualified jobs with harsh working conditions, which entailed them to take more than one job (29%).

Among the AfP the graduate students subjected to violation of the *right to education* by being expelled from the graduate program, coercive suspension of studentship, abdication of thesis juries and advisors, and advisors’ poor academic support due to ideological differences. Moreover, 20% of the participants, who were graduate students, reported that they did not continue their education because of the mentioned reasons. Additionally, dismissed academics were either banned or abstained from entering the campus for security reasons, which hindered them from attending classes or having face-to-face contact with their advisors.

Academic repression practiced by university administrators included disciplinary investigations and sanctions, the cancellation of academic assignments, courses, research projects, and applications of associate professorship and advisership, as well as removal from administrative posts, boards, and commissions. Likewise, the colleagues’ exclusionary conduct, neglect of academic principles, and ethics gave rise to their discharge from already confirmed academic events and publications, as well as disengagement, both in academic and personal senses. In addition, dismissed academics were removed from editorial boards and publishing lists and their referee positions in journals indexed by ULAKBİM<sup>13</sup> were cancelled on the grounds of a notice sent by the Scientific and Technological Council of Turkey (TÜBİTAK).

In addition to the violations mentioned above, violations of right to property, right to assembly and organization, right to social security, violations of detainment and imprisonment conditions, and rights involving family members and relatives have been reported. Adversities

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<sup>13</sup> ULAKBİM (Turkish Academic Network and Information Center) is the national academic index of Turkey.

and losses arising from violations have led to problems in social, economic, and professional realms with damaging effects on personal health (TIHV 2019a).

Last but not least, although the manner in which dismissals were executed with Decree Laws led to violations of rights *per se*, the research findings revealed that the political atmosphere and the politicians' statements prompted an ongoing cycle of rights violations and losses for the dismissed academics. For example, due to the coding on the social security system, academics had to take jobs with low wages and without social security; thus, their access to health care has been interrupted, since they have neither enough earnings to afford it nor have insurance. Furthermore, the violations, which started in January 2016 and still continue without any compensation, have had a wide-range of negative effects on both the dismissed individuals and their families, creating traumatic consequences.

The data collected in this research was gathered on an individual basis. Unfortunately, associating the dismissed persons to terrorism and treason has gone so far that even the right to elect and be elected became a matter of discussion during the local elections in March 2019. While the former right has remained intact, the latter has been violated. Based on the AKP's request to annul the local election on the grounds that dismissed persons had voted, the Supreme Election Board, decided, in the aftermath of the elections, to annul the eligibility of elected mayors who were dismissed by the SoED. Finally, denaturalization of the dismissed public personnel debates has not gone further, but functioned as another form of public targeting.

### **A legal fight to have “the right to have rights”**

The punishment of dismissed public servants in general, and of the AfP in particular, has not been limited to just cutting off their livelihood and expelling them from their professions, but has expanded into social, moral, and political exclusion. However, their fight to have their rights back and redressing the wrongs of the executive power through national and international law has reinforced the exclusion once more at the judicial level, and rendered their position as disposable citizens (Özdemir 2020). Dismissed public servants have “launched either individual or concurrent appeals with administrative bodies, administrative courts, the Constitutional Court, and the European Court of Human Rights (ECtHR)” (Altıparmak 2017: 1) since late 2016. The Constitutional Court ruled that the Peace Petition falls within the freedom of expression on 26 July 2019, which means the recognition of unjust accusations and subsequent administrative and criminal prosecution and punishment. However, the court verdict, which was binding for all other courts, was not enough for

acquittal of all of the AfP. In fact, only 622 out of 822 cases were acquitted within a year (Barış için Akademisyenler 2020).

Dismissed academics also applied to the ECtHR on the basis of a lack of effective remedy within national law right after the dismissal. However, the ECtHR decided that national remedies could not be determined to be ineffective in November 2016. In addition, under the advice of the Venice Commission, the Council of Europe Secretary General, and the ad hoc Sub-Committee of Parliamentary Assembly of the Council of Europe, the Inquiry Commission on the SoE Measures (ICoSoEM) was established in January 2017 under Emergency Decree No. 685 (Altıparmak 2017: 3). The commission became the ultimate competent authority with the capacity to decide reinstatement of the rights.

A total of 126,300 applications were made to the Inquiry Commission and 108,200 of the applications were finalized as of the 3rd of July, 2020. Only 12,200 of the appeals have been accepted (ICoSoEM 2020). The criticism of the commission was not limited to its pace, but its way of functioning, including a lack of institutional independence, as the majority of the members of the commission were appointed by two ministries that formed the executive body of the dismissals in the first place, the inability of applicants or lawyers to access the accusations and evidence, a lack of hearings, and lack of transparency on the criteria for acceptance or rejection (AI 2018 and EU 2019).

Despite the ‘evaluation method’ of the commission, which states that the commission is to follow the decisions of judicial authorities and those applications that have non-prosecution and acquittal decisions are given priority, the commission has disregarded the constitutional court decision on the AfP for more than a year (TİHV 2020). While the commission is holding the cases of the dismissed AfP, the academics’ fight to get their rights back within legal mechanisms seems to be suspended in ambiguity.

As the commission seems to avoid the court’s decision and its own evaluation methods, public authorities still criticize the verdict. Süleyman Soylu, the Minister of the Interior, referred to the petition “a statement of terrorist organization PKK” and criticized the verdict, even a year after the court’s decision (Bianet 2020). The importance of his statements should be emphasized, as he is one of the highest authorities that appoints the inquiry commission members and has the power to effect members’ opinion about the AfP cases.

Consequently, the AfP find themselves in a Kafkaesque gallery in search for justice through national and international legal mechanisms; this quest, however, has resulted in the destruction of legal personality along with the deprivation of citizenship and its attended rights. Moreover, the AfP are collectively blocked from the right to claim their rights back

and condemned to be associated with crime and exclusion, without conviction, even despite the court order in the opposite direction. Apparently, the actual conviction of dismissed academics as political dissidents is ‘let die’ “as dead to law” and “imprisonment through the exclusion” from social and public spheres (Özdemir 2020: 13, 3).

### **Conclusion**

The AfP have come together to object and interfere with the violations taking place in southeastern Turkey, yet they have faced repression and intimidation, and suffered from a violation of their rights. Through the ongoing cycle of violations for almost five years, the ‘original’ punishment of the banning of holding positions in the public sector has further degraded them by stigmatization and exclusion as academics and citizens. Civil death as “being deployed based on the logics of let die” (Özyürek and Özdemir 2019: 713) aimed to create rightless individuals who are neither protected by domestic nor international law. They certainly are refused to be recognized as equal, right-bearer members, although they are not deprived of citizenship and their attended rights are totally granted *de jure*.

Nonetheless, it is not meaningful for the rights to be accessed and actualized only through *de jure* recognition, which means to be recognized as citizens, but it is, if they are accessed through the act and is possible to *have* them by this way. That is to say, even if the right to *claim* rights (Işın 2009) is denied *de jure* or by denial of the authorities, claiming is still possible through collective actions and demand-making (Maxwell 2018: 41). Performative interpretation of Arendts’s idea of the *right to have rights* allows a space to be created “in which people can be recognized as interlocutors, as equal partners in action and deliberation” (Ingram 2008: 410). This perspective saves individuals positioning in passive subjects, and reorients to individual and collective action, which is purely political.

The AfP have been struggling for, and insisting on, their right to claim and *have* rights, even though they have been deemed as undesirable and debased as citizens. They have collectively organized active solidarity networks so as to not leave any AfP alone in the courts, to continue to practice their professions, to write, teach, research, and alleviate the repression on critical thinking, both in academia and in the country, and to point out the injustice and struggle to overcome it. While collective practice has been the way of withstanding, the collectivity has interwoven with the support of a wide range of institutions, unions, lawyers, individuals, so on so forth. This enlarged solidarity network has also meant recognition as politically relevant actors with equal rights, and inclusion. Thus, acts and practice, especially in the form of collectivity, is the path to the “continuous reinvention of

(human)<sup>14</sup> rights in response to new forms of injustice” (Gündoğdu 2015: 57) and the ways to access these rights, as happened to be in case of the AfP.

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<sup>14</sup> No parentheses in the original.

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