# Environment Between Law and Justice: Legal Consciousness of Environmental Movements in Turkey, 1990-2024

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## Declaration of Originality

The intellectual content of this dissertation, which has been written by me and for which I take full responsibility, is my own, original work, and it has not been previously or concurrently submitted elsewhere for any other examination or degree of higher education. The sources of all paraphrased and quoted materials, concepts, and ideas are fully cited, and the admissible contributions and assistance of others with respect to the conception of the work as well as to linguistic expression are explicitly acknowledged herein.

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## Abstract

Environment between law and justice: Legal consciousness of environmental movements in Turkey, 1990-2024

Rüya Yüksel Güven, Doctoral Candidate at the Atatürk Institute for Modern Turkish History at Boğaziçi University, 2024

Associate Professor Irmak Ertör, Dissertation Advisor

This dissertation explores sources of legal consciousness of environmental movements in Turkey by focusing on three local-based rural movements (Akbelen, Avdan, Deştin). Legal consciousness, which refers to both state and non-state law, is briefly defined as one's view and understanding of law, rights, and justice. I suggest that the legal consciousness of environmental movements in rural areas derives from "historical/territorial rights" and "relations of production" for local communities, and the understanding of "commons" for the environmental organizations/defenders, rather than the administrative law for environmental protection. The motivational ground of the struggle for local communities is the rights that they believe they have since they have lived for generations and made their livelihoods by agriculture in spaces under environmental assault. Both local communities and environmentalists see those spaces as "commons". That is why they defend that they are right in their struggle. This argument is discussed through the roles of space, law and legality, and institutions and institutionalization, based on field visits, interviews, and (social) media research. The ties with space play a triggering role in the motivations of a struggle; in the field of law and legality environmental movements run a counter-hegemonic struggle; and their engagement with law and the institutions (environmentalists, state, experts, and media) facilitates their institutionalization (and vice versa) and create venues for transformation and sharing of legal consciousness.

85,000 words

# Özet

Hukuk ve adalet arasında çevre: Türkiye'de çevre hareketlerinin hukuk bilinci, 1990-2024

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Bu tez, Türkiye'deki çevre hareketlerinin hukuk bilincinin kaynaklarını üç yerel tabanlı kırsal harekete (Akbelen, Avdan, Deştin) odaklanarak araştırmaktadır. Hem devlet hukukuna hem de devlet dışı hukuka atıfta bulunan hukuk bilinci, kısaca kişinin hukuk, haklar ve adalet hakkındaki görüşü ve anlayışı olarak tanımlanmaktadır. Kırsal alanlardaki çevre hareketlerinin hukuk bilincinin, çevre korumaya yönelik idari hukuktan ziyade, yerel topluluklar için "tarihsel/teritoryal haklar" ve "üretim ilişkilerinden", çevre örgütleri/savunucuları için ise "müşterekler" anlayışından kaynaklandığını öne sürüyorum. Yerel topluluklar için mücadelenin motivasyon kaynağı, çevresel saldırı altındaki alanlarda nesiller boyunca yaşamış ve tarımla geçimlerini sağlamış olmaları nedeniyle sahip olduklarına inandıkları haklardır. Hem yerel topluluklar hem de çevreciler bu alanları "müşterek" olarak görmektedir. Bu nedenle de mücadelelerinde haklı olduklarını savunmaktadırlar. Bu argüman, saha ziyaretleri, görüşmeler ve (sosyal) medya taramasına dayanarak mekânın, hukuk ve yasallığın ve kurumlar ve kurumsallaşmanın rolleri üzerinden tartışılmaktadır. Mekânla kurulan bağlar mücadele motivasyonlarında tetikleyici bir rol oynamakta; hukuk ve yasallık alanında çevre hareketleri karşı-hegemonik bir mücadele yürütmekte; hukuk ve kurumlarla (çevreciler, devlet, uzmanlar ve medya) kurdukları ilişki ise (tersi de geçerli olmak üzere) kurumsallaşmalarını kolaylaştırmakta ve hukuk bilincinin dönüşümü ve paylaşımı için mecralar yaratmaktadır.

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## Abbreviations and Acronyms

| | |
|---|---|
| AKP | Justice and Development Party |
| CAN Europe | Climate Action Network Europe |
| CHP | The Republican People's Party |
| DOÇEV | Foundation of Nature and Environment |
| DEM | Peoples' Equality and Democracy Party |
| ECHR | European Court of Human Rights |
| EGEÇEP | Aegean Environment and Culture Platform |
| EIA | Environmental Impact Assessment |
| EMEP | Labor Party |
| EMO | Chamber of Electrical Engineers |
| HPP | Hydroelectric Power Plant |
| KARDOK | Karadam Karacahisar Neighborhoods Association for the Protection, Beautification and Solidarity of Nature and Wildlife |
| MUÇEP | Muğla Environment Platform |
| MAD | Spatial Justice Association |
| MHP | Nationalist Movement Party |
| MUSKİ | Muğla Water Administration |
| SLAPP | Strategic Litigation Against Public Participation |
| SOL | Left Party |
| TBMM | The Grand National Assembly of Turkey |
| TEMA | The Turkish Foundation for Combating Erosion, Reforestation and Protection of Natural Habitats |
| TİP | Workers' Party of Turkey |
| TMMOB | The Union of Chambers of Turkish Engineers and Architects |
| TTB | Turkish Medical Association |
| TÜBİTAK | The Scientific and Technological Research Council of Turkey |

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# 1

## Introduction

*"Defending your land and honor is not a crime. I defended my land. I am the grandson of martyrs. My grandfather, Ali Çavuş, was martyred and stayed in Çanakkale while defending his land. My father taught this to me. I wasn't educated, I was given advice [by the elders]! I defend my land. If you don't protect it, the green plain will become a desert, a horse dies and the field remains, a valiant one dies, and glory remains. May my glory remain for protecting this land of mine."* [1]

– Hatice Kocalar, *28 May 2024, Tavas Courthouse, Denizli*

1 "Toprağını, namusunu korumak suç sayılmaz. Ben toprağımı savundum. Ben şehit torunuyum. Benim dedem, Ali Çavuş, Çanakkale'de toprağını korurken kalmış. Beni babam bununla eğitti. Ben eğitim görmedim, ben öğüt gördüm, öğüt! Ben koruyorum toprağımı. Yürüye yürüye koca dağlar yol olur, korumazsan yeşil ova çöl olur, at ölür meydan kalır, yiğit ölür şan kalır. Benim şanım kalsın bu toprağımı koruduğum için." Original speech in Turkish (Yeşil Gazete, 2024b).

These words of Hatice Kocalar, a villager from the city of Denizli struggling against the urgent expropriation of their lands for a coal mining project, are a short and striking summary of what this dissertation is arguing and focusing on. Among these words, my focus is especially on the part where she stresses "I wasn't educated, I was given advice". Hatice Kocalar was saying these words after a court trial that condemned her for the battery of five male employees of the coal mining company while she was trying to prevent them from excavating her cultivated lands. In these words, she refers to history, previous generations, and "education". This was something that she kept saying in the conversations that I became a part of. She was defending her land and herself against the accusations not because she was educated on them but because she had been raised and advised this way. She is sure that she is right, and the basis of this rightfulness does not derive from education but from advice. My suggestion in this dissertation is to frame this sort of discourse from a theoretical viewpoint of legal consciousness by interpreting "education" as "state law" and "advice" as non-state law.

Legal consciousness is a term defining one's beliefs, opinions, views, and perceptions of law and legality, justice and injustice, and rights as Merry describes: "The law consists of a complex repertoire of meanings and categories understood differently by people depending on their experience with and knowledge of the law. The law looks different, for example, to law professors, tax evaders, welfare recipients, blue-collar homeowners, and burglars"(Merry, 1990, p. 5). In this context, this concept also explains what kind of rules and norms shape one's views about law and legality apart from the written, official state law. This is both about how we understand the law and legality as an institution in an official context of state law and norms, rules, and rights in an unofficial context of non-state law. Once again, Merry identifies it as follows: "Legal consciousness is expressed by the act of going to court as well as by talk about rights and entitlements"(Merry, 1990, p. 5).

Thus, I ask the question of how one defines oneself as a rightful actor and subject in an environmental struggle as in the case of Hatice Kocalar. Which norms do they refer to prove that they are the subjects and actors

of that conflict and that they are right in this struggle? My suggestion is that non-state law is much more effective in the way they define and defend themselves. This is the starting and ending point of a struggle. The struggle starts with the idea of being entitled to engage in this struggle by becoming a subject or actor of it. It ends with being still right apart from the outcome of the courts or the realization of the coal mining project as in the example of Hatice Kocalar. The struggle is for sure transformative on every level; however, she will still be right in her cause based on this understanding. Moreover, as the examples will be given, the struggle usually does not have an absolute ending since the conditions might change in the future as in the case of new legislation for a canceled mining project or new actors and places re-starting the struggle, for instance.

In this context, this project investigates the approaches of the environmental/ecological movements/struggles regarding the law, hence the legal consciousness, and its relation with the environmental consciousness in Turkey. This project aims to portray and understand the interplaying relations between the state, the law, the environment, and the environmental movements in the late 20th and early 21st century in Turkey. Thus, the relations between the state, social movements, and law constitute the outermost circle, the environmental movements' relations with the law and the state are the middle circle, and lawyers and cause lawyering and their relations with the movement and the law in Turkey constitute the inner circle of the structure of this study. In this framework, my research focuses essentially on the inner and middle circles by applying field research while I refer to the literature on law and social movements as secondary sources for the outer circle.

Two processes led me to form this dissertation within this framework. The first one was my interest in law and society studies and the fact that they are understudied in Turkey. My master's studies were also investigating the same subject by focusing on the protests outside the courthouses (Yüksel, 2015). My focus was more on defining social movements' positions and views regarding state law. I tried to show for what reasons and cases people go to the courthouse to organize a protest and

how one can explain the dilemma of both protesting and demanding justice from the same judiciary. Legal consciousness was not my main theme since my focus was on how they engage with state law, and how the cases that they protest give a portrait of the ideology of the judiciary. The cases of environmental movements were not in the scope of my study even though they also organize protests at the courthouse most of the time. This might be explained by the ways that social movements differ in their relations with the law. The categories that I defined in that study included the cases regarding the women's movement, the LGBTIQ+ movement, the working-class movement, and political cases. They were the movements that mostly used the courthouse as a space of protest. Environmental movement, on the other hand, needed to be present both at "the courthouse" and "the field" in their engagement with the law. Unlike the case of the murder of a woman or worker, the environmental movement could be present in the field to stop the damage to the environment.

Thus, I started questioning the relations between the environmental movements and the law, hence the environmental movements' view of the law. The literature helped me at this point and Grobelski's (2016) study on the administrative law's effect on the legal consciousness of environmental movement in Poland has given me the main idea of this dissertation. My suggestion is that the effect of administrative law is rather low in environmental movements' relation to the law and their struggle. They do not rely only on administrative law while they are defending themselves and proving that they are right. Administrative law in state law in the case of environmental movements, is crucial to realize concrete gains of the movements. However, state law does not always provide a situation, opinion, and sense of "being right" or "justice". On the contrary, state law produces injustices in many ways. Even though state law issues a just verdict, other state institutions might not apply this verdict. Under these circumstances, environmental movements bring another discourse in proving they are right during their struggle. As will be detailed in the following pages, this discourse can be framed around

historical/territorial rights, the relations of production[2] and the understanding of the commons. In other words, the legal consciousness of local communities in environmental struggles derives from the historical/territorial rights and the relations of production, while the legal consciousness of environmental defenders (or environmentalists) depends on the understanding of the commons. In addition, the environmental consciousness of the movements also is shaped in a parallel line with the legal consciousness within the struggle.

On the other hand, I should underline that the example of "advice" in the case of Hatice Kocalar as non-state law does not mean only one sort of knowledge and consciousness that defines the legal consciousness of environmental movements. These movements are composed of local communities, mostly villagers in rural contexts and environmentalists. Together they constitute a legal and environmental consciousness that goes beyond the state law and this consciousness is determined by their social class and political positions within the society. Villagers are agricultural producers and hence they have historical/territorial rights and relations of production with the environment that they live in, and environmentalists politically see spaces under environmental assaults as commons that belong to no one and everyone at the same time. In this context, there is not one particular non-state law as in the case of "advice" but there are non-state *laws* and also state *laws* that have different faces that promise the protection of the environment on the one hand, and allow the destruction of it by handing it over to the companies and/or under the guise of "public interest".

Moreover, suggesting that non-state law stands as a basis in the legal consciousness of environmental movements does not mean that their legal consciousness is static or has a given essence that never changes. The law works in ways both instrumental and constitutive in its relations with society. Environmental movements' relation with the law also has different faces. They apply to the law as an authority, they use it as a tool

2 In the formulation of this argument in terms of "historical rights" and "relations of production", Özlüer's (2022) work has been the reference.

that helps their struggle and they criticize it when it produces injustice as in the conceptualization of legal consciousness by Ewick and Silbey (1998) as "before the law", "with the law" and "against the law" that are discussed in detail in Chapter 2. Environmental movements, throughout their struggle, navigate between these positions as the examples can be seen in chapters 3,4 and 5.

## § 1.1 Theoretical Framework

It would not be wrong to say that a process of lawsuits usually accompanies an environmental struggle. The relations between law and social movements have been a significant area in recent years. There have been various questions around the subject, but the main question has been whether the law brings social change or not. In this context, this study stands with the idea that not the law per se but the struggle in law brings social change. Following this line of thought, this project takes the mobilization and critical/hegemony approaches in legal consciousness studies as a theoretical framework as defined by Halliday (Halliday, 2019), and Chua and Engel (Chua & Engel, 2019).

As stated, *legal consciousness* is basically one's view, approach, perception, and attitude toward the law. It is also about how one understands, knows, and defines their rights. And also, it is about one's understanding of justice and injustice. Through everyday life experiences, it investigates the assumptions about law and the law and worldview that develop accordingly (Akçabay, 2020). We might say that we can find legal consciousness in narratives about law and rights in areas that seem not inherent to the law, or areas that seem unrelated to the law. Social movements and hence the environmental and ecology movements can be considered one of those areas. As Holliday and Morgan stated in their work on the legal consciousness of radical environmental activists, "To study legal consciousness is to study the taken-for-granted and not-immediately-noticeable: the background assumptions about legality which structure and inform everyday thoughts and actions"(Halliday & Morgan, 2013, p. 2).

Moreover, considering different themes in the studies of legal consciousness, there are various approaches in terms of why studying legal consciousness matters, how to define the concept, and whose legal consciousness is studied. Among those, a critical approach focusing on how the law is political and the construction of the hegemony of law occupies the daily lives of people and turns into a control mechanism, but at the same time how this hegemony can also be contested through counter-hegemonic struggles. Once again, environmental movements can also be portrayed as counter-hegemonic struggles in law. Even though challenging the law and changing how it works is not the main, primary, and intended aim of those movements, their struggle has a potential effect on the law and contributes to the social change of the law.

On the other hand, *environmental consciousness*, in the context of this study, should be understood more than being aware of the effects of one's actions on nature. It is more than recycling the garbage, calculating carbon footprint, or avoiding using plastics. Surely, this kind of environmental consciousness has risen in the last decades with the debates on climate change. It can easily be observed that people are much more concerned about nature and much more informed about the environment, ecology, and climate issues. However, even though people do not have a high level of awareness, they still have a potential environmental consciousness based on their relations with space and more generally with nature. Especially rural people who live in nature, have an understanding of caring for and protecting nature. This cannot be generalized to all rural contexts, but it is possible to conclude that if there is an objection to an environmental assault and an attempt to protect and defend their living areas, this fact signifies their caring for nature. However, this is not just because they love nature. It is because they live and make a living out of it, as Salih, an interviewee who is an environmental journalist (16 January 2023), pointed out "The villagers know very well the ecology. They know very well what it will cost to not have that insect, that grass. It's ancient knowledge. It is the knowledge that they acquired by themselves. Pasture is a part of their lives. It is the area where they feed their animals and make a living. I think there is an ecological consciousness here".

New studies on "ways of knowing of indigenous people" focus on "people's complex relations to land, sea, rivers, mountains, forests and plants, animals, and other beings" and argue that local socio-environmental struggles "are also resisting attempts against their ways of knowing and living and against other-than-human beings"(Aoki Inoue et al., 2023, p. 2).

Until a threat to their living areas occurs, this caring relation with nature is not necessarily defined by environmentalism. When local communities start a struggle against such an assault, then this relation connects to environmentalism. Connections with environmental organizations also play a crucial role in this transformation as will be discussed in the next chapters. The understanding of the commons, historical/territorial rights, and the relations of productions build the background for this form of environmental consciousness.

Moreover, from the perspective of political ecology and environmental justice, this research argues that the triggering point and motivation of environmental struggles is not mere environmentalism that can be summarized as "protecting the environment and nature" or "saving the planet" or environmentalism romanticizing the nature, but it is the "defense of living areas", which are also a part of the nature. Political ecology criticizes the way nature is seen as something sacred and also as a background for human activity. Rather, this approach focuses on how political, economic, historical, and social relations are at work in shaping relations with nature. Environmental justice draws attention to how environmental problems, solutions, and responsibilities of these problems are allocated in different segments of society based on gender, class, or race. This perspective demonstrates that disadvantaged groups in societies are the ones that are mostly affected by environmental problems as explained by the concept of "environmentalism of the poor" (Martinez-Alier, 2002). In the case of Turkey, "environmentalism of the malcontent" (Arsel et al., 2015) was suggested to define the approach of the environmental movements as environmentalism is seen as a result of being malcontent about and contesting other political problems. However, in the cases of this study what I observe does not quite fit this concept since the main

motivation is always explained as the "defense/protection of living areas". This situation fits better the definition of "the conflict between two symbioses: community and environment vs. company and the state"(Çoban, 2004).

In the discourse of environmental movements and in the literature, "environment", "ecology" and "nature" might be used in place of each other. In this study, I will mostly use the term "environment", but I actually share a much broader perspective of ecology which does not put the human being at the center and consider everything else around them as "environment". Despite this fact and my theoretical and political stand, I will mostly use the term "environmental movements" since it has been the term widely used at different levels such as academia, media, the state, the environmentalists themselves, and in the names of the local associations which usually go by "…environmental protection association".

Regarding the studies on social movements, I will use the terms "struggle" and "movement" interchangeably. "Struggle" is a more comprehensive term compared to "movement". There might be a struggle of a group of people, for example, but it might not turn into a movement. Moreover, I will also use the terms "actors", "subjects" and "members", or "environmental defenders" and "environmentalists" interchangeably while referring to people engaging in environmental movements.

## § 1.2 Research Questions and Arguments

This dissertation project is structured around the following research questions:

- How are the legal and environmental consciousness of environmental movements in Turkey shaped or determined? Where do the roots of this consciousness lay?
- What factors and norms constitute the environmental movements' approach regarding environmental justice?
- How do they defend and legitimize their cause? How do they prove that they are right in their cause?

- Why do the environmental movements feel entitled to engage in a struggle?

- What role do environmental lawyers play in the environmental movements? How are the relations and networks between environmental lawyers in Turkey shaped?

Legal and environmental consciousness of the environmental movements in Turkey stems from an understanding of relations of production, historical/territorial rights, and commons. They do not only rely on their legal and official rights but go beyond it and they claim the right to defend the environment. They do this against the companies and the state from time to time. However, it might not be wrong to say that their first target is the companies. The reactions against the environmental hazards started to escalate after the privatization of energy power plants and after private companies were permitted to operate for mining especially. The literature states that the projects held by the government, such as the first dam projects, did not draw a reaction at first but reactions and protests arose against the companies (Adaman et al., 2016).

My claim is that the legal consciousness of people engaged in environmental struggles in Turkey is not mainly shaped by administrative legal processes. Especially the legal consciousness of local people, who are involved in the environmental struggle through non-institutional channels, is based on the rights they believe they have over the nature or environment they live in because they basically live and make a living there. That is to say, they constitute a community living in a space in nature. Those places (which are also the subject of environmental conflicts) could be forests, agricultural lands, rivers, lakes, or other natural entities, namely "commons". However, I propose that this understanding of commons is usually the approach of urbanites and more organized environmental defenders while the local communities' approach is highly shaped by their stand on their own living areas and livelihood. What brings them together is the demand for environmental justice. While urbanite and organized environmentalists emphasize injustice from a more macro and

global level, the locals focus much more on the aspects that they experience in their daily lives.

Thus, this study argues that the legal and environmental consciousness of local people derives from the historical/territorial rights and relations of production, while environmental defenders' consciousness stems from the understanding of the commons. Escobar underlines that "within relational worlds, the defense of territories, life, and the commons are one at the same"(Escobar, 2020, p. 47). Hence, the understanding of commons is also present in the consciousness of local people but what marks environmental defenders' consciousness is the commons.

## § 1.3 Methodological Framework

This is a study of a contemporary issue of ongoing events. On the other hand, it is acknowledged that environmental movements in Turkey emerged at the end of the 1980s and the beginning of the 1990s. The cases of this study also have histories dating back to this period. Thus, in terms of periodization, this study focuses on the period starting with the beginning of the 1990s to nowadays.

This study used a combination of three research methods: semi-structured in-depth interviews, participant observation, and media review. Qualitative methods provided information as primary sources. Semi-structured in-depth interviews that took anywhere between 45 minutes to 2 hours were conducted with environmentalists, people from local, national, and global environmental organizations and movements, environmental journalists, and environmental lawyers whose profiles with their nicknames can be found in Appendix B. In addition, I was a participant observer in demonstrations/protests in provinces and regions where environmental issues and conflicts were taking place (Olive Meeting in Milas, Muğla in April 2022 and expert examination in Akbelen in August 2022), and in court hearings of cases that emerged from them (Hatice Kocalar's trial in May 2024). The details of these observations will be provided in section 1.3.2. Field Visits and in Chapters 3, 4, and 5 where it is related to the analysis. In addition, I searched through movements' social

media accounts, websites (if available), press releases, and openly accessible case documents such as expert reports and trial transcripts. As an additional method, the media review made an important contribution to the interview and observation processes and served as a supplement to the missing information. Media review was not on selected media organs but it was more based on the news that was shared on the social media accounts of the movements and in which the members of the movements shared their stories directly. I looked for direct quotations from environmental movements. In addition, when there is missing information on the details of a lawsuit or the course of the events, for example, I checked several media organs to provide that information. Those media organs include local, national, and international sources as the details can be seen Bibliography.

### 1.3.1 *Case Selection*

The research focuses primarily on environmental lawsuits in provinces on the Aegean coast and in the Aegean Region. The reasons for choosing the Aegean region are as follows:

- A general media search, mapping studies, and sources such as the Ecology Almanac (Aksu & Korkut, 2017) show that there are more environmental disputes in the Aegean region of Turkey. Similarly, there are numerous mining, energy, and construction projects in this region as a result of its rich natural resources.
- Historically, Izmir and its surroundings have been particularly important in the environmental movement. The Bergama protests, the first environmental movement in Turkey, took place in this region. The Izmir Environmental Movement Lawyers Group, the first platform for environmental lawyers to come together in Turkey, was established here in the 1990s.
- There are different types of energy and mining projects in the region. Some of them are already in operation, some are working to expand, and some are in the process of starting up. For example, the thermal power plant in Muğla Yatağan and the gold mine in İzmir Bergama have been

the subject of lawsuits due to environmental damage, while lawsuits and protests are ongoing against the expansion of the mining sites that provide coal for thermal power plants in Muğla Milas and the new geothermal energy facility in Aydın Mezeköy. My aim was not to directly compare the project types, but they still provide a venue for analysis as my data also support.

- In the general framework of environmental movements in Turkey, it is possible to see a substantial and institutionalized community in the Aegean region. Aegean Environment and Culture Platform (EGEÇEP) and Büyük Menderes Initiative are the leading and influential organizations that are also part of the environmental movements that this study focuses on. Studies show that 25 % of the environmental organizations in Turkey operate in this region (Can and Gönenç, 2022). The cases of this study can be considered as an outcome of this lively community as well.

In this framework, this study focuses on local communities, environmental organizations, environmental defenders, and environmental lawyers as the main actors of environmental struggles and focuses on three case studies from Turkey. These cases are the Akbelen Forest struggle against coal mines and thermal power plants in Muğla, the Deştin Village struggle against the construction of a cement factory in Muğla, and the Avdan Village struggle against the opening of a coal mine in Denizli. The Akbelen struggle played an important role in the selection of these cases. There are three thermal power plants in Muğla and two of them are very close to the Akbelen Forest. Ten villages have already been destroyed for the expansion of mining sites to provide coal to the power plant for 40 years. The power plants owned and operated by the state were privatized in 2014. Akbelen was the latest target of this expansion in 2019 when people started a struggle. Hence, it has been a fringe area both for the expansion of the mine and the struggle. In this context, the case of Akbelen is highly symbolic in terms of demonstrating the role of privatization in the neoliberal journey of Turkey, energy policies, extractive industry, mining/coal mining, degradation of agriculture, and the relations between companies and the government/state. That is why Akbelen has been the departure point in case selection. Based on the Akbelen struggle, which has

recently come to the forefront in Turkey and has been going on for more than two years with vigil protests, the Deştin struggle, which is in solidarity in the same region but is not widely known in the public opinion and has different forms of organization, was chosen. The Avdan struggle, which is also in solidarity with the Akbelen struggle and similarly continues against the coal mine, was chosen because it includes different subjects/actors and organizational dynamics in different regions with the commonality over coal. The fact that these three struggles are in solidarity and share similar discourses reveals a legal consciousness in a broader framework. The movements of Akbelen and Deştin have similar environmental organizations but the organization of local communities is different and they are struggling against different projects. The movements of Akbelen and Avdan have different environmental organizations in different cities but they struggle against coal mining. As a general outlook of the cases is presented in Table 1. below, it is possible to compare the cases on many levels such as their spatial location, lawyers, and organizations involved.

### 1.3.2 *Field Visits*

I visited the Akbelen Forest/İkizköy (in Milas, Muğla) three times. In the first one in April 2022, I also attended the "Olive Meeting" organized in downtown Milas. The meeting was organized by tens of environmental organizations located in the Aegean region and tens of participants from those organizations traveled to Milas to join the meeting. The second visit to Akbelen in August 2022 was on the day of the expert committee examination determined by the court. This day was also turned into a day of protest in which tens of people gathered together in the vigil area and showed their signs and banners while the committee passed by the area. My third visit was in July 2023 during protests against the felling of Akbelen Forest. I spent the night in the vigil area along with tens of people coming from different cities to join the protests.

My first visit to Deştin village (in Yatağan, Muğla) was in August 2022, and once again to the vigil area near a site of the cement factory project that the villagers are against and in protest. There were two people at the

vigil area during my visit. As will be detailed in the following chapters, their vigil did not last long due to villagers' occupation of their agricultural work. My second visit in August 2023 was to one of the meetings they held in the old schoolyard of the village. Villagers, members from environmental organizations, and their lawyers gathered together to discuss current developments in their case.

My first visit to Avdan (in Tavas, Denizli) in August 2023 was on an ordinary day of the village. The villagers whom their lawyers introduced me welcomed me into the coffeehouse located in the village square. They also hosted me in their homes and took me to the coal mining area to show around. My second visit was to the trial day of the court case in which Hatice Kocalar was accused of battery as cited at the beginning of this chapter. Members of environmental organizations from different cities as well as Denizli, were there to monitor the trial and support Kocalar. It was a small courtroom and some of us could not go into it.

All those visits on different occasions helped me to see different phases and situations of the movements. Moreover, I had the opportunity to have an in-depth look at the actors and subjects in the movements. For instance, I participated in the annual general assembly of Muğla Environmental Platform (MUÇEP) which is an influential institution in the cases of Akbelen and Deştin. I also joined their visits to the environmental assault zones in Bodrum and Milas. The details of my observations from all my visits will be provided in Chapters 3, 4, and 5 where it is related to the analysis. On the other hand, members from the Akbelen and Deştin movements added me to their WhatsApp groups in which they share all developments immediately. This was something that I did not anticipate before but have been very helpful to witness most of the things happening and discussion in the groups.

Table 1.1 The cases of the study

| Location | Project type | History | Space | Lawyers | Involved environmental organizations (local, national, global) |
|---|---|---|---|---|---|
| Akbelen in city of Muğla | Coal & Thermal Power Plant | Long history. 3 thermal power plants in the area since the 1980s. An enormous coal mining area. Rejections and protests at the beginning of construction in the 1980s but the projects were realized. The villages are destroyed, and people are banished. That's why local people who could organize are limited. There are local people who work at the power plant. Decline in agricultural population/activity. | Very close to the touristic regions. Very visible, just by the road. Forest. Small, fragmented villages, mountainous & forestry terrain. Already damaged by the coal mining and nearby power plants. Economically, power plants, tourism and agriculture. Divided & fragmented local people and geography. | Well-known environmental lawyers | İkizköy Environment Committee, Karadam Karacahisar Neighborhoods Association for the Protection, Beautification and Solidarity of Nature and Wildlife (KARDOK), Muğla Environment Platform (MUÇEP), 350.org, Climate Action Network (CAN) Europe, Climate Justice Coalition, Ecology Union |
| Deştin in city of Muğla | Cement Factory | Since 1992, on and off attempts to start the construction & struggle against these. Local people are organized and struggling. In 2021 the construction started. A few local people as workers at the factory. They win the case. The permits were canceled, and the construction was shut down. | Close to the touristic regions but not visible. Small, fragmented villages, mountainous & forestry terrain. Not damaged, well preserved. The construction site is quite visible and eye-catching among the forestry areas. Economically, agriculture. Divided geography but not fragmented & united local people. | Local lawyers | Deştin Environment Platform, Muğla Environment Platform, Mediterranean Greens Association |

| Location | Project type | History | Space | Lawyers | Involved environmental organizations (local, national, global) |
|---|---|---|---|---|---|
| Avdan in city of Denizli | Coal | Very new. There has been mining activity since the 1990s but limited and on private property. In 2020, an attempt to establish a thermal power plant was stopped by the struggle & court decision. Then in 2022, a Presidential Decree on urgent expropriation was issued and the current struggle started. | Very far away from the touristic regions. Small villages but not very fragmented and flat terrain. Beginning of the damage. Mining area turns into something visible day by day. Economically, agriculture. Not a divided and fragmented geography but people are not so united. | Local lawyers and lawyers from TEMA, Büyük Menderes Initiative and Environmental Law Network | Avdan Platform, Büyük Menderes İnitiative, 350.org, Spatial Justice Association, TEMA, Environmental Law Net-work (Members of Avdan Platform: Bar Association, Medical Chamber, Chamber of Agriculture, Union of Chambers of Turkish Engineers and Architects in Denizli, Büyük Menderes Initiative, Avdan Neighborhood Mukhtar and Foundation of Nature and Environment (DOÇEV)) |

### 1.3.3 *Interviews*

I reached out to the interviewees primarily through purposive sampling and then through the snowball method. With the purposive sampling method, people who took part in the environmental struggles in the aforementioned cases, people from environmental and ecological organizations operating at local, national, and global levels, environmental journalists, and environmental lawyers who have been involved in the environmental movements were determined as the universe of interviewees. These people were reached through environmental associations and organizations, environmental solidarity networks, participation in public meetings such as conferences, seminars, and panels focusing on environment and ecology, participation in publicly announced protests, and participation in vigils and events in places where the environmental struggles are carried out. The snowball method was followed in this process.

Interviews were recorded with the consent of the participants. In case the participants did not give consent, I was planning to take notes during the interviews, but except for two participants, all of them gave verbal/written consent to be audio-recorded. The information obtained here was combined with information obtained from media review and participant observations in the field.

In order to protect the anonymity of the interviewees, no information that would reveal their identities was included, each interviewee was assigned a nickname, and interview excerpts were referenced with this nickname where relevant.

As mentioned above, my interviewees consist of members of environmental movements, environmental organizations, environmental lawyers, and journalists. I conducted 35 interviews in total by paying regard to a balance between three cases. Some of the interviews were realized during field visits and some of them on an online platform. A table presenting the profiles of interviewees can be found in Appendix B.

### 1.3.4 *Researcher's Positionality*

At the beginning of the research, as a researcher who has some experience in journalism, my first attempt with the interviews was getting in touch with some environmental journalists with whom I had acquaintances. They were not only my first interviewees who helped but also they became "keys" to reaching out to other interviewees. They were very helpful in this process. They gave me contact information and became reference people for me. I believe that referencing them in my first contact with the interviewees was very effective in the way they approached me. The snowball method worked well with them. In addition, as mentioned, I reached out to other interviewees through environmental organizations and public events. I met some of them at protests during my field visits. Except for a few of them, they were welcoming and open to talking with me. They were friendly and shared many details of their stories. My first contact with the members of the Akbelen movement was through an environmental lawyer whom I met through an environmental journalist. For the case of Deştin, my first contact was an environmental defender whom I met at one of my visits to the Akbelen vigil area. In the case of Avdan, an environmental lawyer whom I met in a public seminar, introduced me to the lawyers, and then those lawyers introduced me to the villagers. In general, my interviewees were mostly experienced with getting interview demands from not only researchers but also journalists and documentarists. That is also why they approached me welcomingly. They were generally content when such outsider people showed an interest in their struggle. This was also a way to make their cases heard by more people.

A point that was difficult for me was the time I conducted interviews at the vigil site in Akbelen and my visit to Avdan. Those interviewees turned into some kind of focus group discussions at some points since other people joined the conversations. It was difficult to track some of these conversations but also they were helpful in getting background information regarding the field, events, subjects, and actors of the movements. On the other hand, the interviews that were conducted on an

online platform were much more organized since there were no interruptions except for a few moments of connection problems.

I was a participant observant during my visits to the field. I joined the vigils, the protests, and the meetings. In this sense, and in the context of my theoretical and political stand as will be discussed in Chapter 2, I was not impartial. I became a part of their struggle for environmental justice even if it was for a short term. I chanted slogans and held banners with them. Or I helped them in the kitchen of the vigil site after having a meal or a cup of tea together. Moreover, as a researcher in social sciences, I had some mutual interests with some of the interviewees; and as a person who grew up in a village, I had mutual experiences with the villagers. I believe, those points also facilitated the relations in the field. However, I should also underline that these proximities did not prevent me from looking at the issue from an objective and academic point of view. I was a researcher first and foremost. In all the interactions that I had in the field, I expressed that.

In addition, people were helpful at every level. For example, during my first visit to Akbelen, some people at the vigil gave me a ride between my hotel and the vigil site. They were quite polite and also caring in the sense that they wanted to make sure everything was alright. A couple gave me a ride to my hotel at night and the next day when we met for the Olive Meeting in Milas, Muğla (April 2022), they checked with me if everything at my hotel was nice or not. Those interactions created a safe environment for me as well. As a woman, this was also important for me. Moreover, since women play a specific role in environmental movements, as later will be touched upon in Chapter 3, they create an atmosphere where possible difficulties posed by gender roles are diminished.

The first time I took a bus from my hotel to the vigil site, I was skeptical about the reactions of the bus driver or the other passengers when they heard that I was going to Akbelen (in these regional buses, passengers tell the driver where they are going and accordingly pay for the ride). People knew about the resistance in Akbelen and I might have run into some people who were against the movement. However, my experiences on the buses were not negative. On the contrary, some drivers and

passengers asked me interesting questions about the vigils and shared their opinions with me as will be detailed in Chapter 5.

During my field visits, I had the chance to meet other people who have been helpful in understanding the background of the movements. For example, during my first visit to Akbelen, I met a group of environmental defenders who were staying at the same hotel as me and who were also a group of friends. They also offered me a ride between the city center, our hotel, and the vigil site. During the breakfast time at the hotel, before, during, and after the Olive Meeting I had the chance to spend time with them as if I were a member of their group. During my second visit to Akbelen, as mentioned before, I joined the events of MUÇEP. They were very welcoming and helpful at every level. In addition, during my visit to Tavas Courthouse for the trial of Hatice Kocalar in the case of Avdan, I met a group of people who work for a nationwide environmental organization. I first met them by chance on the bus from the airport to Denizli city center. Later we figured out that we would take the same flight back to Istanbul. They offered me a ride from Tavas to Denizli city center and I had the chance to spend time and get acquainted with them.

All in all, my field visits were in a way strategic. I tried to see different faces of the field. I usually spend a couple of days at each visit, however, these visits were tense and busy.

### 1.3.5 *Limitations*

The limitations of this study can be observed in methodology and research design, and analysis. To begin with, the periodization of the study can be contested since the study mainly focuses on contemporary ongoing events despite it sets the period between 1990 and 2024. I mainly focused on the "legal turn" at the beginning of the 1990s in the environmental movements, and the macro-level transformation of law and judiciary in the late 2000s and early 2010s under the Justice and Development Party (AKP) government. However, it is possible to determine sub-periods before and during the AKP government. Since this study's main concern was not to provide a historical analysis, this issue was not covered.

Another issue that limited the scope of this study was certain difficulties in field visits. Since I do not live in the regions where the cases of this study take place, time and budget constraints have been an issue during the travels. Within these constraints, I had to be selective and strategic (as much as possible) with the field visits. In addition, it was difficult to plan a trip for the events or protests and trial days since the movements could announce them late and it could be more costly to plan the trip in a short time. There were also some last-minute cancellations of events during one of my visits.

Moreover, as will be detailed in Chapter 4, there is a quite complex legal landscape. It has been difficult to give a portrait of this landscape. There are separate lawsuits that have different legal details. My interviewees could not remember some of the details during the interviews or some information might be missing in their narratives. I tried to reach out to this sort of missing information through media and social media research but it was also not easy. As Yasemin, an environmental journalist, also pointed out, the media might be reporting some false information. Moreover, social media accounts of the movements might also miss a lawsuit's background details. For instance, they might not share that they brought a lawsuit, but later they might share developments from the trial day. Another example of missing information can be seen in the information note prepared by the Akbelen movement. It is said that the movement brought nine different lawsuits but these lawsuits are not listed and explained. Thus, the information provided in these parts is inevitably limited and might miss some details.

In terms of case selection, the cases of this study are from the Aegean region. This region played an important role in the case selection as it harbors a large number of environmental struggles and the selected cases presented a shared, common legal consciousness. The differences between the movements in terms of their relationship with the space, with legal processes, and with institutions surely enriched the discussion. They showed themselves in the differences in the accumulation of consciousness of movements. However, in this respect, it offers a limited analysis since they are similar cases. It is not possible to discuss the

struggles from other regions of Turkey. Additionally, the type of the projects is also limited to coal and thermal power plants and cement factory. Expanding the location of cases and project types might be an analysis of a further study.

In terms of the analysis, this study provides information both on state and non-state law. This enriches the discussion and creates a distinctive point in terms of contribution to the literature. However, this point could also limit my analysis in an effort to bring them together. Moreover, I focus on the legal consciousness of environmental movements from their own perspective. The perspectives of jurists, state officials, and the companies that are their interlocutors, are missing. When related, I tried to bring their discourse to the analysis based on media review but this was limited. On the other hand, these actors and subjects who constitute the other side of the conflict might not be accessible (especially jurists and state officials). In terms of theoretical perspective, as will be cited in Chapter 2, both socio-legal studies and environmental movements are areas profoundly and comprehensively studied. It was difficult to present every perspective without shifting the focus. That is why, my study is limited to the conceptualizations of legal consciousness within the socio-legal studies.

## § 1.4 The Environment (Movements) and Law in Turkey From a Historical Perspective: A Literature Review and Beyond

This section will provide a short history and portrait of some of the most influential environmental movements in the history of environmentalism in Turkey. It will continue with a literature review of environmental movements, politics, and law.

### 1.4.1 *History of Environmental Movements and Policies in Turkey*

In terms of the periodization of environmentalism in Turkey, the early republican years witnessed the establishment of beautification associations. Followed by a rapid urbanization period in the 1950s, concerns over pollution created more environmental organizations and some examples of protests such as in Samsun and İzmit. Post-military coup era during the 1980s was the period when the environmental movement started to institutionalize. This post-1980 era can be examined in four overlapping stages as suggested by Adem: "organization and institution building; social movement; professionalization and institutionalization; and internationalization and project based work"(Adem, 2005, p. 74).

The Green Party of Turkey, which was established in 1988, was an early attempt and could not develop as a political party. Nevertheless, during its six-year lifetime, it had an impact on environmental movements such as the projects of thermal power plant in Aliağa and the nuclear power plant in Akkuyu. The beginning of the 1990s witnessed the rise of environmental organizations in the form of citizens' initiatives as informal organizations such as the Environmental Solidarity Group in Ankara, the Green Solidarity Group in İstanbul, and the İzmir Environmental Movement Lawyers Group (Adem, 2005, p. 75). The last one has been an important actor in the cases of this study since there are still references to their efforts and court decisions in those years.

The social movement phase was defined by "concerns locally unwanted land-use conflicts and general urban planning disputes" as in the examples of the Yatağan thermal power plant or conversation of Güvenpark in Ankara. Adem defines this period's biggest development as the "legal turn in environmental politics" since it is marked by the extensive use of the legal system (Adem, 2005, p. 77). Considering the issues of thermal power plants in Muğla and gold mining in Bergama, İzmir, they were all successful in terms of winning the lawsuits at the level of the European Court of Human Rights (ECHR), but projects were realized and still continue operating. İzmir Environmental Movement Lawyers Group

was the leading and influential actor in these cases as will be discussed in Chapter 4 in detail.

Post-2000s are marked by the AKP government's rule focusing on neoliberal developmentalism which caused significant environmental damage in living areas and hence resistance against them as will be detailed in the following pages.

From a more macro point of view, it is suggested that "Environmental movements in Turkey, which had previously been driven by the motivation to preserve and protect the environment, have moved beyond the conservation of nature and evolved into political ecology movements that included concerns over socioeconomic inequalities and demands for participatory democracy during the Erdoğan era" (İnal, 2022, p. 638).

Among all these environmental movements mentioned above, the ones against gold mining in Bergama, the thermal power plant in Aliağa, İzmir, and the thermal power plant in Gökova, Muğla will be detailed below since they have connotations for the following environmental movements over the years and the cases of this study as well.

In the mid-1990s, a small town named Bergama located on the west coast of Turkey came to public attention with an unexpected popularity when a gold mining company started its operations in the region. Both at the local and national levels, a huge reaction and movement against the company got together to resist gold mining and to protect the environment. The peasants from the villages came to Istanbul for a one-day trip in order to organize a protest on the Bosphorus Bridge in 1997 which got public and media attention (Arsel, 2005, p. 263). The protests and resistance in Bergama, which later will be named as the first-ever environmental movement in Turkey, have almost a 30-year history as Paker defines its significance with these words: "It spanned a decade as well as local, national, and transnational spaces of action and left a far-reaching impact for environmentalism in Turkey. This important legacy shaped later grassroots mobilizations across the country, which contested the loss of their environmental commons, livelihoods, and cultural heritage (…)" (Paker, 2020).

Bergama and its villages have been the scene of the first gold mining activity in Turkey. The company, Eurogold, obtained a license from the Ministry for mine exploration in 1989 (Arsel, 2005, p. 265). It took tens of lawsuits and trials, environmental impact assessment (EIA) reports, rejections of the reports, juridical decisions ordering the suspension of execution, going between domestic courts and higher courts, meetings and manifestations, and press releases to build up the movement. Despite several verdicts favoring the environment and local communities, the company just kept working over the years. The higher courts kept annulling the affirmative EIA reports of the Ministry of Environment and Forestry, the company kept asking for new assessments from the ministry and the ministry kept certifying new affirmative reports and people just kept resisting. They even took their cases to the ECHR twice and they won both (Akdemir, 2017).

An important turning point in the history of the Bergama movement was the cabinet decision in March 2002 that eliminated the decision by the Council of State that had declared the cancelation of the permissions for the mining project and the shutdown of the mining. According to the cabinet decision, it is stated that if the environmental hazards are diminished with the additional measurements and the company can continue its operations based on a scientific report prepared by The Scientific and Technological Research Council of Turkey (TÜBİTAK) upon the request of the government. As Arsel defines this was an "imbroglio" between the state, government, and law:

> "On the one hand stood the negative decision of the Council of State (itself a branch of the Prime Ministerial executive branch) with all the legal channels for appeals exhausted. On the other was the TÜBİTAK report, commissioned by the Prime Minister himself, that argued that the foundation of the Council of State decision was no longer valid" (Arsel, 2005, p. 271)

The latest lawsuit was filed in 2019 against the company's demand for opening the third tailings impoundment (since the first two are already filled) in the region very close to the villages. The lawyer of EGEÇEP, Ali

Arif Cangı, indicates that while the legal process is still going on, the tailings have already filled this third impoundment which is a serious danger to the public health and groundwaters (Akdemir, 2020). When the company first asked for license permission, the requirement of EIA reports had already been declared in the environmental law in 1983 but the bylaw was not issued. In this respect, the Bergama case has been in a constitutive position for the rest of the environmental cases and movements (Horuş, 2009). As cited before, Çoban defines the Bergama movement as a result of the conflict between two symbioses: the symbiosis of the environment and the community, and the symbiosis of the company and the state. Thus, the movement and the case are a benchmark for environmental policies of the state, for environmental law, and for environmental movement (Çoban, 2004, p. 438).

Even though Bergama is defined as the first environmental movement in Turkey as a result of its legacy and success during that time, there have been previous struggles in the history of environmental movements. The construction of the thermal power plant in Gökova, Muğla, located on the western coast again, (today's Kemerköy Thermal Power Plant) raised rejections and protests in the region in the mid-1980s (Spatial Justice Association, 2024). Villagers, especially women, directly talked to Turgut Özal and said that agriculture would be destroyed. As covered by the media they also hold a vigil by blocking the road which might be one of the first examples of this form of resistance in environmental movements as covered by the media: "The vigil started by the residents of Türkevleri in 1983 was due to the Turkish Electricity Authority's inspection of the expropriated area. The villagers blocked the bridge, which was the only way to enter Türkevleri, and the protest grew so big that the district governor of the time came to the scene and told the villagers that they were protecting their land"(Dost, 2023). Since this struggle can also be considered as the history of the Akbelen movement, some other details will be discussed in the following chapters.

The history of environmental struggles in Aliağa, yet another town on the western coast of Turkey, goes back to 1989 when it was declared that a thermal power plant was to be constructed in the region. Aliağa has

been already the site of factories operating in sectors such as petrochemical, shipbreaking, and bloomery since the 1960s when it was declared a heavy industry zone. The communities living in the area and the surrounding landscapes were already under threat and in bad condition. Because of this situation in the region, the thermal power plant faced a huge reaction. Aliağa has become the site of one of the biggest environmental resistances and protests and the first victory of the environmental movement in history (Ekoloji Birliği, 2020). They stopped this first attack but in 2010 another power plant project was licensed by the Ministry. The alliance of people and institutions once again organized huge meetings, human chains, and events along with filing lawsuits. This time they could not stop the constructions and several large and small plants started operating. Environmentalists filed lawsuits against affirmative EIA reports of the Ministry and the courts canceled these affirmative reports throughout the 2010s just as in the case of gold mining sites (Yıldırım et al., 2016). In the meantime, the power plants continued their operations despite the cancellation of affirmative reports (bianet.org, 2019).

Other than those movements, the struggles against the thermal power plant project in Gerze, Sinop gold mining in Cerattepe, Artvin, gold mining in Ida Mountains in Çanakkale, hydroelectric power plant (HPP) projects in several places on the coast of Black Sea were some of the most influential movements that marked the recent history of environmental movements in Turkey. Environmental organizations were also active and in solidarity in the cases of environmental policies and legislations such as the attempts to change Olive Law or mining regulations. As the examples will be given in the following chapters, they have been successful in some cases such as Olive Law but they could not intervene in some cases as in the case of mining law (Üner, 2023).

There are several studies focusing on the activities, actors, and inner relations of environmental movements and environmental organizations in Turkey. Their findings come to shape around certain themes that the state is still the pioneering actor in making decisions and regulating the field of environment and ecology (Paker et al., 2013); the actors composing the environmental movement are definitely not homogenous and

there are quite different organizations at the local level; the actors are from different social classes but mostly urban and educated who are collaborating with peasant activists (Arsel et al., 2015), NGOs took the scene after the neoliberalization process got accelerated and benefited from the policies and relations that were developed for European Union adjustment just as the state polices got affected (Adaman & Arsel, 2005, pp. 2–5). Most of the studies on environmental movements in Turkey cannot discuss any issue without considering the role of the state. The state's determining position is not only associated with its authority to conduct environmental policies but also its hegemony over every aspect of politics and society.

In terms of periodizing the environmental politics and policies, İnal suggests "three-quarters of a century which can be divided into three phases: pre-1980, 1980–2000, and post-2000" (İnal, 2022, p. 635). The period before 1980 was heavily shaped by the politics of Menderes and Demirel, during which both economic growth and environmental protection were on the agenda of the governments. This period was also the time Turkey started to take part in international environmental conventions and shape environmental protection policies borrowed from Western countries. The second phase was marked by the rule of Özal and his neoliberalism where the expansion of the market, energy, industry, and tourism sectors paved the way for serious environmental damage and loss of living areas and hence environmental movements. As given above, the most prominent and first examples of movements such as struggles against thermal power plants in Gökova, Yatağan, and Aliağa, not surprisingly, coincide with this period. In the meantime, environmental legislation was also developing but could not meet the needs of environmental movements and society. The third period was obviously marked by the rule of Erdoğan, and his authoritarian-populist rule in which neoliberal policies continued in a more aggressive way, especially through the energy and construction sector. This is also the period where there is a significant rise in local environmental movements, as expected and described by İnal as follows: "a confrontation between the economic dynamics of neoliberalism and the political dynamics of local

communities" (İnal, 2022, p. 638). While the Özal period witnessed the rise of energy, industry, and tourism sectors, the Erdoğan period has been mostly marked by construction and energy projects.

Arsel (Undisciplined Environments Collective, 2015) points out that even though institutionalization and professionalization of environmental movements were established by the early 1990s, environmentalism was still not seen as a political issue back then. Until the 1990s, environmentalism in Turkey was working with and through the state. However, this was also creating a conflict between environmentalists' views and the state's prioritization of economic growth. The landscape of "environmentalisms" started to transform and diversify as Paker puts these words "By the 2000s, civil society actors working on environmental issues constituted a vibrant scene, differentiated by type of organization, choice of issue/s, sources of funding, scale of organization, degree of politicization, and modes of interaction with the state"(Paker, 2020). This period was in general the time when civil society organizations increased rapidly. While in the pre-1980s people's political participation was through political parties, in the post-1980s this was through civil society (Paker et al., 2013, p. 764).

Avcı's (2017) study comparing environmental movements in Ida Mountain in Turkey and Intag Mountain in Ecuador shows that the approach and position of the state as an absentee turn into an advantage for the community and their movement, unlike the case in Ida where the state's position in the eye of local people as a strong authority whose activities are not to be questioned a lot.

Paker argues that environmental issues are a microcosm of state-society relations and political struggles in Turkey. She underlines that environmental issues have been an important part of the Justice and Development Party's (AKP) hegemony building since the foundational ideology of this hegemony lies in "the primacy of economic growth, industrialization, and energy independency in the name of services to the people". This hegemonic project of AKP was at the cost of "the loss not only of commons, public health, environmental rights, life spaces and livelihoods but also of democracy" (Paker, 2020).

Considering the diversity of environmental organizations, there are organizations engaging in state institutions and there is limited attempt by the state and the government to include those organizations in policy-making processes. However, even though this point strengthens the organizations and creates some room for them, these engagements are not in line with a real participatory framework that could transform into environmental protection. Paker et al. define the relations with the state as follows: "There is a non-linear process in which dynamics of cooperation, conflict, and cooptation concurrently affect interactions between environmental organisations and a modernising, incoherent and often arbitrary state" (Paker et al., 2013, p. 773).

AKP's response to rising environmental movements, on the other hand, has been "criminalization" through the discourse of "marginals" or "agents of foreign powers" as this can be seen in the case of any opposing group, or through other suppression channels such as bringing lawsuits against environmentalists. Another way of criminalization can be defined as Erdoğan and AKP's positioning themselves as "the sole and best environmentalist" in a way of "attacking the legitimacy of grassroots environmentalism" (Kurtiç, 2022, p. 2).

In his analysis of the environmental movement in Turkey, Şahin also draws attention to both anti-imperialism and the nationalism of environmental movements and organizations with different examples such as the TEMA Foundation's discourse on "defending homelands" or "Independence War" analogy with the movement in Bergama (Şahin, 2010). Moreover, an important aspect of the Bergama movement was the time when environmental activists and lawyers were accused of being "the agent for German foundations" as another example of the criminalization of environmental movements in different time periods regardless of the composition of the state and the government (Kurtiç, 2022).

Environmental policies in Turkey have come to shape in relation to international developments and the efforts to create a positive image such as the first five-year development plan including a section on environmental protection coinciding with the Stockholm Conference in 1972 or the Ministry of Environment that was created in 1991 as part of the

process leading to the Rio Summit in 1992. The right to environment was already introduced in the 1982 Constitution. The attention on environmental politics has accelerated with the process of harmonization with the European Union. EU has been a key factor in forcing governments to develop green policies, regulations, and legislations (Adaman & Arsel, 2005). However, while these attempts at environmental protection were developing, environmental degradation was also rising under the primacy of neoliberal developmentalism since the "problem is not the lack of environmental regulations but rather implementation" (Paker, 2020). This was not unique to Turkey as the discourse and idea of "sustainability" was globally part of the expansion of the market economy and economic growth (Aydın, 2005; Kurtiç, 2022).

### 1.4.2 *Law and Environmental Movements in Turkey*

To begin with, it would not be a quick conclusion to say that the law in Turkey is hyper-politicized and highly instrumentalized. It has always been used as a way of oppression over opponent groups but considering the AKP government's 20-year-old rule, the government transformed every aspect and institution of the state and politics. The judiciary was one of the crucial ones since there were several political lawsuits and changes in the structure of the Supreme Board of Judges and Prosecutors that rendered AKP's rule more and more efficient and powerful (Ertekin et al., 2014). There are still politicians in prison despite verdicts from the Constitutional Court (Tanış, 2023) and ECHR rulings (BBC Turkish, 2024b) on their release. Undoubtedly, this direct influence of the government on law cannot be ignored in environmental lawsuits as examples will be given in the following chapters.

As detailed above, the end of the 1980s and the beginning of the 1990s were the times when the "legal turn" in environmental movements was taking place. Bergama once again is the prominent example as defined by Arsel with these words: " (…) the evolution of the resistance from an active protest movement into one that takes place within the legal system. It demonstrates how the inability of the legal system to cope with an environmental conflict based on risk (rather than actual ecological

damage) and the determination of successive governments to authorize Eurogold has created an imbroglio that seems to have no clear solution" (Arsel, 2005, p. 264). He refers to the conflict between the court decision by the Council of State and the decisions of the cabinet based on the report they asked for from TÜBİTAK. As will be discussed in the following chapters, science is also a field of contestation in the environmental struggles.

It is stated in many studies that there is well-defined legislation for protecting the environment, but the state does not enforce it (Paker, 2020). It has been an issue of discussion whether this situation comes from the unwillingness or inability of the state at the beginning of the European Union process (Adaman & Arsel, 2005, p. 5). However, the recent decade has shown that the state is more eager to expand energy plants, mining sites, and "crazy" (as defined by Erdoğan) road, bridge, and canal construction projects rather than responding to environmental concerns. Moreover, as it is evident in the environmental lawsuits, the courts and the bureaucracy do not act in favor of the environment but the companies or the state institutions might not apply the verdicts of the courts as the examples given. On the other hand, the problem was not only the non-implementation of court verdicts, in fact, this is the result of a process, but also the judicial mechanism itself that facilitates the growth of the capital (Özlüer, 2022). In addition, the application of law creates outcomes to the detriment of the environment as in "the misuse of legal mechanisms such as EIAs and urgent expropriation procedures"(Paker, 2020) which are also subjects of the cases of this study as will be examined in the next chapters. As discussed in several studies cited above, Turkey's aggressive modernization and development goals are much more important than the environment and ecology both at the national and international levels. Aydın explains the situation with these words: "While the state has been quite active in introducing environmental laws, lack of funds, trained personnel and, most importantly, the political influence of dominant classes have undermined its effectiveness in implementing them. The priorities of economic development have set up

tendencies contradictory to those envisaged by the environmental regulation" (Aydın, 2005, p. 64).

On the other hand, the relations between law and the environment in the social sciences community in Turkey has not attracted much attention except for book chapters (Aksu et al., 2016; Erensü et al., 2016), recent theses and articles (Gönenç, 2019, 2022; Kutlu, 2020, 2022; Özlüer, 2022) and reports and articles prepared by civil society organizations such as Ecology Collective and Rights and Research Association (Özlüer, 2021; Özlüer et al., 2017, 2019; Sever, 2018; Yıldırım et al., 2016). Rather, this relation stayed in the field of law and has not been discussed from a social, political, economic or socio-legal studies perspective.

Özlüer (2022) emphasizes that there are two periods in terms of the position of the citizens and environmental movements and struggles that bring those lawsuits. For the years between 1980 and the beginning of the 2000s, the lawsuits were on the basis of environmental protection, while in the following 20 years, the lawsuits were more on the basis of the right to life, and they were brought against the implementations which were eroding the fundamental rights of citizens in decision-making processes. In the former, environmental defenders were able to join the environmental impact assessment process as citizens before any permission was provided to companies by the state. The defenders were in a position to remind the state of its obligation to protect the environment and the right to life. Hence, the judiciary also recognized people's right to life and the decisions from the courts were in favor of the environmental movement as in the case of Bergama where the court declared that using cyanide for mining is a violation of the right to life. However, after the 2000s, especially with the implementation of new regulations on the environmental impact assessment process, the right to life is now almost out of the table and the citizens were excluded from the decision-making processes through law.

There were two important points in this transformation, according to Özlüer (2022): the cabinet decision overturning the verdict of the Council of State in the case of Bergama and the issue of the 2009/7 circular on the

environmental impact assessment process. My interviewees also explained the importance of these two points repeatedly.

According to the 2009/7 circular issued by the Ministry of Environment at the time, EIA reports which are canceled by the courts can be slightly changed and re-submitted by resolving the issues that caused the cancellation of the report. This is basically bypassing the court decisions and also creating new business opportunities for EIA companies that are preparing these reports for the companies.

Özlüer defines this EIA process as an "undead monster", a bureaucratic formality in which the EIA reports do not address the environmental hazards but the ways for less environmental pollution. Under this regulation, the environment and right to life is not an issue. The aim of the EIA report is not to assess the environmental risks but to reduce them to a minimum level. In the former period, the courts recognized the lawsuits brought by the environmental movement as environmental lawsuits while, on the other hand, in the latter, they are now considered "sector cases" and the courts seek individual and direct engagement in the cases (for example, they look for if a complainant live or own property in the mining project site)(Özlüer, 2023). Paker also defines this implementation as "how the state de-regulates and re-regulates in neoliberal developmentalism" (Paker, 2020)

In her study on litigation as a strategy for environmental movements, Gönenç analyzes Cerattepe and Bergama as the cases having one common point which is the mining project is operating regardless of different verdicts from the cases. She argues that environmental movements might have some short-term gains at the courts but in the long term, litigation does not provide solutions for environmental justice. She draws attention to the points of non-implementation of legal decisions, insufficient sanctions, and the government's change of legislation as the problems in the litigation process. Moreover, she underlines that "using the courts has not been an entirely good strategy for environmental movements"(Gönenç, 2022, p. 11).

I suggest that in Gönenç's cases, there are still unfinished processes of lawsuits and resistances. In this regard, the definition of cases as won

and lost ones actually corresponds to a moment in the long or short history of the resistance and the lawsuits. As the examples given, struggles to stop the companies' further operations continue as in the case of Bergama. The struggles have not ended and concluded. This might be problematic in terms of the environmental movement's power to bring change and maybe at some point this situation frustrates the movement but as Şahin (2010) pointed out "But who told us that the struggle is easy and victory is near?". I suggest that the environment movement in general agrees with this sentence since we see that they have been having a vigil for more than three years in Akbelen or they still keep fighting in Bergama after all these years and disappointments. In addition, even though the court decisions could not provide a concrete solution or an end to an environmental conflict, the environmental movement still applies to law as a way of struggle.

Kutlu also underlines the counter-hegemonic part of the environmental struggles, as this study suggests. He points out that "citizens struggling for environmental justice are not contented with judicial processes alone, but also make references to the concepts of rights and citizenship in everyday life and conversations. In this way, they put forward a counter-hegemonic discourse that constructs their own alternative imagination of the state-individual relationship against the passive understanding of citizenship that the political power and capital want to impose on them"(Kutlu, 2024, p. 129).

In the other reports of Ecology Collective, environmental lawsuits are described as a result of "citizens' intention to protect their own lives, living areas and reproductive areas". In this sense, "litigating for environmental lawsuits should not be considered as lawsuits oriented to prevent investments but rather as a reflection of citizens' will to participate in the decision-making process regarding environment, justice and development" (Özlüer et al., 2019, p. 6). The reports indicate that the lawsuits are against the violation of the right to health and life of the citizens and the aim is not only to protect the environment but the rights and lives of collective communities. This study follows this line of thought emphasized by these words:

> "Not the lawyers but the will of the citizens come to the forefront in due processes. Confidence in the re-establishment of the law in these litigation processes is not only valuable in terms of whether the results of judicial decisions are implemented or not, but it is also very important that the voice of citizens and citizen communities are transferred to a political character with the language of law and that this voice is circulated in the judicial processes" (Özlüer et al., 2019, p. 73).

In this context, this study suggests a contribution to the literature on environment (movements) and law in Turkey from a social scientific perspective. From the perspective of environmental movements, this study goes beyond the comparisons of failure and success of the movements and suggests an analysis of movements in their historicity. My cases provide a portrait of the struggle and defense of living areas in line with the community-based approach of the symbiosis between state and company and community and environment (Çoban, 2004). With the concept of legal consciousness, I bring an account of environmental movements that engage in law and legality both in the form of state and non-state law. At this point, the counter-hegemonic struggle of environmental movements stands as an example and suggestion for overcoming the centrality of the hegemony of law and state in the studies of both environment and law.

## § 1.5 Chapters

This study, which investigates the sources of legal consciousness of environmental movements in Turkey through three case studies in the Aegean Region, analyzes the issue under three main headings. The argument that the sources of legal consciousness are based on the concepts of historical/territorial rights, relations of production, and understanding of commons is discussed through the role of space, the role of legal processes, and the role of institutions/institutionalization, in the light of the data obtained through field visits, interviews, and media research.

This study consists of four chapters except for the Introduction and Conclusion. Chapter 2 focuses on the theoretical framework of the study. Chapters 3, 4, and 5 are based on the findings of the field research.

Chapter 2 discusses the role of law in social movements by analyzing the political and ideological aspects of law through the concepts of legal consciousness and counter-hegemonic struggle. Based on the perspective of political ecology and environmental justice, the chapter will give a portrait of the theoretical background of how historical/territorial rights, relations of production, and understanding of commons form the sources of legal consciousness of environmental movements.

Chapter 3 focuses on the role of space in the legal consciousness of environmental movements. Local communities' social, economic, and emotional relations with the space play crucial roles in their motivations both at the beginning and during the struggle. These relations are established through historical/territorial rights and relations of production since local communities have lived in those spaces under environmental assaults for generations and their livelihoods depend on those spaces. Moreover, they are mostly agricultural producers in terms of the social relations of production and their struggle with the state authorities and companies is over the lands, which are mostly commons. Moreover, even though the villagers also struggle for their private property, this is basically the struggle for their "living areas" including their lands, the village, and commons such as forest or water sources. Environmental defenders who do not live in those spaces participate in the struggle as rightful actors and subjects who see those spaces as commons and defend them. As discussed through the studies on legal geography and spatial-legal consciousness, their relations with the space are broken through projects harmful to their living areas, hence the environment. The law defines and redefines the space as well as the villagers and environmental defenders. There are certain points in how the "norm" and "normal" of the space changed and were questioned in the process of struggle and hence demonstrate their legal consciousness in the struggle. These are defining the space as home and being a homeowner/host, the existence of a place of memory, fragmentation of the space, the transformation of space into

a "crime scene", identifying the location(s) of the struggle, emergence of vigil areas, ecological sacrifice zones as zones of indistinction, property relations with the space and lastly the political situation in the living areas.

Chapter 4 focuses on the role of all the legal and administrative processes in the legal consciousness of environmental movements. I demonstrate how legal consciousnesses based on state and non-state law are united by environmental movements and how those movements turn into counter-hegemonic struggles in the field of law by intervening in how the law is implemented. There are certain points where their counter-hegemonic struggle in the field of law and legality comes into shape. These points are different layers of legality such as petitions, lawsuits, or being charged for environmental activism; establishing legitimacy through references to agriculture and the "Olive Act" initiated in 1939 to protect olive production in the country; and engaging with environmental lawyers who are both professionals and activists in the struggle as "cause-lawyers" or "movement lawyers". Environmental movements join legal and administrative processes at different levels such as petitioning or bringing lawsuits. They turn certain spaces and times of these processes into protests. These are public information meetings during the EIA process, expert examination days, and outside the courthouse on the day of trial. They bring their discourse on historical/territorial rights, relations of production, and commons to those times and spaces. In this context, what is important is their struggle. It is their struggle that makes work those processes. They turn into the actors and subjects of the field of law even if they do not intend this. Since the cases of this study are from environmental movements in the Aegean region, the Olive Law plays a crucial role in their struggle. While this law is broken by state institutions and companies over and over again, environmental movements defend this law and make reference to this law in a parallel way they emphasize their roles as producers in the social relations of production. Against the legal hegemony of "coal" or "cement" in the cases of this study, environmental movements bring the counter-hegemonic struggle of "olive". In addition, these movements create a "teaching and learning"

relationship with their lawyers in which they might take some of the role of lawyers. This chapter also gives a portrait of environmental movement lawyers in Turkey.

Chapter 5 discusses the role of institutions (including environmental organizations) and institutionalism in the legal consciousness of environmental movements. It would not be wrong to say that in every environmental movement, there are some environmental organizations. Some of the time, those movements are initiated by the efforts of environmental organizations and some other times local communities reach out to those organizations and ask for their help. In the cases of this study, Muğla Environment Platform (MUÇEP) and Büyük Menderes Initiative are the environmental organizations taking a role. In addition, professional chambers such as the Union of Chambers of Turkish Engineers and Architects (TMMOB), Turkish Medical Association (TTB), Chamber of Architectures, and Chamber of Electrical Engineers (EMO). As lawyers, these experts participate in environmental movements as professionals. These experts from the field of science are members of the institutions and as institutions and scientists they bear the responsibility of doing a public service. Environmental organizations and local communities also bring their own knowledge to this field during their struggle. Moreover, environmental movements might get institutionalized in the process. Forming a movement needs a solid organization and an organization creates a venue for institutionalization. They do not necessarily establish associations every time, but they form "platforms" in which they work as if an association apart from the official bureaucracy. They create their own venues and division of labor. As they are involved in legal and administrative processes, they tend to get institutionalized. They find it easier to bring lawsuits as an association as well. On the other hand, in their interactions with state institutions and companies, local communities witness a process of how the companies act as if they are state institutions. In their daily lives, they find the company as their interlocutor when they face a problem with the company. This creates a shift in the sources of law and legality and the role of state institutions in the places under environmental assaults and where the movements take place. In addition,

local communities' engagement with environmental organizations brings an environmental consciousness that renders the problems in their living areas an issue of an environmental movement. While state institutions and the law fail local people, they trust environmental organizations. These organizations play a role as intermediaries between the local people, media, and lawyers. Media is another venue of struggle and also where they tell their narrations on historical/territorial rights, relations of production, and commons. In the case of this study, three movements have their own social media accounts where they can directly share their discourse.

In the Conclusion, I will re-present my main findings, possible shortcomings, and further research in the area. As cited, law and society and socio-legal studies are under-studied areas in the context of Turkey. Considering the role of law in politics, and how it turns into an oppressive instrument while people also still fight in the field of law to demand justice and participate in the decision-making processes in law and legality and politics, these areas have tremendous potential. In terms of environmental issues, there is a significant literature in Turkey but the relations between law and environment and environmental movements are once again not covered from the perspective of social sciences. This study aims to be part of these emerging studies.

# 2

# A Theoretical Account of Environment, Social Movements, and Law

This chapter focuses on the theoretical framework that brings together perspectives on the environment, law, and social movements. In this regard, a brief on political ecology and environmental justice will be presented to indicate the perspective of this study. A brief discussion on conceptualizations of law and social movements studies will be followed by a presentation of the law's approach to environment and environmental movements' use of law. After drawing this outer circle, the line of thought will be narrowed down to the concept of legal consciousness that constitutes the main ground of this study.

## § 2.1 An Outer Framework: Political Ecology and Environmental Justice

Environmental justice and political ecology are two fields that overlap in their focus on environmental issues. Environmental justice emerged in the US in the 1970s and 1980s from the civil rights movements in relation to how environmental problems were distributed in accordance with race and class. Political ecology's focus was more on how power relations in both "discursive" and "material" struggles regarding the environment

as the literature shows that justice, human rights, and environmental sustainability have been central ideas in the studies of this field (Svarstad & Benjaminsen, 2020).

Political ecology not only calls for a critical view of the relations between nature and human beings but also suggests an approach that leaves a human-centered point of view on nature. It calls for going beyond both the perspective of romanticizing the environment and understanding it as a backdrop for human activity (Erensü, 2019). Robbins identifies political ecology as "a field of critical research predicated on the assumption that any tug on the strands of the global web of human–environment linkages reverberates throughout the system as a whole"(Robbins, 2012, p. 13). He points out that there must be an apolitical ecology by implication, and it can be defined through this opposition and reaction against apolitical ecology. It is also a response against an environmentalism which has come to form as "ecoscarcity" in which environmental problems are attributed to growing populations and meeting their needs, and "modernization" which has a perception of the environment as a mal-managed resource (Robbins, 2012, pp. 14–18). In both approaches human being is at the center. He expresses the difference between political and apolitical ecology as follows: "This is the difference between identifying broader systems rather than blaming proximate and local forces; between viewing ecological systems as power-laden rather than politically inert; and between taking an explicitly normative approach rather than one that claims the objectivity of disinterest" (Robbins, 2012, p. 13). There are examples of displaced local people in African countries in the name preserving "wildlife" which is depicted as a non-human space, while governments are deforesting certain areas in the name of development and global economy (Robbins, 2012, p. 12).

On the other hand, Erensü draws attention to the point that political ecology is also an approach that goes beyond a focus on struggles for the environment and wins and losses. Even though political ecology and environmental justice studies were founded in the context of the struggle for rights and environmental inequalities, political ecology is not just to provide a backdrop for those who seek their rights but also helps to

understand those who consent. In addition, political ecology does not only consider state institutions, environmental activists, companies, and local people as actors but also sees "stray animals, GMO foods, natural disasters, technological innovations, and physical infrastructures" as the subjects (Erensü, 2019, p. 8). Even though the struggle and rights are at the heart of this study, the perspective of wins and losses or success and unsuccess of environmental movements are rejected as in the case of litigations. In addition, I try to show how people engage in environmental movements and natural entities such as trees come together in the struggles.

The concept of environmental justice draws attention to inequalities in accessing a clean environment, water, and food in general terms and portrays how pollution or any other environmental problems are distributed according to class, ethnicity, and gender (Low & Gleeson, 1998). Martinez-Alier's definition of "environmentalism of the poor" objects to the definition of environmentalism in a limited sense of protecting the environment and focuses on how the degradation of the environment by capitalist and state forces affects people differently (Martinez-Alier, 2002) and he defines the environmental resistances as "the ecological distribution conflicts" (Aydin, 2019).[1]

Moreover, environmental justice is a movement once and for all. Sandler and Pezullo indicate that the environmental movement and environmental justice movement might be thought of as two allies but rather they are hostile to each other in the case of the United States (Sandler & Pezzullo, 2007, p. 2). To clarify, just as the environmentalism of the poor, the environmentalism of Blacks, and the environmentalism of women could be examples in order to understand the difference at first sight. The environmental justice movement's criticism of the racism, 'whiteness', classism, and sexism of the environmental movement, on their only focus on the protection of wilderness and endangered species and ignorance on health and sustainability issues has been a challenge to

1 For another formulation based on the differentiation of environmental justice in terms of urban and rural communities: (Sayan, 2017). .

the environmental movement. They said that "the mainstream environmental community is reluctant to address issues of equity and social justice, within the context of the environment", and is "not interested in significantly challenging the established social and political power structure"(Sandler & Pezzullo, 2007, p. 10). They emphasized how people are discriminated against in environmental issues not only as the affected part but also as the part left out of the decision-making process on the protection of the environment according to their race, gender, or class. The two movements had ups and downs in their relationship over the years, but they managed to work together at certain times and even succeeded an impacting policymaking on environmental justice as in the example of the creation of legislation "to address environmental justice in minority populations and low-income populations" during Clinton administration (Sandler & Pezzullo, 2007, p. 12).

Furthermore, there are also challenges to the concept of environmental justice. Schlosberg (Schlosberg, 2007) draws attention to the difference between ecological justice and environmental justice. In addition to the gap between ecological and environmental justice, he also defined another gap between justice theories and environmental justice movements. Most of the studies on environmental justice are considered human-centered where the reflections of social injustices in the society to environmental issues while ecological justice is about justice to the non-human part of the natural world. The author suggests an expansion of the term environmental justice rather than a harsh criticism of environmental justice movements. He calls for seeing the linkages between distribution, recognition, capabilities, and participation (Fraser, 2009; Svarstad & Benjaminsen, 2020) in the justice theories by underlying that most of the environmental justice movement focuses on the distribution aspect.

As indicated above, the concept of environmental justice points out how different groups are affected differently by environmental problems. The word justice does not only mean an issue of distribution of problems but also an issue of access to the means that could help to protect the environment or to prevent environmental problems. Moreover, it is not only the distribution of problems but also responsibilities in the creation

of these problems. People are not only affected by the problems that they did not create but they are also held responsible for the solutions of these problems.

Moreover, the injustice is also about the way how people access the means of defending the environment and hence their livelihoods and health. There are different dimensions in this context. Firstly, it is important to see who is excluded at all different levels. For example, the legal ownership of private property (especially land could be the issue most of the time in environmental conflicts) is held overwhelmingly by men. Thus, at first sight, women might be excluded from defending their rights on the land they are living. Moreover, in accessing the knowledge of law and furthermore science of environment and climate people do not have the same opportunities. People are deprived of their right to know most of the time how a power plant will affect their lives, for instance. In the case of climate, to know the effect of changing climate needs resources, long-term observations, and scientists. Who is creating the knowledge and who can question this knowledge and the direct effects of it? The knowledge of climate change is difficult to access and understand in some cases by those who are not experts on this. This is quite similar in the cases of environmental lawsuits and law. The language of the law and the science might and will exclude some people from accessing crucial knowledge. The land codes, the regulations changing the quality of forests, and the zoning plans are some examples that directly affect people's lives, but people might not have a chance to access the knowledge and creation of this knowledge. This is an aspect of how people are excluded from decision-making processes as will be discussed in the next chapters.

On the other hand, the ones who are not creating the problems might be expected to be part of the solution. Çoban draws attention to the point that "climate injustice arises from social injustice and climate injustice deepens social injustice" (Çoban, 2016, p. 14) as he presents a clear difference between the north and south while the former is responsible for most of the carbon emissions in the world. To clarify, while Global North causing climate change and extremely hot weather, agricultural workers

in Global South are left with having to work under heavy conditions and provide food to the world (Turhan et al., 2015).

Thus, this study follows the line of thought in political ecology and environmental justice in understanding environmental movements in Turkey. The cases of this study are considered within the context of social inequalities and broader political relations while paying attention to the relations of movements with nature and the environment.

## § 2.2 Social Movements and Law, and Environment

### 2.2.1 *A Review of Social Movements and Law*

Whether law could bring social and political change is a much-debated issue and it would not be wrong to say that the discussion is not over yet and it seems like it would not end soon considering the role of the law in both state and society and rising public attention to the lawsuits and courts. In this regard, this section focuses on the studies on social movements and law. A more detailed discussion of the law's hegemony will be presented in the section focusing on legal consciousness.

It can be said that social movements are the results of the demand for social change that arises from the will to reject social inequalities and injustices. Different social movements have different causes obviously but the way they tried to bring social change could be similar most of the time. Therefore, the studies on social movements can be defined as the result of such a process and the resemblances, intersections, and interplays between different collective actions from different parts of the world as Donatella della Porta and Mario Diani point out with these words: "Looking at them well illustrates what doing 'social movement analysis' actually means. In their research practice, most of the people who study social movements focus either on individuals, organizations, or events, in the best instances trying to capture the interdependence between them" (Della Porta & Diani, 2006, p. 2). They also draw attention to the point that the scholarly field of social movements has been characterized by four major theoretical approaches since their nascence in the

1960s which are the new social movements, collective behavior, resource mobilization, and political process (Della Porta & Diani, 2006, p. 29). Among these, legal mobilization and law and social movements studies are associated with resource mobilization and political process theories in general since their emphasis is much more on the structural and political factors in understanding and defining the conditions leading to social movements. The resource mobilization approach is highly associated with these studies since it focuses on institutional and social structural change and the determinant role of resources of the movement in their success (Jenkins, 1983). Political process theory provides an analysis of political opportunity structure which is considered as the most important factor in the success of a movement (Giugni, 2009). Regarding the role of law in these approaches it can be said that law is an external factor or institution to the movement, but it should be stated that law could play a constitutive role in bringing people together for a collective lawsuit.

The relations between law and social movements have been studied since the 1950s but it has been paid much attention and recognized as a distinctive scholarly field for the last two decades (Cummings, 2017). In this literature, concepts such as legal mobilization, cause lawyering or strategic litigation have been used to analyze examples from different countries, contexts, and issues such as women's rights, struggle against racism or migrants' rights (Hajjar, 1997; Jacquot & Vitale, 2014; Lemaitre & Sandvik, 2015; Wilson, 2017).

Cummings brings a detailed analysis of why and how these two seemingly divergent areas of social movements and law come together as a research area and draws attention to the point that legal scholars and social movements scholars seem to exchange the unit of analysis of their own field as Cummings explains with these words:

> "As sociologists have analyzed legal mobilization as a potentially productive social movement tool, legal scholars have continued to express skepticism about the role of lawyers, litigation, and courts in advancing enduring social change (at least on the political left). Conversely, while legal scholars have emphasized the power of social movements as critical actors in reshaping law and society,

> sociologists of movements have stressed the importance of state structure and political mediation (…)" (Cummings, 2017, p. 234).

This could be overcome by focusing on one dimension that is expressed by legal scholars and another dimension by sociologists: understanding legal mobilization as a potentially productive social movement tool and social movements as critical actors in reshaping the law. In the former, "potentially" and "tool" are the words that must be stressed, and, in the latter, these are "reshaping the law". This potential of law which is an ideal but a never reached ideal could bring an understanding of law that is never completed, and that can be subject to negotiation with the engagement of critical actors.

Historically, the studies on the relations between law and social movements date back to the 1950s and actually to a specific case in the United States. As it is underlined in most of the studies Brown vs. Board of Education case and its role in the U.S. civil rights movement is significant. Oliver Brown, a father whose daughter is not accepted to the elementary school closest to their home and instead asked to take the bus to attend a segregated Black school, files a lawsuit against the local government bodies with other people like him. Eventually, the case was held by the Supreme Court and the verdict of the court declaring that it was a discrimination and violation of the constitution made a remark and huge impact both in the history of the civil rights movement and the history of law in the United States. During and aftermath of the trial, countermovement against the demands of Blacks was on the scene while on the other hand, an internal debate regarding the role of the lawsuit for the movement and methods of fighting against racism and for Black rights were rising. It was basically a debate between two approaches: legal action vs. mass protests (McCann, 2006, p. 27). The tension between legal action and mass protests is not only present in the practices of social movements but also in theorizing them.

McCann underlines that two major approaches in understanding law and social movements are "instrumentalist/realist perspective" pioneered by legal realists and behavioralists such as Gerald N. Rosenberg and W. A. Bogart; and "interpretive/process perspective" which is

associated with legal mobilization and defended by Alan Hunt and McCann himself as he summarizes these approaches as follows:

"Scholars who focus on top-down approaches to judicial impact outline the variables that most influence the force of court decisions. Similarly, scholars who focus on process-based approaches to studying law in social movements emphasize various contextual factors. Opportunity structures, movement resources, and discursive terrains or legal consciousness are familiar organizing categories for such analyses" (McCann, 2006, p. 25).

Studies focusing on litigation and law as a way social change suggest that the law is a "hollow hope" might be a "buffer zone" preventing social and political problems from entering the political arena, larger political and structural problems might not be addressed, complex social and political problems might be reduced to compensation by the courts, litigation always works in favoring the wealthy and the powerful and hence the result would not be deterrent for companies (Galanter, 1974; Gönenç, 2022; Rosenberg, 1994).

McCann draws attention to the point that the process-based or legal mobilization approach understands the law as knowledge and linguistic, a communicative practice, "a constitutive convention of social life", "a resource to advance goals in social life", "to formulate rightful claims" and "to negotiate disputes" (McCann, 2006). He also points out the importance of rights consciousness with these words: "The primary project of legal mobilization analysis is aimed at the constitutive role of legal rights both as a strategic resource and as a constraint, as a source of empowerment and disempowerment, for struggles to transform, or to reconstitute, the terms of social relations and power" (McCann, 2006, p. 22). In this communicative and constitutive practice of law in the way that we understand and interpret legal conventions, "we reconstitute to some degree the law that constitutes us" he says (McCann, 2006, p. 22). In other words, while the law presents us with a ground to build on social relations, we also reconstitute it with our social relations. Thus, in this sense, law is a dynamic and communicative process.

In his analysis of law and social movements, Burstein emphasizes that for the scholars of social movements, "the distinction between political action 'inside the system' and that taking place 'outside' is critical" (Burstein, 1991, p. 1203). We can understand that insider tactics are identified as legal actions while outsider tactics are mass protests as it is discussed since Brown's case. Burstein explains the distinction with these words: "Those interested in social movements see themselves as examining political behavior not directed into 'proper channels'-that is, demonstrations, strikes, and boycotts, as opposed to election campaigns, lobbying, or legal proceedings" (Burstein, 1991, p. 1203). Della Porta and Diani also draw attention to the point that social movements are seen as "politics in the streets" (Della Porta & Diani, 2006, p. 29). In a sense, the examples from the protests outside courthouses are incidents in which "outsider" tactics and "politics in the streets" are brought into the area of "proper" and "insider" tactics of collective action. In other words, they turned courtrooms into the streets.

Scheingold focuses on the "politics of rights" through the question of "whether litigation can be useful for redistributing power and influence in the political arena" (S. A. Scheingold, 2004, p. 8) and underlines that there is the possibility. However, he also says that "Mobilization can surely not be taken for granted as the normal and necessary consequence of litigation. Nor should it be seen in isolation from other political tactics" (S. A. Scheingold, 2004, p. 8).

In his article focusing on equal opportunity employment law and how different groups such as Blacks, women, or ethnic minorities applied to this law, Burstein underlines that he takes a position "to move beyond the customary focus of movements research on blacks or women to a consideration of the activities of racial, religious, and national-origin minorities and women" (Burstein, 1991, p. 1206). Hence, while he is focusing on the equal opportunity employment law, he brings them together and this creates a chance to see how the law is interpreted for and by different groups.

In understanding the differences between these groups in terms of the number of litigations and lawsuits brought by them and the number

of wins and losses of different groups, Burstein reminds the approach of Galanter (Galanter, 1990). According to Galanter's hypothesis, the more there is discrimination in society the more the law will be mobilized. Thus, the ones who are discriminated against much more than the others are more likely to pursue legal mobilization. Burstein, on the other hand, suggests that the decision to take legal action is much more complicated than the degree of victimization and underlines that "mobilization depends on ideas, organization, economic conditions, and political climate as well as victimization". And his results prove that collective action is associated with victory in the courts (Burstein, 1991, p. 1210).

On the other hand, different social movements struggle through the law or sometimes against the law; sometimes they are captivated by the law or in a more concrete sense by the judiciary, or in a neater sense they are suppressed by the government through the law as we witness such examples in Turkey. While, on the one hand, political parties and organizations in opposition are criminalized and confronted with political lawsuits, on the other hand, women or workers try to make sure a fair and rigid trial is held and that justice is provided for those who lost their lives in a male's violent attack or in an incident of occupational murder, for instance. It is possible to see on the news that different social movements and different occupational groups are at the courts and outside the courthouses fighting for their causes. However, law and social movements literature heavily focuses on the importance and examples of legal mobilization and strategic litigation in which social movements apply them as one of the tools in their struggle (Barkan, 1980). An example of law being used as an instrument or tool of suppression by governments all around the world should also be a subject of law and social movements. To give some examples, people were fined for hanging a banner in the case of Akbelen, Hatice Kocalar, an old woman from Avdan was fined for the battery of five workers and villagers were taken into custody for blocking the road to prevent the passage of tools of the cement factory. Their cases are also a part of the environmental movement. In these cases, people do not mobilize the law for their cause, but the law is mobilized by the government or the companies in order to suppress their activities for their

cause. It is also important to evaluate the responses of governments to social movements in this sense. These lawsuits are defined as "strategic litigation against public participation" (SLAPP) in the literature, as will be discussed in the next chapters.

In the relations between law and social movements, lawyers have been paid much attention as key actors under concepts such as "cause lawyering" (Sarat & Scheingold, 1998), "movement lawyering" (Bustos, 2022), or "pro-bono lawyering" (Boutcher, 2017). However, a distinction between cause or movement lawyering and pro bono must be recognized since these lawyers are not only providing free legal aid but are becoming actors and subjects of the movements as well (Sarat & Scheingold, 1998, p. 3). Examples of movements include a wide range of areas such as labor, feminism, LGBTQ+, environment, and social inequalities. In the flexible terrain of law, cause, or movement lawyers could play a significant role in translating or maybe transforming the complex and introversive language of law to the social movements. Sarat and Scheingold describe the work of cause lawyers as a "public profession" that "reconnects law and morality", that "gives priority to political ideology, public policy, and moral commitment" and that "is directed at altering some aspect of the social, economic, and political status quo" (Sarat & Scheingold, 1998, pp. 3–4)

As Elveriş (2016) brings an example of cause lawyering through research on voluntary lawyers in the Gezi Park resistance in 2013, the lawyers who were not necessarily activists but professional "plaza lawyers" also involved in the pretrial process and provided legal aid to people arrested during the events. This was another form of network between lawyers which was built at the moment but not organized intentionally. She refers to Sarat and Scheingold in defining cause lawyers as follows:

> "Cause lawyering is about using legal skills to pursue ends and ideals that transcend client service – be those ideals social, cultural, political, economic or, indeed legal. (…). Cause lawyers construct and transform the boundary between law and politics, fabricating political action with legal tools and legal action that responds to political necessity" (Elveriş, 2016, p. 133).

As in the case above, at certain points, the law is not just a tool but a compulsion since it can be a barrier to social movements. The law that is being used as an instrument of suppression by governments is not unknown or new and at that point, lawyers are already needed. The actions of social movements could challenge the boundaries of law and legal framework and can fall into the category of "illegal". Both in these conflicting moments and in legitimate litigation within the legal boundaries, the dilemmas and tensions between being a professional and being an activist or being a professional working for an activist group or organization have been subjected to scholarly discussions (Cummings, 2006). How the social movements and cause lawyers affect and shape each other could be deployed by examples from different contexts as Sarat and Scheingold express the tension with these words:

> "Movements, in any case, tend to be resistant and intractable, thus forcing the burden of adaptation mostly on their lawyers. However, cause lawyers may wish to construe the cause, their influence is filtered through the perceived needs of leaders of the movement who must in turn take account, to a greater or lesser degree (depending on the structure of the movement), of the needs and desires of rank and file members. The problem thus posed is whether lawyers, with their penchant for taking charge, can serve, rather than seek to control, political organizations" (Sarat & Scheingold, 2006, p. 3)

In this context, the opinions of lawyers who not only work for a social movement organization but at the same time who are members of that social movement play a crucial role in overcoming this tension. That is not to say that a lawyer must be a member of a particular social movement in order to work as a lawyer for that group. This is also valid from the perspective of social movements. An organization may have difficulties in recruiting and inviting people who are also lawyers and who are also willing to work as a lawyer in the movement. However, activist lawyers' perspectives and experiences could be useful for understanding the

framework and approach not only of social movements but also of cause lawyers on the law.

In the study of Sarat and Scheingold, and also in the overwhelming majority of the studies in law and social movements, the examples from the United States take the lead since it could be named as the birthplace of this scholarly field. On the other hand, the lawyers in Latin American countries created their remarks in their advocacy for human rights (Meili, 2001; Dezalay and Garth). Meili underlines that there are two types of cause lawyers in the context of Latin American countries. The first one follows the traditional forms such as litigation and lobbying, while the second one focuses on client-centered strategies such as community organizing. For the second type, "alternative lawyers", "new lawyers" or "change-oriented lawyers" are also the terms employed in defining this sort of lawyering (Meili, 2001, p. 308).

In the examples from the United States, we usually see more "professional lawyers" rather than "activist lawyers". In this study, it is suggested that the majority of examples from Turkey will constitute the activist lawyers or alternative lawyers categories. An example of this could be the self-reflecting texts written by lawyers who worked for environmental lawsuits and contemplated different types of lawyers in environmental lawsuits. Among those Fevzi Özlüer defines, two types of lawyers as follows: environmental lawyers and lawyers of the environment movement. The former type is basically the one who might consider its role and position as leading in the movement and the case in which environmental lawsuits turn into the steps in the career or in Sarat and Scheingold's (2006) terms they are the types who seek to control the organization. The latter, on the other hand, is the one who is willing to serve the organization and movement and who does not consider herself/himself any different from other members of the organization. Those are the ones who are not happy with the status quo of lawyering as a profession and they demand equal participation of all members by leaving aside the hierarchies (Erensü et al., 2016, pp. 109–118).

There are studies questioning why people and lawyers still pursue litigation in a legal opportunity structure which constantly backlash their

efforts. Vanhala explains that NGOs that use litigation are able to highlight the failings of the existing system and improve future access to justice for themselves and other groups. Joakim Parslow's article on Progressive Lawyer's Association (ÇHD in Turkish acronym) in Turkey, asking "Why would activist lawyers 'play the game' of law when the legal system is being undermined?" argues the following:

> "Turkish legal activism results from not just clashing political causes but also the strategies attorneys are forced to adopt to effect change within an authoritarian-corporatist structure designed to constrict their activities. The ÇHD and similar groups are not merely extensions of the formal juridical order; they also constitute a grassroots engagement with the law that refuses to conform to the categories, narratives, procedures, and ends of the state's legal institutions" (Parslow, 2018, p. 26).

### 2.2.2 *A Review of the Environment (Movements) and Law*

In understanding the relations between law and environment we may take the perspectives of two entities: the law or the judiciary and the environmental movement. In this respect, I will first focus on how the law handles ecology and environment and then how the environment movement engages with the law.

Environmental law is a distinct branch of law both professionals and scholars can specialize. The demand for environmental justice, on the other hand, brings to mind what kind of a role the law and courts can play in responding to this demand. Recently, courts that are specialized in the environment have been established in many countries (Voigt & Makuch, 2018, p. 8). Even in Turkey, the government expressed its desire to found environmental courts, but it has not been realized yet and it does not seem an urgent agenda. The role of the law and the environmental courts in bringing solutions to ecological problems has been discussed both by legal scholars and by environmental justice organizations.

The environment has been a challenge to law and legal systems since it requires broad perspectives and different disciplines and it means that

the limits of law could be pushed (Wilkinson, 2002). Moreover, the environmental movement has managed to affect the courts to some extent (Muñoz & Moya, 2019). Eventually, environmental law emerged as an area of study and profession. However, the law is still human-centric and the way the law perceives nature, ecology, and environment must be subjected to criticism and yet a change, a transformation or paradigm shift in viewing nature as not a property of humankind but that the planet is a whole is a living, self-regulating system. A change of paradigms from "the mechanistic and reductionist worldview" to a "systemic and ecological worldview" in law is needed and demanded (Capra & Mattei, 2015, p. 10). Existing environmental laws in different countries, on the other hand, fall behind this view and they still aim "to protect environmental goods, other than humans, against threats from humans by isolating them from human beings" (Yılmaz Turgut, 2008, p. 113).

Considering environmental organizations' approach to law, legal action has been a path chosen by environmental movements in different contexts. Recently, climate change lawsuits are getting attention such as in the case of Urgenda in Netherlands in which the Urgenda Foundation won a legal case in 2015 to compel the state to take more effective action to address climate change. Another example is the decision of the US Supreme Court in 2007 regarding the case between Massachusetts and the Environmental Protection Agency (EPA) in which some US states and several cities filed lawsuits against EPA to force the agency to regulate greenhouse gases as a pollutant (Vanhala, 2020). Recently, the European Court of Human Rights convicted a country for the first time, Switzerland, for failing to take necessary and sufficient measures to address climate change that threatens the health of its citizens, a decision described as "the most important legal development for Europe on climate change" (BBC News Turkish, 2024a). Thus, the cases functioned as leverage in pushing policy changes.

The environmental movement has a long history in its relationship with the law especially in the case of Europe and the United States as Coglianese explains the institutionalization of the environmental movement in the United States in line with the legal reforms. He emphasizes

that the environmental movement pushed the state to take action and bring legal regulations on the environment and hence environmental regulations paved the way for environment organizations to become much more efficient and stronger in politics and bureaucracy. The movement also used litigation as a way to make change and also the litigations helped the expansion of the movement. He also underlines that legal reforms were not enough to get efficient actions from the government, but public opinion was needed (Coglianese, 2002).

On the other hand, in some contexts, litigation is discouraged by environmental organizations. They rather suggest efforts to include participants and residents in the political processes that govern environmental decisions. Moreover, organizations did not want the lawyers to dominate the movement, and they advised the activists to work on making legal litigation more accessible to grassroots participation (Marshall, 2010). As it is exampled above, in the context of Turkey, lawyers like Fevzi Özlüer also criticize some attributions to the role of lawyers and certain types of lawyer's self-appointed roles in guiding the environmental movement (Erensü et al., 2016, p. 113).

Nevertheless, although the environmental movements' struggles in the legal area do not end up with a "win" or justice in most cases, they still pursue environmental litigation. The research shows that they still "highlight the failings of the existing system and improve future access to justice for themselves and other groups (Vanhala, 2012). It is suggested that even though there is no desired outcome or solutions coming from the courts and verdicts are not concluded in favor of social organizations, due process still proves the failures, mistakes, loopholes, and injustice of the courts and the law as a system (McCann, 1994). Moreover, the legal litigation process may help the movement reach more people and get their attention on a certain issue. A negative outcome from the court might disappoint people but may also urge them to further action. They may also learn a lot from an unsuccessful experience.

All in all, applying law does not necessarily empower or disempower social movements and while collective movement might provide a victory in the courts, lawsuits also might help the movement to get stronger and

even might have a constitutive role in bringing people together. However, this study stands for the idea that social change does not come from the law itself but from the struggle of social movements. In this context, the legal consciousness of social movements could provide a framework in order to understand the importance of struggle in relation to the law.

## § 2.3 Legal Consciousness and Counter-hegemonic Struggle: Historical/Territorial Rights, Relations of Production and Commons

In light of discussions under the section on law and social movements, from a broader perspective, this study analyzes law within the framework of critical legal studies, Bourdieu's 'field', and Gramsci's 'hegemony'.

The main argument of the critical legal studies is that law is political. They criticize formalism and object to the fact that law is based on concepts such as logical reasoning, impartiality, objectivity, predictability, certainty, and stability. Politics is seen as the main determinant of decisions. The formation of law, the drafting of laws, legal processes, the implementation of laws, the interpretation of laws, and the social function of law are not independent of the actors in the legal field and the predominant ideology in the system (Stone et al., 2012).

In Bourdieu's thought, law is an autonomous 'field' in which actors and subjects other than jurists might take part. In his definition of the field, he underlines that it is created by the objective relations between positions, not by interactions or intersubjective ties between agents (Bourdieu & Wacquant, 1992, p. 97). His definition of law as a field, which will be referred to as "the field of law and legality" in the following chapters, is as follows:

> "The juridical field is the site of a competition for monopoly of the right to determine the law. Within this field there occurs a confrontation among actors possessing a technical competence which is inevitably social and which consists essentially in the socially recognized capacity to interpret a corpus of texts sanctifying a

> correct or legitimized vision of the social world" (Bourdieu, 1987, p. 817).

In Gramsci's thought, on the other hand, the law is hegemony that plays a role in the reproduction of unequal relations in society by producing consent with the promises of equality and justice and by turning it into a means of control with the rules it sets. However, there are also counter-hegemonic struggles that challenge this control (Hunt, 1990).

The concept of 'legal consciousness', which emerged out of critical legal studies, emphasizes that law has sources (such as customs, traditions, or social norms) other than state law or written laws, and focuses on ordinary people's understanding of the law, the hegemony of law in these areas and the points of opposition to this hegemony. It investigates the assumptions about law and the law and worldview that develop accordingly through everyday life experiences (Akçabay, 2020). It focuses on narratives about law and rights in areas that are invisible to law (Halliday & Morgan, 2013). One of these areas is social movements and environmental movements have also been studied in this context (Fritsvold, 2009; Grobelski, 2016).

The studies of Ewick and Silbey on legal consciousness suggest a three-faceted model composed of Before the law, With the law, and Against the law (Ewick & Silbey, 1998). Before the law refers to an understanding of the law which is neutral to everyone as an abstract entity; With the law means the approach seeing law as an arena of contest in which resource mobilization and strategy are required for victory; and lastly Against the law perceives the law as a commodity of power which fails to produce an equal outcome for less powerful. In this context, legal consciousness is a dynamic concept in which "individuals participate in the formation of their own legal consciousness" (Fritsvold, 2009, p. 804). On the other hand, Fritsvold suggests "under the law" as another form "that views the law as the protector and defender of a social order that is fundamentally illegitimate" (Fritsvold, 2009, p. 799).

Ewick and Silbey (1998) explain that the metaphor of the "legal game" was repeated by the participants in their study and they use this metaphor in their definition of legal consciousness as "with the law". The law

here is seen as "an arena of contest" and resembles a game. Similarly, in Bourdieu's conceptualization, the law is a field that has its own actors, its own rules, strategies, and knowledge provided and possessed by the players in it. He views the field as a play area where the participants argue insistently for power. Bourdieu indicates that there are similarities between play and field but unlike the play, the field depends on laws that are not explicit and codified. On the other hand, as in the game, there are players in the field who are members of society, who compete with each other, have issues, investments and assets. In the legal context, laws are the assets of all players (Bourdieu and Wacquant, 1992, pp. 72-74).

On the other hand, Halliday and Morgan, in their study on radical environmental activists, suggest "dissenting collectivism" in which there is "a collective rejection of the authority of state law". They also underline that there is "a complex and multi-faceted legal consciousness where a rejection of state law (…) can be fuelled by a faith in legality above or beyond state law" (Halliday and Morgan, p. 1). They define it as follows:

> "The existence of a legal consciousness of dissenting collectivism where state law is critiqued as being oppressive to groups and, more significantly, is struggled against- not as an accommodation of power, but in a group-based attempt to alter the structures of power in society. But the key point here is that it is a struggle. And the struggle, as our data demonstrate, can be frustrating, short-lived and ultimately unsuccessful (Halliday and Morgan, 21013, p. 21).

As will be discussed in the next chapters, this study does not find a rejection of state law or consideration of it as illegitimate as in the case of "under the law". However, the struggle and counter-hegemony are mutual points shared with the study of Halliday and Morgan. In this study, I suggest that environmental movements bring state law and non-state law together in their counter-hegemonic struggle as will be discussed in Chapter 4.

Studies on legal consciousness have gradually grown and diversified. Silbey even criticized legal consciousness studies that focus on

individuals rather than institutions and ignore the social, structural, and institutional aspects of law and the relationship between law and ideology (Ewick & Silbey, 2020; Silbey, 2018). However, the continuation of these studies has been interpreted as the formation of different approaches within the legal consciousness, and Silbey's criticism as being limited to certain studies as Halliday categorized these studies within the framework of critical approach, interpretative approach, comparative cultural approach, and law-in-action approaches (Halliday, 2019). On the other hand, Chua and Engel (2019) defined identity, hegemony, and mobilization approaches.

The approach in this study lies at the intersection of mobilization and critical/hegemony approaches. Differing from the idea of the law creating social change in the mobilization approach, the law is considered as a part of the struggle, not as a singular tool/field or the main axis of a struggle. Here, it is the social struggle that will bring about social change and law is a part of this struggle. At this point, the hegemony approach is adopted. However, rather than the idea of law determining consciousness as a means of control in the hegemony approach, the focus is on the potential of society to determine the law and produce counter-hegemony. Law functions as a means of control, but there are also points of opposition to this control and hegemony and the demand for another law. Environmental struggles are also discussed as examples of this.

As discussed, social movements' use of the law, more specifically litigation in their struggle might be criticized as exhausting the motivation and the sources of movements (Gönenç, 2022). However, as many examples prove, people do not give up applying to law despite disappointing results from the courts or the long lawsuit processes. Moreover, it is not possible to see "legal alienation" as Hertogh defines it as "a cognitive state of psychological disconnection from official state law and the justice system" (Hertogh, 2018). Why would social movements still pursue struggle in the field of law despite the problems they encounter on many levels? Some possible benefits were already cited in previous pages, however, how this conflictual situation might be explained from a more theoretical perspective? Thus, counter-hegemony and an understanding of the law

beyond the litigation might be helpful in explaining this situation as Halliday criticizes too much focus on state law and suggests another perspective with these words "Hertogh's theory of legal alienation, accordingly, rather than being a refutation of legal hegemony, is better regarded an exploration of counter-hegemony" (Halliday, 2019, p. 13).

As Hunt defines by referencing Gramsci, counter-hegemony "is not a question of introducing from scratch a scientific form of thought into everyone's individual life, but of renovating and making 'critical' an already existing activity" (Hunt, 1990, p. 313). The crucial point in the construction of counter-hegemony is to transcend the existing hegemonic discourse as will be detailed in the following chapters through the cases of this study. Hunt gives the example of the development of trade union rights that transformed from traditional individual rights such as free speech, to social and collective rights (Hunt, 1990, p. 314).

Examples of studies focusing on the references to law in the daily lives of people engaging in social movements indicate that the law is still significant even if the lawsuit is not successful because it reinforces the networks and agency of social movements through legal action, spreads awareness through storytelling, and triumphs in the court of public opinion even when it does not win in court (Kutlu, 2024). Moreover, studies also show that environmental lawsuits pave the way for the development of rights-based counter-hegemonic discourses as in the case of water which could be handled under the neoliberal policies or the right to water (Kıvılcım, 2018; Kutlu, 2024).

In her outstanding study on working-class Americans, Merry underlines the essentiality of rights in the legal consciousness with these words:

> "Their sense of entitlement is not based on particular legal doctrines, however, but on a broad sense of rights. They believe that, as members of a legally ordered society, they are guaranteed protection of property and person and can use the courts to protect these rights. Rights are not conceptualized as being attached to persons as individuals but as being embedded in relationships and constitutive of these relationships. (…) Most of these plaintiffs

> do not feel alienated from American society, nor do they think that its dominant institutions are unavailable to them. But they are not naive about the extent of social and economic inequality within American society or about their relatively powerless position" (Merry, 1990, p. 2)

The situation of environmental movements pursuing legal struggle is quite similar to the case of working-class Americans. Thus, in this context, the concept of legal consciousness is utilized much more as the understanding of rights in this study as well. Therefore, in analyzing the legal consciousness of environmental movements the underlying question is why people are entitled to pursue an environmental movement. What makes them rightful actors and subjects of these movements?

Moreover, law, rights, and justice are also seen as a form of relation between labor and capital, and even as a form of class struggle rather than a tool of struggle. In this Marxist formulation, the claim that "law will fade away along with the disappearance of classes" is reconsidered as the disappearance of exploitation, not labor, and hence as Akbaş underlines as follows: "(…) the claim of the extinction of law does not say that rights will disappear. In fact, this is one of the reasons why the ruling class is skeptical of the law" (Akbaş, 2018, pp. 56–57).

Furthermore, there are insights in the debates on class consciousness in understanding the consciousness of environmental movement. Class consciousness comes from the struggle, according to E.P. Thompson; hence we might suggest that both legal and environmental consciousness stem from the struggle. Thompson explains the relation between class consciousness and class struggle with these words:

> "Indeed, class struggle is the prior, as well as the more universal, concept. To put it bluntly: classes do not exist as separate entities, look around, find an enemy class, and then start to struggle. On the contrary, people find themselves in a society structured in determined ways (crucially, but not exclusively, in productive relations), they experience exploitation (or the need to maintain power over those whom they exploit), they identify points of

> antagonistic interest, they commence to struggle around these issues and in the process of struggling they discover themselves as classes, they come to know this discovery as class-consciousness. Class and class consciousness are always the last, not the first, stage in the real historical process. But if we employ a static category of class, or if we derive our concept from a prior theoretical model of a structural totality, we will not suppose so: we will suppose that class is instantaneously present (derivative, like a geometric projection, from productive relations) and that hence classes struggle" (Thompson, 1978, p. 149).

Thus, the struggle is the first triggering moment in the formation or transformation of the environmental and legal consciousness for local communities who have not been involved in environmental movements before. When they first encounter a situation where their livelihoods are threatened by a project by a company or a state, they might realize that their rights which are taken for granted are now at risk. This is especially the situation in rural areas. Environmental and legal consciousness comes to the scene at this point and hence determines the way that the struggle will follow as well. In this sense, there is a correlation between consciousness of struggle and legal consciousness. I apply legal consciousness as a broader concept encompassing consciousness of rights and consciousness of struggle. Moreover, in light of the concept of environmental justice, understandings of justice and injustice are also included in analyzing the legal consciousness of environmental movements that this study focuses on. Thus, the pillars of legal consciousness in this study are rights, rightfulness and entitlement, struggle, and justice. This conceptualization would help to understand environmental movements' relations with the law in a multidimensional and manifold legal consciousness.

In her dissertation on environmental legal mobilization in Poland, Grobelski (2016) argues that administrative legal processes are contact zones between the state, society, and the physical earth along with her suggestion that "interaction with the administrative legal system shapes legal consciousness in consequential ways, on an individual level and

with respect to building enduring social movement alliances." She identifies the concept of legal consciousness, by referring to scholars Silbey, Anderson, and McCann, as follows:

> "It was not enough to map individual or group variation; rather, it was essential to demonstrate how the variations in what people thought and did about law together constituted the rule of law. (…) The multiple and contradictory character of law's meanings is what makes it powerful. Its multiple and contradictory meanings are also what make it a politically generative site for social movements, even if it is not entirely boundless". (Grobelski, 2016, p. 25)

Grobelski also draws attention to the dynamic relations between the structural legal opportunities and the agency of individuals in theorizing legal mobilization. In addition, she reminds the conceptualizations on how legal rights' mobilization can be part of political participation by adding that "courts and legal instruments should be included in the study of political participation, and more broadly, democratic governance" (Grobelski, 2016, p. 23).

What is different in Turkey from Poland, administrative legal processes might not be as open as in Poland and the effect, monitoring, and funding from the EU have been degrading gradually over the years. Moreover, Grobelski (2016) says that environmentalists constitute a small part of civil society, unlike Turkey. What is similar between the cases of Turkey and Poland is the common view on the importance of economic growth and development and how the environmentalists obstruct it. As Adaman et al. (Adaman et al., 2016) noted, in the eyes of the local communities and environmentalists under environmental hazards, there is a shift of paradigm. While in the 1980s and 1990s, the state was the sole promoter of energy projects as well as the core player in environmental protection dominating the field, after the 2010s this turned around and the private companies took the scene in energy projects building with the privatization and neo-liberalization. Thus, while it can be accepted what the state does to a certain extent because of the perception of the state as a

powerful, dominant actor in any field, what companies do is unacceptable. Avcı (2017) also shows the significant role of the hegemonic state in shaping not only people's approach to ecology and mining in the Ida Mountains but also their political subjectivities in their community and the country. The role of the state and companies in the cases of this study will further be discussed in the next chapters.

In regard to Grobelski's focus on legal consciousness, I suggest a hypothesis indicating that the legal consciousness of local people engaging in environmental struggle is not shaped by administrative legal processes, but they have a legal consciousness of rights on nature or the environment in which they live. We attribute different meanings to rights, rules, and law and we also refer or apply to different sources in understanding those meanings. Those sources could be civil rights or moral values, social norms, religious norms, or customs. At some point, our moral values could overstep official written constitution rules, for example. We apply those different levels of rules and rights in our dispute resolutions. In the case of environmental conflict, we see that people use official laws and rules to protect their rights to the environment. However, if we focus on the discourses, claims, and actions of people in defending their livelihood or their nature they refer to a source of different rules than the official ones. They defend their living areas, and they claim this right by just living there.

Their fundamental understanding of their rights in nature seems more important and more compelling than official rules. For example, a company legally buys the rights to use a river for hydroelectric power plantation and the state also approves it. The state's duty to protect might also have been fulfilled by providing affirmative EIA reports. The whole process may look totally legal, but its legitimacy is questioned as we are witnessing the increase of this questioning in different examples recently. Thus, in this context, the source of legitimacy of all the processes held by the company and the state is administrative legal processes. However, people are not intimidated by this legality, but they question it openly in the context of environmental conflicts and assaults. It seems like they do not offer legal reforms or transformation of law, but they refer to the

rights that they already have by just living in the area under environmental assault. This is so much more than a discussion of administrative legal processes, it is a discussion of rights regarding nature, the environment, and livelihood. The legitimacy of people claiming collective rights on the nature where they live stems basically from just living there. People live there and they have the right to say what is going to happen to the nature they live in. This could be considered as the mobilization of rights rather than an official legal mobilization process. As for environmentalists, they rather defend the environment and nature with a sense of ownership that can be expressed as an understanding of commons. They do not necessarily live in places under environmental assaults in every case, but they see those places such as forests or water sources as commons that do not only belong to local communities but everyone. The destruction of them will not only affect people living there but the whole country and region in the long run. These concepts will be detailed in the following pages.

As can be seen in many examples, especially rural people make references to their role in agricultural production, and their ties with their village throughout the generations while environmentalists often express phrases such as "our trees, our forests", for instance. This is how they try to prove that they are right in their cause. Thus, I suggest framing this discourse in terms of the concepts of historical/territorial rights and relations of production for local communities, and an understanding of commons for environmental defenders. People in environmental movements never say that "it is our historical/territorial right to protect the forest", for instance. However, their emphasis on agricultural production, the importance of village and heritage, and owning the forests and water sources, for instance, is a repetitive phenomenon in the discourse of environmental struggles in many different places and contexts in Turkey. Hence, the environmental movements that this study focuses on are discussed further in the following chapters in this context.

On the other hand, it is possible to consider that this kind of legal consciousness has no counterpart and sanction in real life and has a meaning only at the level of the discourse of social movements. Even though these are not defined rights in the laws of the Republic of Turkey, at a global

level there are attempts to recognize these rights. The United Nations (UN) adopted the "UN Declaration on the Rights of Peasants and Other People Working in Rural Areas" (UNDROP) in 2018. The Food and Agriculture Organization of the UN (FAO) underlines the importance of the declaration as follows:

> "This Declaration calls for peasants to be not only mere 'subjects of rights'. Instead, it recognises peasants and people in rural areas as fundamental actors in overcoming the crises. This UN Declaration is a strategical instrument to strengthen the struggles and proposals of rural movements. The core of the Declaration centres on the right to land, seeds and biodiversity, as well as several 'collective rights' anchored in Food Sovereignty. Food Sovereignty is the peoples' right to determine their food and agricultural systems and the right to produce and consume healthy and culturally appropriate food" (Food and Agriculture Organization of the United Nations, 2018).

On the other hand, for the cases this study focuses on, there is no reference to this specific declaration to the UN in their discourse by environmental movements. Their narration is more from their experience and most of the time they do not even say "rights" in this narration. Rather, they refer to certain specific laws such as environmental protection law or olive law when it comes to legal terms, as will be discussed in the following chapters.

In literature, territorial rights have been discussed both in international relations and nationality studies from a more "state" perspective (Meisels, 2009), and the point of view of "extractive capitalism" (Nachet et al., 2022) and "indigenous people" (McNeil, 2017).

In terms of the states, territory is a geographical space under a jurisdictional authority. This authority is the state, and this space may include land and water as well. From a critical geographical perspective, the territory is seen as "a geographical area that is controlled, or over which power is exercised", while political philosophy sees it as "the domain of legitimate jurisdictional control and associated rights"(Moore, 2020). In

terms of territorial rights, the relations between three elements are the determinants: people, land, and the regime (the state or the government). The state has the right to create and enforce laws in the territory. The state also defines the rights, limits them, and allocates them to the people.

However, as it is discussed here there is also "non-state law" which shapes the social and political aspects in different settings at different levels. Customary rights of local communities are also recognized by FAO (2015) under the "Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries". The Guidelines document is a call for the state to take an active part in the recognition of "legitimate tenure rights" and "customary rights" of local small-scale fishing communities. Even though this is a fishery-specific document, it has implications for any rural, local, or agricultural context as can be observed in the quotation below from the Guidelines:

> "When necessary, in order to protect various forms of legitimate tenure rights, legislation to this effect should be provided. States should take appropriate measures to identify, record and respect legitimate tenure right holders and their rights. Local norms and practices, as well as customary or otherwise preferential access to fishery resources and land by small-scale fishing communities including indigenous peoples and ethnic minorities, should be recognized, respected and protected in ways that are consistent with international human rights law" (Food and Agriculture Organization of the United Nations, 2015, p. 5).

Another document by FAO titled "People's Manual on the Guidelines on Governance of Land, Fisheries and Forests" also recognizes tenure and customary rights and provides a framework and tool for social movements and local people. The Guidelines document plan to "contribute to securing full rights to land for peasants; defending and regaining the territories of indigenous peoples; securing access to and control over fishing zones (including coastal land) and ecosystems for fishing communities; securing access to and control over pasture land (…)"(Food and

Agriculture Organization of the United Nations, 2012). The document presents exemplary (hypothetical) cases where there are conflicts over the resources in a certain region. In these examples, the historical background is emphasized as can be seen in the quotations below:

> "For generations the livelihoods, particularly food and work, of the communities living in the coastal regions of Mogir have depended on agriculture and artisanal fishing" (Food and Agriculture Organization of the United Nations, 2012, p. 47).

> "Fishing communities and villages found in the coastal region of the country Ua have a long history of tenure based on customary and traditional fishing rights, which are closely linked to land. Their relationship with natural resources and the territory is a source of cultural identity, knowledge and spirituality, while also being related to their survival" (Food and Agriculture Organization of the United Nations, 2012, p. 33).

Once again, these documents are not addressed by the environmental movements that this study focuses on, even though there is direct resemblance and relevance with the cases presented and guidelines provided both to the states and social movements. In our cases, the experiences of people come to the fore in their narration. This might be explained by the fact that local communities engaging in environmental movements do not consider themselves alienated from the state and society despite their frustration. Hence, these documents might still not be so relevant to them.

Historically, the enclosure of commons in the transition from feudalism to capitalism severed peasants' ties with commons such as pastures or forests. Historian E. P. Thompson explains the movement to enclose commons such as forests in England and the introduction of laws imposing severe penalties on peasants who entered enclosed areas as "a social and economic struggle in which the traditional economy of forest dwellers was destroyed and replaced by a market-oriented regime based on capitalist property rights" (Cole, 2001, p. 180). According to Thompson,

villagers who object to the ban on entering the forest where they have lived for years are dispossessed rights holders defending their traditional and constitutional rights (Cole, 2001). It would not be wrong to say that these struggles, both in Turkey's history and today, are being relived in their current forms against the commons and privatization. Historical/territorial rights are also understood in this context (Fırat, 2022).

In his analysis of neoliberal transformation, Özlüer (2022) uses the term "enclosure of rights" in the context of changing capital accumulation relations. The state created the process of enclosure of rights through three strategies that are deinstitutionalization, deregulation, and economization. He explains that ecological struggles have lost the institutions they could apply or use, the rules they could apply to are dismissed by other regulations and they fall into a state of exception and the courts prioritize the economic conditions. Now they are reduced to economic subjects or entities only.

In Turkey's neoliberal journey, two sectors have been particularly prominent in the last two decades: construction and energy. The construction sector has significantly transformed urban areas, while the energy sector has transformed the rural ones. The transformation in rural areas is not only related to Turkey's energy policies, but also the neoliberalization of agriculture, the decrease in small farming while the presence of companies widens in agriculture through "contract farming", and the privatization of commons. Numerous environmental struggles, in which legal processes have been carried out over both private property and commons, can be evaluated within this framework.

Critical geographers argue that social classes and relations create different territories and spaces that are reproduced under conditions of constant conflict, resulting in spaces of domination and spaces of resistance. In rural areas, these struggles take place between local communities, social movements, and corporations over what is called material (physical elements of space such as land, trees, forests, and houses) and immaterial (social actors in space, the administrative, legal, and political status of space) territories (Kavak, 2021).

In terms of social forces in the regions subject to environmental struggles, at the macro level, there are relations between the company, the local community, and state institutions. According to Marxist thought, social relations of production between social classes determine the character of a society, for example, whether it is a feudal or capitalist society. Social relations of production are also power relations that emerge through the ownership of the means of production and private property (Chitty, 2000). Private companies own the means of production such as thermal power plants, lands, or cement construction, which are the scene of environmental struggles. The transfer of this ownership to private companies has been realized through the privatization policies of the state. On the other hand, peasants, who are producers in local society, own the land, which is the means of production, and are in a direct relationship with production. In this case, all of the means of production in the spaces subject to environmental struggle are also a reflection of the struggles for rights and ownership over space. The struggle for rights and ownership over these spaces, i.e. land and nature, is more than a struggle for private property; it is a struggle for historical/territorial rights and commons. In other words, land, which is seen as a means of production, is not only an issue of private property but also an issue of commons that is part of a process that will affect both the local community and the country and even the world considering the dimension of climate change.

The popular definition of commons as "something that belongs to no one and everyone at the same time" might not encompass all the detailed dynamics and debates on such a broad issue, but still gives the idea of how broad it is. Çoban underlines that "a common is the subject matter of enclosure" and "the expropriation of places and entities subject to the commons is implemented through new laws or amendments to existing ones" (Çoban, 2018, pp. 49–50). Commons are defined as "resources, rules, and/or practices that are shared and maintained/ reproduced by a community" (Villamayor-Tomas & García-López, 2021, p. 3). There are plenty of studies focusing on the commons both in urban and rural areas and connecting the literature and theories of commons and social movements (Varvarousis et al., 2021; Villamayor-Tomas & García-López, 2021).

The literature on commons was heavily occupied by an understanding of resource management and the commons have been seen as an issue of private or public property. "The tragedy of commons" by Hardin considers commons as natural resources that are given free access and open to being a waste or over-exploitation and who argues that making them private property is an eco-efficient solution was much criticized (Barca, 2007). The work of Ostrom who suggested a community-based approach and argued that "communities can craft their own rules of access and enforce them through mutual monitoring to successfully avert the 'tragedy'" created a shift in this scholarly debate (Akbulut, 2017). Marxian approaches on the other hand pointed out the commodification of commons which still serve as a resource for capital accumulation. Harvey criticizes market-based approaches and defines the commons as follows: "The common is not a particular kind of thing but an unstable and malleable social relation between a particular self-defined social group and those aspects of its actually existing or yet-to-be-created social and/or physical environment deemed crucial to its life and livelihood". As Stavrides pointed out "common space thus can be considered as a relation between a social group and its effort to define a world that is shared by its members" (Stavrides, 2015, p. 11). Çoban also says that "an ecological common consists of both the presence of a natural resource that is independent of human activity and a social activity that is independent of this very natural resource" (Çoban, 2018, p. 31). Moreover, environmental movements are also seen as commoning practices as the nature and environment are the subjects of the commons that might be under assault and hence must be protected or defended. In this regard, it is suggested that "the concept of commons creates a discourse together with the concepts of solidarity, autonomy, horizontality and collectivism"(Hazar Kalonya, 2021, p. 240).

Even though the relations between commons and social movements have been widely subjected to research, local communities mainly remain at the heart of the debates on commons. In other words, there has always been a community that makes a communing practice in a given place. My suggestion is here to consider the commons from the point of

the environmental defenders who are not directly tied to those places called commons but still entitled to defend them since commons belong to everyone. This is the underlying point of how their legal consciousness of being rightful actors and subjects of environmental movements.

## § 2.4 Concluding Remarks

The theoretical framework of this study tries to bring different but overlapping issues. These issues create a broad map of ideas in order to understand relations between law, social movements, and the environment. This is not an easy task to navigate on this map since there are still dimensions that were not brought to the discussions of this study. While political ecology and environmental justice draw an outer framework to analyze environment and nature, in a parallel line and simultaneously the literature on law and social movements brings different perspectives in understanding and defining law. Right after this outer circle, the legal consciousness of environmental movements lies at the core of this study. To conceptualize the sources of legal consciousness as historical/territorial rights and relations of production for local communities and an understanding of commons for environmental defenders, depart from the question of what makes people in environmental movements rightful actors and subjects of those movements.

# 3

## The Living Zone: The Effect of Space on Triggering Moments, Legal and Environmental Consciousness

*"People focus on saving their living areas, their villages. Their struggle is for home/homeland."*
– Cenk, an environmental lawyer, 25 November 2023

*"In the locals, the struggle is for the living areas, and it is more instinctual. People initiate the struggle for dear life. There is no ecological perspective or politicization at the beginning. In time, they see that the problem is systematic."*
– Sevim, an environmental defender, 11 January 2023

*"When people realize they cannot go anywhere else but where they are, that is the breaking point. It's been their ancestral land for hundreds of years. They've planted flowers and cleared the stones out of the soil. They struggle to protect where they live. They struggle to lay claim to their living areas, to look after it."*

– Canan, an environmental defender, 30 November 2023

These are a few examples from the answers of the interviewees when I asked them about the beginning of an environmental movement, how people decide to start a movement, what the triggering point is for them, and what their motivations are in continuing the struggle. The emphasis on the "living areas" prompted me to consider the effect of space on the environmental movement. Almost all interviewees identified the triggering moment of an environmental movement (or struggle) as a threat to their living space. The term "living areas" was used repeatedly. They underlined that people have no choice but to object and resist in order to protect and defend their living areas. Hence, the local community's relationship with space came to the fore as the triggering element and moment of an environmental movement and this chapter started to come to shape.

This chapter focuses on the effect of space on the formation and transformation of legal and environmental consciousness in an environmental movement. The triggering elements and moments of a movement are important since they could tell us about the very first moment when people are in objection and rejection, think there is something wrong, there is an injustice and raise their voices against it. What was that injustice? Why did they think there was something wrong and they were right in their rejection?

The answers to these questions could give us the sources of legal consciousness/ consciousness of rights apart from the written, official state law. And the very first answer was that there was a threat to their living areas that they spent each day of their lives. This could be a park in the city, or a river in the mountains, or a forest in the village. Although "living areas" are defined both in urban and rural contexts by my interviewees, my cases are rural ones and place-based environmental movements. Thus, my analysis will be in this framework.

I argue that social, emotional, and economic relations that people share with space (and nature) play a fundamental role in shaping legal

and environmental consciousness. Moreover, I suggest that especially local people have a potential legal and environmental consciousness, even before they start a struggle, based on the (a) relations of production that they have with the space, and (b) historical/territorial rights that they think that they have on the space. For the environmental organizations and environmental defenders, this relation with the space is based on (c) an understanding of the commons. Even though they do not get affected by the environmental assault directly, they consider these spaces as commons and join local people in the struggle. What brings them together, is their struggle for environmental justice.

In this context, relations of production refer to the agricultural activities of local people on the space (or land). Historical/territorial rights can be understood in the context of both time and space. The studies on place-based struggles, as in the cases of this study, also suggest that "as these local inhabitants organized an environmental movement as a place-based struggle to defend the place 'where they lived in and acted'(Escobar, 2008), a sustainable movement is more likely to arise from the grassroots activism of the community" (Üner, 2023, p. 171).

Moreover, the literature on legal geography provides insights into analyzing these relations. Hence, after a brief presentation of these theoretical tools, this chapter will continue with the comparative analysis of three cases, namely Akbelen, Deştin, and Avdan, in terms of the effect of space. The findings from the field showed that certain themes demonstrate this effect. These are defining the space as "home" and being a "host", the existence of a place of memory, fragmentation of the space, the transformation of space into a "crime scene", identifying the location(s) of the struggle, emergence of vigil areas, ecological sacrifice zones as zones of indistinction, property relations with the space and lastly the political situation in the living areas. Those aspects will be discussed under subtitles in the following pages.

## § 3.1 Legal consciousness and concepts

### 3.1.1 *Legal and Environmental Consciousness and Space*

In the context of space, I try to answer the following questions to grasp the consciousness of three exemplary environmental movements in Turkey: Why is it their right to defend the spaces under environmental assault? How do they argue for or legitimize their cause? What kind of norms and rights do they refer to when they try to prove that they are right in their cause?

I argue that people who are directly and physically affected by environmental assaults have an understanding that they have rights over the space (which can be defined as lands, forests, fields, and more generally nature) just because they live in this space and earn livelihood on it. Mostly, those people have lived in this space for a very long time and a few generations. Having such a relation with the space for a long time and claiming rights over this space based on this relation can be explained by the concepts of historical/territorial rights and relations of productions that local people have with the space. Moreover, the understanding of injustice is a crucial determining aspect in starting a struggle. Since those people have lived in these spaces for a very long time and for generations, when this space is under threat, they react against this situation which can be defined as a moment of injustice. The source of this injustice is mostly the state authorities which paved the way for the companies to realize projects damaging the environment and living areas. The relations with the state and the companies will also be discussed in the next chapters.

Thus, it is argued that the legal and environmental consciousness of local people derives from the historical/territorial rights and relations of production, while environmental defenders' consciousness stems from the understanding of the commons. Escobar underlines that "within relational worlds, the defense of territories, life, and the commons are one at the same" (Escobar, 2020, p. 47). Hence, the understanding of commons is also present in the consciousness of local people but what marks environmental defenders' consciousness is the commons. This is how they

relate to the space. Hence, the relations with space play a key role in the formation of these consciousnesses.

### 3.1.2 *Legal Consciousness and Legal Geography: Legal-spatial Consciousness*

The fields of "legal geography" and "spatial justice" have emerged at the intersection of critical geographers and law-society scholars. Critical geographers, referring to Henri Lefebvre, have defined that space and society are in a two-way relationship that reproduces each other, and have discussed the concept of space and spatial justice through capitalism's reproduction of space and capital accumulation by dispossession rather than the relationship with the law (Kavak, 2021). While spatial justice studies take the influence of law as a given, legal geography discusses how this influence is formed (Flores et al., 2019). It not only focuses on the role of law in the production of space but also "how the spatial informs the legal" (Bennett & Layard, 2015, p. 411). Thus, the relation between law and space is a co-constitutive and reflexive process.

Legal geographers have re-discussed the two-way reproduction relationship of space and society through law and space. Delaney explains the constitutive power of law over the space as follows:

"Law as 'rules and rights' underpins spatial tactics such as confinement, exclusion, expulsion, and coerced mobility. Law carves life-worlds into innumerable boxes and assembles and reassembles them in ways that structure experiences from the most mundane to the most extra-ordinary. As it does so, it channels power throughout relational worlds, human as well as other-than-human*"* (Delaney, 2015, p. 99).

In his conceptualization of "splice", Blomley (Blomley, 2003; Blomley et al., 2001) rejects the assumption that law and space are discrete and closed categories. Rather they are aspects of each other. They both draw ordering frameworks for a wide range of areas from social life to politics. They are integral and entangled. He defines the relation between the two through the concept of "splice" where they are mutually dependent. He explains that splices, where the law and space meet, seem neutral, objective, and non-negotiable. They create a freezing effect on social

arrangements. While "law allows us to distinguish 'citizen' from 'alien', 'public' from 'private', 'employee' from 'employer' (…)", "similarly, space offers a powerful ordering framework. The boundary, which delineates, and defines 'inside' with reference to the 'outside' (…)"(Blomley, 2003, p. 12). He also underlines that splices favor the powerful one in social settings under the guise of neutrality and objectivity. Contrary, neither law nor space is neutral or objective to everyone.

The concept of splice resembles Delaney's 'nomosphere', and the concept of 'lawscapes' and they are considered as the core concepts in legal geography (Bennett & Layard, 2015). They could be spaces, instances, and moments. They could be seen in the situation of a refugee who is legally and spatially something distinct for example. As in the situations of public spaces such as courtrooms or custom houses, airports, forests, and protest camps as Bennett et. al describe a splice as: "consisting of a geographic and a spatial set of meanings that are both legally and spatially distinguishable from other sites, particularly private property (also a splice), (…) temporary, not permanent, and produced by legal norms, social hierarchies and apparent spatial isolation" (Bennett & Layard, 2015, p. 410).

Blomley also defines the concept of "splicing" as "the active, constructed way in which splices get made", and "resplicing" where the dominant splices are contested in considering them as "splicings; as achievements, rather than facts". He explains as follows:

> "The spaces within which law is put to work, while disciplinary, are also potentially transgressive. According to some observers, the very requirement that space be enacted and produced by those within it creates the possibility for slippage and creative reworking. The shopping mall, which is designed to foster consumerism, can also become a space for counterculture" (Blomley, 2003, p. 15).

He gives the example of "missing women" in Vancouver in the 1990s. The disappearance of those women who lived in "a bad neighborhood", worked as "prostitutes" and probably were murder victims, did not really

get attention and a solid response neither from the public or the legal authorities. "They are outlaws, both legally and spatially" as Blomley (2003) defines the splicing. In the face of this splicing, the local activists, and families and friends of them initiated a campaign where the resplicing can be observed. In their discourse and demands, they "reframed the missing women as citizens, deserving of legal respect, rather than prostitutes (and hence outlaws)" and they call for a "legal uniformity" in the sense that "murder is murder, wherever it is committed". In Blomley's words, "activists stayed within dominant parameters but inverted and extended them, revealing contradictions and omissions that were simultaneously spatial and legal" (Blomley, 2003, p. 16).

The concept of resplicing can be useful in understanding how environmental movements pose a challenge by naming a place as "forest" and "olive grove" against law's definition of "coal mining site", for example.

Moreover, legal geography also deals with the 'material–affective' aspect of law. The law depends on the material world and the affections as well, as Bennett & Layard explain "law's dependency upon a distinctly thingly world and our emotional attachment to (rather than detachment from) law's things" (Bennett & Layard, 2015, p. 417). They underline that this concern on law's material-affective aspect can be understood as the duality between the perceptual dimension and the analysis of law, power, and spatiality. They also find similarities between the focus on the "perceptual" and "affective" aspects and the legal consciousness studies as they explain:

> "This step towards affect, individual consciousness and our engagements with everyday materiality requires an embrace of the limits of law's reach, its logic and even its coherence when encountered within the daily world-making of individual actors. Studies of legal cognition and its pragmatic co-option into everyday life show how law is promiscuously appropriated and forced to fit tasks in hand. Law thus becomes close to a feeling, a background sense of entitlement or prohibition" (Bennett & Layard, 2015, p. 417)

This material-effective aspect of law can be seen in almost all discourses of environmental movements. My focus on the very beginning of their struggle and their narrations of these moments shows their first reactions and perceptions regarding their rights, justice, and injustice. They do not necessarily use these words all the time but how they describe those moments, and the emotions they display when they are explaining their situation (both in interviews and the protests, press releases, or social media posts) wove a context where their emotions show their perceptions.

In her study, Braverman (Braverman, 2009), a leading legal geographer, argues that there is a strong historical and cultural identification between the olive tree and the Palestinian people and that planting olive trees is an act of resistance against Israeli occupation. It is emphasized that Israel has directly and completely changed the daily lives of Palestinians through bureaucratic processes and court decisions that are alien to daily life, such as the imposition of time restrictions on olive harvesting. Israel prevented Palestinians in the occupied West Bank from accessing olives through legal regulations implemented under the name of olive protection.

The olive also occupies a special position in the Deştin and Akbelen cases in this study. First of all, the discourse that the construction of the mine and the cement factory violated the Olive Law was frequently repeated, and the call for the implementation of the law was continued with signature campaigns. In the dichotomy of "olives versus coal", olives symbolize both agricultural production and the local community's ties to the village and nature, while coal symbolizes mining and cement companies and thermal power plants. In the case of Avdan, there are also olive groves, but another prominent crop is tobacco. In each case, there are agricultural products against coal. In economic terms, olives/tobacco are the source of livelihood for the local community, while coal is the source of companies. In addition, the struggle for the abandonment of fossil fuels at the global level and the "just transition from coal" campaigns also have implications for Avdan and Akbelen as climate change struggles. In this context, the Turkish branch of the international climate organization

350.org and Climate Action Network (CAN) Europe supported both struggles with reports, petitions, and social media campaigns (@350turkiye, 2023; *Milas'ta Kömürsüz Bir Gelecek Mümkün*, n.d.). In the report on the economic value of olives, it was argued that thousands of jobs could be created by transferring the incentives given to power plants as investments in olives and that a fair transition could be provided for mine and power plant workers (Yerel Ekonomi Için Dönüşüm Fırsatı: Milas'ta Zeytincilik, 2022). In this context, olives and coal, as natural assets, acquire a political dimension through human activity. The law can prioritize the local community and olives by paying regard to the Olive Law, or it can prioritize mining and energy for the sake of, or under the name of "public interest". This differentiation also reveals that "how law makes space" is complex and contradictory in itself and has unintended consequences (Delaney, 2015). Among those two options, which side prevails depends on the struggle between the hegemony of the state and the companies and the counter-hegemonic struggle of the environmental movements in their demand for justice.

Moreover, this could be considered a struggle between the hegemony of the coal and the counter-hegemony of the olive. As it is observed in the study of Braverman, natural materialities are used to legitimize political wars (Braverman et al., 2014), and hence we can conclude that they turn into instruments or subjects in political struggles. A social media post by the Instagram account of the Akbelen movement displays how natural entities transform into the subjects in the movement as shown in Figure 1. It can also be analyzed as resplicing of coal's splicing as legally and spatially legit while the olive and the environmental movement are seen as outlaws. The post says:

> "Akbelen Forest case held yesterday. An olive tree intervened in the case on the side of those who defend life, those who say #JusticeForOlivestock, in the face of those who are trying to destroy it, nature and life.
> During the discovery conducted at 40+°C, the delegation of 50-60 people took shelter in the shadow of one of the olives to be destroyed.

FOR THE RIGHTS OF NATURE:
Olives will win. Akbelen Forest will win. Those who defend olive groves, forests and life, the people of İkizköy, Avdan, Deştin will win" (@ikizkoy.direniyor, 2022).




Figure 3.1 Expert discovery committee under the shadow of the olive tree. SOURCE: *@ikizkoy.direniyor* (2022).

Flores et. al develops the concept of "legal-spatial consciousness" by adding legal consciousness to the two-way relationship of the legal, social, and spatial that mutually construct and produce each other. Through immigrants' perception of space and law in the United States, they define the concept as follows:

> "A legal–spatial consciousness thus focuses on how individuals interpret and engage with the socially constructed and constituted nature of law and space. (…) Legal–spatial consciousness illustrates the co-constituted nature of law, geography, and migrant identity, and the critical role all play in how individuals navigate and experience legal regimes. Importantly, this process is not unidirectional, but rather dynamic and interrelated" (Flores et al., 2019, p. 15)

Arguing that the perception of legality and illegality is shaped at the intersection of law and space, Flores et al. focus on how space is lived, constructed, and imagined in everyday life (by referring to Braverman), just as legal consciousness centers on the perception of law and rights by ordinary people in everyday life.

Thus, we might say that legal–spatial consciousness is shaped by the perception of legality and illegality. Taking these concepts of legality and illegality to another level, we can add "normal" and "non-normal" entities in the space and how those entities have roles, especially in the legal and environmental consciousness of local people. Braverman's explanations on "an *alien* set of spatial and temporal regimes on the everyday life of Palestinians" help this interpretation of the concept of legal-spatial consciousness. Thus, this conceptualization of legality and illegality, things that are alien to space or in other words things that look "normal" and "non-normal" in the daily life of space will be the framework to analyze environmental movement's relation with the space in the following pages.

As stated, the law has a sanctioning power over a space. Law defines a space, demarcates its boundaries, and has power over what can and cannot be done in that space. However, the definitions of law on paper may not correspond in everyday life. For example, with the metropolitan law amended in 2012 in Turkey, villages in provinces defined as metropolitan cities were defined as "neighborhoods". In this respect, these areas, which are legally defined as urban areas, continue to exist as rural areas and villages in daily life. As Özlüer suggests, legal regulations define space "in a double sense". For example, an archaeological site can be transformed into an energy project area, but on the other hand, "what makes a village a village is material experience, time, space and social relations of production" (Özlüer, 2022, p. 91).

### 3.1.3 *Legal Consciousness, Historical/Territorial Rights, Relations of Production and Commons*

Based on the definition that it is not legal regulations that make a village a village, but its historicity, spatiality, and sociality, it is argued that the

relationship of the local community in rural areas, which are the subject of environmental struggles, with space and legal consciousness is determined within the framework of historical/territorial rights and relations of production. When it comes to environmental organizations and environmental defenders, their consciousness derives from their understanding of the commons. They see those spaces as commons and hence they have the right to protect and defend these places. Muğla Environment Platform's (MUÇEP) slogan defines this view clearly: "Our living areas are our commons" (*Yaşam Alanlarımızı Savunuyoruz*, 2022). In this sense, they also share the responsibility of taking care of the commons.

In this context, "Who owns the commons?" is the basic question in the debates on commons, and as it is discussed in the previous chapter, it also comes with a responsibility. Who will run the commons? Since they are also seen as "resources" they should be managed and should not be wasted or overused from an economic and liberal point of view. Moreover, in line with the discussions and negotiations between different countries all over the world, there is the part of the question of who owns the responsibility of climate change. To point out a specific example, "Who owns carbon sinks?" (carbon sinks such as forests) is another question in international relations at a global level. Who has the jurisdictional authority over them? As Armstrong puts it, "So just who, if anyone, is the rightful owner of its sink capacity? All of humankind? Members of the indigenous community who eke out a living in the forest nearby? Or the population of the state in which the forest lies, granted 'permanent sovereignty' over their natural resources under international law?" (Armstrong, 2015, pp. 61–62).

During an online symposium organized by the Spatial Justice Association in Istanbul on the Akbelen movement(*Çevre Adaletini Hukuk Yoluyla Aramak Sempozyumu - Mekanda Adalet*, 2024), one leading figure from the movement, an environmental engineer and ecology activist Deniz Gümüşel explained that they were like the administrators of the forest at some point during their vigil. She gave examples from incidents such as the time when the personnel from the state forestry administration came to the area, they first stopped by the vigil area and informed

the local people and activists. When people stepped up to defend the forest, they were also taking care of it. In terms of the debates on commons, the local communities and environmental defenders were the ones who wanted to protect the forests, and the state authorities and the companies were the ones who wanted to take out the coal under the forests. The commons were handed to the company and destroyed by it. Once again, there is a distinction: coal or forest. Which commons will be prioritized? Moreover, who has the right to say "no" to coal? (The Right to Say No, 2023).

In each of the cases in this study, as mentioned above, the agricultural production of the region was one of the aspects of legitimization that both emphasized the struggle's connection to space and the existence of the local community in the face of companies. Discourses such as "If we cannot produce, you will not be able to find food", "Would you like to eat coal or olives for breakfast?", and Akbelen villagers bringing olive branches and olive oil to their visit to the Grand National Assembly of Turkey, Deştin villagers bringing beans grown in the region to the vigil in front of the courthouse, and Avdan villager's argument with "coal sellers" (company officials) "Do you eat bread? Why don't you eat coal? It is my duty to take the bread out of that soil" are a few of the countless examples that emphasize the social class position of the villagers as producers and the economic relations established with space. This is how the social relations of production serve as the base for this kind of legal consciousness.

For generations, people living in a region have sustained their livelihood and existence on both private property and commons. People who are directly and physically affected by environmental attacks have an understanding that they have rights over the territory (which can be defined as land, forests, fields, and nature) simply because they live and earn their livelihoods from it. However, with the legal redefinition of space for a mining or construction project, people who have lived in these areas are displaced and face a process that results in the severing of their ties with space. At this point, although there are legal processes based on environmental rights, olive law, or private property, the discourses of

rights and ownership, which can be defined as historical/territorial rights, are more prominent in these discourses. Whatever the outcome of legal processes, the local community's relationship with space in their daily lives and their understanding of rights and law is based on their rights to live and produce in the area for a very long time and several generations. Having such a relationship with the space for a long time and claiming rights over the space based on this long-term relationship, can be explained with the concept of historical rights. The expressions such as "ancestral land", "We will not leave these lands", and in the words of one of the interviewees "the struggle is for home and home/homeland (*yer yurt*)" that were frequently mentioned in the interviews and social media posts, are examples pointing to this understanding. Expressions such as "Our ancestors and grandfathers fought for these lands", and "Don't you have any children from the village, don't any of you have parents in the village, don't you know what a village is?" expressed against the gendarmerie during the tree cutting in Akbelen are the first examples that come to mind of the social, emotional and historical ties established with the space, the land, and the village. Another example from Akbelen could be seen in the social media post about one of the villagers being the local administrator (mukhtar) and for a very long time in the past decades and telling the story of how he planted the olive trees with his very limited salary (@ikizkoy.direniyor, 2023). Hence, they are the ones who are cultivating the land and shaping the space.

Moreover, in Avdan, interviewees repeatedly mentioned the "historic fountain" that they claim that it is an archeological asset from ancient times. They also mentioned that there were many incidents where the villagers found some old coins in the soil while their cultivating it. They are telling this as a story that they witnessed for years and generations while referring to their childhood from time to time. Here the point is that their emphasis on the fountain and the coins in their narration is a way of showing that they know the space and the historical importance of the region. While they understand this importance, authorities that allow the mining project, do not.

Thus, these are a few examples of how the environmental movements, and especially the villagers are connected to the space, the land, nature, and hence the territory.

In all three cases analyzed in this study, almost all interviewees began their accounts with the history of the struggle. Historically, it is possible to see Akbelen as an extension of the first protests during the construction of the power plants in the 1980s. There have been numerous independent struggles against thermal power plants in the region for 40 years, with ups and downs. Although there is no direct connection or continuity between the struggles, what is happening today is the result of 40 years of accumulation. In Deştin, there has been an attempt to build a factory since the 1990s, and there has been a long struggle and continuity against this, which Deştin residents call a "relay race". In Avdan, there have been coal mining activities since the 1990s, but on a very small scale. Interviewees stated that at that time, private companies carried out small-scale coal extraction activities on the lands they could purchase on their own initiative and that the state was not involved in this process, but today, the state intervenes directly from a very high level such as "urgent expropriation". This has created a serious understanding of injustice among the people of Avdan.

Hence, historically speaking, it is possible to say that there is an accumulation of consciousness. Sometimes, this accumulation is very direct but sometimes it is acquired later in the process. For example, in the case of Deştin, today's young people remember from their childhood the festival in the village schoolyard when Deştin people won their first lawsuit against the cement factory in the 2000s. Zeynep, an interviewee who is a villager from Deştin, said that they organized a theatre play for the kids at the festival. As children, they became part of the struggle in this way. They have already grown up with this issue. When there was a new threat and a new attempt to build a cement factory, they were already experienced with the struggle. In Deştin, people continued to live in the same village for the next generations. The ties between the generations and the ties between the space and the people remain intact. On the other hand, in the case of Akbelen, there is not such a direct accumulation of

consciousness. There was a reaction from the local people in the region from the very first moment of the construction of power plants in the 1980s, but this reaction did not turn into a movement that could be passed to the next generations or, to other people in the region. Over the years, the villages have been destroyed, people had to leave their homes and lands and they have lost their ties with space. Hence it could not be possible to accumulate a consciousness. However, as the interviewees say, when they started the struggle, they learned that there were other people in the region, in Yatağan for example, and there were other people who had gone through the same things in the past. The interviewees from Akbelen underlined that Tayyibe Demirel's struggle in Yatağan was very motivating for them. Tayyibe Demirel is a peasant from Turgut village that is under threat of destruction for coal mine expansion. The same pattern can be observed as it takes place in Akbelen. In an interview she gave in 2018, she explained that they started their struggle in 2016 after two other villages called Eskihisar and Yeşilbağcılar were destroyed, and people were displaced(*Babaanne Senin Köyün Nerede? | Kömür Hikayeleri*, n.d.). As in the case of Akbelen, the thermal power plant was privatized in 2014. She underlined that the mining company bought some land from the villagers, ignored the Olive Law, cut the trees, and paid the fine. The villagers saw that as the mine got closer to their lands, the land started to slide, and they lost some of their trees. Hence, they found the solution to sell their lands to the company even though they did not want that. The company kept digging and pervading step by step. Tayyibe Demirel did not sell her land. She continues farming in her olive grove and lawsuits are still in progress. She says, "They say all the land around will be dug and plundered, and your olive grove will be stuck in the middle. I object. I will continue my struggle despite my sickness. I will seek my rights stemming from the laws"(National, 2021). As it can be seen in her words below, she also underlines the importance of the village to her as my interviewees from Avdan and Deştin also used similar vocabulary:

> "One day, my grandson will ask me, 'Grandmother where is your village? Where were you born?' I was not born in the city. I was born here, married here and lived here and I want to live here until

> the end of my life and die here. Don't take me away from my village" (National, 2021).

Hence, it is possible to say that depending on the magnitude of destruction in the living areas, people could start and keep struggling and accumulate and transmit consciousness through the generations. As they keep their ties with space and their living areas, they can develop strong consciousness. This consciousness grows and is shared as they communicate and get in solidarity with other local movements. For Muğla, it is possible to observe that there is a strong environmental community both at the level of local communities and environmental organizations.

## § 3.2 Themes Deploying the Relations Between Space, Environmental and Legal Consciousness

Recalling the concept of spatial-legal consciousness, this section will demonstrate how "alien" and "non-normal" aspects as in the case of environmental assaults in the three cases interrupt or change the relations with the space, especially in the daily lives. Merry's description of legal consciousness below provides the conceptual framework of this analysis:

> "(…) the way people conceive of the 'natural' and normal way of doing things, their habitual patterns of talk and action, and their commonsense understanding of the world. The consciousness I am describing is not only the realm of deliberate, intentional action but also that of habitual action and practice" (Merry, 1990, p. 5)

### 3.2.1 *Defining the Space as Home and Being a "Host"*

From a theoretical perspective, home is definitely not only a concrete, physical, and constant space as Boccagni and Kusenbach define the three fundamental points in the sociology of home as follows:

> "First, the inherently relational origin of all that is called, felt or claimed as home, involving interpersonal relationships with

> humans and domestic animals, yet also, to some extent, connections with 'inanimate' built, material or natural settings; second, a need to take into account the constellations of societal norms and values that shape distinct cultural ways of cultivating, displaying and emplacing home; and third, attention to the intersection between views, emotions and experiences of home and underlying social structural forces" (Boccagni & Kusenbach, 2020, p. 2)

This conceptualization can also be associated with having historical/territorial rights in space. The discourse of "home" is repeatedly and heavily used in slogans, press releases, and interviews of environmental movements.

To begin with, the concepts of home and host can be summarized as "Akbelen is our home, we will not give it away" (*Akbelen yuvamız, vermeyeceğiz* in Turkish), as clearly expressed in the social media name of the Akbelen struggle. Moreover, the vigil areas are also designed as a home with a container for spending the night in cold weather, tents, a kitchen, a common area like a living room and a dining room, and even a toilet as in the Akbelen case. In the case of Avdan and Deştin, the vigils were temporary, and they were designed with objects such as tents, some chairs, tables, and a teamaking place. In Avdan, they repeatedly said that they hung Turkish flags to demarcate the vigil area. The Turkish flag was also present at the entrance of the Akbelen vigil area. Banners and maps showing the destruction of space for the coal mine and cement factory were hung.

Studies also show that women play a specific role in the design of this social and public space in a context where they develop solidarity with the women from the "outside" as "insiders". Their interaction transforms each other and the gendered social relations in space (Erol, 2022).

On the other hand, it is frequently said that the forest or nature is also home to "the birds and bugs". That is to say, it is home to various and countless animals whether they can be seen by eyes or not. There is a striking example showing how the forest is home to both people and animals and how losing it affects them in Akbelen case. The house of one of the villagers is quite close to the now mining but previous forest area.

Right after the mass tree cutting in July 2023, one morning the homeowners found an unnatural number of birds in their garden as Cihan, an interviewee who is an environmental defender (9 November 2023) told me. They interpret it as a result of birds' losing the forest, hence their home. Indeed, the birds and the sound of them were one of the aspects of that place that cannot go unnoticed. During my first visit to Akbelen (way before the forest was demolished and on a very regular day at the vigil area), the first moment that I walked onto the road going to a few houses and the mining site, the first thing that struck was the sound of birds. It was clear there were a lot of them and probably different kinds of them considering the variations in the sounds.

Another example can be observed in the quotation below from a text on the website of the Akbelen movement:

> "We met for a forum at the Akbelen vigil area. Words were being taken, words were being spoken... I must admit, my ears were listening more to Akbelen. The sounds of Akbelen had changed with the season. Robins and finches had already arrived. Another forum was walking from tree to tree. A forum whose translation I don't know, but whose existence I rejoice in...
>
> I was supposed to return home late at night on November 6. I didn't. I guess I was already 'at home'. The next morning and afternoon, we walked softly and stopped a lot in the Akbelen forest. For the first time, I saw a woodpecker, at home, busy... And many more migratory songbirds whose voices I could not yet distinguish... They have reached their winter homes safely, feeding, sheltering, safe... Now, while Akbelen exists, while we are alive..." (U. Akbaş, 2021).

These are words from Umay Akbaş, who is an environmental defender and a member of MUÇEP that has been a part of and provided support to the Akbelen movement since the beginning. The members of this community are not necessarily from Akbelen but from surrounding villages and towns. Since they are members of the "Akbelen movement", they acknowledge Akbelen as their home. As it is stated, Akbelen is home to

everyone in the forum and every living being in the forest. In the following lines of her article, she gives examples of various plants and flowers in the forest and presents photos of them.

From a conceptual and methodological point of view, "sound maps" (Karahan, 2020) and "soundscapes" are new ways to grasp all dimensions of space and an expanding area of interest from a wide range of disciplines from architecture, and engineering, to psychology and sociology (Kang & Schulte-Fortkamp, 2016). Sound is an important component of space and an indicator of change in it. The concept of soundscape started as studying the perception of urban acoustic environment and evolved into different areas and definitions such as the study of people's relations with the sounds in space and how they perceive it, and our understanding of natural environments. A definition from an ecological perspective says that soundscape is "the acoustic context produced and, in turn, perceived in different ways by both animals and humans" (Grinfeder et al., 2022).

Environmental assaults change the sound map of spaces both for human and non-human beings as it could be seen in the narrations of environmental movements. This is again another component that cuts the ties between local people and space. When they lose those ties, they gradually distracted from defending those spaces and hence nature.

On the other hand, it is also possible to see an understanding of rights and ownership (beyond the private ownership as aforementioned) in the narratives of the local community's strong connection to space. In the Akbelen interviews, everyone I asked about their experiences with the expert discoveries emphasized the image of the committee taking shelter in the shade of an olive tree without exception. Photos of this moment were also shared on social media accounts on the day of the discovery. This moment, which is highly symbolic of the importance of the tree, was repeatedly emphasized in the narratives of villagers and environmental defenders. It is possible to say that this emphasis points to a direct connection with the place and nature. The following words of Defne, an interviewee who is a villager from Akbelen (17 November 2023), express this connection: "The second expert report emphasized the importance

of Akbelen. The third discovery was conducted under the shade of an olive tree. If the experts had really used their five senses, they would have understood." Based on this connection, those who live "inside" the space where the environmental struggle takes place recognize and know the space. The expert committee, and in this context, the representatives of the official "law", is an element that comes to this space from "outside" and does not recognize the space. The local community, or in this case, the villagers, are the "hosts" of the space. Similarly, in the narratives of the lawyers, they emphasized that during the expert discoveries, the villagers "welcomed them like a host welcomes a guest" (Kemal and Halil, interview conducted on 11 October 2023).

In each struggle, the local community is the host of the space. However, "outsiders" are not only those who will harm the environment. Just as their lawyers are guests, there are also "outsiders" who come to support them. These are mostly environmental organizations and independent environmental defenders. In the case of Muğla, the "outsiders" are usually people who are retired people originally from big cities and settled in summer resorts and become members of the local community. The "outsiders" who came to support from other cities are criminalized by the company and law enforcement. In the case of Akbelen, it was circulated that only a few of the people detained during the tree-cutting protests were from İkizköy. Defne from İkizköy (17 November 2023) stated as follows: "I had done everything to be detained. I hugged the trees, I objected to the gendarmerie, but they never took me, they always took those who came from outside to support us". In the accounts of those in the Deştin struggle, phrases such as "When we blocked the road and were taken into custody, they couldn't do anything like that. Because everyone was from here. There was no one from outside" (Zeynep, 20 January 2024) show that law enforcement forces use the distinction between "inside" and "outside" as a means of delegitimization and that being there as a "villager" is perceived as legitimate by the company and the state.

Thus, seeing a space as home and being the host of this space is foundational for claiming rights over it. This sort of ties with the space in terms of both villagers and environmental defenders makes them

entitled to run an environmental struggle for that space. This entitlement plays an important role in their legal consciousness.

### 3.2.2 *The Existence of a Place of Memory That Prioritizes the Threatened Space*

As Cihan, an interviewee who is an environmental defender (9 November 2023), put it, "losing a place" has a significant impact on an environmental struggle. In the cases focused on in this study, there is no such loss in the very close area of Deştin and Avdan, but in Akbelen, it is possible to say that this loss severed the social and emotional relations established with the place.

Since the villages in Deştin and Avdan have not yet been demolished, there are no examples of demolition taking place in front of the eyes of the local people. As my interviewees pointed out, seeing and hearing news about other environmental struggles elsewhere in the country can still play a role. On the other hand, in the case of Akbelen, it is possible to say that this loss was the most important trigger. Işıkdere village (Figure 3.2), which was destroyed and no longer exists, occupied a very important place in the stories of the interviewees. Most of the local community that resisted the mining project consisted of those who had lost their homes and lands in Işıkdere and had been driven to nearby İkizköy. In their own words, "The mine devoured my village and I had to move here to İkizköy. Now they want to demolish this place too" (Sultan, 18 April 2022). Moreover, not only Işıkdere but ten other villages have been wiped off the map for the expansion of mining sites in the last 40 years (Uncu, 2022). The interviewees emphasized that this situation was very effective in their objection and struggle.



Figure 3.2 Işıkdere village destroyed for the mining expansion
SOURCE: (Eren Aybars Arpacık, 2021).

Işıkdere appears in the narratives of the interviewees with positive expressions and feelings of longing and sadness at the loss of their place (Figure 3.3), but today the metaphor of "death pit" or "hell pit" is often used for the mining area in the very same place where the village is located. The emotional and social relationship with the space has completely changed. In this context, Işıkdere can be considered a place of memory. According to Pierre Nora, "a place of memory emerges at a certain historical moment when memory crystallizes, at a turning point where the consciousness of a break with the past is linked to the feeling that memory has been torn" (Nora, 1989, p. 7). Although Işıkdere was replaced by the death pit, Işıkdere continued to exist in people's minds. On the other hand, places of memory are not the places we remember, but the places where memory is formed. It can consist of many different places and objects such as ceremonies, museums, cemeteries, and the "togetherness" of people (Evciman, 2022). In this context, it is possible to see the vigil area in Akbelen as a place where the memory of Işıkdere is kept alive.

Thus, losing a place is a triggering aspect of a struggle. It also creates a moment of injustice since they already had to leave their village and

once again face leaving their homes. This is a point where their legal consciousness and the consciousness of struggle are shaped even before they interact with state law. At this point, they are not necessarily in the field of law and legality yet.




Figure 3.3 Post by Akbelen movement social media account on the destruction of Işıkdere.[1] SOURCE: (Akbelen Yuvamız Vermeyeceğiz [@ikizkoydireniyo], 2021).

### 3.2.3 *Fragmentation of Space*

The fragmentation of the space or the space being fragmented can be considered as the most prominent aspect of daily life experiences that creates an objection and injustice. This fragmentation manifests itself in all social, emotional, and economic relations with space. In the geographical comparison of the three cases, Akbelen is fragmented, Avdan is currently being fragmented and Deştin is not fragmented yet.

1 "The mosque in Ikizkoy Isikdere is being demolished. The minaret was demolished by the time we arrived. What is left of a village that is at least 200 years old is being destroyed for coal. History, culture, personal and social memories…"

Akbelen (Figure 3.4) is very close to the tourist areas and is on a busy road where both the site of the environmental struggle and the coal mine can be seen. Transportation is easy. Most of the areas without mines and power plants are forest areas.

On the mountainous and forested terrain, there are small and mostly fragmented villages consisting of large and small settlements (hamlets). The geography is fragmented due to coal mining, which has been going on for about 40 years, and the nearby power plants. Economically, the main sources of livelihood for those living in the region are power plants, tourism, and agriculture. To summarize, there is a divided and fragmented local society and geography.



Figure 3.4 Fragmented Akbelen. Satellite image showing the expansion of coal mine site over 10 years. SOURCE: (Sözcü, 2023).

Deştin (Figure 3.5) is close to tourist areas but not in a visible location. The region consists of small and scattered villages built on mountainous and forested terrain. The geography is mostly undamaged and unfragmented. The construction site of the cement factory is highly visible and conspicuous in the middle of a large, forested area. Agriculture is the leading economic activity. There is a divided geography, but an unfragmented and united/organized local community.



Figure 3.5 Deştin not fragmented yet. SOURCE: (Cumhuriyet, 2023d).

Avdan (Figure 3.6) is a settlement far away from the touristic areas of Denizli. In the region, there are small villages built on generally flat lands, which are not fragmented. The damage to the geography is still in its early stages. The newly opened mine is getting bigger and more visible with each passing day. Economically, agriculture is also prominent here. A divided and fragmented geography is not yet in question, but the local community in the region is also not united, except for the people of the village of Avdan.



Figure 3.6 Avdan being fragmented. SOURCE: (Evrensel Gazetesi, 2023c).

When these similarities and differences are evaluated, as the interviewees in Akbelen put it, "local support is less than external support", whereas in Deştin, although there are similarities in terms of geographies and some actors, there are more organized villages. At this point, a difference in consciousness can be mentioned, but the main point is that in the Akbelen region, due to the destruction of villages and agricultural areas, there has been a decline in agriculture and the peasant community, and the local community's ties with the space, that is, the land and the village, have already been severed. In Deştin, on the other hand, these ties continue. In Avdan, on the other hand, since the mining operation is still in its early stages, there is objection from a relatively limited community in the region.

In each case, the elements discussed in legal geography studies that come from "outside" are "alien" or "non-normal" to the daily life of space, and do not overlap with space, and the moments when these elements become visible have played an important role both in the course of the struggles and their discourses. In Avdan, the dirt village/field roads in the expropriated areas were closed and signboards were placed as if they were in an urban area (Figure 3.7). Villagers' access to the fields was

restricted. In addition, the mining company continued to work in the cultivated fields with diggers and trucks, and there were fierce arguments among villagers who wanted to wait for the harvest of the products in the fields. In one of these arguments, a person who was standing guard for the crops in their field was injured when a company employee indiscriminately slammed the shovel into the ground. In the interviews, this situation was expressed as "When we see trucks and diggers, we are demoralized".




Figure 3.7 Blocked dirt village/field roads and signboards in Avdan.
SOURCE: *Author* (2-3 August 2023).

In Deştin, the element that was out of place and "alien" in this space can be found when the truck carrying the vessel and the furnace to the factory construction could not turn on the narrow road because it was too big, and traffic was blocked. When they learned of this, the people of Deştin blocked the village road leading to the construction site where those tools were to pass (Figure 3.8). This action is seen as a very important moment of the struggle and a moment when the organization was strengthened even though they got detained, the company took advantage of the time of the vigil and cut the trees along the road so that the tools could fit in as Zeynep, an interviewee who is a villager from Deştin (20 January 2024), explained.




Figure 3.8 The tools blocking the road and villagers and environmental defenders blocking the road and holding a vigil in Deştin. SOURCE: (Birgün, 2023; Evrensel, 2023)

Since Akbelen is already fragmented, it would not be wrong to say that trucks and diggers have become normalized in everyday life. Nevertheless, it can be said that the most alien element to the space throughout the struggle was the law enforcement forces that blockaded the area during the tree cutting. It is possible to summarize the situation in the words

of Defne, an interviewee who is a villager from Akbelen (17 November 2023), "I can't believe that I saw a TOMA[2] in the village" stated with an expression of surprise. In terms of daily life, the element that is the most disturbing is the dynamites. (See Figure 3.9). They are literally destroying space and villagers are furious about that since their houses got damaged. They also explain that this is a way of disturbance that the company uses to make villagers leave.

2 Turkish acronym for water cannon.



Figure 3.9 The dynamites exploding and TOMA against activists during the protests. SOURCE: (Cumhuriyet, 2023c; Gündem Fethiye, 2023c).

In these cases, the "norm" and "normal" elements in the space are villagers, houses, trees, forests, and agricultural areas in the simplest sense. However, as it is stated before those areas under environmental assaults are also commons that do not only belong to local people but to everyone in the broadest sense. Considering the effects of coal mining on climate

change and for example an environmental disaster's effect on neighboring countries, then we might say that there are a lot of people who could have the right to word on what is happening in those areas. Considering another hypothetical example of villagers who are cutting down the trees excessively and destroying the village, then they could not be the only owners of the space. Environmental defenders owning spaces as commons react against them, too. Here is the issue if nature is seen as a subject rather than only as a resource. Nature is a resource at the same time but what is the limit to using this source and who will decide on this? This is another question on who owns the commons and also the internal dynamics of a movement. Interviewees mentioned situations where the local community did not want to interact with environmental defenders or vice versa. Some interviewees mentioned that it is crucial to have the local community on board while others gave examples of situations where the local community could obstruct the movement or could take out the context of "environmental" from the movement and turn it into a solely private property issue for example.

Hence, both local people and environmental defenders are crucial actors and subjects in environmental struggles. The struggle belongs to both of them, and they constitute the struggle together. They both have the right to defend spaces under environmental assault. This right comes from their ties with space. These ties could be historical, territorial, and productional as in the case of local communities; or could be political, social, and ecological as in the case of environmental defenders.

### 3.2.4 *Spaces of Struggle and Resistance*

When a social struggle begins, there is not always a concrete space. The courthouse is always the site of a lawsuit, but the disputed area that is the subject of the lawsuit is not always visible to the public. Moreover, there is not always a "movement" or a "protest". People may only object by filing a lawsuit. However, as we have seen in numerous examples, often an environmental struggle is accompanied by both protest and a legal process. In terms of the location of the struggle, there are different methods of resistance, and the location of the protest can change according to

the circumstances. For example, if there is a mine, power plant, or construction site, people often go to the site and organize protests there. Villages or nearby towns can also be the scene of meetings and events. Large rallies also take place in big cities if there is a much bigger or more comprehensive issue. The courthouse is also often a protest site.

One of my interviewees, Mustafa who is an environmental defender (7 May 2022), told me that most environmental lawsuits are processed without a hearing since they are held by administrative courts. He also mentioned that they specifically demand a hearing so that they can be present in the courtroom and show their unity. On the other hand, another interviewee, Salih who is an environmental journalist (16 January 2023), told me that there are hearings most of the time in environmental cases and people go there all the time to support their cases. The lawyers also consider the presence of people as an important element, Salih says. Other interviewees mentioned unique examples of cases where hundreds of people gathered in the courthouse to submit their petitions as in the case of the Gerze thermal power project (Ali, 27 May 2022) or at the ministry in the case of the Canal Istanbul construction project (Rıdvan, 4 January 2022). Thus, not only in the three cases in this study but in environmental struggles in general, one of the sites of resistance is the courthouse, which is also the site of law.

In addition, schoolyards, village squares, town centers, vigils, expert discoveries, and public information meetings for the EIA process are all times and places where struggles take place. Among these, expert discoveries and public information meetings are the moments when the field of "law" extends into the space of environmental destruction. In this intersection, the law stands as an external element.

On the other hand, people often organize vigils in areas subject to environmental destruction. In this case, the living area and the protest area overlap. Akbelen, Deştin and Avdan have used this method of resistance. The vigils can also be seen as socializing spaces and public spaces where the social and emotional relations of the local community are re-established. In places where resistance takes place, the relationship established with the space also transforms into political and legal relations.

For example, although the resistance in Akbelen, Deştin, and Avdan lasted for different periods and dynamics, each involved a process of vigil for a court decision. The Deştin struggle held a vigil for a couple of months in a field that belonged to one of the villagers, and later they also held a weekly vigil in front of the courthouse when the court decision was delayed (Figure 3.10). As indicated before, they also held a five-day vigil by blocking the road to prevent the company from carrying the tools to the factory construction site.

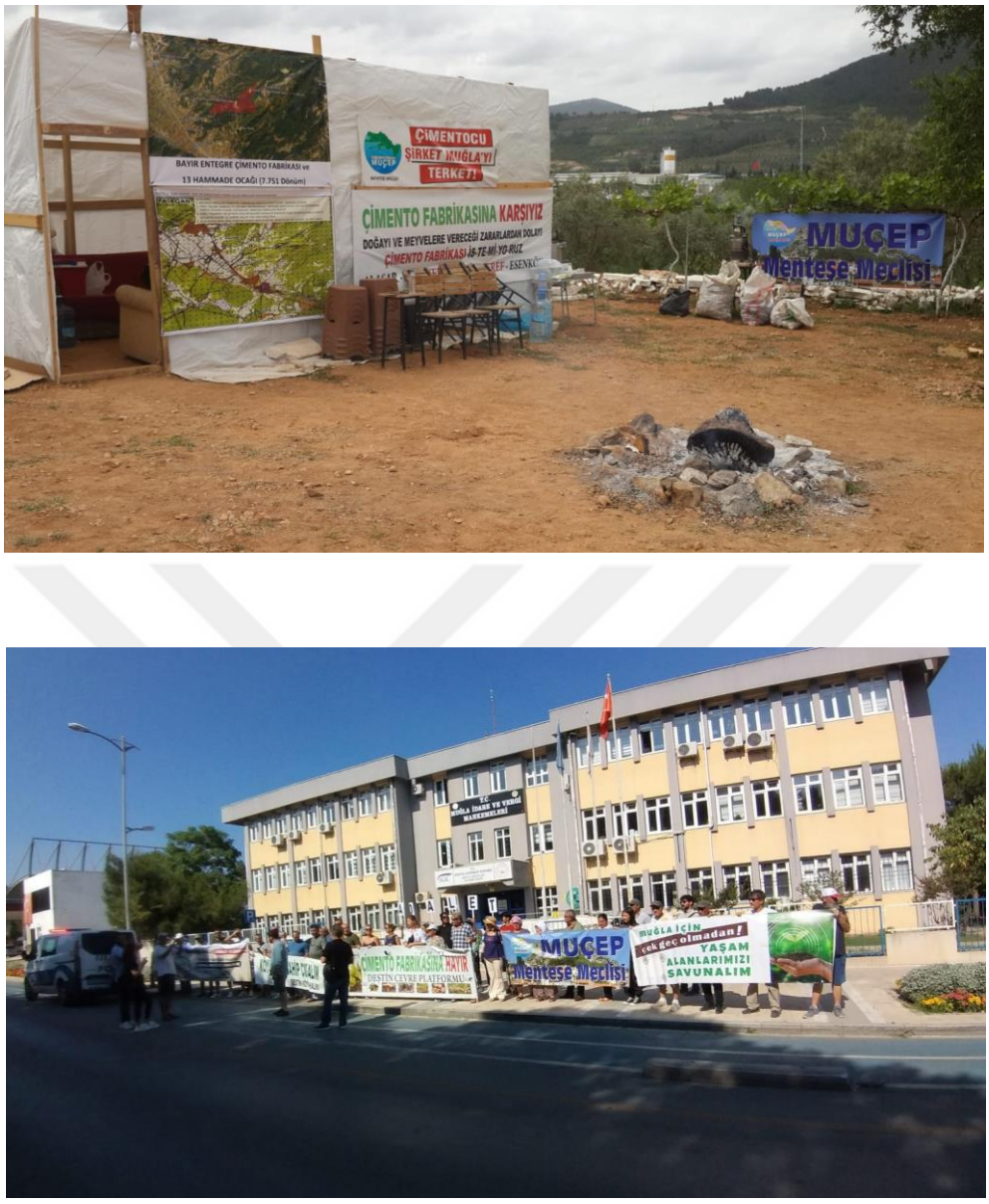



Figure 3.10 Vigils of the Deştin struggle in the field and outside the courthouse. SOURCE: (Gündem Fethiye, 2022a, 2023b).

In Avdan (Figure 3.11), by hanging the Turkish flag, villagers held vigils for a short term in their fields to protect their cultivated lands and to prevent the company from blocking the dirt/field roads.



Figure 3.11 Avdan vigil area. SOURCE: (Pamukkale Haber, 2022).

In the case of Akbelen (Figure 3.12), they hold a vigil in the field of one of the villagers by setting up tents, a container, and a kitchen area. The vigil area, which had different meanings at different times, turned into a state of emergency zone with the start of tree cutting in July 2023 and the arrival of the gendarmerie. The area was surrounded by soldiers, and people could only enter and exit through certain places subject to identity checks. It was then completely evacuated by law enforcement and the gendarmerie's container was placed there. However, after a few days of temporary "mobile" vigils, the Akbelen vigil was re-established in another part of the village. Even though the forest has been cut down, the villagers continue to keep vigil to ensure that the coal is not extracted and that they are not expelled from their villages.






Figure 3.12 An ordinary day of a very long-term vigil in Akbelen and the gendarmerie's container at the same spot after the tree cutting and evacuation of the vigil area. SOURCE: (bianet.org, 2023c; Gündem Fethiye, 2022b)

Furthermore, in Deştin, as indicated before, after a court decision canceled the license for the construction of the cement factory, a festival was organized in the school garden where meetings were held during the struggle. This was the same space where they organized a festival in 2011

when they won the court case against the cement factory construction attempt.

Thus, determining the spaces of resistance and also creating them are acts of "re-splicing" as in the examples from the studies of legal geography. They turn courthouses, fields, olive groves, or old schoolyards into spaces of struggle where their legal consciousness can be visible.




Figure 3.13 Festival in Deştin to celebrate the court decision in 2011 and in 2023. SOURCE: (Evrensel Gazetesi, 2011; Haber ve İnsan, 2023b)

### 3.2.5 *The Transformation of Space into a "Crime Scene"*

Activities of companies or governments in areas of environmental destruction have been discussed as "environmental crimes" (White, 2008) and "corporate crimes" (Odman, 2021). These areas are also described as "crime scenes". However, these are not necessarily places where crimes have already been committed, but places where crimes are possible or "about to be committed". Especially in the case of the vigil, it is possible to stop the destruction of nature. In terms of the legal struggles of other social movements, for example, while it is not possible to be there at the time of the murder of a woman or work-related death, it is possible to go to the site of a mining project or a hydroelectric power plant project and defend the environment before it is destroyed. In other words, in the case of the environment, most of the time the "crime scene" is known before the crime is committed, and people can go there and protest the crime, whereas it is not possible to know that a woman or a worker is going to be killed and to be there at a certain moment to stop or protest against it.

The phrase "ecocide crime scene" (Figure 3.14) is not only used frequently in banners, press releases, and interviews in the regions subject to environmental struggle but also campaigns are being organized both internationally and nationally to criminalize crimes against nature and "ecocide". There are efforts to add it to the list of basic crimes that the International Criminal Court deals with. In Turkey, some 28,000 signatures collected through the "Citizens Make the Law on Ecocide" campaign were submitted to the Turkish Grand National Assembly in December 2023. The meaning of the term "ecocide" is "killing a place and habitat", "a part of the world", or "someone's home". In the campaign, it is emphasized that environmental law does not work and that the existing law sees nature as anthropocentric (*Yurttaş Ekokırım Yasasını Yapıyor*, 2023).







Figure 3.14 "Ecocide crime scene" banner in Akbelen and "Climate crime scene" banner in Avdan. SOURCE: (bianet.org, 2023a, 2023b).

On the other hand, as the interviewees also mentioned, these sites of environmental crimes have also been the scene of human rights violations. In Akbelen and Deştin, the excessive intervention of law enforcement officers prevented the right to assembly and march, and villagers and those who came to support them were beaten and detained. In Akbelen, tear

gas and water cannons were used, everyone in the area was affected and one of the villagers fainted. What happened during these interventions in Akbelen was defined by the interviewees as a violation of many different rights. While the existence of the local community and environmentalists was illegalized, their rights to transportation and communication were also denied.

Here, especially in the case of Akbelen, there is a redefinition of space in terms of legality and illegality with the settlement of law enforcement in the area. The identity checks at the entrance to the area caused a strong reaction, especially from the villagers who visit the area every day. Moreover, villagers whose houses were located beyond the closed area also went through the control every day to go to their homes. An atmosphere has been created that is extremely contrary to the spatial-legal consciousness of the villagers and alien to their daily lives. The radical and sudden change in the meaning of space not only affected social, emotional, and economic relations but also created new legal and political relations.

### 3.2.6 *Ecological Sacrifice Zones as Zones of State of Exception*

Research shows that even though certain big and industrial cities such as İstanbul and Kocaeli are the main consumers of electricity in Turkey, certain cities such as Çanakkale and Muğla are the ones where the electricity generation capacity is concentrated. Hence, these cities turn into "ecological sacrifice zones" for the sake of national development and public interest (Aydin, 2019). Spaces under environmental assault in this study, especially Akbelen and Avdan, can also be defined as such.

In his analysis of concentration camps of the Holocaust, Agamben (Agamben, 1998) defines the "camp" as a specific zone in which the law is suspended, and the state of exception turns into rule. This is a zone of indistinction, and it is impossible to distinguish the norm from the exception. The events that take place within the boundaries of this specific territory do not rely on the law but the sovereign one. In the cases of this research, the zones under environmental assaults turn into zones of states of exception and indistinction under the rule of companies which turns into sovereign ones.

First, the state expropriates the lands of the local community and then these spaces are privatized and handed to the companies. In the case of Akbelen, the state tells the local community to sell their lands to the company. Hence the state fades from the scene and the local people are to deal with the company as the authority on the zones that were privatized. The sovereign cut the ties between the local community and the space.

The company's almost state-like presence can be seen especially in the cases of Akbelen and Avdan. In Akbelen, at the beginning of the struggle, villagers were left without water for days during the pandemic because the water resources of the villages were privatized and transferred to the company. The water sources of the villages in the region are in these zones given to the company and the company has authority to do whatever they want to with the sources. Yurdanur, an interviewee who is a villager from Akbelen, shared that the Muğla Water Administration (MUSKİ) also sued the company, but the court found the company right and did not give MUSKİ control over the water resources in the privatized areas. On the other hand, the point of encounter/conflict with the company, which is felt more in Akbelen and is just beginning to be felt in Avdan, is the dynamite explosion that literally destroys space. The interviewees who stated that their houses were cracked as a result of the dynamites exploded to open the mine, initially contacted the company and tried to make them use a low dosage of dynamite, but no definite result was obtained. When they contacted the gendarmerie, the company officials told them that they had used the appropriate dosage of dynamite in accordance with the law, but this was not the case for what the villagers were experiencing. Once again, the villagers' complaints remained inconclusive. In their daily lives, they have to be in a constant struggle/negotiation relationship with the company. They find the company, not state institutions, as their interlocutors. Similar processes took place in Avdan, and when the villagers wanted to protect their cultivated fields and complained to the gendarmerie that trucks and diggers were working despite the stay-of-execution decision, their complaints were unresolved. Moreover, the company officials made official complaints about the villagers, arguing that they were interrupting the freedom of work. In the case of

Avdan, the company workers filed a complaint against one woman for her alleged physical attack on them. The interviewees told me that they were lying. The villagers were being humiliated by the company workers and officials all the time.

Thus, under the privatization policies in the energy sector, the villagers are left with the companies acting like a state authority in the region. The law and legality in these spaces are the law of the state of exception in which it is impossible to determine what is legal or illegal. It is vague and indeterminate. There are both the laws of the state and the laws of the company. This shift in the sources of law and legality will be detailed in Chapter 5.

### 3.2.7 *Property Relations with the Space*

In most environmental movements, it is possible to observe that people are trying to protect and defend their private property along with the environment. In all my cases this is clearly visible and is an inevitable aspect of the local community's struggle along with the struggle for commons as it is indicated before. In the context of production relations, peasants, especially those engaged in agriculture, are the owners of the land, which is the means of production, and losing it would mean a change in their class position. However, it cannot be said that these struggles are based solely on economic interests. People resisting environmental attack projects are not like "landlords" who own huge properties. They are mostly peasants engaged in small-medium scale agriculture, whose livelihoods and living conditions are under threat. As my interviewees explained, if they are forced to move from their villages, they will probably have to live in city or town centers and will be cut off from village life. As the social media posts and the interviewees indicate, while in village life they would consume the products from their gardens, in urban life they would not have such an opportunity. Similarly, while they often spend time outdoors in the village, this will not be the case in apartments. This will negatively affect their health. Given that the population of these villages is predominantly made up of the elderly, they will be more vulnerable, and it will be harder for them to adapt to urban life. Interviewees in Akbelen

emphasized that some people who had to leave Işıkdere moved to Milas, their health deteriorated further, and they found it difficult to live in apartments. Thus, while these people do not own large tracts of land, they often have their homes and village life. When their homes and villages are taken away, the only way they know and want to live will be taken away, in their words. Thus, the relations between space and property are social, not just economic.

Another example given by interviewees in Avdan shows that people reject these projects even though they do not own private property in the area under environmental destruction. My interviewees emphasized that some villagers have given power of attorney to lawyers even though they do not own property in the areas of urgent expropriation. Therefore, private property ownership has more connotations than land ownership. Once again, the impulse to protect and defend their living areas overrides personal interests as a justification for their struggle. However, as can be seen in other examples of environmental struggles, the first lawsuit they filed in Avdan was dismissed because it involved litigants who do not have private property in urgent expropriation areas. State law requires ownership and causal link. In this context, it is ignored that not only the property owners but the entire village and even the region will be affected by the mine (Kutlu, 2022). The case is not seen as an environmental case but as a claim over private property. Moreover, in the words of Özlüer, environmental lawsuits are in effect seen as "sector lawsuits" (Özlüer, 2023).

### 3.2.8 *The Political Situation of the Living Areas*

As Cihan (9 November 2023), a member of an environmental organization, stated it is very important for a local struggle that the elected village representative, the mukhtar, takes part in the struggle. My interviewee emphasized that it is easier to organize people if the mukhtar supports the struggle. Mukhtars are also important figures for companies that want to realize their projects. They can be considered key figures who can help either the resisting villagers or the companies. Often the political position of the mukhtar is decisive in their attitude. In the cases in this

study, except for Akbelen, mukhtars supported the resisting villagers. Moreover, they acted as leaders in the struggles. They also play an important role in the initiation of the movement, as all official letters in the villages first come to the mukhtar's office and from there reach the villagers. Moreover, when there is an EIA meeting, the announcement of the process is also made by the mukhtar.

In the Akbelen case, my interviewees gave me examples of mukhtars delaying or concealing notifications to villagers, while in other cases mukhtars shared examples of villages helping to organize petition preparation. For example, the mukhtar announced that lawyers and a notary would visit the village to obtain power of attorney from anyone wishing to be part of the case as a plaintiff.

In addition, all the villages in these cases are heavily voting for opposition parties. Muğla is a big city and has been known for decades as one of the main centers of the main opposition party The Republican People's Party (CHP). Avdan, according to my interviewees, is the only village in the region that votes for the opposition. On the other hand, Rıza (4 August 2023), a villager who has been very active in the struggle in Avdan, shared that he used to vote for the ruling Justice and Development Party (AKP), but changed his mind after the hasty expropriation in the face of a state of injustice that he described as "how could the state do this".

In addition, interviewees indicated that the relationship of the companies with the government also plays an important role. While in Akbelen and Avdan there are companies with close ties to the AKP government, in Deştin there are companies that they say have close ties to the Nationalist Movement Party (MHP), the current partner of the government. Emphasizing the undisputed influence of the government on the judiciary, the interviewees underlined that in cases involving well-known companies close to the government, the courts do not decide in favor of the environment and the local community. Cenk, an environmental lawyer (25 November 2023), argued that the current political tensions between the ruling partners were influential in the favorable decision in Deştin. In sharing these examples, the interviewees emphasized that people who struggling are not "ineffective" or "inadequate", but that the

government shut down every way to struggle against these companies (Sevim, an environmental defender, 11 January 2023).

In the case of Deştin, the environmental movement was also struggling against the local government of the opposition party CHP. Zeynep, a villager from Deştin (20 January 2024), explained that "they are excluded from all political approaches". Moreover, in the media close to the AKP government, there is quite a number of news supporting the Deştin movement. While those media outlets are criminalizing Akbelen, they support Deştin in a discourse accusing the local government of opposition party.

## § 3.3 Concluding Remarks

I argue that the legal consciousness of environmental movements does not stem from the written, official state law but rather from historical/territorial rights, relations of production and an understanding of commons. The space is one of the factors that shape this form of consciousness. On the other hand, it should be noted that this does not mean that the written, official state law have no influence on the consciousness. The point is that historical/territorial rights, relations of production, and an understanding of commons are much more important both in the daily lives of people and in the discourses that they present in defending their cause, in proving they are right and there is an injustice. My further suggestion is that this type of consciousness prevails because the official law produces disappointments through unjust decisions. Moreover, there are many technicalities in an official lawsuit both in terms of law and science since these are expert fields. For example, one must acquire detailed information about under what laws and regulations the case is being held, and what are the effects of coal particles on agriculture or health, for instance. On the other hand, the daily life experiences of people who are directly affected by environmental assaults have their own knowledge about the bad effects of coal and hence about what is just or unjust, what is wrong or right, or why they are right.

Considering how do the legal and environmental consciousness of the three cases change based on space, if the ties with space are strong then the consciousness is. Since the ties with space are stronger and not fragmented in Deştin, they have an accumulated consciousness over generations and among the villages in the region. On the contrary, since Akbelen is fragmented, the ties established with space are also fragmented. Under the effect of the decrease in farming and people being expelled during the 40 years of destruction, the ties are gone and not all villages in the region have a strong organization. There is actually a handful of villagers resisting against the company in Akbelen. As they say, external support is much stronger compared to internal support from the surrounding villages. While support from environmental organizations is symbolic in Deştin, in Akbelen it is quite visible.

Nevertheless, as Defne, a villager from Akbelen (17 November 2023) mentioned, there are many efforts to organize neighboring villages in Akbelen. Even if İkizköy would be gone in the future, Çamköy and Karacahisar will still exist, and they might continue the struggle. A common memory and consciousness might be accumulating but the struggle is still long-term, fragmented, and layered.

Avdan is still at the very beginning of their struggle. It is still in one village and some of the villagers are organized. Their institutional support from the Büyük Menderes Initiative and Denizli's professional chambers is strong. They still did not lose their ties with space. Sevim, an environmental defender from the case of Akbelen (11 January 2023), described the Avdan movement as more under the influence of "institutions", while Zeynep, a villager from Deştin (24 January 2023), said, "They are more like us, there were villagers like us". Those different interpretations suggest that it is still quite hard to grasp the movement's approach since it is still in progress. On the other hand, as my interviewees explained, they are the ones who initiated this movement and ask help from the environmental organizations. Considering the legal consciousness at the very beginning of their rejection, it does not directly come from the institutions. The effect and role of environmental organizations will be discussed in Chapter 5.

# 4

## The Law Zone: Petitions, Lawsuits, Lawyers, and All the Papers

*"If we knew about the Olive Law, maybe Işıkdere village would be alive today. If we knew the law, we would not give away Işıkdere."*

– Yurdanur, a villager from Akbelen, *18 April 2022*

*"There is a crack in the door of law because we are struggling."*

– Defne, a villager from Akbelen, *17 November 2023*

*"It is because Deştin [movement] pushed and pressed and turned the 'guguk'[1] into law."*

– Mehmet, an environmental defender from Deştin, *7 February 2024*

*"My struggle is a struggle for rights and law. I'll fight for my rights until the end. I'll go all the way to the ECHR [European Court of Human Rights]."*

– Zarife, a villager from Avdan, *3 August 2023*

These words are a few examples from the narrations of people engaging in environmental struggles in Avdan, Deştin, and Akbelen. They summarize their views on law and legality and the role of law in their struggle. This chapter focuses on the impact of environmental lawsuits and legal processes on the legal consciousness of these three environmental movements within the context of law and legality in Turkey. Following my main argument that the legal consciousness of environmental movements does not derive solely from "state law" but rather from historical/territorial rights, relations of production, and understanding of commons, I suggest that this consciousness still stands as the base even after they engage with the legal processes. In fact, they are basically pushing the law to function properly by bringing the sources of state and non-state law together. Here the sources of non-state law signify historical/territorial rights, relations of production, and the commons. By referring to those sources of law and legality, they also create a counter-hegemonic struggle where they intervene in how the law is implemented and turn into actors in the field of law and legality as in the conceptualization of Bourdieu. As some examples of spaces where law and environmental movements meet are given in the previous chapter, this chapter will go

1 "Guguk" is the Turkish word for "cuckoo". It rhymes with "hukuk" which is "law" in Turkish. The expression "This is not law, this is "guguk" is a way of criticizing the wrongdoings of law and judiciary.

into detail about encounters in those spaces and how they turn into spaces of resistance and protest. As mentioned in Chapter 2, Bourdieu (1987) defines the juridical field as a field where many actors and processes populate and where actors struggle for power through new processes and institutions. I draw on these insights in this chapter. Moreover, environmental movements are also players of the "legal game" that indicates legal consciousness as "with the law" by Ewick and Silbey (1998)

In this context, I will portray the points where this form of legal consciousness can create challenges to law and contribute to a counter-hegemonic struggle for environmental justice. These points encompass different layers of legality such as petitions, lawsuits, or being charged for environmental activism; establishing legitimacy through references to agriculture and the "Olive Law" initiated in 1939 to protect olive production in the country; and engaging with environmental lawyers who are both professionals and activists in the struggle as "cause-lawyers or movement lawyers".

## § 4.1 Different Layers of Legality

This section investigates the legal consciousness of environmental movements within the interactions with legality at different levels and domains such as bringing petitions or lawsuits or being charged for environmental activism. Such different interactions with law and legality come together and form the legal landscape of an environmental movement. In this context, first I will present the legal landscape where I will portray lawsuits and legal producers that three exemplary cases of this study engage. I will continue by explaining how these environmental movements intervene in how the law and legal procedures work and how this intervention turns them into actors and subjects in the field of law and legality. This point also brings us to the counter-hegemonic struggle and how state and non-state law come together within the social movement.

### 4.1.1 *Legal Landscape of Environmental Movements: Law as a Way of Struggle and a Way of Suppression*

To describe the field, environmental cases or lawsuits are not the kind that are resolved as a result of one single case and eventually terminated. Rather, there are several types of lawsuits when there is an environmental conflict in a certain region, such as a mining project near a village. These lawsuits could be about environmental impact assessment (EIA) reports, public health, or land disputes regarding private property. When one lawsuit seems to be resolved, another type of case could be brought, or an existing one could be retried. For instance, when the court cancels an affirmative EIA report and environmentalists seem to win the case, the mining company prepares another EIA application slightly different from the one canceled. The Ministry of Environment, Urbanization, and Climate Change could once again give an affirmative report. At this point, the judiciary and the government conflict. At least it seems to be. There are two important outcomes of this situation. First, it is necessary to define and acknowledge the type of environmental cases. In other words, there are different lawsuits about one environmental conflict. Second, it is a very long process that one cannot make sure it is over. That's why people in the environmental movements can sometimes give up struggling because even though they try everything and even though they win many cases, the result can turn out to be against them. The mining project could be realized in the end in this example.

In each case that this study focuses on, environmental movements apply to the law, and on the other hand law is used as an instrument of oppression against them by the government or the companies as the examples given in the Introduction and as will be discussed under the term of "strategic litigation against public participation" in the following pages. Moreover, these interactions with the field of law and legality are venues where environmental movements navigate between "before the law", "with the law" and "against the law" as in the conceptualization of Ewick and Silbey (1998).

#### 4.1.1.1 Litigations of Akbelen

In Akbelen, in June 2019, local people owning property in the region received official notices from the company that told them to sell their lands to the company since those areas were licensed for open-pit coal mining and the company had the legal permissions. It was not a direct expropriation by the state, but the state was declaring those regions as mining sites and the company was asking them from the villagers. They decided not to sell and get organized. They got in touch with Muğla Environment Platform (MUÇEP) and organized events in the region to receive public attention.

In terms of legal procedures, the struggle starts with the intervention of the people of İkizköy in an attempt at tree-cutting by the Milas Forest Management Directorate. People managed to stop felling and filed petitions to the Directorate. At first, it was not explicitly declared that the Akbelen forest would be cleared for coal mining. However, from their previous experience in Işıkdere and other villages that were already gone, the people of İkizköy were well aware of the issue. The Directorate said that this feeling was not for coal mining, but the area was on the list of "industrial plantation zones". Thus, the first legal demand was the removal of the Akbelen forest from the list. In February 2020, the Directorate declared that they took into consideration the petitions, and "for the moment" Akbelen was removed from the list. Back then this was an achievement by the movement of local people along with the local environmental organization (Bodrum Gündem, 2020). As it is known today, this was not the case. There had been several attempts of felling by the personnel of the Directorate accompanied by the company workers. The villagers and environmental defenders had to get in direct fights with the gendarmerie and company workers while trying to stop felling. The company officials filed complaints against villagers and environmental defenders by arguing that they attacked the company workers, and the labor union said their freedom of work was prevented (Evrensel Gazetesi, 2022d, 2022f).

On the other hand, the people of İkizköy and MUÇEP together were trying to find ways to bring a lawsuit against the company's operations. As Sevim, an interviewee who is an environmental defender, explained,

these efforts could be defined as "creative ways to use the law" and within the conceptualization of "with the law" (Ewick and Silbey, 1998). Then, in December 2020, their first lawsuit was against the construction of a coal conveyor belt construction by indicating that this is an increase in the capacity of power plants and "these works should be considered as part of a new integrated project. These activities cannot be exempted from the EIA regulation" (İkizköy Environmental Committee, 2023, p. 15). This lawsuit was against the Environment and Urbanization Department under the Muğla Governorship. Later this lawsuit was rejected and the people of İkizköy made an application to the Constitutional Court in December 2022.

In addition, the İkizköy Environment Committee also started an online petition campaign demanding the cancellation of the decision of felling in Akbelen Forest and the implementation of the EIA process for the extension of coal mining (İkizköy Direniyor, 2021b).

In the meantime, during the pandemic in April 2020, the company cut the water. People in the movement tried to raise their voices through social media posts and press releases by saying that the company cut the water during the pandemic days when they needed the water most, as a way of punishing the people (Akbelen Yuvamız Vermeyeceğiz [@ikizkoydireniyo], 2020, 2022). At this point, people had no legal and administrative channels to make a demand since the Muğla Water Administration, which is normally the local authority on water sources and their distribution, had already lost a lawsuit against the company in which they asked the control over water sources in the regions that were privatized (Gündem Gazetesi, 2020). This issue will be later discussed in the next chapter in terms of the relations with the state and the company.

On the other hand, in February 2021, they decided to establish an association under the name of "Karadam Karacahisar Neighborhoods Association for the Protection, Beautification and Solidarity of Nature and Wildlife" (KARDOK) (MUÇEP, 2021). They started engaging with state institutions as an association. They requested information regarding the Akbelen Forest by sending an official petition to the Milas Forest Management Directorate. In its response in April 2021, the Directorate indicated

that the company, YK Energy, was given a permit for open mining operations in Akbelen Forest. Hence, in May 2021, they brought another lawsuit against The General Directorate of Forestry (OGM) by demanding the removal of this permit given by the Ministry of Agriculture and Forestry (Gazete Duvar, 2021). Throughout this lawsuit process, there were several attempts by the company to cut the trees, and the people of İkizköy stopped them. They also filed complaints about the officials of The General Directorate of Forestry on the grounds of "abuse of duty", and "violating the Environmental Law" (İkizköy Direniyor, 2021b).

On 17 July 2021, people set up their tents on private property owned by one of the villagers who was a member of the movement and against the company (İkizköy Direniyor, 2021c). They started a vigil in order to prevent the company from cutting the trees.

Thus, after all these efforts of the people of İkizköy and upon KARDOK's official request, the court issued a stay of execution decision in August 2021 "to prevent irreparable damage that is highly likely to occur while the judicial process is ongoing" (İkizköy Environmental Committee, 2023, p. 16).

Three expert examinations were conducted throughout the lawsuit process. Two of the reports were in favor of the environmental movement and Akbelen Forest, but the court paid regard to the third report and removed the stay of execution decision in December 2022 (İklim Haber, 2022a). Without this legal base, in July 2023, the company workers accompanied by gendarmerie entered the forest very early in the morning and started cutting the trees. Hundreds of people from different cities gathered there to protest. The issue got a huge public reaction. The opposition parties called the parliament to gather for a special session on Akbelen that villagers also attended.

Currently, there are three different lawsuits against the related Ministries. In addition to the open pit mining permit and the coal conveyor belt construction cases, the people of İkizköy also brought a lawsuit against The Ministry of Energy and Natural Resources by demanding the cancellation of the extension of the mining license period in 2022 (İkizköy Environmental Committee, 2023).

On the other hand, there is another dimension in the story of the struggle against thermal power plants. A group of lawyers from İzmir Environmental Movement Lawyers filed a lawsuit against the related state institution in order to demand the shutdown of three thermal power plants in the region based on their damage to public health and the environment. The decisions of the Aydın Administrative Court and the Supreme Administrative Court regarding suspending the activities of the three thermal power plants were not implemented, by the decision of the Council of Ministers regarding that the three thermal power plants should continue to operate. This can be defined as the "circumvention of the court decisions by a Cabinet decree". Hence, they took their case to the European Court of Human Rights. The Ruling of the European Court of Human Rights said that "In 1996, the Council of Ministers decided that the three thermal power plants should continue to operate despite the administrative courts' judgments. This latter decision had no legal basis and was obviously unlawful under domestic law" (İkizköy Environmental Committee, 2023, p. 15; Ünker, 2023).

This decision did not actually take part in the discourse of the Akbelen movement until the forest was cleared. Moreover, it can be said that their first aim was to protect their current lands, the village, and the forest. They were not directly aiming at the shutdown of the power plants at first. They were demanding their water and keeping the forest as it was. However, apparently, the only way to protect their lands, the village, and the forest is the shutdown of the power plants since the coal mining is ever-expanding. In time, they started to indicate that the power plants must be shut down. Thus, after the felling, they started demanding the implication of this court decision by the European Court of Human Rights.

#### 4.1.1.2 Litigations of Deştin

In the case of Deştin, as it is mentioned before, there was an attempt to build a cement factory in the region since the 1990s. In their press release, the people of Deştin summarize the history as follows:

> "It is known that the first initiative for the cement factory started in 1992, and the first EIA process was completed in 2006 with the EIA Positive decision by the Ministry of Environment and Urbanization. Subsequently, while the lawsuit filed by the villagers of Deştin against this decision was ongoing, the second EIA process was initiated, and this process was completed with the Ministry of Environment and Urbanization issuing a second EIA Positive decision in 2014. Between 2007 and 2019, lawsuits filed for the annulment of zoning plans that would enable the construction of the cement factory continued, and with the final decision issued in 2019, the request for plan annulment was rejected" (Yeşil Gazete, 2022b).

Hence there are lawsuits against the Ministry for the annulment of EIA reports and zone plans. Despite the request for the zoning plan being rejected in the end, they continued their lawsuit on the positive EIA report. Moreover, different lawsuits continued simultaneously over the years.

The first attempt was in 1993 and the Çimentaş Co. had a positive EIA report. However, since there was a huge reaction by the villagers and the municipality, the project was not realized. In 2006, another company called Adoçim applied for another EIA process. Against this, Deştin Village Mukhtar's Office filed a lawsuit and the case was concluded in favor of the villagers in 2015 and the first EIA was canceled. In the meantime, this company established another company in 2010 and applied for another EIA process as if it were another company. During the second EIA process, Deştin villagers organized protests against it, but in 2014 the company received a positive EIA that is valid until 31.12.2021 (Haber ve İnsan, 2023a).

My interviewees underlined this second EIA report was hidden from the villagers. The decision was not delivered to them. They figured it out when the company applied for a construction license from the municipality. Selma, an interviewee who is an environmental lawyer (6 May 2024), said that the villagers could never expect such a thing. The rejection deadline had already passed since the villagers did not know about the EIA positive decision of the ministry. Hence the company was able to

build the factory. However, in the meantime, lawsuits regarding zoning plans at the Council of State were going on. Even though the villagers won their case in 2017, later the company won, and annulled zoning plans were affirmed.

When the Menteşe Municipality provided the license to the company just 15 days before its expiration date, the construction started. The struggle of the Deştin people once again started but this time against the local municipality, too. Selma (6 May 2024) said, "It is an attitude that is not in good faith."

On the other hand, The Menteşe City Council, Mediterranean Greens Association, and 8 villagers from Deştin filed lawsuits against both the second EIA positive report approved by the ministry and the construction license issued by Menteşe Municipality. Deştin Agricultural Development Cooperative and Muğla Green Life Association also brought lawsuits against the EIA report. In their case against the EIA report, they claimed that the second EIA report was hidden from the public, and this situation was against the regulation (EkoIQ, 2023).

Their case was rejected all of a sudden on the basis of expiration, even though the court first decided on an expert examination. The people of Deştin took their case to the Council of State, they won and the trials started again at the administrative court. However, they had to wait 9 months until the expert examination and another 9 months for a decision from the court. Finally, in September 2023 the court canceled the EIA report and later the municipality shut down the construction (Yeşil Gazete, 2023d).

#### 4.1.1.3 Litigations of Avdan

In the case of Avdan, they explain their case as one of the unique ones since there was a Presidency Decree on the urgent expropriation of their lands for coal mining. Before that, there was an attempt to build a thermal power plant in the region. This was the first time they started to get organized. It began when Avdan Mining and Energy Company applied for the EIA process of a thermal power plant project in 2016, however, the company could not complete all the procedures, and the EIA process

could restart in 2019. The ministry announced the EIA positive decision in 2020. Since the beginning, there has been a struggle against the project. People attended the public information meeting to voice their rejection, organized signature campaigns, and made press releases. When the EIA rejection process started in April 2020, a huge public reaction and opposition in the city of Denizli began as well.

As my interviewees mentioned as well, Republican People's Party (CHP) Deputy Chairperson for Nature Rights and Denizli MP Gülizar Biçer Karaca played a key role at the beginning. The villagers said that they first contacted her. Denizli Bar Association and Büyük Menders Initiative, which is an efficient environmental organization in the region involved in the process, and the issue could get attention in the city of Denizli and later at the national level. Other occupational organizations such as the Union of Chambers of Turkish Engineers and Architects (TMMOB) and related chambers also joined, and the Avdan Platform was established in Denizli (Aydıner, 2021). Cüneyt Zeytinci, the president of Denizli Chamber of Architects, pioneered the establishment of the platform which contained 36 institutions from Denizli (Büyük Menderes: Gökkubbe Altındaki En Güzel Yeryüzü, 2023). This was a turning point in the struggle. The issue was now not only the problem of local people but the whole community of Denizli. The Platform was now leading the struggle. They prepared reports indicating the damages of thermal power plants on health and the environment as the Platform had occupational chambers as experts in the struggle. They organized information meetings with the mukhtars of surrounding villages. They submitted their rejection petitions to the Environment and Urbanization Directorate. In addition, the Justice and Development Party (AKP) was the ruling municipality of Denizli, and the local administration of AKP and the local municipality were not also in favor of the project. After all these reactions, in June 2020, the Minister of the time announced that the thermal power plant project was canceled. This was an important gain since the project stopped before any construction or extraction work started, hence before any environmental damage. Also, they succeeded in stopping the project with only administrative processes and they did not have

to go through a lawsuit process. This struggle and organization of people and institutions also set an example for other planned projects in the region such as the geothermal power plants project in the other villages in Tavas (Aydıner, 2021).

While the people of Avdan might think it was over, in August 2021, the same company started this time an open-pit coal mining project. People joined the EIA information meeting and voiced their rejection of the project. They managed the meeting to be canceled and it seemed like the company would withdraw. However, once again when they thought it was over, on 13 January 2022, their lands were expropriated by a Presidential Decree (Yeşil Gazete, 2022a). It was shocking news for them. At first, some villagers were in favor of this and sold some of their lands to the company which would pay more than the expropriation. It was a profit and loss issue in the end. Nevertheless, there were villagers against coal mining no matter what.

The operation of extraction started immediately and in March 2022 they started digging the cultivated fields of villagers. Even though they brought lawsuits at the Council of State, the excavations continued. Their first cases were rejected since there were also people as litigants who did not have property in the expropriated areas. The lawyers got powers of attorney from 250 people. They brought 45 lawsuits but 35 of them accepted. It was a huge job to separate cases and applications. In April 2023, the stay of execution decision was issued by the Council of State (Büyük Menderes: Gökkubbe Altındaki En Güzel Yeryüzü, 2023). However, this decision was not applied by the company for a very long time. In September 2023, Avdan Platform was still making press releases to demand the implementation of the court decision and to stop the operations of the company (Evrensel Gazetesi, 2023a).

#### 4.1.1.4 Litigations Against Environmental Movements

In all cases, there are lawsuits against local people and environmental defenders brought by companies or state institutions. In Akbelen, people were cleared from the vigil sites by the gendarmerie several times and they were sentenced by the court on the charges of “resisting the

gendarmerie" and "insulting state officials". On several occasions, they also received tickets and fines for their activities during the protests for reasons such as hanging banners without permission or parking on unauthorized forestry roads. In Deştin, villagers were taken into custody in the middle of the night while they were in their vigil by blocking the road. They had to appear at the police station every week and give their signature since the court decided on judicial control. In the case of Avdan, a 75-year-old woman, Hatice Kocalar was charged with battery upon the complaints of company officials. Five male workers of the company said that she attacked and beat them up. She appeared before the court and the prosecutor gave an opinion for her to be sentenced to imprisonment for up to 5 years. The court decided that Hatice Kocalar was fined for injuring more than one company employee. The lawyers said that they would carry this decision to the Constitution Court.

In the literature, these sorts of lawsuits are called "strategic lawsuits against public participation" (goes by "SLAPP"). Spatial Justice Association (MAD) researched the SLAPP cases against environmental defenders in Turkey (Spatial Justice Association, 2023). In this study, they run a review over the media and internet and chase the lawsuits in which environmentalists are charged for their activities in the protests. They explain that the history of the term SLAPP goes back to the 1980s and to the United States. Other studies on different contexts and geographies contribute to the literature (Altıntaş & Tahincioğlu, 2022; Murombo & Valentine, 2011). Nevertheless, it seems like this is an ongoing and recently growing literature that contains important insights and possibilities in terms of both social movements and academic studies. Moreover, SLAPP cases recently become an item on the agenda of the governments (Mason, 2024). Since these cases are used against rights defenders as a way of intimidation and oppression, the authorities discuss bringing new regulations that would make it difficult to bring such cases. Canan and Pring define the SLAPP cases as follows:

> "These lawsuits claim injury resulting from citizen efforts to influence the government or sway voters on an issue of public significance. These are attempts to use civil tort action to stifle political

> expression. It is this political retaliation, through the law, that distinguishes SLAPPs from the commonly observed intimidation and retaliation in litigation between commercial competitors, business partners, labor and management, and regulatory agencies and licensees"(Canan & Pring, 1988, pp. 506–507).

These cases are also defined as "defensive litigation" to support protesters facing criminal charges. Especially in the climate change disobedience protests, there are always charges against the protestors. In the face of these, climate change activists responded through activities such as The Climate Defense Project as Bustos explains:

> "This organization represents climate activists who engage in nonviolent civil disobedience to combat climate change. CDP addresses this need by providing legal support for activists, connecting attorneys with communities and campaigns, and pursuing climate impact litigation. The legal team at CDP uses the climate necessity defense, a common technique used by climate activists, which states that a person's actions were justified by the climate emergency or the need for drastic action to reduce the need for fossil fuels" (Bustos, 2022, p. 20).

In the cases of this study, in a similar way to the climate change protesters, people also underlined that all they did was to protect their forest, village, or lands. Some of their activities such as blocking the road are also considered as civil disobedience acts.

The research conducted by MAD also points out that these cases are mostly the ones brought by private sector companies. They detect four types of legal processes used by the companies against environmental defenders. These are (i) filing a criminal complaint in order to start a criminal case, (ii) filing a claim for compensation, (iii) filing a complaint to the administrative authorities, and (iv) the implicit SLAPPs.

The last one indicates the cases of public prosecution. Most of the time, the protestors are charged with crimes such as resisting the officers in the case of police intervention in a protest. The researchers underline that there are also cases where the companies complain about the

protestors to the police by arguing that they are obstructing the freedom of work. Hence in these cases, the companies are "implicit complaints".

Actors from the private sector who bring lawsuits against environmentalists are the companies, board members of the companies, employees of the companies, private security personnel, and professionals in areas such as engineering or architecture. The last actor indicates the experts appointed by the courts during an environmental lawsuit.

In the cases of this study, there are mostly implicit SLAPP against not only the environmentalist but also the lawyers as will be discussed in the section on Lawyers.

Thus, this is how the legal landscape of environmental movements is formed. Different areas of law and legality are issues that environmental movements must go through. There are also some cases that they could not pursue such as in the case of Akbelen regarding the archeological excavation in the mining site since this is a huge teamwork that could require expertise in different areas. It is possible to refer to or address different laws, fields of legality, and expertise. "Creative ways to use the law" might include opportunities but also difficulties in this sense. The lawyers play an important role in both.

### 4.1.2 *Counter-hegemonic Struggle and Becoming an Actor in Law and Legality*

In this section, after a brief discussion on the relations between law and social movements, I will move to the counter-hegemonic struggle of environmental movements that I focus on in this study by bringing examples from the field.

Considering the literature on law and social movements, as stated before, this study argues that legal mobilization or legal process in a struggle is only one dimension or one part of the struggle. Social change does not derive from the law but the social struggle. However, this does not mean that law is not important or irrelevant to the struggle. On the contrary, the movement and the legal mobilization are highly interconnected as Halit, an interviewee who is an environmental lawyer (17 January 2022) underlines, most of the time in the case of environmental

movements in Turkey, "The beginning of a movement and the beginning of the lawsuit are parallel processes".

The words of my interviewees support the studies and theories of McCann (McCann, 2006) on legal mobilization as he stressed the combination of social movement and lawsuits. He also suggests focusing on the legal process and its contributions to the movement rather than the decisions of the courts. Surely, people struggle for victory in the court as well, but the courts and lawsuits are one part of their struggle. They also managed to turn over court decisions by their struggle. If there is one thing significant with the environmental movements, they never give up. They win or lose the lawsuits repeatedly, but they keep bringing new ones. I suggest framing this situation as a challenge to the law and steps to bring the transformation of the law. Legal mobilization or struggle through law is also a counter-hegemonic struggle of movements in politics, society, and law. This is the situation in the cases in this study, too.

Another significant point regarding environmental lawsuits is that there might not be a closure. In the lawsuits of other movements such as the women's murders or occupational murders, the verdict of the court provides a closure and a precise decision. Even though it could be contested in higher courts, eventually there are criminal cases that terminate whether the result is in favor of the movement or not. In the environmental lawsuits, there is no closure and a precise decision. The legal processes could turn into a vicious circle as the examples could be seen in many lawsuits regarding the EIA processes.

Even though the court decisions could not provide a concrete solution or an end to an environmental conflict, the environmental movement still applies to law as a way of struggle. I suggest that the reason for not giving up and applying to law despite frustrations is that they also try to "fix" the law whether they intended to do this or not. Unlike suggestions that the law is the last resort and it only exhausts the sources of the movements (Gönenç, 2022), they are not a desperate entity in the face of all lost lawsuits. Surely, the law and the state favor the companies damaging the environment, but the environmental movements are not in a position that they beg before the law. Rather it positions itself as a rightful actor

who has the power and agency to bring change facing the companies and even the state. This comes from their struggle. As Rıdvan, an environmental lawyer (4 January 2022) said, "Law carries you to some point, but the movement is the one who makes the verdicts to be executed". The environment movements go to the law not only to ask for a demand from the law, but to transform the law, criticize the law, and get/gain their rights as well. As it is said in a banner held by a woman in the demonstrations for the İstanbul Convention, "The laws are written on the streets"(1+1 Express, 2021). Following the words of Rıdvan about the execution of verdicts, we might say "The laws are written and made executed on the streets". In this context, Hunt's interpretations on counter-hegemony below are in line with the legal struggle of social movements in Turkey:

> "For Gramsci the realization of counter-hegemony is necessarily a 'project' involving intention and agency on the part of specific social actors. This role he assigned to 'the Modern Prince', his coded reference to 'the Party'. There is no necessity that this role be attributed to a single party nor to make any particular assumptions about the relationship between parties and classes. But what is important is the contention that political parties exemplify a 'strategic' capacity; it is for this reason that this paper concerns itself with 'counterhegemonic strategies. Strategies involve the idea of a special role for social agents which sustain a commitment to a self-conscious reflexivity about the conditions and possibilities of transformative politics" (Hunt, 1990, p. 315).

In the case of this study, environmental movements intervene in legal processes as actors, and they also bring a discourse on justice and legitimization by referring to the importance of villagers and the environment against the companies. That is to say, this is the discourse based on historical/territorial rights, relations of production, and commons. Their legal struggle is not limited to the lawsuit process and not rights within 'litigation', but it is about the politics of rights. Litigation is a tactic within a broader political struggle and strategy. Their way of intervening in the legal process and bringing their discourse in defending their cause

creates counter-hegemonic strategies and hence struggle. Here the point is the way they turn into actors in law. They do not necessarily have this intention or "project", but their actions create a ground for counter-hegemony.

Hunt defines the process as follows: "The most significant stage in the construction of counter-hegemony comes about with the putting into place of discourses, which whilst still building on the elements of the hegemonic discourses, introduce elements which transcend that discourse" (Hunt, 1990, p. 314).

Both the construction of hegemony and counter-hegemony require transforming a singular/individual concern into a general/social one. Environmental movements try to show environmental degradation is not only the problem of local people in that region but everyone's.

Thus, I suggest that environmental movements' counter-hegemonic struggle can be observed at two points: the first is when they intervene in legal processes as actors and subjects of the field of law and the second is when they emphasize "the public interest" by referring to their role as agricultural producers for the whole society (the relations of production and historical/territorial rights which make those people rightful defenders in environmental conflicts). In this context, I will bring examples from the field in the following pages for their involvement in legal processes. The issue of public interest will mostly be discussed in the next section on the Olive Law.

As discussed in the previous pages on the historical background of environmental lawsuits in Turkey, Özlüer (2022) defines two time periods in the transformation of environmental lawsuits in Turkey. Until the 2000s environmental defenders were able to join the EIA process as citizens before any permission was provided to companies by the state. However, especially after the introduction of the new environmental impact assessment regulation known as the 2009/7 circular, citizens have been excluded from the decision-making processes.

My interviewees also underlined the transformation of law since the 1990s. Nejat, an environmental journalist (21 December 2021), said that the environmental movement used to see "the struggle on the field", and

"the legal process" as two separate processes. He also indicated that in the last 20 years under the AKP government, the legal process has taken ahead of the struggle in the field because it has become much harder to struggle there due to oppressive policies in local regions. In the former period, the courts recognized the lawsuits brought by the environmental movements as environmental lawsuits while, on the other hand, in the latter, they are now considered "sector cases" and the courts seek individual and direct engagement in the cases. For instance, they look for if a complainant lives or owns property in the mining project site (Özlüer, 2022, 2023).

The interviewees who are lawyers draw attention to the point that courts were ahead of their time during the Bergama case. They pointed out that now it is hard to find a court decision in favor of environmental movement in the cases of companies in close relation with the AKP government such as Cengiz Holding. This is exactly the case in Akbelen as it is mentioned before.

All the interviewees said similar things about the relationship between the movement or the protest in the field and the lawsuit process. They stressed that if the movement is powerful enough and heard by the public, the courts are more likely to decide in favor of the environment. Halit who is a lawyer said when social movements and legal processes go parallel with each other, they succeed. Recalling Rıdvan's (4 January 2022) words, "Law carries you to some point, but the movement is the one who makes the verdicts to be executed". Feriha (23 December 2021), who is an environmental journalist, said "There is usually the movement first; the law comes later and frames it".

As I indicated in the previous chapter on the role of space in legal consciousness, there are certain moments and issues where the law and the environmental movements meet. These are (a) the public information meetings where company officials, following the EIA regulations, give information about the effects of their planned project to the people living in the area; (b) the day of expert discovery and (c) the day of trial and outside and inside of the courthouse. At these times and places, people who are in environmental movements have the opportunity to take part

in legal and administrative processes. These are also the points where the state and the companies re-construct their hegemony or intervene in the legal processes when there is a court decision in favor of the environmental movements.

To begin with, EIA meetings can be considered an administrative process required by the EIA regulations. This process is before the lawsuit process but still is a process in the field of legality. The companies submit their application to the Ministry of Environment, Urbanization, and Climate Change, and upon confirming the format of the report the ministry forms a committee. The Ministry or a sub-institution (such as the regional directorate or the governorship) authorized by the Ministry could make four sorts of decisions: positive, negative, "EIA is required" and "EIA is not required". Ecology activists say that "The number of reports granted an "EIA negative" decision are very, very few; "EIA is not required" breaks a record, followed by "EIA positive." The Ministry issues "EIA is not required" or "positive" reports with copy-paste reports to every incoming project" (Dağıstanlı, 2022).

If the initial decision is "EIA is required", then an EIA meeting is organized and scheduled by the Ministry. Though it is known as "the public information meeting" in practice, according to the regulation, it is "the public participation meeting" that aims to gather the opinions of local people who might be affected by the project. Even this change of words explains a lot about how the EIA process turns into a formality that must be done regardless of its aim. Moreover, environmental organizations underline that public participation is often prevented in many ways, such as limiting the number of people by organizing the meeting in a small hall. Still, the Public Participation Meeting is an administrative procedure that must be exhausted in the EIA process (Erdem, 2018). The companies see these meetings as just procedures, but local people and environmental activists challenge them as there are many examples where the meetings turn into protests. People really voice their opinions and object to the company officials. Moreover, they do not only join these meetings to express their thoughts but also, have the aim to make the meeting canceled. They do not want the meeting to be realized just as a procedure in the

EIA application of companies. That is why they try to prevent it from being realized. The most important point here is that they also want the Ministry officials to state in the proceeding that the public did not want this meeting to be realized because they do not want the project in their region. However, instead, the officials might say that "the public did not want to be informed". That is the point where they have to struggle and convince each other.

Regarding the cases of this study, they all used EIA meetings as an area of protest. In Akbelen there is no EIA process and that is what they demand in their lawsuit as well. However, they attend another EIA meeting of a solar power plant project by the same company. They showed their banners on which "Do EIA process first in the mine and power plant" was written (Birgün, 2022). In Deştin, they intervened in the meeting organized for the second EIA report in 2010 (Haber ve İnsan, 2023a; Hürriyet, 2010). In Avdan as well, they managed the stop the meeting and left the venue (Evrensel Gazetesi, 2021; Yeşil Gazete, 2022a).

The EIA report process, as indicated by Özlüer (2023), turns into "an undead monster". According to the 2009/7 circular, EIA reports that the court canceled, can be slightly changed and re-submitted by resolving the minor issues that initially caused the cancellation of the report. The Ministry once again issues a positive EIA decision, and the process turns into a vicious circle and "an unbeatable monster". As cited before and my interviewees also indicated, "copy-paste" reports are the problem. However, at the same time, as Canan, an environmental defender (30 November 2023) stated, most of the time the courts cancel these reports affirmed by the Ministry. She said that there are many problems with the application files and the reports. Not only misinformation but also unrelated information is given in the report. She said, "The companies do not recognize the region that they want to realize a project. For example, they talk about a specific fish for pages, a species that never lived in the seas in Turkey." As members of an environmental organization, even though they are not expert on such an issue, they could detect the problems, she said. Hence, she added that they almost became experts in scientific issues and law and official procedures.

MUÇEP, which is a significant actor in Akbelen and Deştin, has a system to monitor, report, and map the EIA applications in Muğla. They call this map as "tosbağa". Currently, it seems like the system is not active since there is no recent entry. Nevertheless, this emphasis on the EIA process is a significant effort that shows how Muğla is under countless environmental assaults (Figure 4.1). The map is interactive and by clicking on each pin, it is possible to see the type of project and companies involved. On the other hand, it is a huge effort and requires a labor force that they can not provide constantly.

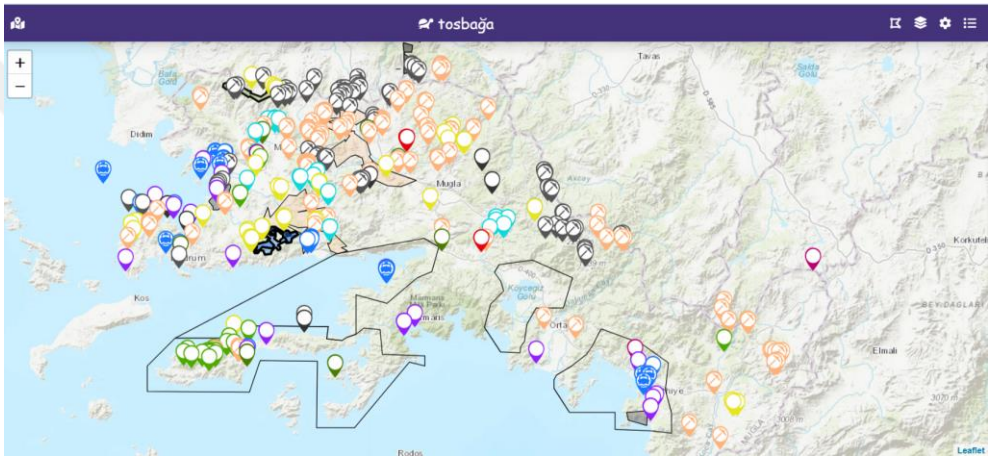



Figure 4.1 MUÇEP's map on EIA processes in Muğla. SOURCE: (MUÇEP, 2022)

Apart from the map, they continue monitoring. MUÇEP recently organized a protest outside the Provincial Directorate of Environment, Urbanization, and Climate Change and submitted a petition to the Directorate regarding "EIA is not required" decisions for six project applications in Muğla (Anka Haber, 2024).

The second point that environmental movement could create a counter-hegemonic struggle is expert discovery or expert examination. Expert examinations are carried out by an expert committee formed upon the request of the court. The day and time of the discovery are also set by the court. The lawyers of the related companies and state institutions (most of the time the ministries), the lawyers of the environmental movement,

the judges, and the expert committee participate in the discovery. Sometimes litigants such as villagers also join them. These days, most of the time, turn into a protest as well. Regarding the cases of this study, in Akbelen and Deştin they organized huge protests during the expert examination days but in Avdan there was not such an issue.

In Akbelen, there were three expert examinations. The first one could not be realized properly because there were some arguments between the court committee and the lawyers of the Akbelen movement. The committee left the lawyers behind and directly went to the inspection area without notifying the lawyers. Also, the lawyers said that the judges insulted them during the examination. Thus, the examination could not be done properly. In the expert report, it was stated that coal mining could result in significant ecological damage but also some experts' views were in favor of it regarding public interest. Since this first examination was broken in this sense, the lawyers of Akbelen requested another examination. The second one was properly done, and the report was in favor of the Akbelen movement. However, upon the request of company lawyers, an "unnecessary third examination was conducted, and a third expert report which was contradictory to science and law was submitted to the court" (Evrensel Gazetesi, 2022b; İkizköy Direniyor, 2021a; İkizköy Environmental Committee, 2023). As stated, after this third report, the court removed the stay of execution decision which will pave the way to the clearing of Akbelen Forest.

In the case of Deştin, there was one expert discovery and a thousand people gathered to protest as my interviewees said. The report was in favor of the movement. During the expert examination day, in an interview, Haluk Özsoy, who is a member of the movement and MUÇEP said the following:

> "We are already sure that their report will be in our favor. Because there are various types of mushrooms in the region. Here, the Deştin River feeds the Bahçeyaka basin. Bahçeyaka basin also uses drinking water from there in Yatağan in Muğla. Therefore, it is not possible for a hydrogeologist to give an adverse report in this sense. Of course, he knows better than us the importance of the

> water basins here. As I said, there are mushroom species. Last April, we made a calculation and found that this navel mushroom has become a source of financial income of around 30 million Turkish Liras for the surrounding villages. Of course, the agricultural engineer is also familiar with these, and so is the environmental engineer" (Gündem Fethiye, 2023a).

There are also moments when environmental movements could intervene in the unlawful activities of companies by referring to the law. For example, both in Akbelen, Deştin, and Avdan people try to stop companies' certain operations by referring to the lawsuit process. In Akbelen, they stop companies' or state institutions' workers from cutting the trees. They could refer to the stay of execution decision for almost two years. In Avdan, they organized meetings to demand the implementation of the stay of execution decision since the excavators were working on the project site by ignoring the decision (Evrensel Gazetesi, 2023b). In Deştin, they blocked the road. They said "They took advantage of the loophole provided to them by the law and tried to bring their cement boilers from there. We are standing on guard. We want a stay of execution. We want something within the law. A stay of execution should be granted and then the case should be heard. But they are taking advantage of this opportunity and trying to make it a fait accompli" (Diken, 2023).

On the other hand, it should be underlined that in all these instances the companies somehow managed to do their operations. They cut the trees, they dig the soil, or they carry the tools to the construction site. The important point here is to show the will of people and how their legal consciousness grows in the field of law and legality. In addition, there is the issue of implementation of court decisions. This is the crucial point most of the time not only in environmental lawsuits but also it is a problem with the judiciary in Turkey.

Moreover, people also refer to the law in general, many times both during their protest and their engagement with the state and company officials. An example of this is the banner indicating "Abide by the constitution!" in the vigil area in Akbelen. This banner was a constant element

in the vigil area. Articles No.10, 17, and 56, regarding the right to environment and equality were written on the banner (Figure 4.2).




Figure 4.2 "Abide by the constitution!" banner in Akbelen. SOURCE: (Ekoloji Birliği, 2023)

The third point where environmental movements could involve law and legality and could create counter-hegemonic struggle is the day of trials. In many cases, the outside of the courthouse turns into a space of protest as discussed previously. All three movements in this study also used this space for protest. As the examples shown in Chapter 4, almost all the trial days they organized a protest holding their banners. And the discourse they brought to their declarations during the protest also refers to being right through historical/territorial rights, relations of production, and commons. Here a few examples are as follows.

Akbelen people and the environmental organizations organized a huge march to the courthouse on the day of the trial on 11 October 2023 after the Akbelen Forest was cleared. Nejla Işık, the president of the KARDOK association and İkizköy Environment Committee and also recently elected mukhtar of İkizköy, gave a speech to the media during the protest and said:

> "We have started this struggle for our soils and villages. They have exploited us here for 40 years. We will not give this opportunity anymore. Akbelen Forest may have been cut down. Further ahead, you can see that we have red pine forests and olive trees. What is the most fundamental right for humans and all living beings? Soil, air, water, right? Our struggle is for these three. You can live without electricity, but you cannot live without air, water, oxygen, and soil. No one with conscience, intellect, and compassion can come up to us and claim otherwise. We are right on this path; we take our strength from our rightness. We will go to the end" (Artı Gerçek, 2023).

Environmental engineer Deniz Gümüşel, a member of MUÇEP and İkizköy Environment Committee said that villagers took the floor and mentioned the effects of the coal mining on their lives, as they did in other trials. She said:

> "They explained how agriculture would end and that they would have to migrate from there. They explained how their water assets are already affected and polluted by the mining operation. They talked about the effects of air pollution on agriculture, especially on olive cultivation. They talked about health impacts. They shared how their health is affected and how the mine and thermal power plants violate the right to life. The Akbelen Case is no longer just a case of İkizköy residents, it has turned into a right-to-life case. In fact, this is a struggle for the right to life for all of us" (İklim Haber, 2023)

"This case is not over until we say it is" is a slogan mostly chanted during the protests for political lawsuits, especially in the cases of unidentified murder such as Hrant Dink. People of İkizköy also chanted this slogan many times. This is another example of how law and legality are viewed in Turkey and how people could pose a counter-hegemonic struggle in many different areas.

In the case of Deştin, people organized meetings outside of the courthouse to demand an expert examination (Cumhuriyet, 2023a) and the

immediate decision of the court to cancel the affirmative EIA report by referring to the expert report in their favor. They needed to push the law in almost every stage of the process. Şennur Sarı, a villager from Deştin said during the protest:

> "We are not sitting on this concrete for nothing. We sit on this concrete to protect our land, because we don't want cement factories, to breathe... We don't want to get cancer. Our patients have always gotten cancer. There are already enough thermics (thermal power plants). Let the lawyers and judges come and unite with us and cancel the EIA report. (…) We don't want our fruits and trees to go. We have no fruit left after this year's rain. If this cement factory is built, what will we eat? We are here for this" (Yeşil Gazete, 2023b, 2023c).

Spokesperson of the MUÇEP Menteşe Council, Fidan Eroğlu said: "Land, water, rocks, mountains are not for sale. These are what people living on the earth call the commons. You did not create the air, so you cannot sell it. You did not create the soil, so you cannot sell it. You cannot sell water, bays, or forests" (Yeşil Gazete, 2023c).

Member of Menteşe Municipality Council, Ferah Gümüş said "The people of Deştin, who have been living here for generations with what they have gained from these fertile lands, are stubborn like goats and strong like bulls, just like the people of the Teke Peninsula. You who pour concrete and poison those lands, you will see that we will win, because it is not over. That fight continues" (Yeşil Gazete, 2023c).

In the case of Avdan, there are not many protests involving the courthouse since their case is held by the Council of State in Ankara. By referring to their previous experiences with the thermal power plant project, Hüseyin, an interviewee who is a villager from Avdan No.21 (3 August 2023) said, "We could intervene when the lawsuit was held here, we can't do that in the case of State of Council." Hence, they organized meetings or made press releases at the city center several times. Ozan Orpak, the lawyer of the case and member of Avdan Environment Platform, said in a press statement "We only want the law to be applied in this country. We

want Avdan A.Ş., a coal company, to leave the area in accordance with the law. We were born on this land. They should not take away our only source of livelihood, agriculture. The country's economy will be restored through agriculture. We want to produce" (Gazete Duvar, 2023).

On the other hand, the people of Avdan made a press release outside the courthouse on the trial day of the case in which Hatice Kocalar was prosecuted for battery. Hatice Kocalar said: "I defended my land. I don't covet anyone's land. Is it a crime to defend my own land? Let everyone hear what I am saying, I am not afraid of anyone. I'm not afraid of the company" (Yeşil Gazete, 2024a).

In conclusion, EIA meetings, expert examinations, and outside of the courthouse are three salient elements of the legal processes in which environmental movements could intervene. These are also the points that allow us to see how their legal consciousness is (re)shaped. People intervene in how the laws and regulations are implemented. They use the tools of state law too, but they also bring their own knowledge and experience. Sevim, an environmental defender (11 January 2023) said, "People derive their justification from universal human rights, the right to life, which the law does not provide. 'We are right'. When people say this, they succeed." They have a source of justification and legality that the state law does not specifically provide. State law produces frustration but not legal alienation, people don't completely turn their backs on the law or break the law on purpose. On the contrary, they say "Everything we do is by the law, but the law is not working properly". Here, it can be said that they put forward a will regarding the functioning of the law. This is their counter-hegemonic struggle here. This is also how they turn into the actors/subjects of "the field of law" as in the conceptualization of Bourdieu. He sees law as a field with autonomy and its own actors, relations, and dynamics. Bourdieu emphasizes that law is a "field" that has relative autonomy, interacts with other fields such as education or media, and is capable of social reproduction. Still, he also recognizes that the autonomy of the legal field is smaller than that of other fields because it plays an essential role in social reproduction (Villegas , 2004).

The transformation in the legal and environmental consciousness of local people over the years can also be explained by these words of Cenk, an environmental lawyer (25 November 2023): "Peasants used to be afraid of the gendarmerie, now they speak of the constitution. Neither politics nor the bar association supports the people in Anatolia who want to claim their land. The people are trying to save their own living areas, their village. The struggle for environment, ecology, homeland, land... There is no force to organize this consciousness in Turkey."

## § 4.2 The Olive Law

Some certain laws and regulations are usually addressed by environmental movements. There might be specific laws and regulations depending on the content of the movements and lawsuits, but it is obvious that the very first law in environmental protection, Article No.56, is a well-known issue and discourse in any environmental movement.

Article No.56 of the 1982 constitution indicated that "Everyone has the right to live in a healthy and balanced environment. It is the duty of the State and citizens to improve the environment, protect environmental health, and prevent environmental pollution" (Constitution of the Republic of Turkey, 1982). Hence, environmental law and regulations in Turkey date back to the 1980s and have been developed and altered since then.

Other than Article No.56, Article No.43 about the seacoasts, No.44 about the land property, No.63 about the protection of historical, cultural, and natural entities, No.168 about the extraction of natural resources and No.169 about the protection of forests also encompass regulations for environmental protection (Spatial Justice Association, 2024).

The Olive Law is among the laws always addressed by the environmental movements, especially in the Aegean coast and hinterland where olive production is an important source. The Olive Law, initiated in 1939, aimed to protect olive and olive-related production in the country. Since the early modern Ottoman Empire era, the olive was always crucial as it was a food product and a raw material for a wide range of areas such as lighting, soap production, the machinery industry, and the military.

During the 19th century, the Ottoman economy was marked by raw material exports to Europe, and olive oil was an important part of this trade (Sunay, 2022). Under these circumstances, there were a series of regulations to improve olive production during the late 19th century and early 20th century in the Ottoman Empire (Köç, 2020). It can be said that the Olive Law in 1939 can be considered the continuation of such previous regulations. However, throughout the years new regulations and laws in forestry, mining, and industry have overcome and the Olive Law could not practically be implemented (Pabuçcucoğlu, 2005, p. 359). Even though the law has been practically violated, it is still an essential leverage for environmental movements when they pursue lawsuits.

The prominent article of law, No.20, indicates that "Within the olive grove areas and at least 3 kilometers away from these areas, except for olive oil factories, facilities that emit chemical wastes, dust and smoke that will prevent the vegetative and generative development of olive groves cannot be built and operated." The law also states that cutting trees is subject to the permission of the Ministry of Agriculture and "those who cut or remove olive trees without permission shall be fined an administrative fine" (Law On The Improvement Of Olive Cultivation And Grafting Of Wild Olives, 1939).

Article No.20 of Olive Law is repeatedly mentioned in the discourse of environmental movements on the Aegean coast especially, and anywhere olive groves are present. In the cases this study focuses on, this article has been an important element in their discourse.

There have been ten attempts by the AKP government to make legal changes that would undermine the Olive Law, as environmental movements declared during the latest attempt and the media covered the issue:

> "The AKP government, which first brought the issue to the agenda in 2002, wanted to legislate on olive areas on January 17, 2006, July 15, 2008, July 3, 2009, April 21, 2010, February 20, 2013, June 16, 2014, May 17, 2017, March 1, 2022, and December 10, 2022, respectively" (Kısa Dalga, 2022)

In each attempt, either the government had to withdraw the bill, or the Council of State canceled the regulations. For instance, the olive regulation issued in 2012 under the olive law includes definitions that could open olive groves to mining for the sake of "public interest". Upon the lawsuit brought by environmental organizations, the Council of State annulled it in 2015 (Altıparmak, 2022).

There have been other attempts that have coincided with the Akbelen, Deştin, and Avdan struggles. In March 2022, the government issued a regulation in mining law, once again with the "public interest" theme, and paved the way for undermining the olive law (Evrensel Gazetesi, 2022a). Environmental organizations, opposition parties, and related institutions such as TMOBB, chambers of agricultural engineers, and city planners made press releases and criticized the regulation (Evrensel Gazetesi, 2022c).

On March 31, 2022, the company attempted to cut the olive trees based on this regulation in Akbelen, but people who were on vigil managed to stop them after having a fight with company officials and being taken into custody by the gendarmerie. This incident also turned into a big issue on social media channels and even the famous Turkish singer Tarkan tweeted about it (Evrensel Gazetesi, 2022d).

In Milas, Muğla, where Akbelen is located, a huge Olive Meeting was organized in April in which many environmental organizations from the Aegean region participated. Hundreds of people traveled to Milas and gathered to protest the regulation. People of Deştin and Akbelen also participated in the meeting and gave speeches (Evrensel Gazetesi, 2022g). In Burhaniye, a town located in the northern Aegean region that is also known for olive production, a meeting was organized as well (Evrensel Gazetesi, 2022e).

In the meantime, after several lawsuits were brought against the regulation, in September 2022, the Council of State issued several stay-of-execution decisions and the regulation could not be implemented (Yeniçağ, 2022). However, in December 2022, just after two months, the government again brought an omnibus bill that included articles undermining Olive Law. On 14 December 2022, a group of people from Deştin and

Akbelen along with environmental defenders, paid a visit to the Grand National Assembly of Turkey (TBMM) as the guests of opposition parties and made press statements by showing the olive branches and olive products they brought with them. In the meantime, an online petition campaign (*Zeytin Için Adalet · Movement · Change.Org*, n.d.) was going on and these signatures were also presented to the parliament (İklim Haber, 2022b). Upon these reactions, the government withdrew the bill on the same day (Yeşil Ekonomi, 2022).

Thus, environmental movements, until now, have managed to beat back all these attempts to undermine Olive Law. It has been an important subject of struggle between the government and environmental movements.

This law gives a ground to build the discourse of the struggle on the importance of the olive. It creates an effect to emphasize the olive. The olive becomes more important since there is a legal base as well, along with its importance for the agriculture and livelihood of the local population. Hence this law has a specific position in the struggles on the Aegean coast. There is not such a unique law to address in the movements where there is no olive production. However, there is still a dichotomy between any project damaging the environment and any agricultural product or activity. It is possible to see that people usually defend and refer to the agricultural production of their region against the projects. In the case of the Aegean coast, the Olive Law strengthens this discourse and creates another ground. The lawyer of the case of Akbelen, İsmail Hakkı Atal said that the company lawyers could not present any argument regarding the Olive Law during the expert examination and stated to the media that "The Olive Law is our most important foundation today. No matter how many regulations they issue, the Olive Law is the biggest guarantee of Akbelen Forest"(Gazete Duvar, 2022).

During the harvest time, the people of Akbelen, shot several videos to show how the dust caused by the dynamite explosions affected the olives (Akbelen Yuvamız Vermeyeceğiz [@ikizkoydireniyo], 2023). They made calls to the Ministry to implement the Olive Law on social media with the hashtag "#ApplyOlivestockLaw" and through a petition

campaign titled "Implement Article 20 of the Olive Law" (*Zeytinlikler için Bakanlığa seslen*, n.d.). Additionally, during my field visit in August 2023, the people of Avdan showed me their olive grove and how the trees and the harvest were affected by the dust. The excavations in the mining site created excessive amounts of dust which is harmful to the health and violates the Olive Law.

However, as my interviewees told me, the villagers do not always know about the Olive Law. Yurdanur, a villager from the case of Akbelen (18 April 2022) said "If we knew about the Olive Law, maybe Işıkdere village would be alive today. If we knew the law, we would not give away Işıkdere." The words of Sevim, an environmental defender from the case of Akbelen (11 January 2023), below give a full portrait of the importance and Olive Law and how it was impactful on the legal consciousness of local people:

> "People are not even aware of the law. They are olive producers, but they are not aware of the olive law. They earn their living from here. This law is one of the most progressive laws. Aegean villagers don't know the olive law and the system hides this information. When they go to the land registry, no one mentions about the olive title deed. There is deliberate ignorance. In Muğla, 10 villages were displaced in 40 years. Most of them are olive groves. The state is breaking its own law. The local authority knows the law that has been in force since 1939. They blatantly ignored it.
>
> The mayor of Milas is a lawyer. They are the opposition municipality. He is trying to make Milas olives a brand, but he didn't tell the olive growers about this law. Olives are an economic and cultural activity.
>
> Consciously keeping them uninformed. Villagers say, "We first heard about the law from MUÇEP". Learning about the law was very encouraging. Even if there is expropriation, no matter who owns the property, they cannot cut the olive trees. The villagers were not afraid when they learned about the authority given by the law. A catalyst was needed. There was no spontaneous rise. This is how the feeling of rightness developed."

She also stated that when local people try to express that they are right in their struggle, they refer to "being useful" in terms of agricultural production. They think that they are useful for the well-being of society as agricultural producers. And this makes them rightful in their case. Olive Law also provided another base for this understanding. All these are in line with the argument that relations of production and historical/territorial rights are determinant in the legal consciousness of local people. In addition, within the conceptualization of "with the law" by Ewick and Silbey (1998), environmental movements defend the Olive Law which is part of state law and which gives them important leverage in the game of law and legality.

These words of Defne, a villager from Akbelen (17 November 2023), are also in line with Sevim: "At first there was great despair, that we were facing the state. Then we learned that there are laws, and we have rights too". On another occasion, when İkizköy Environment Committee made a press release it was stated that:

> "In 2017, we defended hundreds of olive trees in Işıkdere neighborhood that were expropriated for a coal mine. According to the Olive Law, you cannot cut down an olive tree even if you own it. Yes, maybe we have just learned this. But as soon as we learned this, we stood up to the company that used our ignorance and economic difficulties and frustrated its efforts to cut down our olive trees in violation of the law. From now on, we will protect all our heirloom olive trees one by one" (MUÇEP, 2021).

Another point putting olive into a specific position is the fact that olive has turned into a preferred agricultural product in recent years. Nizam (Nizam, 2017) underlines that as a result of neoliberal transformation in agriculture, small farmers are left in a difficult situation in producing industrial crops like cotton, tobacco, wheat, and sunflowers. That is why there is a shift towards olives. However, this shift, once again, affects the existing olive growers, as olive cultivation continues as a neoliberal agricultural activity. Companies buying thousands of trees are increasing and getting stronger. The small producer peasants are again left in a difficult

situation and for them, olive production turns into a "seasonal job" that requires to obtain a second job/income. Nizam explains with these words: "The most marginalized group of producers can only remain involved in olive production by exploiting unpaid family labor, which reflects the characteristics of a 'peasant mode of production'" (Nizam, 2017, p. 9).

On the other hand, "geographical indications" for agricultural products create a vehicle to compete in global markets. Developed by the European Union, in order to "strengthen rural livelihoods, increase farmer incomes, and protect European heritage, geographical indications" (Nizam, 2017, p. 4), geographical indications turn into a strategy for olive growers on the Aegean coast as well. As Sevim's (11 January 2023) emphasis on the efforts of the municipality to create a brand for olives in Milas, and olive production being an alternative employment source for "just exit from coal" (mentioned in Chapter 3), geographical indications give leverage in the case of Akbelen (*Milas'ta Kömürsüz Bir Gelecek Mümkün*, n.d.). There is no geographical indication in the case of Deştin, but at the local level, they refer to the green beans specific to their region. Selma, an environmental lawyer, also explained that for Yatağan and Meneteşe, food is mostly supplied by the producers in the Deştin region as she said "Deştin feeds Yatağan and surrounding regions." In the case of Avdan, there is no geographical indication or a specific product in the regions. There are olive grows, some tobacco, and wheat in general.

Thus, in all cases, there is agricultural production on the one hand, and there is a project damaging the environment on the other. This brings us to the hegemony of natural resources for the project and the counter-hegemony of agricultural products.[2] Since olive is mutual in all cases and Olive Law creates leverage, it is possible to analyze the hegemony of coal and the counter-hegemony of olive specifically, as discussed in Chapter 3.

2 This dichotomy could also be revealed in more macro levels that can be seen as "energy vs food", "industry vs nature/environment", and "(capitalist) economic growth vs. nature/environment" as discussed in the literature. This is a valuation process between market and monetary values, livelihood values, territorial rights, and ecological values (Martinez-Alier, 2002; Üner, 2023).

The counter-hegemonic struggle comes into shape in the "public interest" discussion. Both constructing hegemony and counter-hegemony require transforming a singular/individual concern into a general/social one. In the cases of this study, environmental movements try to show that environmental assaults are not only the problem of local people but everyone's. On the issue of "coal vs. olive", they bring the question of "What is the public interest?" into discussion and say that the real public interest lies in olives, food, and agriculture. On the other hand, the state and the company try to re-construct the hegemony of coal by referring to the energy needs and public interest as well. A couple of examples from the struggle between the hegemony of coal and the counter-hegemony of olive are as follows.

During the expert examination, the lawyers of the company brought up the issue of public interest and asked the expert the determine the public interest between the protection of the forests and electricity production (Evrensel Gazetesi, 2022b).

TMOBB's chambers in Denizli, which are institutions involved in the Avdan Environment Platform, stated these words in a statement regarding the Olive Law:

> "When it comes to forests, pastures, olive groves, and productive agricultural areas, the public interest is required by the legislation. However, when it goes to the judiciary, the decisions are overturned by ruling that the protection of these areas is a superior public interest. We think this will be the case this time as well. We think that the decision of the superior public interest that protects nature is valid. The concept of 'public interest' in the amendment is a serious danger to the future of olive groves and is unacceptable" (TMMOB Chamber of Civil Engineers, 2022).

Nejla Işık stated to the media regarding the Presidential Decree, which was withdrawn just three days later, for the expropriation of İkizköy and surrounding villages for coal mining:

> "They gave the land to the companies that turned it into a mine. For 5 years, we have resisted all their attacks, we have not backed

> down, and we will continue our struggle from now on. They call us 'public interest'. No, the public interest is clean air, soil and water. Without the agricultural lands here, what will the President eat in his palace? This decision is a blow to the laws protecting olives and agriculture. But we will not give up this struggle. We will file lawsuits against these decisions" (Evrensel Gazetesi, 2024).

As cited in Chapter 3, "Among those two options between coal and olive, which side prevails depends on the struggle between the hegemony of the state and the companies and the counter-hegemonic struggle of the environmental movements". The law might decide in any direction in finding public interest in coal and energy or olive production and olive law. These hegemonic and counter-hegemonic struggles determine that direction.

## § 4.3 The Lawyers

This section focuses on the role of lawyers in environmental movements. I will first try to describe the network(s) of environmental lawyers in Turkey and then move on to their interactions with the environmental movements. My claim in this section is that the role of environmental lawyers has been transformed through the years. While they were movement-makers and "persuaders" in the movements in the 1990s, today we have examples of cases where the movements are trying to convince the lawyers to take their case. This does not mean that lawyers are no longer important figures, or they never try to persuade people to create an environmental struggle. Here the thing is that both the "habitus" of environmental lawyers (as Dursun, an interviewee who is a lawyer identified, 19 April 2023) and the environmental and legal consciousness of environmental movements have changed. In this section, I will try to show this transformation with the field data.

### 4.3.1 *The Network of Environmental Lawyers in Turkey and "cause-lawyering" or "movement lawyering"*

The lawyers' role in environmental movements has been histori-cally significant. İzmir Environmental Movement Lawyers Group in the 1990s can be described as the first attempt to get organized as environ-mental lawyers in Turkey. Considering environmental assault in the Ae-gean region such as gold mining in Bergama and industrial zones in Ali-ağa, it is no surprise that this lawyers' movement was born in İzmir. Among those lawyers, Noyan Özkan and Senih Özay were prominent fig-ures (Spatial Justice Association, 2024). Senih Özay was the leading law-yer in the Bergama case and, as Noyaz Özkan did, he also took several cases in many different cities.

Noyan Özkan was the leading figure first in forming an environmental commission under the İzmir Bar Association and then the İzmir Environmental Movement Lawyers Group. He was also among the people who contributed to establishing the first Green Party in Turkey. Şahin described his importance in the environmental movement in Turkey as follows:

> "Everyone knows that Noyan Özkan was one of the first people who started to contribute to the environmental struggle by filing lawsuits. For younger activists like us who were new to the movement, the Izmir Environmental Movement Lawyers were like legends. Today, if lawsuits, stay of execution and annulment decisions are used as an important tool in the environmental struggle, Noyan Özkan's leadership is very important in this. We can even say that Noyan Özkan was one of the most important pioneers who took environmental law out of theory and put it into practice. Moreover, as far as I know, Noyan Özkan is the only environmentalist-nature protectionist lawyer who has served as the president of the bar association" (Yeşil Gazete, 2013).

Özkan led the establishment of the İzmir Environmental Movement Lawyers Group since they had many cases that were not easy to handle under the commission in the bar association because of the bureaucracies.

Their first cases were the one about a shopping mall construction at the city center of İzmir and later the ones about gold mining in Bergama İzmir and thermal power plants in Muğla. Those volunteer lawyers brought many environmental lawsuits and were pioneers in spreading the struggle for environmental protection at that time (Arzuk, 2013).

Hence, this generation of lawyers in the 1990s created the ground for many environmental struggles by informing local communities. Today, these relations have changed. Now, environmental organizations and local communities are trying to convince the lawyers to take their cases.

I suggest that lawyers might have had a more effective role in the 1990s when both the environmental movements and the environmental law and environmental policies of the state just started to be established and everything was new to all parties. Today, the actors or subjects in the environmental movements are in a much more impactful position to lead and make decisions on the struggles. This situation surely depends on the organization of each local movement or struggle. There are different actors and different organization models. This does not mean that lawyers are less important but there has been a transformation both in the organization of lawyers and the movements. It can be explained by the fact that today there are many different, powerful, and efficient environmental organizations. The environmental movement in general in Turkey has expanded over the years. While on the other hand, the number of lawyers did not increase in this respect. My interviewees also underlined that the number of environmental lawyers is still limited despite the increasing number of environmental conflicts all over the country (Rıdvan, 4 January 2022 and Dursun, 19 April 2023).

According to the findings of my field research with environmental lawyers, we can think of a group of lawyers who are in touch with each other and who have an effect on environmental law and movements in Turkey. To begin with, they have a network through the bar associations and the commissions of city and environment under them. There is solidarity among them in terms of sharing examples or format of petitions, but they are not a homogenous group. One of the lawyers explained that it is possible to talk about a group of environmental lawyers composed

of 40 or 50 people from different cities who have an ongoing dialogue (Rıdvan, 4 January 2022). Another lawyer told me the story of Izmir Environmental Movement's Lawyers Group as he explained that they were first the commission of city and environment under the İzmir Bar Association but later they became an independent group because of disagreement with the executive board of the association and the bureaucracies slowing them down in taking action against environmental assaults. He also says that the history of this group is the history of environmental law in Turkey. He marks the verdict by the Council of State on Bergama as a victory and a turning point in environmental law in Turkey. He says this verdict also determined the relationship between the lawyers and the environmental movements (Halit, 17 January 2022).

As stated, Dursun (19 April 2023) explained that these lawyers in the 1990s created a "habitus" that encompasses lawyers with a worldview, consciousness, and knowledge regarding many different areas in law and ecology. Bourdieu's definition of habitus is as follows:

> "Habitus refers to 'a subjective but not individual system of internalized structures, schemes of perception, conception, and action common to all members of the same group or class'. These 'internalized structures' and 'schemes of perception' structure the subject's (shared) worldview and their 'apperception' of the world in which they suppose they exist" (Bourdieu, 1977, p. 86; Critical Legal Thinking, 2019).

He also identifies lawyers in the 1990s as environmental lawyers who could bring an alternative worldview to the hegemonic one. He criticizes today's environmental lawyers for focusing just on technicalities and litigation processes and adds "According to my definition of environmental lawyering, there are maybe 8-10 lawyers. The rest is composed of lawyers who are dealing just with EIA lawsuits."

In addition, the judiciary also has its own habitus, and the court verdicts can be seen as the production of this habitus as well as the current political conjuncture. Kars Kaynar (Kars Kaynar, 2014) focuses on how the judges make their decisions and interpret the law. She suggests

interpreting the relationship between the practice of norms and political power based on Carl Schmitt's theory of law.

Kars Kaynar points out that, in the constitutional state order, judges and prosecutors depend on The Constitution and their decisions (court verdicts) are the realization of norms. On the other hand, the norm is defined, but it does not specify how and by what means it will be practiced. It cannot interpret itself, and it cannot determine who will interpret it. The interpretation of a norm and the norm are different things. Judges and prosecutors depend on norms, but they must also interpret norms. Hence, this is another determinant in legal orders. Kars Kaynar says that, according to Schmitt, it is 'the subjective decision' that is ignored in the rule of law principle. Legal orders never depend solely on the norm. They contain an independent decision that cannot be derived from the norm. Thus, reference to and dependence on a norm do not legitimize a legal order. A legal order needs two aspects to qualify as legitimate: reference to a norm and interpretation of that norm.

Kars Kaynar also underlines that the subjectivity in a judge's subjective decision is not subjectivity from the judge's personal point of view. It is the subjective decision of the judiciary and the community of judges as an institution. What is important is the formation of an approach, a sovereign interpretation (or ideology, in our context) on which the whole community agrees. In this sense, court decisions regarding environmental lawsuits are products of this habitus and subjectivity.

Another interviewee pointed out that there are specific cases where plenty of lawyers from different cities get together and are present in the courtroom. For instance, he says that there were tens of lawyers in Ceratepe and Gerze (Ali, 27 May 2022). Moreover, lawyers also could get together spontaneously when there is an urgent need. For example, in the case of Deştin, tens of lawyers went to the gendarmerie to represent the villagers who were taken into custody with a police raid in the middle of the night during their road-blocking vigil. Lale, an interviewee who is a villager from Deştin (16 April 2024), explained this by emphasizing that "We did not call any of them, but they showed up to support us. It was surprising for us".

Moreover, lawyers do not only take cases in their cities. They travel to the environmental conflict areas all the time. For example, the lawyers of Akbelen are from İzmir and Adana but they are quite experienced lawyers in environmental lawsuits. On the other hand, another interviewee told me that they had difficulties in convincing the lawyers to take the case. Akbelen resistance was about stopping the expansion of a mining site that had already taken all the permissions necessary and it might even seem like a lost cause. Considering the Yeniköy and Kemerköy thermic power plants in the case of Akbelen, as my interviewee (Sevim, 11 January 2023) told me, they are not likely to be shut down and it was difficult to begin a legal struggle. They needed to find creative ways with experienced lawyers and convince them to take cases. Despite the difficulties, they managed to stop the expansion of the site for three years.

On the other hand, one of the lawyers I talked to mentioned the difficulties of being an environmental lawyer since sometimes the environmental movements might expect them to become volunteer lawyers all the time. She said that their law office does this most of the time, but they are still uncomfortable with the non-recognition of their professional role. She also underlines that environmental lawyering requires a great deal of expertise from diverse areas. There are technical details in the cases and how they make it harder to follow some details. There might be a change in the law and in zoning plans which may not be converted into the language of environmental movements. One lawyer emphasized the importance of defining environmental lawsuits. She said they also have cases regarding biodiversity and how it requires expertise on the issue to file a case (Işık, 18 January 2022).

On the other hand, another interviewee told me that most of the time environmental lawyers are volunteers, or they ask for a minimum amount of payment. One of the lawyers also underlined that for him there are cases he takes for "livelihood" and there are environmental cases that he takes to support the struggle of local people (Halit, 17 January 2022). Recalling the words of Lale above, the lawyers who showed up at the gendarmerie spontaneously in the case of Deştin were volunteering lawyers even though this was not technically an environmental issue. They

provide support on different occasions. Selma (6 May 2024), who is a lawyer, also stressed that environmental lawyering is a volunteering job. On the other hand, another lawyer interviewee (Dursun, 19 April 2023), who is also volunteering all the environmental cases he took, pointed out another issue. He underlined that this situation has negative repercussions for the image and value of environmental lawyering. The labor and expertise in this lawyering might not be appreciated or undermined.

Another lawyer, Rıdvan (4 January 2022), draws attention to the point that local lawyers in small cities and towns were skeptical and hesitant about taking environmental cases since they did not want to get into a conflict with local authorities and companies. He adds that this has begun changing and there are now more lawyers in local regions who are interested in environmental law. This situation in the locals and the requirement of expertise in environmental law might have led the way for a small number of lawyers to become prominent as we recall my interviewee's words on 40-50 people of environmental lawyers in Turkey. As my interviewees from the case of Akbelen expressed, they could not find a lawyer located in Milas who could intervene fast and easily when needed. Their lawyers were well-known experienced environmental lawyers in Turkey, but they live in other cities and could not be present all the time. When they could not find a local lawyer, another volunteering lawyer from İzmir moved to Milas specifically to handle the case of Akbelen.

Not only environmentalists but also lawyers are sued for their activities (Su Hakkı, 2013). Lawyers are charged for their lawyering activity as they want to make a press release for example. In the case of Deştin and Akbelen, the lawyers have been subjected to investigation as my interviewees explained. They have also pointed out the espionage cases against environmentalists and lawyers during the Bergama protests. They are accused of being the agent for German foundations. Lawyers mentioned that this situation created a traumatic experience for the environmental movement in Turkey.

The lawyers gave me examples of cases where the commission of experts left behind the lawyers of the environmental movement in the region and the lawyers had to walk to the area, how they got into polemic

with the lawyers, and the examples of cases even the commission of experts insulted them.

As stated in the chapter focusing on the theoretical perspective, Özlüer defines, two types of lawyers as follows: environmental lawyers and lawyers of the environment movement. The former type is basically the one who considers its role and position as leading in the movement and in this case environmental lawsuits turn into the steps in the career, or in Sarat and Scheingold's (2006) terms, they are the types who seek to control the organization. The latter, on the other hand, is the one who is willing to serve the organization and movement and does not consider herself/himself any different from other members. Those are the ones who are not happy with the status quo of lawyering as a profession, and they demand equal participation of all members by leaving aside the hierarchies (Erensü et al., 2016, pp. 109-118).

According to my findings from the field, it is possible to see the examples for classification made by Özlüer as "environmental lawyers" and "the lawyers of the environmental movement". One interviewee, Sevim, gives examples of different lawyers. She mentioned as an example s/he witnessed in a previous case in one of the villages in Muğla. It was the story of a woman peasant who wins an environmental case but learns it from the news in the media. Her lawyer did not even inform the client and stated to the media. Thus, there is this type of lawyers who use these cases as their advertisement. In Akbelen resistance, one of the lawyers first appears in the attitude of controlling the movement but since there is not a hierarchical organization in this struggle, s/he changes his attitude and leaves more space for local people in the movement (Sevim, 11 January 2023). Moreover, among my interviewees who are lawyers, one of them falls into the category of "environmental lawyers" since s/he is quite professional not in terms of desiring control over a movement but moreover about being distant from the movement or "too" institutionalized in his/her lawyering practices as these environmental lawsuits turn into the steps in the career.

There is substantial literature on the relations between lawyers and social movements as presented in Chapter 2 on theoretical framework.

This study considers the movement lawyering and cause-lawyering[3] practices of environmental lawyers working for environmental movements as a counter-hegemonic struggle. Their practices are not positioned in the hegemonic institutions of power as some examples shown in the literature (Cain & Harrington, 1994), rather they are transgressing the liberal law's boundaries by bringing the political and social background of environmental conflicts. Moreover, these lawyers are also members or "activists" of the struggle. Most of the time the lawyers do not distinguish themselves from the struggle. This is also defined in the literature as follows: "Movement lawyering is about being in a relationship with a community of people who are building power. It is law with, not law for, communities" (Quigley, 2020, p. 24). Even though they are present in the protests as "lawyers" they are still members of the struggle as Selma (6 May 2024) explained with these words: "I joined their protests and meetings all the time. I was always with them. I lived the same difficulties they had. We all suffered from health problems caused by the thermal power plants in our city. We all have lost some family members to cancer." In addition, Scheingold and Bloom identify cause lawyering with these words:

> "Cause lawyers emerge as political idealists, driven by commitments to a more just society. (…) There is a kind of intrinsically transgressive core to cause lawyering. Cause is put into direct competition with client service, neutrality, and even with the lawyer's officer-of-the-court responsibilities. (…) The probability of serving the more marginalized elements of the society tends to increase, as cause lawyering becomes more transgressive" (S. Scheingold & Bloom, 1998, pp. 211–213).

3 There are other terms such as "progressive lawyering", "rebellious lawyering" (Hung, 2017), or "community lawyering" "to describe an alternative type of public interest advocacy that seeks to center the goals and objectives of a social movement or community" (Bustos, 2022, p.4). In this study, "cause-lawyering and "movement lawyering" will be heavily used.

This transgression is highly associated with the "marginalized groups" in society. It is possible to identify these groups as "powerless", "oppressed" or "disadvantaged" as well. However, in our cases here in Turkey, I suggest that they are not marginalized groups in society. They can be named "powerless", "oppressed" or "disadvantaged" but not "marginalized". On the contrary, many images of especially local people in environmental struggles show how ordinary villagers they are.

It is possible to say that there are distinctions and differences between "urbanite environmental defenders" and "local people" at many different levels as shown in this study, too. Even though there are attempts to marginalize environmental defenders as it is presented in previous pages about the Akbelen case for example, people who are directly affected by environmental destruction in these cases are local people. And they are not marginalized groups in society, and they cannot be ignored.

On the other hand, it is possible to identify this transgression as a counter-hegemonic struggle. It is obvious that environmental cases are much more than an issue of administrative law even though the law and regulations are designed this way. Since the first time environmental lawyers working for the environmental movements in Turkey started to get organized, they have been pushing the boundaries of law and trying "to find creative ways to bring lawsuits regarding environmental conflicts" as in the words of Sevim who is an environmental defender. This itself is a way of counter-hegemonic struggle. This is undoubtedly a very long way, and the boundaries are tight and captivating since it can be observed in the "unbeatable monster" of EIA regulations. However, environmental movements are still pursuing these cases and carrying them to the higher courts as much as possible. As shown in the literature, Cenk who is a lawyer (25 November 2023) explained this situation with these words, "Raising the voice in one place, even if it seems to be lost, becomes the infrastructure for other gains for that place. Companies act more cautiously. Companies fear social opposition the most. People have nothing to lose. The villagers are in this situation."

### 4.3.2 *The Relations with the Lawyers: "Teaching and Learning"*

This section will first present a portrait of lawyers in the three cases that this study focuses on and move on to the "teaching and learning" relations with the lawyers of the movement. In these relations, lawyers play an important role in the navigation of legal consciousness between "with the law" and "against the law" as in the conceptualization of Ewick and Silbey (1998) since the ability to acquire a lawyer is seen as the most important factor in the legal game (Fritsvold, 2009).

The lawyers in the Akbelen case are very well-known environmental lawyers in Turkey. Since they are taking many environmental movements in many different cities in Turkey, it is possible to see their names on the news on environmental cases all the time. Since they are making press releases at every stage of the Akbelen movement, their names are publicly known, and it is important to cite their names: Arif Ali Cangı and İsmail Hakkı Atal. Firstly, with the help of environmental organizations, the Akbelen people contacted Cangı since he has been a prominent figure in environmental cases over the years. Atal joined them later in the following years. Neither of them is from the city of Muğla where the Akbelen forest is located. As two lawyers, they share the workload but still, the work requires a huge teamwork. My interviewees underlined that they could not find a volunteering lawyer who is from the Milas district of Muğla as mentioned above. It is quite an issue that even though Milas is the town that is most affected by the thermal power plants in the region, there is not a lawyer who is willing to take the case. As Canan, an environmental defender (30 November 2023), explained, some lawyers from Milas helped when there was an urgent issue such as the times the villagers tried to stop the felling. However, it seems like their help was temporary, and only during the police statements. They did not take part in the environmental lawsuit of Akbelen. This is another point showing the transformation of the relations between environmental lawyers and the movement. This is a case where the movement seeks the help of lawyers. Moreover, the Muğla Bar Association also stayed behind. It is possible to say that İzmir stepped up both at the beginning and in the current situation. Cangı is from İzmir and now another lawyer from İzmir moved to

Milas specifically to handle the case of Akbelen. While Muğla has been one of the "ecological sacrifice zones" (Aydin, 2019) under huge environmental assaults for 40 years, it is quite interesting that no one showed up as Cangı and Atal did. On the other hand, Selma, an environmental lawyer (6 May 2024), underlined that this type of lawyering is a huge responsibility and if it could not be performed properly it would damage the local communities. Cihan, an environmental defender (9 November 2023), said that if the lawyer of a case turns into the "spokesperson" of the movement and if they could not be present in an urgent situation then there occurs a loophole. The lawyers might not be available all the time because of the workload.

On the other hand, in the case of Deştin and Avdan, the lawyers are local. They are from the cities of Muğla and Denizli. They are already members of the community in those regions. Hence, they have much more time and accessibility to handle the developments of the cases compared to the lawyers of Akbelen. These lawyers also make press releases all the time, but they are not as known as Cangı and Atal. The leading lawyer in the case of Deştin is Nuray Şahbudak. She had direct contact with the movement all the time and she could easily be present in urgent situations too, such as in the case when people were taken into custody at midnight during their vigil for a road-blocking protest.

In the case of Avdan, the leading lawyer is Ozan Orpak. He is usually the one making press statements. As mentioned before, there are many organizations involved in the movement such as chambers of medicine, bar associations, chambers of engineers and architects, and the Büyük Menderes Initiative. The lawyers are in close relations with them, too.

As stated before, being an "activist lawyer" is in itself a counter-hegemonic act and an attempt to transgress hegemonic law and legality. They "translate" the administrative law to a social and political issue and vice versa, and "grievances into legal claims" (Khalil, 2023). Undoubtedly, this lawyering is also beyond the mainstream professional lawyer/client relations as Bustos explains:

> "Lawyering for movements is a 'participatory, power sharing process within the lawyer/client relationship,' in which lawyers lend

> their support to nonelites to produce the 'cultural shifts that make durable legal change possible. (…) an attorney's advocacy should be centered on the needs and goals of the particular movement the lawyer serves. (…) the lawyer should see litigation as part of a broader toolkit instead of as the ultimate solution to her clients' challenges. In this way, lawyers are not saviors or bystanders, but 'conscious tacticians' supporting marginalized people seeking to transform their lives. In fact, movement lawyering promotes mobilized clients who are actively thinking about their liberation and engaging in active collaboration with their legal partners, as opposed to passive clients awaiting directions" (Bustos, 2022, pp. 7–8)

This interpretation of movement lawyering is also in line with what my interviewees say and Hunt's view on counter-hegemonic strategies: "My advocacy of the politics of rights accords no special importance to litigation. I view litigation as nothing more than one of the tactics to be deployed within a much broader conception of an essentially political, rather than legal, strategy" (Hunt, 1990, p. 318).

Hence it is possible to say that there is a teaching and learning relationship with the lawyers not only in terms of the field of law but also from the politics and social movement. This relationship also entails not only the construction and transformation of the legal consciousness of environmental movements but also their counter-hegemonic struggle.

Moreover, lawyers are seen as "people of wisdom" as Güzide, an interviewee who is an environmental defender (7 March 2024), identified. They are always consulted at many different stages. Expression of "Hocam", a way of calling professors and teachers usually in Turkish, can be heard in the dialogue with lawyers most of the time.

On the other hand, while they are informing people, people take some of their roles. Selma, an environmental defender (30 November 2023), explained the situation with these words: "We learned how to write the lawsuit petition. We have become almost experts in that. We already write and present to the lawyer most of the time. Reading the EIA report is an important job. Reading EIA reports before attending public

information meetings. The ability to write a lawsuit petition. Someone who is an architect, but also knows law, for example. The lawyer said 'You have to write the technical issues, I look at the form. I cannot look at the report article by article. We started to read and find reasons to refute the EIA." Güzide (7 March 2024) explained their learning process as follows: "We learned a lot about where and what to petition."

Cenk (25 November 2023) also explained how the relations transform and how the learning process takes place with these words: "As lawyers we used to go to the villagers to persuade them to join the struggle, the villagers come to us now. (…) The villagers read the constitution to the gendarmerie".

Moreover, as Lale, a villager (16 April 2024), told their experiences in Deştin, through WhatsApp groups they are making decisions together as a committee. They consult lawyers about possible repercussions of their acts and protests, but the lawyers do not dictate anything. Once they decide to organize a protest, the lawyers abide by their decision.

On the other hand, as Sevim, an environmental defender from Akbelen (11 January 2023), interprets, this is not the case in Avdan. The lawyers are in much more of a position to make many decisions. She said that the villagers want to organize protests, but the lawyers and organizations involved in the movement do not want it and prevent it from time to time. They also communicate on a WhatsApp group but looks like it is more of sharing the developments. However, Lale, a villager from Deştin who visited Avdan (16 April 2024), said "There were more people like us, they were villagers like us". This issue was also discussed in the previous chapter in terms of being the "insider" and "outsider" in space under environmental assault. This is also the discussion on the question of "who are the actors and subjects of the movement?". Lawyers are also part of this discussion. My observations in Avdan showed me that the villagers are taking part in the movement. They do not just delegate it to the lawyers and the organizations. They also had many encounters with the company officials and while they were doing this they did not go through the consent of the lawyers or organizations. It can be said that in a comparison between Avdan and Akbelen, in terms of the number of local people Avdan

is taking the lead, while in terms of the decision making, they do not make every decision in consultation. I suggest that this is also because of the age composition of the population. There are some young leading figures in Akbelen, while in Avdan majority of people in the movement are elderly as can be seen in the images from the protests and media news as well. Young people could render digital communication ways much more accessible and hence play a role in creating bridges between different actors.

On the other hand, since the lawyering for environmental movements could require a huge teamwork there are also boundaries. For example, as cited before, in the case of Akbelen, they could not properly pursue a lawsuit regarding the archaeological excavation site. This was another way of being creative in the field of law and it could also be part of the legal landscape of movement, but they could not do this because they did not have enough labor force for lawyering. This might be easier if the lawyers were local, but it would be speculation at that point.

## § 4.4 Concluding Remarks

Environmental movements and lawsuits are very long struggles. Some movements and cases take tens of years. Thus, the result of a lawsuit, whether it is in favor or against the environmental movement, is a particular moment in the long history of that movement. As in the gold mining case in Cerattepe, people thought that it was over when the Council of State annulled the project. However, several years later with some legal changes it legally became possible to operate mining.

That is why environmental movements do not have an "ending", or "successful or unsuccessful outcome" actually. Surely, they have ups and downs, they might be overwhelmed and might feel consumed by the dead ends of the law but at some point, some other people continue the struggle as a "relay race" as expressed by the people of Deştin. The law is being weaponized against them, and the struggles are for de-weaponizing it. That is why they say, "This case is not over until we say it is" and "There is a crack in the door of law because we are struggling". This is a demand

for social change not through the law but the struggle. In the case of Akbelen, for two years, the stay of execution decision was important, but the vigil did not end after the removal of the decision, for instance. Moreover, as my interviewees explained their struggles are setting examples both for law and legality and for social movements. On the other hand, the other option as "not applying to law" would be "handing the forest to the company on a silver platter" as in the words of Güzide, an environmental defender (7 March 2024). Güzide also mentioned "And in resistance, it is only when you are alone that you give up. Not with the law. One does not set out for legal gains. The first motivation is to protect. Is the verdict legitimate? The court can rule against the Constitution. When you are left alone, then you give up". Hence their legal consciousness regarding being right in their struggle and their understanding of justice is not determined by the court decisions. When the state law disappoints them, they still have the sources of non-state law and justice to refer to.

On the other hand, the struggle is over how the law works. The problem is not actually the laws but how they are interpreted and implemented. Even though there are decisions in favor of environmental movements, they might not be applied by the state and the government. Social movements and public opinion are the forces affecting how the law will work and be applied. As discussed with the habitus and subjective decisions of the courts, this subjectivity is affected and determined by those forces. This struggle impacting the field of law and legality is also a counter-hegemonic struggle. As research shows:

> "Community power is the key. Lawsuits without the power of popular movements will not change the status quo. However, a movement lawyering approach to strategic climate litigation creates the possibility of meaningful social change and gives impacted communities a renewed sense of agency and personal dignity. This can create a platform to assert power and make our demands for justice unstoppable. We must start with 'what do people want' rather than 'what is possible under the law.' That's how we push the limits of the law" (Harvey, 2022, p. 34).

Moreover, considering Ewick and Silbey's (1998) legal consciousness model as "before the law", "with the law" and "against the law", my emphasis on the intervention in the field of law and legality as actors could be defined as "pushing the law". On the one hand, environmental movements struggle against the law but on the other hand, they have to proceed with the law. As expressed by my interviewees, what they do is always in line with the law. They do not break the law on purpose, they do not reject it or consider it fundamentally illegitimate as in the case of radical environmental activists' dissenting collectivism (Fritsvold, 2009; Halliday and Morgan, 2013). However, they push the law since they do not see the law as a majestic and rational system that is equal to everyone as in the case of "before the law". Once again, the struggle is the determinant factor.

# 5

# The Institutional Zone: The Role of Environmental Organizations, Institutions, and Institutionalization

> *"People find themselves in a situation where they have to struggle. They do not suddenly start organizing for no reason. They are directly confronted with the problem. They are living and experiencing it. They saw on television what happened to the villagers in Bergama and now they know what will happen to them. So, they ask the environmental organizations for help. This is how a process of consciousness begins. The continuation of the struggle depends on the perception and approach of the people in the struggle. If they see it as only a problem of their village and if do not see that this is a bigger problem happening in other places, the struggle may not continue."*
>
> – Salih, an environmental journalist, *16 January 2023*

*"If we had known, such environmentalists would have come and supported us, we would have resisted earlier. Işıkdere village would probably not have gone either."*

– Suna, a villager from Akbelen, *5 June 2023*

*"We founded the association so that it would be easier to sue."*

– Yurdanur, a villager from Akbelen, *18 April 2022*

*"In Akbelen, the feeling of trust in the legal process was completely lost. In Işıkdere, they found the district governor for expropriation. A state official. Akbelen residents always say, 'If we had known that there were such people behind us, if we had known that there were lawyers, environmentalists...'. They trusted those people instead of state institutions."*

– Yasemin, an environmental journalist, *1 July 2024*

The words in the epigraph, coming from my interviewees regarding the role of environmental organizations in environmental movements paved the way for me to write and structure this chapter. To define the actors or subjects in a movement is a crucial but difficult task. As indicated before, I navigate between "actor", "subject" and "members" while referring to the people who engage in environmental movements. In this context, this chapter will make another differentiation between the actors and will explore the role of environmental organizations' effect on the legal consciousness of environmental movements. There are two important points here. The first one is the effect of environmental

organizations as "institutions". And the second one is how local people and movements get institutionalized. In both points, environmental movements navigate in the realm of law and legality where they bear the role of "legal entity".

Hence, by examining the intertwined relations between these actors as a whole, I will give a portrait of how their consciousnesses come together since the beginning and form a narrative/discourse, how they are institutionalized, and how their engagement with the law, state institutions and the companies facilitates their institutionalism (and vice versa), and how they manage the (social) media relations and communications where they tell their narratives. I suggest that environmental organizations could play a role as intermediaries between local communities, environmental lawyers, and the media. As "experts", they also bridge the field of science and the struggle. Together they form a movement and a legal consciousness that exists prior to and goes beyond lawsuit processes. Environmental organizations are again prominent in framing this consciousness and narrating it to the public. They are also key actors in bringing different movements together and creating a solidarity environment among them. These interactions are key moments where movements learn from each other and contribute to their consciousness.

## § 5.1 The First Contact with the Institutions/Organizations and Their Diversity: Experts, Professions, the Field of Science, and the Struggle

According to my interviewees, it is not so likely to generalize about which actor initiates the first communication. The local community may reach out to the environmental organizations and ask for help, or environmental organizations may go to the local communities to inform them about an environmental impact assessment (EIA) process they are following, for instance. Environmental organizations organize various and recurring information meetings where they bring together lawyers and the local community.

Environmental organizations might be very effective in organizing a movement or they might support them as an outsider. In terms of legal consciousness, a first attempt by the local communities might indicate previous knowledge and/or experience with such environmental conflicts, lawsuits, and environmental organizations.

As stated in Chapter 3, the first motivation of people in engaging in environmental movements was defined as "defending/protecting living areas". It is possible to say that this discourse and awareness of "living areas" has become established in a significant part of the local community, especially after contact with environmental organizations and environmental defenders. Expressions such as "our land, our home, our place, our homeland, our field, our olives, our pines" are frequently used, but the expression "living area" is rather a discourse brought to the struggle by environmental organizations and defenders. Considering my interviewees, environmental defenders used the expression of "living areas" frequently, however, for villagers, this was not the case. They rather used the expression above. Moreover, as stated in Chapter 3, the relations with space play an important role in the beginning of a struggle. When I asked about the very first triggering moments of environmental struggles my interviewees who are environmental defenders said that it is the protection of living areas. On the other hand, when I asked the villagers a similar question, they rather mentioned the problems they encountered in their daily lives affected by environmental assaults. In addition, environmentalism was not an issue for them in the beginning, as Suna, a villager from the case of Akbelen (5 June 2023), put it, "If we had known, such environmentalists would have come and supported us, we would have resisted earlier. Işıkdere village would probably not have gone either." Other interviewees also stressed that this was something that people of Akbelen repeated on many occasions. It is possible to see that the situation in their village was not initially labeled as an environmental and ecological problem. As the struggle grew, turned into an environmental movement, and progressed, people in the local community turned into actors in the "environmental struggle". Their narration also started to be shaped around "living areas".

In each case, one or more environmental organizations active in the region participated and supported the struggle. At the beginning of the struggle in Akbelen, a retired teacher living in the village wrote in the local newspaper that the village was under threat of extinction. Environmental defenders from Muğla Environment Platform (MUÇEP) read his writings and contacted the villagers. This retired teacher had a significant impact at the beginning. Some people who are involved in the struggle for Deştin are also members of MUÇEP. In this context, both cases are within the scope of MUÇEP's work. In the struggle in Deştin, the Mediterranean Greens Association in the past and MUÇEP in the present have been involved, but the local community is much more prominent here. As Interviewee No.34 told me, there were also some teachers who first initiated the struggle and contacted environmental defenders to ask for their help. This is how the Mediterranean Greens got involved at first. In Avdan, this organization is the Büyük Menderes Initiative. Villagers shared that they had connections with this organization and were familiar with its work even before the urgent expropriation decree. In addition, professional organizations such as the Chamber of Architects, Chamber of Medicine, Bar Association, and Chamber of Agriculture in Denizli also took part in the Avdan Platform.

In addition to those organizations, others also supported those movements. For example, 350.org in Avdan and Akbelen, the Turkish Foundation for Combating Erosion, Reforestation and Protection of Natural Habitats (TEMA) and Environmental Law Network in Avdan, and the Spatial Justice Association in Avdan were some of them that actively participated in the activities of movements. As given in the introduction, this is the general portrait of environmental organizations involved in three cases of this study:

Table 5.1 Involved institutions & organizations (local, national, global).

| Case | Institutions |
|---|---|
| Akbelen | İkizköy Environment Committee, Karadam Karacahisar Neighborhoods Association for the Protection, Beautification and Solidarity of Nature and Wildlife (KARDOK), Muğla Environment Platform (MUÇEP), 350.org, Climate Action Network (CAN) Europe, Climate Justice Coalition, Ecology Union |
| Deştin | Deştin Environment Platform, Muğla Environment Platform, Mediterranean Greens Association |
| Avdan | Avdan Platform, Büyük Menderes İnitiative, 350.org, Spatial Justice Association, TEMA, Environmental Law Net-work (Members of Avdan Platform: Bar Association, Medical Chamber, Chamber of Agriculture, Union of Chambers of Turkish Engineers and Architects (TMMOB) in Denizli, Büyük Menderes Initiative, Avdan Neighborhood Mukhtar and Foundation of Nature and Environment (DOÇEV)) |

I should underline that these organizations are some of the organizations that I could detect. Probably, there have been other organizations that supported, visited, or helped at different phases or periods of the struggle. These organizations are also not mutually exclusive. They all supported each other on every occasion such as meetings, trial days, or by making press releases. Other environmental organizations from different parts of the country also made declarations and supported those movements from time to time. During the felling in Akbelen, the issue created a huge reaction, and maybe all the environmental organizations made press releases about it. For example, the Ida Mountain Association for the Protection of Natural and Cultural Heritage was actively involved in bringing together support from different movements and organizations. Once again WhatsApp groups (and later Zoom meetings) were important venues. In addition, many different organizations in Muğla are also in touch with and support each other on many occasions. People take different roles and different institutions. An environmentalist could be an active member of a labor union, for example.

Moreover, they are diversified at the local and national levels, in their relations with politics, or in terms of their expertise. In terms of politics,

there are mostly people who engage with leftist and social democratic parties in environmental organizations. But this political spectrum is a wide range from the Republican People's Party (CHP) which is mainstream among them, to the Labor Party (EMEP), Peoples' Equality and Democracy Party (DEM), Left Party (SOL), Workers' Party of Turkey (TİP). As shown in many studies, environmental movements usually are composed of people who are local people, urbanite environmentalists, and left-wing parties. Cenk, an interviewee who is an environmental lawyer (25 November 2023), interprets these actors' positions as follows: "In Turkey, except for some parts of Central Anatolia and parts of the Aegean, villagers are right-wing. Environmentalists are leftists. The sociological structure among peasants and environmentalists in Turkey is not suitable for the development of leftist movements." S/he also mentioned that the support from political parties such as DEM could be used by the state and the company as a way to criminalize the movement. My general observation in the field regarding the cases of this study is that the villagers did not go into open debates about their ideological positions. I could say that environmental defenders do not question whether the villagers are left-wing or right-wing. They just try to help or to be part of their struggle to defend the environment. Moreover, people from all of my cases majorly vote for opposition parties, mostly CHP. However, environmental defenders expressed their ideological positions and discussed on WhatsApp groups issues from a wide range of subjects such as political parties' attitudes, migrants, or veganism. Sometimes, there were personal discussions as well. From time to time, the admins of the groups made warnings indicating that the group is only for the environmental struggle and unrelated issues should not be brought to the group.

As cited before, I suggest that the legal consciousness of environmental organizations stems from their understanding of the commons while they engage in environmental activism. The way they see any places under environmental assault as commons and see themselves entitled to defend those places is the interaction point indicating their legal consciousness beyond the state law. The local people also see those places as commons, but they also have direct connections to them. They live there.

Environmental defenders and organizations do not have to live there to defend those places. What they are doing is actually a public job or service for the public interest. That is why it is no surprise that many professional chambers are involved in environmental movements. They are mostly engineers from different fields such as mining, agriculture, and electricity. There are also doctors and health workers who are both members of their professional chambers and environmental movements. Not only is their expertise related to those issues but also their job has tremendous consequences and influence on the public. Thus, they have a responsibility. Even though it is not like the "Hippocratic oath", people who engage in environmental movements do this because they carry this responsibility.

Like lawyers, people who engage in environmental activism also do this as their job. Once again like lawyers, most of the time it is voluntary work. As one of my interviewees, Güzide, a documentary filmmaker and an environmental defender, said, she also had similar problems that lawyers have while shooting her films. People might think that those works are always voluntary but as she said they need sources and "It is a luxury to be an environmental activist. Doing a documentary is expected to be a public service. It is not seen as a professional service. It should not be a voluntary work."

Thus, expertise, jobs, and environmental activism are overlapping categories in this sense, but the boundaries are vague and might be problematic at many levels. It is problematic for people who need sources for their livelihoods while their profession is related to their environmental activism. It is also problematic for environmental movements when they rely on their profession and expertise, but those people cannot be available because of their workload.

On the other hand, all these experts in environmental movements are producers of public knowledge. The studies on social movements also define social and grassroots movements as knowledge producers (Choudry & Kapoor, 2010) and show that litigations and environmental lawsuits constitute a way to produce knowledge. However, the social movements also face difficulties in accessing the existing knowledge compared to the

state institutions and companies. In their study on social movements' knowledge production through institutional tactics such as legal mobilization, Kim and Arrington argue that "features of the process of legal mobilization activate mechanisms that bolster movements' credibility, reveal or generate information, and thereby facilitate social movement knowledge production" (Kim & Arrington, 2023, p. 162).

The authors define the ways of contributing to knowledge production as "producing and interpreting new evidence, contesting existing knowledge, unearthing hidden information, and disseminating their findings to the public". In the cases of this study, there is mostly demonstrating false knowledge as was discussed in the case of EIA processes in the previous chapter. Copy-paste EIA applications and reports have turned into a pattern in environmental lawsuits. This is a pattern creating unscientific and unlawful outcomes. Environmental lawsuits are mostly about the EIA process and hence the struggle is mostly over them. This is both an issue of law and legality, and science and knowledge production.

Kim and Arrington (Kim & Arrington, 2023, p. 165) define causal mechanisms facilitating knowledge production of social movements in the process of legal mobilization. These are (a) "court-recognized standing", (b) "the articulation of grievances as legal claims and recruiting plaintiffs", (c) "the official receipt and examination of documentary evidence, and expert testimony", (d) "the schedule and performance of court dates, and court rulings", and (e) "rulings in the plaintiffs' favor signal official support".

These mechanisms coincide with my suggestions in the previous chapter as points and venues of counter-hegemonic struggle. EIA meetings, expert examination days, and trial days fall into the categories (c) and (d). It is also possible to observe other mechanisms in the cases of this study. The courts declined some lawsuits brought by the movement of Akbelen, Deştin, and Avdan at different times. My interviewees explained how they tried to find creative ways of using the law in bringing different lawsuits as indicated in the legal landscape of environmental movements. They also explained how their struggle and court decisions set an example for other and future possible movements.

In line with the "credibility" issue, I suggest that environmental movements' credibility increases as they become organized and institutionalized. The fact that there are experts in the movement surely increases that credibility. It is also important to show how the law is not working, both at a macro level, which is a "record for tomorrow" (as my interviewees said). At the macro level, it is important to show the political decisions that come directly from the courts. Akbelen is very political in this respect. At the micro level, they show how systemic illegality is produced through copy-pasted EIA reports that become the 'norm/normal' of how the system works. Some examples of these patterns were already given in the previous chapter.

In the previous chapters, I also touched upon how local people and environmental movements bring their own knowledge to the lawsuit process and petitions. Environmental organizations stand as institutions producing knowledge. They turn into institutions in the fields of science and law engaging with the state and the capital (Paker et al., 2013).

As mentioned, EIA meetings and expert examinations are spaces of protests where scientists and experts such as environmental, agricultural, or mining engineers are involved in the process. These are also the moments where local people and environmental activists could voice their own knowledge and experience. These processes are also part of the process by which their environmental consciousness is shaped. As stated, at first local people do not consider their struggle as an environmental issue, their first motivation is to defend their living areas. For the interactions between local people and experts, Kemal, an interviewee who is an environmental lawyer (11 October 2023), said "Social reaction affects the experts. When the villagers are mobilized then the issue turns into something social, instead of the procedures of the file." This summarizes how the movement turns a lawsuit file into a social issue.

From a disciplinary point of view, there are plenty of studies stressing the importance and necessity of social sciences' involvement in environmental and climate studies in natural sciences (Martin-Ortega, 2023; Schipper et al., 2021). In addition, there is a significant literature on science-technology-environment-society (STES) education (Vesterinen et

al., 2014; Zoller, 2013). From a more theoretical perspective, Ballestero reminds "the unstable relation between knowledge and material bodies" as she refers to the feminist scholars of science and technology studies (STS). She explains as follows: "Bodies, human or watery, are not preexisting entities, nor are they purely ideological. They are affected in the interactions among material-semiotic actors, human and not. Matter, as concept and thing, is itself culturally and historically specific and, as such, contested terrain" (Ballestero, 2019, p. 14).

She takes this relation between knowledge and matter and "types/form of knowing/knowledge" to another level and says that these forms are also legal and economical as she says: "Regimes of knowledge (science), obligation (law), and exchange (economy) constantly shape what we count as material. They determine the matter we enroll into relations of credit and debt, into the very definition of what a basic human need is, and into the categorization of nature as such." (Ballestero, 2019, p. 15)

Thus, the definition of facts and the context they are defined is important and can change lives. With their environmental struggle, people are involved in these legal and scientific processes and become actors in these areas. They might pose a challenge to the authority of these areas based on their relations with other actors. For both areas, there are actors who fall into different sides when it comes to a point of "interpretation". In the words of the lawyer of the Bergama movement, Senih Özay, there are "good scientists and bad scientists" (Erensü et al., p. 68). Some jurists act in favor of the environment and environmental movements and vice versa. In both realms, the decisions are based on the same facts, the same forest or trees, the same geography, and the same "material/matter", but different interpretations of them. Environmental concerns of scientists or jurists could also play a role but more likely the environmental movement involves and makes an impact in the process. EIA meetings or expert examinations could also be time and space for overcoming the boundaries created by the bureaucratic and legal regulations which are supposed to create space for public participation but turn into barriers ahead of them.

To conclude, members of environmental movements have different roles at different institutions. Their roles come together on several occasions and create networks and resources for different movements as well. Moreover, it should be noted that most of the time movements are not only composed of local communities, and "local community" is not only composed of villagers. Environmentalists are also members of those communities and villagers are environmentalists in environmental movements.

## § 5.2 Institutions/ Organizations, Institutionalization, and Law: To Get Institutionalized or Not

In the literature on institutionalization of social movements, there are different definitions and forms. For a social movement, institutionalization does not only mean establishing associations or becoming a political actor. Staggenborg defines different meanings of institutionalization as follows:

> "One meaning of institutionalization is that movements become established interest groups that are formalized in structure and headed by professional leaders. Along with formalization and professionalization, movements may also become institutionalized in the sense that their goals become conservative or mainstream. Another meaning of institutionalization is that movement ideas are incorporated into mainstream organizations or practices. And movements can be institutionalized in the sense that they operate within social institutions and organizations. 'Institutional activists' work inside government agencies and other institutions" (Staggenborg, 2022, p. 1).

Lavalle and Szwako (2023) define four types of institutionalizations: programmatic, positional, symbolic, and practical. The first one is about how social movements cause the creation of public policies and institutions, while the second one is about social movements' members' taking official

positions in state institutions. They define the symbolic and practical institutionalizations as follows:

> "The symbolic mode concerns the internalization of symbolic and cognitive categories of social actors by the state, through its bureaucracies. Once these categories become part of the language of the state, they affect the way policies classify and organize the social world. Finally, the practical mode of institutionalization refers to what are often understood as "merely technical" aspects or "minor details" of public policy but are in reality policy instruments whose origins often lie in the interaction between authorities and movements" (Lavalle & Szwako, 2023, p. 777)

Social movements are seen as new ways of analyzing institutionalism in an effort to overcome "excessive determinism". "(…) integrating social movement research with institutional analysis (…) transformed understandings of institutional processes, actors, and structures. It added contestation, collective action, framing, and mobilization for alternatives to theoretical inventories of isomorphism, legitimation, and diffusion. It juxtaposed challengers and advocates of alternatives to states and professionals as key actors" as explained by Schneiberg (Schneiberg, 2022, p. 1). Moreover, studies suggest that different social movements are interconnected in the way they affect institutions and policy through these processes: "individuals, ideas, laws, new bureaucratic institutions, and formal recognition as nongovernmental organizations" (Meyer & Laschever, 2014, p. 563).

In the case of Turkey, the environmental movement has been considered institutionalized and professionalized since the 1990s, but it is still seen as activities of mostly urban or semi-urban elite actors as Arsel indicated. Arsel points out that many environmentalists were working in state institutions as public servants, and they were not critical of the state for its role in environmental degradation ("The Rise and Transformation of Environmentalism in Turkey," 2015).

On the other hand, I can suggest the example of İzmir Environmental Movement's Lawyers Group which filed a lawsuit against state-run

thermal power plants in Muğla. Moreover, the courts also decided in favor of the environmental movement and issued the shutdown of power plants. As Ercan, an interviewee who is an environmental defender (25 June 2024), explained, the power plants did not operate for a while but then the electricity was cut off during the very prime time of tourism season in Muğla. He argued that this was on purpose to convince the people of Muğla of the necessity of power plants. This was the time when power plants were state-owned. He also explained big hotels had generators and were not affected so much by the blackouts, but the small enterprises suffered financially. Considering these different attitudes from state institutions, we might say that bureaucracy and state elites were much more heterogeneous in the 1990s compared to today as discussed. Today, all state institutions have been marked by the ruling of the Justice and Development Party (AKP) government. The conflicts, separations, and at the same time coalitions between power blocks have always existed but the effect of AKP has also been undeniable. This is also in line with my interviewees' words emphasizing that they were winning the lawsuits and that the right to life was recognized by the courts back then (Özlüer, 2022). Thus, the state is still an important factor in the consciousness of environmental movements. This will be discussed in the next pages in more detail.

I might also argue that environmental movements are not involved in state institutions as they did before. As Arsel explained, there are some prominent figures who are former state officials, as I observed in the case of Akbelen. However, they are now highly critical of the state as well. It is quite difficult to say that environmental movements can take place in state institutions today. Even though the state institutions include them as consultants in the process of decision-making, this does not result in effective environmental protection (Paker et al., 2013). On the other hand, this did not stop their rise. They grew quantitatively and qualitatively as the environmental degradation grew. Environmentalists may not be effective in state institutions, but they are taking part in other venues such as City Councils in the municipalities.

Considering environmental organizations' ability to affect environmental policies and state institutions through law, there is a legal basis in law and constitution for these organizations to bring lawsuits. However, in practice, there might be some limitations as Turgut explains with examples:

> "Some of the limitations stem not directly from the legislation but from the interpretation of the courts. For example, it can be seen that this right is granted only to environmentalist organizations with certain characteristics or to the relevant local people or in relation to pollution problems but not to ecological issues. In our country, there are no such limitations in the environmental legislation. In fact, there are grounds in the legislation that prevent the courts from imposing limitations in practice. For this reason, both individuals and environmental associations can file lawsuits against the administration in administrative courts" (Nükhet, 1996, p. 123)

Even though legislation provides this basis, as my interviewees also explained their application might be rejected because of not being directly affected by an environmental problem as in the case of Avdan's urgent expropriation. The involvement of some of the villagers in the lawsuit was rejected because they did not have property on the expropriated lands, even though they would be directly affected by a coal mine just next to their homes.

Considering how the EIA process creates an unscientific and unlawful system as an "unbeatable monster", environmental organizations have brought lawsuits to change it. Many professional organizations filed lawsuits in the Council of State against Circular 2009/7, but all were rejected in the end. There have been 16 amendments in the circular since the day it was issued. The current system that this circular created is seen as a tool to intimidate the people involved in the environmental struggle (Sezgin, 2024).

On the other hand, one of those amendments issued a new rule on participation in public information meetings by limiting it to the people

who would be affected by the project. This would mean the exclusion of environmental organizations from this process (Evrensel Gazetesi, 2022h). However, they still participate in these meetings and this rule is not practiced currently. Moreover, many organizations such as the Union of Turkish Bar Associations, TMMOB, and Doğa Association brought lawsuits for the cancelation of this amendment (Doğa Derneği, 2022; Eroğlu, 2022; TMMOB, 2023).

There are two institutionalization processes in the cases of this study. The first is a formal one that involves establishing "platforms" which are not legal entities and "associations" which are legal entities. The second one is an "informal institutionalization", "getting organized", or "forming the movement" as in the sense of grassroots movements. The definitions of symbolic, and practical institutionalizations by Lavalle and Szwako might also be recalled in this interpretation.

The informal route is more about how people transform into the members, actors, and subjects of a movement. For example, as they witnessed many developments in time, as they tried to express their feelings and thoughts throughout their struggle, they got better at telling their narrations. My interviewees gave me examples of how villagers had difficulties at first when they talked to the media channels or when they shot videos for their social media accounts. Now they learned how to communicate their cause to the media and public as members of a movement.

As seen in many environmental movements, at some point, an emerging struggle begins to transform into a relatively institutionalized structure under the name of a "platform". As shown in the table introducing the cases above, they make various statements under the name of İkizköy Environmental Committee, Deştin Environmental Platform, and Avdan Platform. Each environmental movement has a social media account where they share updates on developments in the struggle. The management of these accounts is usually done jointly through WhatsApp groups that include people from the local community, environmental organizations/defenders, and lawyers. Any steps to be taken regarding the struggle are similarly discussed and decided in these groups. Environmental organizations and defenders play a driving role in all these

communication steps. On the other hand, this communication and content production requires significant labor, time, and division of labor. The experience of environmental organizations in all these areas helps in all these processes and plays a key role in bringing the struggle to the public.

As in the case of the "Karadam Karacahisar Neighborhoods Nature, Wildlife Protection, Beautification, and Solidarity Association" (KARDOK) in Akbelen, institutionalization can be completed by establishing an association. They stated that the purpose of establishing the association was "to make it easier to file a lawsuit". Similarly, they can also request information from various state institutions as an association. Association and institutionalization emerge as a process in which different layers of legality are experienced.

During the organization and institutionalization of any movement, even in the most non-hierarchical ones, there are some prominent figures. They turn into "spokespersons" or "representatives" of the movement. Most of the time, they are also the leading figures in the organization of the movement. Considering the media coverage of the cases of this study, it is possible to see that certain people are usually the ones who speak to the media or make a speech during a protest. Before citing those names, lawyers are kind of "natural" spokespersons of all the movements in this study. In Akbelen, Deniz Gümüşel, Nejla Işık (İklim Haber, 2023), Esra Işık, and Hasan Yorulmaz (Yeşil Gazete, 2023a) are the first ones that come to mind. In the case of Deştin, Haluk Özsoy, Gamze Çentinkaya, İsmail Şener, and Ferah Gümüş take place in the news most of the time (Yeşil Gazete, 2023c). In Avdan, those names are Hatice Kocalar and Bekir Kocalar from the local community, however, if there is a press release there is the signature of the "spokesperson of Avdan Platform" (Evrensel Gazetesi, 2023a).

As stated in Chapter 3, there are certain spaces where the movement takes place. The vigil areas and the places where the movement "host" their guests turn into a "headquarters" or "office" of the movement. Even organization at the vigil places turns into a form of institutionalization. They set up a system with their own rules and division of labor. They have their vigil schedules in the case of Akbelen where usually one

environmental defender and one villager are present at the site at least. Many guests come and events are organized in this place. When anyone wants to support these environmental movements, when they want to visit these places, they often go to these vigil areas.

The vigil site in Akbelen is close to houses and the main road, very accessible, but this was not the case in Deştin. It was in a villager's olive grove on the road to the factory. The vigils in Deştin and Avdan were shorter, which is why it took a short time for them to become an "office/headquarters". Those who want to visit the villagers usually meet them in the village coffeehouse in Avdan and the old schoolyard in Deştin. My visit to Avdan was on an ordinary day in Avdan when there was no event. Since the owner of the village coffeehouse was an important member of the movement, it would not be wrong to say that this place functioned as a kind of headquarters or reception. My first visit to Deştin was during the first vigil in the olive grove. There was no activity that day and it was an ordinary day of the vigil. There were only two people there that day. As mentioned in Chapter 3, the vigil areas are also organized as a house.

I did not go to these areas "unannounced". I always organized a meeting/interview beforehand. In cases where I went two days in a row, the people already there knew and recognized me. I was there as part of the vigil. This was only possible in Akbelen because, as mentioned, the vigil was going on every time I visited there and the vigil site was still in existence, albeit in other ways. It would not be wrong to say that the vigil in Akbelen was like the Gezi Park during the resistance in 2013 or the protests in Ida Mountain against gold mining during the COVID-19 pandemic. Especially when hundreds of people gathered and camped there at the time of felling, the vigil area gained a greater meaning. The fact that a container belonging to the company was set up as a gendarmerie point in place of this guarded area reveals the symbolism of the state. Just like the police blockade of Taksim and its surroundings on Labor Day or Gezi Park resistance anniversaries. Even though Gezi Park still stands while Akbelen Forest was cleared, the struggle and the symbolic headquarters of the movement still exist. They moved the vigil area to another place

where they still get together in their daily routine. The struggle has become a routine activity in the daily life of the Akbelen people in this sense.

During my second visit to Akbelen in June 2023, an interesting conversation took place at the minibus passing by the vigil area. As stated, it is quite easy to access the vigil area in Akbelen. There is public transportation from the center of Milas to Ören. This line goes through several villages including İkizköy. As many people did, I took this minibus to the vigil area. In this type of transportation, the passengers must inform the driver about where they are headed so that they can pay accordingly. They also need to tell the driver where they want to get off the vehicle during the journey since there are no designed stops throughout the whole line. Hence, I took this minibus several times on my way to and from Akbelen. During one of these trips from Akbelen, a passenger asked me an interesting question. He saw that I got on the bus in Akbelen obviously and figured out that I was at the vigil site. He asked me if I was with the "resisters" and continued with this question: "What are you exactly doing there?". I realized that I did not need to think about this before. It was a really interesting question to contemplate. All I could think at first was that "We are just sitting together". And this was genuinely what usually people do at a vigil site. I might say, 80% of vigil is basically living in this area like living in a home. There was a daily flow there as well. As stated, there was always someone from outside and someone from the village on guard duty. The villagers also share the workload of providing food. They have a schedule for this as well. Someone brings food to the vigil area every night. There are always people coming to visit from time to time. They also bring some staff to meet the needs at the vigil site by asking about the needs in WhatsApp groups. There are usually basic foods such as cheese, tea, or bread in the kitchen at the Akbelen vigil site. Tea is kind of a crucial element in all the vigil sites or "headquarters" places of the cases in the study. In the vigil site of Deştin, there was a tent, chairs, and a table. It was smaller than the vigil site of Akbelen. There was no kitchen but there was a place and materials to make, serve, and drink tea. Surely, they offered tea every time I visited Deştin, Akbelen, and Avdan. My first visit to Deştin was to the vigil site and the second one was

to a meeting at the old schoolyard. I visited the vigil site every time I went to Akbelen. In Avdan, I went to the coffeehouse first, and then villagers invited me to their home to conduct the interviews. In all these visits, people offered tea and food depending on the time of the day.

Lale, a villager from Deştin (16 April 2024), explained the vigils in Deştin and comparison to the one in Akbelen as follows:

> "We could not sustain the vigil site. We didn't want to endanger the people there. We actually took a break. We thought that it might be weekly, not every day. It was difficult to sustain it. It was difficult for the villagers to spare time every day. It's not the pace they are used to. It wasn't like giving up. The villagers who stood guard in the old tent in the summer and in the road-blocking tent in the winter never gave up. It was also difficult to make a joint decision. There are many people, with different perspectives. There was a lot of support from outside in İkizköy. It was like a campground."

One of my interviewees in Akbelen, Harun (3 June 2023), was a retired person from Izmir whom I met during my field visit. Immediately after the general election, villagers posted on the Akbelen WhatsApp group that they had heard that trees would be cut down and called on those who could come to support them. Harun was one of the people who came to support them and join the vigil. He had traveled from Izmir to Akbelen in his private car and was planning to stay at the vigil for about a week. Similarly, there were others who came and stayed from time to time with their caravans and tents. These were environmental defenders who were active in environmental organizations.

This kind of support and organization did not happen in Avdan or Deştin. In Deştin, as one of my interviewees, Lale, explained, "People who had never seen our village came to support us" were more episodic and spontaneous. Similarly, in Avdan, lawyers organized an event (Çevre Hukuku Ağı (@cevreagi), 2024), or people from different provinces came to support them during court cases. But there was no such support. So, the institutionalization of Akbelen and the support of institutions paved the

way for such a picture and organization in Akbelen. They still continue to record day by day and share what is happening through WhatsApp groups and social media accounts.

Moreover, their relations with the political parties and parliament members also contribute to the institutionalization and media coverage. Most of the time, the movements reach out to the politicians and ask their help to raise their voices. Oppositional parties' parliament members visit the vigil sites and villagers, raise their cause in the parliament, and invite them to the parliament to organize press releases and protests there. CHP invited Hatice Kocalar and she gave a speech. Akbelen had its own special session at the parliament, and they gave speeches at CHP's private session. Deştin and Akabelen villagers also visited them several times at the parliament.

In the case of Akbelen, they produce many documents and knowledge on their social media accounts and also on their website. Deştin and Avdan do not have such a website. This is another point that renders Akbelen more institutionalized. This situation also provides venues to observe their thoughts and hence their legal consciousness. They create their own venues to tell their narration.

Institutionalism might render the environmental movements more credible both as an "official" actor/subject against the state and the companies and in terms of knowledge production. As cited before, all movements have their kind of spokespersons and representatives. They start appearing in different venues and events organized by other social movements, associations, and institutions such as professional chambers. Those institutions nominate them for special awards that they organize annually, for example. As they appear in such venues, other organizations also see them in reciprocal relations. As they interact with institutions, they need spokespersons or representatives for such situations and a de facto institutionalization starts to be shaped.

The disadvantage of institutionalization is that it is a "paperwork" business that requires time and effort. When these processes are not followed well, possible gains may not be utilized or possible "creative legal/administrative ways" may not be used. It is possible to say that this

kind of institutionalization is stronger in Akbelen and Deştin, while in Avdan there are fewer actors at the local level to sustain this institutionalization. Apart from the prominent names among the producer villagers and the mukhtar, there are not many names that can create and sustain institutionalization at the local level. It can be said that there are weaker ties between the Denizli city-based Avdan Platform and those living in the village in terms of institutionalism than in Akbelen and Deştin. For example, while in Akbelen and Deştin, a few names from the village and the region come to the fore as spokespersons who give speeches that bring together both state and non-state law, the details of the case are less heard in the speeches of the villagers in Avdan. These details appear more frequently in the statements of lawyers and platform spokespersons. I should underline that the villagers in Avdan also talked a lot about their lawsuits in detail and they even showed me official court documents given to them. However, in their appearances in the media they more talk about the situation of their lands and how the company keep working unlawfully. The media also might give this role to them and also it is kind of normal that every actor talks about what they know and experience. Lawyers talk about the lawsuits, occupational chambers about their expertise, and villagers about their agricultural production. What I suggest here is that all movements differ in this sense compared to each other. As cited above, Hatice Kocalar has been a prominent figure with her speeches, her words are not on the details of the lawsuit while it is possible to hear a lot of details regarding the lawsuit and scientific and ecological information from Haluk Özsoy or Nejla Işık. There is no such figure in the case of Avdan.  Haluk is the spokesperson of MUÇEP Menteşe Council and Nejla is the president of KARDOK, İkizköy Environment Committee, and since March 2024 the mukhtar of the village. Thus, their titles in relation with the institutions they created, or they were involved give them more ground, credibility, and recognition.

Surely, institutionalization has advantages and disadvantages. Bureaucracies can slow down the struggle, but they can also open up spaces. The turning point here is the question of whether an institutionalized movement can open up more space for counter-hegemonic struggle in

the field of law. Is it possible to create new spaces for the environmental movement by creating new institutions within institutions?

Considering the statement of one of my interviewees that "EGEÇEP [Aegean Environment and Culture Platform] became EGEÇEP through lawsuits" (Mustafa, an environmental defender, 7 May 2022) and the significant role of Izmir Environmental Movement Lawyers, it is possible to see that institutionalization has an impact on the perception of environment and ecology both at the levels of state and law in Turkey.

In the movements in my cases, there is a local institutionalization in Akbelen and Deştin. In Avdan, the participation and role of existing institutional structures is more prominent. However, the extent to which this difference in the level of institutionalization plays a role in the relationship with the law is debatable. There is an example in the case of Akbelen where they have to rent the vigil area.

The vigil area was already the deeded property of one of the villagers who is a member of the movement. They did not need any "official" documentation for staying in this area. However, when the state's law enforcement force came out and said "No, you cannot stand here, you need a lease contract" KARDOK, as an institution, officially signed a contract with the property owner even though the owner did not ask for it. As an institutional structure, they had to enter the narrow, complex, and nuanced paths of legality and administrative space. Although they faced these as a means of intimidation, they overcame these intimidation nodes by fulfilling each and every one of them. They did not refuse the legal and official channels, but instead, they did them all, but each time they found out how they were being blocked. At some point, the struggle turned into a struggle against intimidation in these areas. Surely, it would not be wrong to say that their struggle was stuck in this area for a while, but it did not die out.

In the case of Avdan, the local community was very knowledgeable about their lands and their case, as well. However, it is possible to say that they remained singular in the struggle there, rather than as a collective organization. It is also possible to talk about a relative gap between the organizations that established the platform and the local community. It

is not a complete disconnect, but there is a gap because there are ties coming from the existing institutions, not from the local community. When people in Avdan told their stories, they told them through their own experiences in their lands. They experienced this as a common problem experienced by everyone whose land was taken away from them, but the Avdan Platform was not prominent in their narratives, for example. In Deştin and Akbelen, on the other hand, it is more common to hear such narratives pointing out their platforms.

With institutionalization, their legal consciousness seems to be returning to the same point. In the beginning, there was fear of the state. Then they learned about their rights and said they would fight them. They got organized, they turned into a movement, and they got institutionalized. However, while they learned their rights and emphasized them, they also experienced that they were not implemented. Nevertheless, this did not deter them as they tried to show again and again how the law does not work, and how it cannot be implemented.

In the case of Akbelen, there is another level of institutionalization since Nejla Işık was elected as mukhtar of İkizköye against another candidate allegedly supported by the company. Nejla Işık's following statement, which occupies an extensive space here since it demonstrates the perceptions of state institutions and villagers in detail, explains their views on her candidacy and election:

> "The biggest factor in my candidacy is the struggle for Akbelen Forest. I did not plan to run for mukhtar, but I was asked to run by the İkizköy Environment Committee. During our struggle to protect Akbelen Forest, we went to the Grand National Assembly of Turkey (TBMM) in Ankara many times. During this process, they tried to intimidate us with fines many times. We were left alone by the current mukhtar in our struggle. This was one of the important points in my candidacy.
>
> They were doing their best to silence us and wherever I went, I was asked the question 'Where is your mukhtar? We were saying that our mukhtar is working in the company, unfortunately, he is not with us, but our two members are with us. That is why I want

> to take the mukhtar's office in my hands to keep the villagers together.
>
> The villagers are also aware of the situation. Mukhtars are the main reason why the village, Akbelen, is in this situation. Companies buy them easily. Because they are on the side of the company, not the villagers.
>
> We will be 'us' and we will succeed together. (…) Nothing will change for me. I will only have the mukhtar identity card in my hand. I will continue my struggle in the same way. I will go to the district governorship, governor's office, prosecutor's office... Wherever I am, I will go there as a mukhtar. But I will go as the spokesperson of İkizköy and Akbelen" (Gündem Fethiye, 2024).

Therefore, although institutionalization leads to more wandering in the corridors of law, strengthens movements in the legal game "with the law" and thus more knowledge and experience, this part has still less impact on the continuity of struggle and the legal consciousness. Recalling the words of my interviewee, "In resistance, it is only when you are alone that you give up. (…) When you are left alone, then you give up" (Güzide, an environmental defender, 7 March 2024). Undoubtedly, there are people within movements who are deterred by such intimidation, and if this reaches a large number, the movement may be left alone. This is where the quantity versus quality debate comes into play. In Akbelen, there is a movement defined as "a handful of local people" and "a collection of people" by Selma, an environmental lawyer (6 May 2024), but considering the voice the movement brings, it would not be wrong to say that it creates a serious counter-hegemonic struggle. On the other hand, although there are more local people in Deştin and they have won their lawsuit, they have been less able to make their voice heard on the national agenda. However, being heard more would mean setting an example for more movements. In this respect, an opportunity is being missed.

To conclude, institutionalization has different levels, and it is multipiece. Getting organized, establishing platforms, bringing lawsuits, having vigil sites as a concrete space of resistance, establishing associations, and dealing with all different state institutions in the meantime might be

considered the path of a struggle. However, these levels are not necessarily in chronological order and are not part of every resistance. We can say that institutionalization has an impact on the movement's consciousness of rights, law, and struggle, but it is not decisive.

## § 5.3 The Law, the State, and the Company

Environmental movements engage with different state institutions at different levels and times. As given in the section on "legal landscape of environmental movements", they do this by bringing petitions and lawsuits most of the time. Their interaction with the state institutions, the judiciary as a state institution, and voicing their grievances to those institutions are all related to their legal consciousness and how they view the state. However, they not only find the state as their interlocutor but also the companies. This creates a question of how sources of legality and the role of the institutions are shifting. This is also the point where people start to question the relations between the state, the companies, and the law. In addition, this questioning is the point where the legal consciousness as "before the law" in the conceptualization of Ewick and Silbey (1998) is most present but also where this consciousness starts losing its grounds.

Moreover, the fact that the court decisions are not implemented is another way of undermining the rule of law. That is to say, if the law is not in line with the government preventing the implementation of court decisions is another way of interrupting the judiciary. It is also a way of exhausting the opponent groups seeking justice through lawsuits.

As cited in the previous chapter, my interviewees pointed out that it is currently difficult to find a court decision in favor of environmental movement in the cases of companies in close relation with the AKP government. In Akbelen and Avdan the companies have close ties with the government, while in Deştin the company is close to the Nationalist Movement Party (MHP), the current unofficial partner of the government.

It should be noted that these ties might not be proven and some parts of the views that my interviewees share with me, might be speculation. However, it is also their observations and experiences. For example, as indicated at the beginning of the Akbelen case there was no paperwork declaring that the Akbelen forest would be cleared for the expansion of coal mining. The Directorate of Forestry said that the Akbelen forest is an "industrial plantation zone" and that was why the trees were cut. However, as the later developments have shown this was not true. Thus, their observations and experiences in the field indicate some patterns in the way how law and state institutions work.

The most striking example of close ties with the government is the case of Akbelen. The company operating the power plants and the mine, YK Energy, is owned by Limak Holding. According to a World Bank report regarding "Data on Private Participation in Infrastructure", five companies from Turkey are in the top 10 in the list of companies that received the most tenders between 1990-2020. Limak became the second company to receive the most infrastructure investment tenders in the world (Evrensel Gazetesi, 2020). Along with the others, these five companies have been the prominent companies working with the state institutions in Turkey. These are the companies that my interviewees mentioned when they explained that every possible way to struggle against them is somehow shut down.

In terms of the law and legality and the relations between the law, the state, and the companies, there are two important points. The first is the shift in the source of legality in the regions under environmental assault. The second one is "challenging and objecting to the state" and the role of law in this challenge.

As some examples of interactions with company officials during felling attempts in Akbelen and the vigil to protect the harvest in Avdan were shown in Chapter 3, the villagers have to interact with the companies in a hierarchical position. While the companies turn into some sort of authority in the region, the villagers cannot find a solution to their dispute with them through their complaints to the gendarmerie. On the contrary, they end up being the defendants in the complaints of companies.

They find themselves in a position to negotiate with the companies in their efforts to solve their problems. There are two issues in Akbelen in this sense. The first one is the dispute over water cuts and the second one is the dynamite explosions by the company.

In the case of water, the company is in charge of water sources, and priority is given to their needs in thermal power plants which consume massive amounts of water. Thus, the first issue here is the right and access to water and how this right is dependent on the company. As explained in Chapter 3, the court verdict was also in favor of the company and did not give the administration of water sources to Muğla Water Administration (MUSKİ). This is still another venue for struggle and also another way of deterring villagers from their struggle against the company as Yurdanur, a villager from Akbelen (18 April 2022), said. This is also the case in the dynamite explosions. In the current situation, Akbelen Forest was cleared but the people of İkizköy still live in their houses even if they are in a very difficult position under the dynamite explosion and the work of the mining. The operations of the company turn into a way of forcing them to leave their homes. Moreover, the dynamites create excessive amounts of dust which is harmful to their health and also violates the Olive Law.

Sometimes, they might find temporary solutions as in the case of Akbelen when the company informed the villagers about the dynamite explosion during the first years of their struggle. However, this was not helpful because the villagers were complaining about the excessive explosions that damaged their houses, properties, and health. Thus, this is how the source of legality in the region shifts and how these spaces turn into "zones of indistinction" (Agamben, 1998) where the law becomes ambiguous as discussed in Chapter 3.

The case in Avdan is similar since once again there are lands that are expropriated and given to the company. When they had complaints about the operations of the company indicating that they had a case going on and the company was violating the stay of execution verdict, the gendarmerie did not do anything to stop the operations as Hüseyin, Ümit, Zarife, Rıza, who are villagers from Avdan (3-4 August 2023), said. Moreover, as

the lawyer of the people of Avdan stated, "The employees of that company wear yellow vests with the words 'The Directorate of Highways' and 'Ministry of Transportation' written on them. With these vests, they look like civil servants, provoke the villagers, and look down on them" (Büyük Menderes: Gökkubbe Altındaki En Güzel Yeryüzü, 2023).

Once again, their olive groves were also affected in violation of Olive Law. Their dispute over the discourse of company officials blaming the villagers for being "traitors" (*vatan haini*) can be regarded as another aspect of how the relations with the state are considered. The company officials position themselves as working for the good of the state and homeland while the villagers are suited to the position of treason. This might have been considered a huge accusation however it seems like it was so easy to name any people opposing the government and state as "traitors". That is also why both in Akbelen and Avdan there was a Turkish flag hung in the vigil areas. In Akbelen, there was no use of "traitor" directly, but they were more defined as "marginal groups" while in Avdan people were so furious about this accusation. My interviewees repeatedly said that the company officials accused them of being traitors. In the case of Akbelen, the accusation of being "marginal" was expressed by even President Erdoğan. Akbelen people's response was:

> "They say that we are the marginals—the peasants. For defending our land, they call us terrorists, traitors, and marginalized. We are. We are all for our land. Because we are producers, farmers (…) These marginal groups will continue to defend. The marginals are here. You all see them. Their heads are covered in a kerchief and their hands are hennaed… (…) They had never worn anything other than nylon shoes. We are the children of ancestors who shed their blood at Gallipoli, Dumlupınar, and all over the country. We are the children of Atatürk. We grew up with the phrase 'Don't be afraid' at the beginning of the National Anthem. We are not afraid, we are not silent, we do not obey" (Anka Haber, 2023).

Thus, we see that at different levels there are efforts to associate the company with the state and the environmental movements as a marginal and

traitor actor against the state. Under these circumstances challenging and objecting to the state is a huge issue for the local people in environmental movements. As cited before, there are always two symbioses between the state and the company and between the environment and the community (Çoban, 2004). Moreover, struggling against the state could be considered a much more difficult job and people might not want to pursue that since it is the state. There can be two reasons for that. The first is that the state is so powerful, and it is difficult to object. The second one could be the nationalistic point of view within the environmental movements in Turkey.

Going back to the issue of "who is the source of legality in the region", under these circumstances where the law and state institutions fail them and leave them in the zone of indistinction, for environmental movements there is the question of "whom are they addressing and from which authority are they demanding the justice and rights?". Environmental defenders and lawyers say that their interlocutor is the state, not the company but the local community has to directly deal with the companies which are "state-like companies" (Ercan, 2023; Odman, 2021) in their daily lives. It is possible to say that that is also why they are so shocked and furious about the question in their mind "How could the state do this to us?" (Rıza, a villager from Avdan, 4 August 2023). That is why they address the gendarmerie by saying "Do not be the force of the company, be the force of people"(Cumhuriyet, 2023b). Lale, a villager from Deştin (16 April 2024), also noted that the villagers used to trust the gendarmerie before and now they have lost confidence. Selma, an environmental lawyer (6 May 2024), also mentioned that "the contract between the state and the citizens is broken".

On the other side of the relations with the state, there is the issue of "fear". At the beginning of the movement, as Sevim who is an environmental defender (11 January 2023) and Defne who is a villager (17 November 2023) said, the view on "How we can object to the state" or "How can we go against the state?" was efficient among the local people. Sevim pointed out a distinction between men and women. She said that men were reluctant at the beginning of the struggle since they did not want to

challenge the state while women were so willing. She explains this difference by referring to their relations with the state institutions in their daily lives. Since men handle bureaucratic issues and sometimes have business with the state institution, they do not want to lose these relations. On the other, women mostly take care of the home and work in agricultural production in the field, their concern is much more on not losing them. I can suggest that men are mostly seen as the subject and actor by the state while women mostly are not recognized.

Canan, an environmental defender (30 November 2023), explained the fear effect with these words: "The villagers are still afraid because it is still the state. The only reason why there was no opposition in Işıkdere, was the state." Defne, a villager from Akbelen (17 November 2023), explained their views on state and law with these words: "At first, we said 'How can we go against the state?'. We knew that we had rights, but we did not have much information. As we learned, we realized and said, 'There are laws to protect us'". Along with "being shocked" about the attitude of state institutions, the fading away of the fear of the state is another dimension in the transformation of view on the state and law. This is also a point where their legal consciousness navigates between "before the law" and "with the law" as in the conceptualization of Ewick and Silbey (1998).

We might say that environmental organizations are very experienced in dealing with state institutions and do not have the "fear" effect that local people have. Lale, a villager from Deştin (16 April 2024), explained how there was a rupture moment when villagers were taken into custody during their road-blocking vigil with the gendarmerie ride early in the morning. There were children under the age of 18 and the families were so afraid and anxious. They spent the night in custody and at first the families could not reach them. They did not know where they were taken to. Lale said:

> "The intervention with the children was very effective. At that time, some people wondered whether we should not send the children and women. Villagers used to trust the gendarmerie; it is the highest rank in the village. Trust in the gendarmerie was

> shaken. I was very scared that night, even though I was aware of everything. We were very tired there, but we were also very crowded. X and Y were very calm, they calmed us down".

Here X and Y stand by for two people who are members of an environmental organization. Since they have gone through such processes before, they were experienced but for villagers these were new. Another interviewee who is a villager from Akbelen also explained the very first time when they stopped the company workers from cutting down the trees. When they first saw that the workers were in the region and getting ready to cut the trees, they were unsure what to do and called the environmentalists who were helping them then. They told the villagers that they must go there and stop them. They said, "We can come but it would be so late. You are there and you can stop them. What they are doing is against the Olive Law and you also have your lawsuit going on". This is how villagers stood up first. Once again, environmental organizations were experienced and did not have the "fear" effect. On the other hand, I should underline that villagers did not dissolve despite this "fear" effect, and even after they were taken into custody as Lale (16 April 2024) said:

> "I thought it was a point where people were broken, but the arrested women were making pastries together the next day. Then I realized that this village was everything to them. They had spent their childhood, herded their livestock, walked the roads, it was everything. 'What do we do next,' they said. But there were also those who were afraid. 'At that moment I had the will, the strength, but when I think about what I went through, I don't have the strength to talk about it,' said one of them".

All these experiences of villagers could be in line with Arsel's argument "that environmentalism is beginning to become a vehicle for a structural critique of neoliberal development and the state in Turkey" (Undisciplined Environments Collective, 2015).

On the other hand, there are some key points and patterns in the lawsuit processes not specifically in the cases of this study but generally in many different lawsuits where the companies involved. An example could

be seen in the cases of occupational murders or work-related deaths. Repetition of the expert examinations and reports, the changes in the court boards, and the non-implementation of court decisions are some of the patterns. These are also the moments where the government and state could intervene in the lawsuit process. For example, in the occupational murder case of Torunlar Center where 10 workers died due to the fall of the elevator from the 33rd floor, the court committee was changed three times. The Torunlar Company was owned by a very old friend of President Erdoğan. The lawyers of the families of deceased workers also said that they were not informed about the expert committee and could not reject it. They say, "We think there is an intervention here. The Torunlar Company is protected" (Evrensel Gazetesi, 2016).

Hence, when the companies with close ties with the government are part of the court cases, these points turn into the nods of intervention to make sure of a court decision in favor of the companies. I should emphasize that this does not mean that the law functions in a way where everything is orchestrated. This would be ignoring and undermining the unequal social and political structure and the structure of law. The law is also designed in a way favoring the companies as we see in the EIA regulations. But this is not because this is an orchestration, it is the result of the broader capitalist relations of production. As indicated before, when there are certain companies involved, there is a direct intervention by the government and the state, since those companies have turned into state-like companies.

Among those patterns where the state is involved, repetition of expert examinations and non-implementation of court decisions are also issues in the cases of this study. Akbelen once again is symbolic as can be seen in the three expert examinations and reports. The non-implementation of court decisions can be observed in each case since the companies overlooked the stay of execution decisions and continued their operations.

At this point, I suggest that there is an attempt by the state to establish the hegemony of law through consent. The law actually seems to be working. Lawsuits are filed and the process works. However, if there is a decision in favor of the environmental movement, for example, the state or

the government might intervene in by changing the expert committee or the court committee. We also see this practice in occupational murder cases where the companies are the issue once again.

If the state left the law to its own devices, there might still be decisions in favor of the environmental movements. However, in some critical situations, for certain companies, it would not. It intervenes directly. On the other hand, the EIA regulation itself already establishes a system that defines a wide space for companies and compresses environmental movements into a vicious circle. EIA reports in which a few words are changed are repeated over and over again. If someone, namely environmental movements, did not intervene, implementations that are contrary to science and law would continue. There is also the issue of "damage has already been done". The companies are fait accompli and start work without waiting for the court process. Companies both do what they want on the legal and administrative grounds opened by the laws and regulations, and they dare to do the work "illegally" without waiting for the legal process. Perhaps, it would not be wrong to say that this has become the process itself.

Moreover, Özlüer (2023) points out that the companies could also use these environmental lawsuits by the environmental movements as leverage in their arguments in the courts and their engagement with the state. They claim that their investments and their contributions to the economy are obstructed by these lawsuits. When they engage with the state institutions, they ask for incentives by arguing that they have to compete with the lawsuits and their costs are rising. Hence, the legal struggle of the environmental movements could turn into a tool or at least an excuse in the hands of the companies.

The companies also use law and legal procedures against environmental movements as discussed in the section on cases of strategic litigation against public participation (SLAPP). Moreover, the research shows that "companies are contentious actors engaging in strategic efforts to realize their claims, mobilizing a repertoire of actions involving the co-optation of local leaders, connections with local authorities, the

suppression of community protests, the criminalization of and violence against protest leaders" all over the world (Martínez-Alier, 2023, p. 608).

## § 5.4 Institutions/Organizations As "Intermediaries": Conveying the Consciousness

In the previous chapter, I described how environmental defenders can become actors in the field of law and legality and they can take some of their roles. Moreover, recalling the words of Yasemin, an environmental journalist (1 July 2024), in the introduction of the chapter, the villagers trusted environmentalists instead of state institutions.

Sevim, an environmental defender (11 January 2023), said "The villagers were not afraid when they learned about the authority given by the law. A catalyst was needed. There was no spontaneous rise. This is how the feeling of rightness developed" as cited. Here the catalyst is environmental defenders and organizations. Environmental organizations bring together the consciousness of different movements. They create venues for people to interact. These entities facilitate the convergence of disparate consciousnesses, thereby enabling the accumulation of consciousness. Environmental organizations might play a role as transmitters of legal consciousness between different movements.

As discussed before, I posit that there is a correlation between consciousness constituted within the struggle and legal consciousness. I define legal consciousness as a broader concept encompassing rights-legal consciousness. Similarly, I view lawsuits not only as litigation but also as a form of struggle for rights. This perspective is evident in environmental movements. The dynamics observed in my cases can be seen in most rural movements, even if they are not explicitly named. The primary objective of the villagers is to protect and preserve their village, their land, and their position derived from the relations of production in this area. This is achieved through the articulation of a second objective, namely the struggle for nature and the environment. Alternatively, there are villagers who adopt an approach based on selling their lands and most likely

migrating to the city. In this case, the villagers pursue their own interests as well.

Furthermore, environmental organizations play a key role in bringing together disparate struggles. The struggles in Akbelen, Deştin and Avdan, which this study focuses on, frequently engage in joint actions and demonstrate a spirit of solidarity. It was asserted that the MUÇEP played a key role in fostering these relationships and facilitating the introduction of the local community to one another. While Akbelen and Deştin share a common objective in relation to the Muğla region, Akbelen and Avdan share a common objective in relation to the opposition to coal. Moreover, the sharing of experience has played an important role in the awareness of rights and law. For instance, the experience of Tayyibe Demirel, an olive-producing villager in Muğla Yatağan, has been instructive and supportive in terms of motivation and legal remedies that can be followed, as told by people of Akbelen.

Environmental struggles set examples for each other. When a movement wins a lawsuit, it becomes motivation for another. My interviewees also stressed that they are bringing a record of unlawful doings by all the involved state institutions and judiciary: "When the time comes, these people must be held accountable" (Cenk, an environmental lawyer, 25 November 2023 and Güzide, an environmental defender, 7 March 2024).

Moreover, the concepts of relational consciousness and second-order consciousness might help to understand the effects of environmental struggles that they have on each other. Young defines "second-order legal consciousness" as follows:

> "(…) a person's beliefs about the legal consciousness of any individual besides herself, or of any group whether or not she is part of it. This relational understanding is useful largely for the questions it prompts us to ask. For example, how does legitimacy or illegitimacy contribute to people's perceptions of order and disorder? How does a person come to know what her 'community' believes?" (Young, 2014, p. 2).

Environmental struggles learn from environmental organizations and their consciousness starts to be shaped accordingly. Environmental organizations carry and spread their consciousness to other movements and organizations. In the concepts of relational and second-order legal consciousness, there is also the dimension of "legitimacy". In other words, individuals decide whether their actions are legitimate or not based on the views of others in the group. In the cases of this study, it is possible to say that this is a relationality based on "being right" and "solidarity" rather than "legitimacy". As they see similar movements and support each other, their rightfulness or moral rectitude and solidarity make their struggles stronger. The discourse that was repeatedly indicated "If we knew environmentalists would come and support us…" can also be considered as a part of this relationality. We can say that seeing/finding/realizing this support plays an important role in starting/continuing the struggle and strengthening their moral rectitude.

Furthermore, an examination of Hunt's (1990) conceptualization of counter-hegemony suggests that environmental organizations may have a role to play as in the case of the establishment of trade union rights. This refers to how the working-class struggle carried the issue from the point of view of individual rights to collective rights. One might cite the example of the "Ecocide Law". This would entail a complete transformation of the existing law. However, the concept of ecocide does not necessarily imply the need for historical/territorial rights, as illustrated by the examples provided in previous chapters. The extent to which this legislation speaks to the local community is open to debate. However, the very notion of a "citizen-made ecocide law" challenges the existing legal framework.

Three environmental movements of this study, Akbelen, Deştin and Avdan have repeatedly visited each other on many different occasions. People of Akbelen visited Deştin during their vigils, when they were taken into custody, and for their celebration in the schoolyard, for instance. People of Deştin visited Akbelen vigil areas several times for several events and protests organized at the place such as the anniversary of the vigil or the day of expert discovery. People of Deştin and Akbelen

visited Avdan for a protest organized in the village and on their way to TBMM for the special session on Akbelen. Defne, a villager from Akbelen (17 November 2023), said that she suggested visiting Avdan on their way to TBMM. Güzide, an environmental defender (7 March 2024), also indicated that Deştin and Avdan were not well-known by the public and Akbelen helped Deştin and Avdan by sharing posts about them in order to carry their struggle to the public and gain media attention.

People from the Akbelen movement came from Muğla to Denizli to express their solidarity with Hatice Kocalar during the proceedings of her trial in Avdan. Akbelen people offered to collectively bear the financial burden of the fine imposed upon Kocalar. The people of Avdan also expressed their willingness to contribute to the payment of the fines imposed upon the people of Akbelen.

Ercan, a member of an environmental organization (25 June 2024), pointed out another issue regarding the relations between environmental organizations and the local community. When the people of Deştin figured out the cement factory was about to be built once again, they started organizing people and visiting surrounding villages to explain the situation to the people and get organized. The villagers asked help from environmental organizations and defenders for their meetings with other villagers by saying "They may not listen to us, but they listen to people like you". Here the villagers point out the expertise and experience of environmentalists. This indicates another point about the relations between local communities and environmentalists. "Insiders and outsiders" distinction is once again apparent in this context but in a different context. For instance, studies show local people might not trust "outsiders" and prefer to interact with people they know, in this sense "insiders". However, in this case, the villagers thought that they needed expert opinion and considered that other villagers would also respect the experts.

The villagers hold meetings in coffeehouses, while environmentalists engaged in lengthy discussions with them. Zeynep (20 January 2024) and Lale (16 Nisan 2024), villagers from Deştin, informed me of similar occurrences. It is evident that those with legal expertise and professional qualifications are afforded greater credibility and respect. They are present

there as members of institutions. Considering science as an institution, these individuals disseminate information to villagers in an institutional and field-specific manner, thereby enhancing the institution's credibility. Ercan informed me that certain health professionals from professional chambers also accompanied them on their village visits.

There is another issue in the case of Muğla. This is a city where people prefer to move and settle after they retire. Those people are usually from big cities but mostly from İstanbul. Some of my interviewees were also among them. When they settle in this region, they become local but are still "the ones who came from outside". They play a key role in the formation of environmental movements and lawsuits on several occasions. Canan (30 November 2023), who is a member of MUÇEP, gave an example of this as follows:

> "We received an e-mail in MUÇEP's mailbox. They said, 'There is an EIA-not-necessary decision for the bauxite mine in our village, and we would like to talk to you'. Çandarlı, a village is in Milas. It is a historical place. There is a temple of Zeus. The villagers said, 'We never want it'. I explained the process. I told them we could come with a lawyer. We looked at the project presentation file submitted for the EIA process. We have a lawyer who works pro bono. She is also the lawyer of a case in Marmaris, Hisarönü. We went with her. A lawsuit was filed by 61 people. They authorized it. It was two retired women who made this possible. They went around the villagers one by one. They collected the names and signatures of villagers with beekeeping certificates. The mukhtar was abstaining. The company found jobs for the mukhtar's relatives. We formed a working group at MUÇEP. Y.N. is an electrical engineer, she calculates everything in numbers, she scans everything. E.L knows the flora of the region, the water basin. Ms. S worked on archeology with A.S. There will be an expert discovery now."

Thus, two outsiders initiated the struggle, and an environmental organization worked as an institution full of different experts (their names are

withheld for anonymity). Güzide, who is an independent environmental defender joining the Akbelen struggle (7 March 2024), interpreted the insider-outsider dichotomy as follows:

> "I may not be a member of the İkizköy Environment Committee, but I am part of the next circle of Akbelen. I first went to Akbelen as a documentary filmmaker. I tried to stay only as a filmmaker, but this distancing did not last long. After dedicating my life to this, I am not an 'outsider'. I am sometimes made to feel outside and sometimes inside by the villagers. Sometimes the villagers exclude the environmentalists who come from outside. After all, we go there from the heart of the metropolis and talk to those who are affected there. This is a process that changes over time. Who is under threat and who is affected? There is the effect of climate change. Exactly the concept of the commons comes into play. The question of who should be there should be decided locally.
>
> On the other hand, let's consider the example of the northern forests in Istanbul. It's everyone's water. Can't stay local. The region suffered a hundred times more destruction than Akbelen. The border was very difficult. Akbelen became a buffer zone. It came to the border of the village. But the people there were already fed up. In two years, it has been happening at a very high speed. Unlike northern forests, there is one company here [Akbelen]. It doesn't just cut down trees, it makes you sick with the way it produces energy. It is an attack on a point and the defense is also on the point. It [struggle] would not have happened without outside support. To make the voice of the people in the village heard by everyone. I leave everything I do because it needs to be heard. Akbelen also gives strength to Deştin and Avdan."

As stated, in the case of Akbelen there is significant support from "outside". Selma, an environmental lawyer (6 May 2024), explained this as "Akbelen was built by a collection of people". She was referring to the difference between the people in Deştin and Akbelen. While the Deştin movement is composed of villagers mostly, Akbelen is mixed, and the

number of villagers is not as high as in Deştin. Another comment from Canan, an environmental defender (30 November 2023), regarding locals' involvement in Akbelen was as follows: "Akbelen is next to Milas but there is no significant support from the people of Milas". She also criticized the attitude of the state against environmentalists:

> "The state's law enforcement violated not only the right to health, environment and life, but also human rights. We do not deserve such behavior. Let's not say environmentalists did this. It is as if citizens are separate from environmentalists. For example, the people of Marmaris marched against Sinpaş [a construction company], the people there were not only environmentalists. They call us marginal, radical. All we want is for the land and water not to disappear."

Yusuf, who is a member of an environmental organization and one of the pilot interviewees (11 January 2023), indicated that their efforts to organize and convince villagers to struggle against a mining company in Çanakkale were unsuccessful because the villagers did not want them anymore. He did not specify a reason for that but underlined that this could happen from time to time. Surely, local communities are not always welcoming of environmental organizations. Yasemin, an environmental journalist (1 July 2024), also gave examples from Datça where local shopkeepers did not want environmentalists opposing the construction of a yacht port. They organized counter-protests to prevent environmentalists' protests.

Dursun, an interviewee who is an environmental lawyer (19 April 2023), on the other hand, draws attention to another issue regarding the insider-outsider dichotomy. He said "What are the local dynamics? Who are locals exactly? Local dynamic is actually fiction. It is built by the actors involved. What would happen if the locals were not involved in the movement?" He was referring to changing actors in an environmental movement and how new actors could exclude some of the existing ones. These actors are mostly the "outsiders" and environmental and sometimes political organizations that are involved in the movement.

It is also possible to see changing actors and relationships in Akbelen. There are actors changing, newcomers, moving away, and getting closer. However, the old actors have not completely given up the struggle. They continue to support and be a part of the movement through channels such as social media posts.

In all these interactions between different actors or subjects, environmental organizations, and defenders are intermediaries between the lawyers, local communities, and experts. I should note that, once again these categories are not mutually exclusive. An environmentalist could be a lawyer, an expert, or a member of the local community as well. Environmental organizations also transmit legal and environmental consciousness and create venues for solidarity among different social movements.

## § 5.5 Communicating The Struggle: Media And Social Media

In the context of relations with the media, there are two parallel and simultaneous processes. The first one is framing the struggle as an environmental movement and conveying it to the media, and the second one is their relations with the media pave the way for the movement to become more institutionalized. The studies on social movements and framing define frames as "interpretive schemata that allow individuals or collectives to situate social phenomena within their life space in a way that makes life experiences meaningful" (Zavestoski et al., 2004, p. 258). Media and social media are the channels that they bring their legal consciousness to the public as well. In these processes, there are framings and counter-framings by the environmental movement, the company, the state, and the media.

Environmental movements' relations with the media and their use of social media facilitate their institutionalism. As indicated before, as they interact with environmental organizations and media, they need some kind of spokespersons or representatives. They receive many interview requests from the media. These are all processes that need to be managed.

Media and law are two fields where a narration is built. They both can construct, reconstruct, and alter the "reality". These are also the fields where environmental movements tell their narration. As stated, the villagers did not see their case as a case of environmental movements, they did not foresee their support. Environmental organizations and defenders framed their struggle as an environmental one and they carry the struggle to the public by media and social media. The villagers, in time, have turned into members of an environmental movement. Defne, a villager from Akbelen (17 November 2023), and Lale, a villager from Deştin (16 April 2024), explained how the villagers gain their self-confidence while they are expressing their thoughts. Defne gave one example from one of the villagers who first hesitated in participating in video shootings where the villagers told their problems and the struggle. She said that this villager has changed during the struggle and started getting well in video shootings. This is also another indication of how they turn into members of an environmental movement. In addition, as Lale explained, seeing their stories in media is a motivation for them.

Environmental movements struggle against state institutions and companies and law and media are among two fields where this struggle takes place. It is crucial for environmental movements to voice their cause to the public and hence get media attention. It is important for state institutions and media as well to discredit the environmental movement. There are two framings by them in this sense. The first one is that they are doing everything in favor of "public interest" and the second one is that environmentalists are "marginals" who deceive the villagers.

Framing "public interest" is also an issue of environmental movements. As discussed in the previous chapter, they try to explain how the public interest is in agricultural production and conserving, protecting, and defending nature. On the other hand, as discussed in previous pages they try to prove that they are not "marginals". They try to show they are ordinary citizens. Another example of this framing is the time when the lawyers at the court repeatedly said "Aunt Hatice" in the lawsuits against Hatice Kocalar. This expression emphasizes that she is an elderly peasant woman. This was a lawsuit of battery, but the defense was not only about

the alleged event. The lawyers gave details about the event and explained that if the "stick" is a "weapon", it should have been taken into property and evidence unit. However, the defense was also based on a peasant's, an elderly woman's defense of the land. This kind of discourse has always been apparent when elderly villagers are taking place in the protests. During the felling in Akbelen, elderly people of the villages were present at the protests by holding the trees as the image of a young and an elderly woman has been symbolic.

The courts write and rewrite narrations and even history. One example of this is the Gezi Park case where a social movement against the government is presented as a plot and even a "coup". Osman Kavala is presented as the organizer of it and people protesting as paid agents. Another example is from the Bergama movement, as cited before. Blaming social movements as "marginals", "agents" or even "terrorists" is a way of suppression. The courts and the media play a crucial role in this.

Moreover, environmental organizations are more used to being the "marginals" as mentioned in the previous chapter. Canan, an environmental defender (30 November 2023), said, "If the law is not working, we need to be on the streets, but those who take to the streets are marginalized and people abstain. There is also learned helplessness such as in the words 'The state will do it', and 'What could you do against Ağaoğlu?'"

Furthermore, recently some local media in Muğla started a smear campaign against the environmental defenders in the case of Deştin. The news claimed that those people were actually working for a rival cement company and receiving money from them for their efforts in stopping the construction of the factory. Both on digital media and print newspapers that were freely distributed in the coffeeshops in the villages in the region, they were called "in relation with armed terrorist groups" (Gazete Duvar, 2024).

In response to these attacks by the company, environmental organizations started a signature campaign and a meeting in the city center of Muğla in order to defend those environmentalists. Around 160 organizations composed of local and national level environmental organizations,

political parties, bar associations, and chambers of professions signed the campaign in a couple of days.

On the other hand, as mentioned, the people of Deştin were also struggling against the opposition party municipalities. Government-related media never covered stories in favor of Akbelen and Avdan for example, but they made several news about the struggle in Deştin. In the news, they did not mention the ministry that was provided the positive EIA report, but they only indicated the construction license given by the municipality (Sabah, 2023).

In terms of communication, it is important to consider the role of environmental journalists and environmental media. They are integral to the movements during the process of creating news. For instance, during my visit to Akbelen in June 2023, journalists from *Yeşil Gazete*, which can be translated as "Green Newspaper" and is an environmental news website, were present at the site. Once more, a considerable number of journalists were present in the area during the felling process, but this was an extraordinary moment. During my visit to Akbelen in June 2023, the local population informed the WhatsApp group that they had been informed that the area was to be cleared and that they needed support. Consequently, a number of individuals arrived at the site to offer their assistance. I was among those who responded to the call. Additionally, a retired environmentalist and leftist individual from Izmir was present. Another individual with comparable attributes came from Konya. However, the number of attendees was relatively small. In total, including the villagers, there were approximately 20 people in the area at its peak. It was therefore of great significance that environmental journalists were present at this relatively static period. They were there to report not only the extraordinary moments but also the relatively routine days of the struggle. They were at the site in response to the call from the people of Akbelen and in order to cover possible developments, surely, but when they arrived there was no activity, and they still reported daily activities and visits at the vigil area.

Additionally, journalists do not merely act as passive intermediaries, awaiting information, documents, and guidance from environmentalists.

They are engaged in the production of information and narratives derived from environmental struggles. It is also important to note that they are part of the framing process, as is inherent to their profession. Similarly, as the aforementioned experts have indicated, they are also engaged in public service and are therefore accountable and responsible for their actions. Moreover, environmental journalists need to be part of the field of science since they are reporting the news from this area by "translating scientific jargon, typically presented in the passive voice and often buried in endless sentence structure" (Valenti & Tavana, 2005). It is possible to see the same dynamic in their relations with the field of law and lawyers. Thus, they have to have knowledge of both fields and they can interpret this knowledge as Yasemin, who is an environmental journalist (1 July 2024), explained with these words:

> "An expert who worked on two similar cases gave contradictory opinions. S/he said that a mining project could be realized in Fethiye but in Köyceğiz could not be. Everyone was very surprised. Although I am not an expert, I could see the difference between the two reports despite my lack of technical knowledge. The Fethiye report contained general statements such as 'economically necessary'. The one for Köyceğiz was a very good report with technical details and explanations".

To conclude, comparing the organization, institutionalization, and media relations of the three movements, Deştin is organized but not well known. They have consciousness accumulated through generations and hence they have young people. In Akbelen, there are a few young people, but the movement is very well-known thanks to external support. In Avdan, there are no young people, and the external support is more "institutional".

The reason why Akbelen is so well known to the public and got quite a lot of media coverage is that there is more institutional support, and these institutions and environmental defenders are more able to convey this to the media. Also, Akbelen has become symbolic in every sense, as Güzide, an environmental defender (7 March 2024), explained. That

region was already very symbolic in every respect because of coal and thermal power plants. They are more of a contentious issue compared to the cement factory as in the case of Deştin. As Selma, an environmental lawyer (6 May 2024), and Ercan, an environmental defender (25 June 2024), explained "the public interest" discourse of the state and the company emphasizing the energy need of the country might succeed in influencing people, however in the case of the cement factory there is no such ground.

## § 5.6 Concluding Remarks

This chapter focused on the relations between environmental movements and institutions, and these relations' effects on their legal and environmental consciousness. These institutions that mainly influence environmental movements are environmental organizations, state institutions, scientific or expert institutions, and the media.

People involved in an environmental struggle play several different roles. More precisely, they need to bring these roles together. Science, law, and communication come to the fore as fields within the framework of legal consciousness. Producing knowledge, accessing knowledge (both scientific and legal), transferring this knowledge to the field of law, and communicating it to the public are the stages that environmental struggles have to go through. Not all struggles can go through these stages, and sometimes they may not because, as mentioned before, it is a great organization of effort, information, and sharing in teamwork. However, things are not always organized and regularly managed as in the case of Akbelen and this is not decisive in the course of the struggle. Moreover, the movement keeps going depending on its organization and solidarity among its members. Recalling the words of Güzide, an environmental defender (7 March 2024),: "In resistance, it is only when you are alone that you give up. When you are left alone, then you give up."

# 6

# Conclusion

As result of the field research, it has been revealed that the ties established with the space, law/legal processes and interaction with lawyers, and relations with environmental organizations and institutions play a decisive role in the formation and transformation of the legal consciousness of environmental movements. The main argument of the research, that the legal consciousness of environmental movements does not originate from environmental law, which is state law, but from the "historical/territorial rights", "relations of production" and understanding of "commons" that determine approaches on law and rights, has been discussed in three analysis chapters. The relations and ties with space play a triggering role in the motivations and beginning of a struggle; in the field of law and legality environmental movements run a counter-hegemonic struggle; and their engagement with the law and the institutions (environmental organizations, state institutions, expert institutions, and media) facilitates their institutionalization (and vice versa) and create venues for transformation and sharing of legal consciousness.

Environmental struggles are long-term struggles with ups and downs that can spread over decades. There are examples where a direct rights and legal consciousness and struggle continues in the local community, as in the case of Deştin, but there are also struggles that are not direct,

fragmented, and disconnected, as in the case of Akbelen, but still emerged as an extension of the struggles that have been going on in the region for a long time, such as 40 years. There is an accumulation of consciousness at different paces for different contexts. In terms of litigation processes, as in the case of Deştin, even if they win a lawsuit, this does not create a final closure. They have to start a new struggle with a change in the legislation or a new environmental impact assessment (EIA) application. In this context, a won or lost case emerges as a specific and temporary moment in the long history of an environmental struggle. There are countless environmental cases where the law, which is expected to provide 'certainty' and 'clarity', fails to do so. Moreover, the non-implementation of court decisions stands out in the narratives as an important point of objection. Companies can continue their activities by not complying with the stay of execution orders issued by the courts. In each case, an example of this was seen and the activities were stopped with the intervention of the environmental movement.

Legal consciousness is a dynamic concept, as underlined by Ewick and Silbey (1998) and environmental movements mostly navigate between "with the law" and "against the law" in their struggles. "Before the law" is mostly evident when they first find themselves in a situation to reject the state.

Recalling the example in the words of Hatice Kocalar on the difference between education and advice in the Introduction, I tried to show how the sources of advice lay in the historical/territorial rights, relations of production, and an understanding of the commons. I should underline that advice is one form of non-state law and here stands as an "example" rather than a refer to one specific form of "local knowledge" or "wisdom". The advice, non-state law, is already there as a potential in the daily lives. This potential comes from their social class and political positions in the society. As in the case of class consciousness, struggle is the determinant. When people find themselves in a position to struggle for their rights, then this consciousness is activated as actors and subjects entitled to engage in this struggle. Through the lawsuits, this kind of consciousness meets with legal consciousness based on state law. This is a process of

learning, as in the case of education. Their consciousness transforms through the struggle; however, legal consciousness is multi-pieced and multi-layered. Even though people learn about the details of state law, their moral rectitude still comes from being entitled to conduct that struggle based on non-state law. The state law might provide justice, but this justice is also based on the struggle of the people who pushed the law. This does not mean that state law is not important and should be abandoned. On the contrary, giving up on the law means giving up the will to participate in decision-making (Özlüer, 2023). That is why people never give up bringing lawsuits over and over again, despite the disappointments. This is not because they trust the judiciary and law but because they trust in their struggle, organization, and solidarity. I believe, the answer to the question of why people still pursue litigation under these circumstances, lies in this point. Moreover, the law keeps producing injustices as opposed to its aim. Considering how "broken" law is, it is not quite surprising to see that people are dealing with the law. This is also a reaction against instrumentalizing and wrongdoings of law.

On the other hand, I should underline that non-state law which might have many different forms and sources, does not always provide an alternative or a counter-hegemonic struggle. In addition, the notion of community which is an important part of the conceptualization of commons and the formation of social movements does not directly provide a common good as well, as suggested by Joseph (2002) who criticizes romanticizing the community that might produce social hierarchies as against its positive connotations in mind. Moreover, the definition of law and legality and what is legitimate or not by a community (Engel, 1987) might also produce injustice. There are villagers who are members of the local community and do not support environmental struggles and who might also be the perpetrators of environmental destruction. As can be seen in the example of Reşit Kibar, a villager in Hopa, Artvin who was killed by another villager in September 2024 while trying to stop the felling in the forest by a company, the villagers are not necessarily and directly defend their living areas (Söğüt, 2024). The environmental movements are sometimes against the villagers as well.

I tried to touch upon the question of "who are the members of a movement and hence a community" when I bring discussions on the distinction between "insiders" and "outsiders". Moreover, I also emphasized the relations established with a space as an important factor in the legal consciousness and struggle both for the villagers and environmental defenders. I should underline that both are members, actors, and subjects of the community of environmental movements. The important point here is that what makes a community is not only people living in a specific space but the struggle. The struggle itself creates the community as the community creates the struggle at the same time. Hence, as mentioned, non-state law does not suggest a taken-for-granted local knowledge but also it is a creation of the community and struggle.

If one of the aims of studying legal consciousness in areas outside formal law, is to reveal how law establishes its hegemony and its ideological and political dimension; the other is to reveal the counter-hegemonic ideology to reject this hegemony (Halliday and Morgan, 2013). As an extension of the approaches to the issues of rights, law, justice, and injustice that emerge in the relationship of environmental struggles with space, it constitutes these points of opposition. Whether they have won or not in the legal struggle undoubtedly has an impact on the environmental destruction directly experienced by the local community. However, on the other hand, the fact that the decisions are not implemented even when they have won the legal struggle, that they have to hold vigils for court decisions, and that the written law disappoints them again and again, is an indication that both the sources of origin and the future paths of these struggles will not stem from a legal consciousness based on written rules.

It is possible to explain the argument that the local community's understanding of space and their rights over space is based on historical/territorial rights and relations of production with two iconic names and words from different environmental struggles that summarize the emphasis on "host of space". First, during the protests against the Green Road project in 2015, which aims to connect the Black Sea plateaus to each other, a local woman rejecting the construction of the road, named Rabiye Bekar said "What is a court? We are the court. What is the state? There is

no state, there is the people. Who is the state? The state is the state because of us. Our grandfathers went down from here on foot and became martyrs" (Ercan, 2023). Secondly, in 2023, during the clearing of the forest in Akbelen, those words that Aytaç Yakar, a local woman resisting the mining extension, put while crying, was one of the most striking moments of the movement: "For two years I have not eaten or drunk, I have been on guard here. Is this the compensation? Who the hell is the company? Don't be the company's henchmen (to the gendarmerie), my children. You were born to mothers just like us"(Cumhuriyet, 2023b). Undoubtedly, the emphasis on "state" and "company" here is not independent of the changing phases of the neoliberal transformation of Turkey.

In environmental and ecological studies conducted in Turkey and around the world, studies focusing on the success and failure of the movement and addressing the factors in this regard are mostly prominent (Gönenç, 2021; Avcı, 2015). In this study, I tried to go beyond whether environmental lawsuits are won or not and focus on the turning points in the process of litigation and struggle. Even if environmental lawsuits are won, protested projects can be realized after another law or regulation is passed. The anti-mining struggles and lawsuits in Bergama and Cerattepe are examples of this. However, although this situation might cause the struggle to fade in the short term, it did not result in the end of the struggle in the long term. In this respect, lawsuits and legal struggles are considered as a part of a long process.

I try to show how state and non-state law can be brought together in environmental struggles. In this context, it is possible to understand environmental justice from a more technical point of view in the way state law is implemented and how environmental movements could take part in decision-making processes; and also from a broader perspective of struggle, rights and justice. That perspective might help to understand how the demand for environmental justice can be raised both in law and politics. Pushing the law from the perspective of non-state law might be helpful in understanding why environmental movements still pursue lawsuits even if state law keeps creating frustrations and injustice.

In terms of the literature on legal consciousness, I contribute to the studies in the areas of counter-hegemony and critical approaches and mobilization approaches. My cases do not fit the definitions of "under the law", "alienation of law" (Hertogh, 2018), or "rejection of state law" (Halliday and Morgan, 2013). Environmental movements in the cases of this study do not reject the authority of the law or do not break it on purpose. Here I differ from these examples of critical studies and counter-hegemony, however, I contribute to those studies from the perspective of counter-hegemonic struggle. The struggle stands out as the decisive factor. Hence, I try to show the link between struggle and consciousness, as mentioned. Struggle in the field of law and legality creates points where they can bring the discourse from the perspective of non-state law. On the other hand, this emphasis on struggle must not create a non-recognition of its limitations, difficulties, and contestations. It is not possible to talk about an uninterrupted, continuous, and always full-strength struggle and a coherent community that runs this struggle. Both community and struggle has its ups and downs. In addition, considering Silbey's criticism of some of the legal consciousness studies that have an over-focus on individual experiences and miss the effect of the hegemonic power of law as a structural institution (Silbey, 2018; Ewick and Silbey, 2020), this study tries to show how "legal consciousness can bridge structure and agency" as in the instances of bringing state and non-state law together (Ewick & Silbey, 1998; Halliday & Morgan, 2013).

I believe that there are several insights from the three analysis chapters of this study for further research. Legal geography is discussed under only one section in Chapter 3, but it has many different implications for different contexts. I tried to discuss the rural contexts but studies in urban contexts are also influential. Legal geography has not been subject to research and debate for Turkey, and it bears a solid potential.

Moreover, there is a substantial potential for further research on environmental lawyers. In this study, they were discussed under the environmental movement's navigation in the realm of law and legality. Lawyers and jurists have historically occupied a special position in bureaucracy and state elite. Considering environmental lawyers'

transformation along with the transformation of state and politics throughout the authoritarian neoliberal rule of the AKP government could provide new perspectives. The framework of authoritarian neoliberalism was not the focus of this study, however, the cases of environmental movements set a significant example of how people are excluded from the decision-making processes in favor of the capital. Environmental justice struggles considered with the framework of authoritarian neoliberalism might also be helpful in understanding the relations between the state, law, and the company as discussed in Chapter 5.

In addition, the role of science and scientists in environmental lawsuits also is a promising area to research. As in the case of lawyers, scientists might have their network and map of relations. The role of science in law and legality could also have possibilities for environmental criminology. There are many studies on environmental crimes in the global context, but for Turkey, concepts such as corporate crimes are still new.

From a more macro point of view of environmental justice issues, it can be said that a particular social injustice triggered the conceptualization and movement of environmental justice. That is to say, civil rights movement and the struggle against racism in the United States led people to criticize "white environmentalism" and how it misses a lot in their approach and in a way makes invisible the inequalities in the experiences and vulnerabilities in the face of environmental degradation. Thus, the idea of environmental justice emerged out of the Black rights movement and inspired the environment movement in the United States. One might ask if we can trace a similar pattern in different environmentalisms in Turkey. In other words, do we have other social justice struggles in Turkey that might have affected the struggle of environmentalism? There are studies trying to redefine environmentalism in Turkey, but this study would contribute to these debates from different perspectives in researching the roles of lawyers for example.

Çoban also draws attention to the point that "climate injustice arises from social injustice and climate injustice deepens social injustice" (Çoban, 2016, p. 14). In light of this argument, we can seek the traces of this relation in the legal struggle of the environment movement and of

other movements. I have already indicated to the point that how environmental movement emerged from the civil rights movement in the United States. In other words, can we understand environmental justice demands along with justice demands in other areas such as the women's movement, Kurdish movement, or worker's movement? Could the lawyers play a role in these connections? Adaman et al. (2016) underline that the presence of the leftists in the case of Artvin implies a relation but we have other examples of environmental conflicts such as in Rize where the popularity of the AKP government is quite high. In this context, the justice demands of other movements, how their demands interact with each other and the position of environmental movement in all these are worthwhile for researching and discussing in terms of Turkey's politics, social conflicts as well as environmental conflicts.

To conclude, in the context of Turkey, the fields of socio-legal studies and law and society have not attracted much attention. These fields have important potential, especially in light of the role that law plays in politics and how it can become an oppressive tool while people continue to strive for justice and be involved in the processes that determine law, legality, and politics. Although there is plenty of research on environmental issues in Turkey, the social sciences again do not quite address the connections between the environment, law, and environmental movements. This research attempts to contribute to these developing investigations.

# Appendix A Question Forms for Semi-Structured Interviews

**Semi-structured interview questions with environmental activists, members of environmental struggle/movement, members of environmental associations/NGOs**

1. What is your age, occupation and educational background?
2. How did you become interested in environment and ecology?
3. How long have you been involved in environmental struggles?
4. How would you describe your position and role in the environmental struggles you have taken part in?
5. What are the factors that led you to wage an environmental struggle?
6. What are the factors that motivate you to continue your environmental struggle and not to give up?
7. Thinking about one or more environmental struggles you have been involved in, how do you defend the struggle? How do you prove that you are right?
8. What do you think about legal struggles on environmental issues?
9. What kind of influence do institutional organizations such as associations etc. have in initiating legal processes and filing lawsuits?
10. What are your expectations from the legal struggle?
11. What are the difficulties you face in the legal struggle process?
12. From which sources do you access information on environmental laws and legal processes?
13. What are your thoughts on environmental laws and the state's environmental policies?
14. How would you evaluate the attitude and role of bar associations/lawyers/jurists in Turkey on environmental issues?
15. How would you evaluate the attitude of the judiciary in environmental cases you have encountered during your time in the environmental struggle?

16. If there is an environmental case hearing you have attended, what are your observations and experiences about the case, the day of the hearing and the atmosphere in the courthouse?
17. How do different environmental struggles relate to each other, what are your views and observations about these relations?
18. Do you think environmental laws and legal practices are adequate/appropriate?

**Semi-structured interview questions with environmental lawyers**

1. What is your age and educational background?
2. How did you become interested in environment and ecology?
3. How long have you been practicing as a lawyer/ environmental lawyer?
4. How would you describe your position and role in the environmental struggles and environmental cases you have been involved in?
5. What are the factors that led you to wage an environmental struggle?
6. What are the factors that motivate you to continue your environmental struggle and not to give up?
7. What do you think about legal struggles on environmental issues?
8. What are your expectations from the legal struggle?
9. What are the difficulties you face during the legal struggle?
10. What are the factors that render environmental lawyering different?
11. What are the positive and negative aspects of practicing environmental law in Turkey?
12. How would you describe your relationship with other environmental lawyers?
13. Is there knowledge and experience sharing among environmental lawyers in Turkey? What is your assessment on this issue?
14. How would you evaluate the attitude and role of bar associations/lawyers/jurists in Turkey on environmental issues?
15. What are your thoughts on environmental laws and the state's environmental policies?
16. How would you evaluate the attitude of the judiciary in environmental cases you have encountered during your time in the environmental struggle?

17. What are your observations and experiences about the trial, the day of the trial and the atmosphere in the courthouse for one or several environmental court hearings you have attended?
18. Do you think environmental laws and legal practices are adequate/appropriate?

**Semi-structured interview questions with environmental and ecology journalists**

1. What is your age and educational background?
2. How did you become interested in environment and ecology?
3. How long have you been practicing journalism/ environmental journalism?
4. How would you describe your position and role in the environmental struggles you have taken part in and the environmental news you cover?
5. What are the factors that led you to wage an environmental struggle?
6. What are the factors that motivate you to continue your environmental struggle and not to give up?
7. What do you think about legal struggles on environmental issues?
8. What are your expectations from the legal struggle?
9. What are the difficulties encountered in the process of legal struggle?
10. From which sources do you access information on laws and legal processes related to environmental issues?
11. Who are your sources when reporting on environmental issues and how do you access the news?
12. What are the factors that render environmental journalism different?
13. What are the positive and negative aspects of practicing environmental journalism in Turkey?
14. How would you describe your relationship with other environmental journalists?
15. Is there information and experience sharing among environmental journalists in Turkey? What is your assessment on this issue?
16. How would you evaluate the attitude and role of bar associations / lawyers / jurists in Turkey on environmental issues?

17. What are your thoughts on environmental laws and the state's environmental policies?
18. How would you evaluate the attitude of the judiciary in environmental cases you have encountered during your time in the environmental struggle?
19. What are your observations and experiences about the trial, the day of the trial and the atmosphere in the courthouse for one or several environmental court hearings you have attended?
20. Do you think environmental laws and legal practices are adequate/appropriate?

## Appendix B Profiles of Interviewees

| No | Nickname | Date | Title | Location and Case | City |
|---|---|---|---|---|---|
| **Villagers/Local Community and Environmental Defenders** | | | | | |
| 1 | Yurdanur | 18 April 2022 | Villager | Akbelen-Coal & Thermal Power Plant | Muğla |
| 2 | Emine | 18 April 2022 | Villager | Akbelen-Coal & Thermal Power Plant | Muğla |
| 3 | Sultan | 18 April 2022 | Villager | Akbelen-Coal & Thermal Power Plant | Muğla |
| 4 | Sevim | 11 January 2023 | Environmental Defender | Akbelen-Coal & Thermal Power Plant | Muğla |
| 5 | Harun | 3 June 2023 | Environmental Defender | Akbelen-Coal & Thermal Power Plant | Muğla |
| 6 | Suna | 5 June 2023 | Villager | Akbelen-Coal & Thermal Power Plant | Muğla |
| 7 | Defne | 17 November 2023 | Villager | Akbelen-Coal & Thermal Power Plant | Muğla |
| | | | | | |
| 1 | Hüseyin | 3 August 2023 | Villager | Avdan-Coal | Denizli |
| 2 | Ümit | 3 August 2023 | Villager | Avdan-Coal | Denizli |
| 3 | Zarife | 3 August 2023 | Villager | Avdan-Coal | Denizli |
| 4 | Rıza | 4 August 2023 | Villager | Avdan-Coal | Denizli |
| 5 | Necdet | 4 August 2023 | Villager | Avdan-Coal | Denizli |
| | | | | | |

| | | | | | |
|---|---|---|---|---|---|
| 1 | Mehmet | 12 August 2022 | Environmental Defender | Deştin-Cement Factory | Muğla |
| 2 | Zeynep | 20 January 2024 | Villager | Deştin-Cement Factory | Muğla |
| 3 | Lale | 16 April 2024 | Villager | Deştin-Cement Factory | Muğla |
| 4 | Ercan | 25 June 2024 | Environmental Defender | Deştin-Cement Factory | Muğla |
| | | | | | |
| **Environmental Lawyers** | | | | | |
| 1 | Işık | 18 January 2022 | Lawyer | Case not indicated for anonymity | City not indicated for anonymity |
| 2 | Ali | 27 May 2022 | Lawyer | Case not indicated for anonymity | City not indicated for anonymity |
| 3 | Rıdvan | 4 January 2022 | Lawyer | Case not indicated for anonymity | City not indicated for anonymity |
| 4 | Dursun | 19 April 2023 | Lawyer | Case not indicated for anonymity | City not indicated for anonymity |
| 5 | Halit | 17 January 2022 | Lawyer | Case not indicated for anonymity | City not indicated for anonymity |
| 6 | Cenk | 25 November 2023 | Lawyer | Case not indicated for anonymity | City not indicated for anonymity |

| | | | | | |
|---|---|---|---|---|---|
| 7 | Selma | 6 May 2024 | Lawyer | Case not indicated for anonymity | City not indicated for anonymity |
| 8 | Kemal | 11 October 2023 | Lawyer | Case not indicated for anonymity | City not indicated for anonymity |
| 9 | Halil | 11 October 2023 | Lawyer | Case not indicated for anonymity | City not indicated for anonymity |
| | | | | | |
| **Environmental Journalists** | | | | | |
| 1 | Nejat | 21 December 2021 | Journalist | Not a specific case | İstanbul |
| 2 | Feriha | 23 December 2021 | Journalist | Not a specific case | İzmir |
| 3 | Salih | 16 January 2023 | Journalist | Not a specific case | İzmir |
| 4 | Yasemin | 1 July 2024 | Journalist | Not a specific case | Muğla |
| | | | | | |
| **Environmental Defenders** | | | | | |
| 1 | Cihan | 9 November 2023 | Environmental Defender | Akbelen, Avdan | İstanbul |
| 2 | Canan | 30 November 2023 | Environmental Defender | Akbelen, Deştin | Muğla |
| 3 | Güzide | 7 March 2024 | Environmental Defender | Akbelen | İstanbul |
| 4 | Mustafa | 7 May 2022 | Environmental Defender | Foça&Aliağa Industrial zone | İzmir |

| | | | | | |
|---|---|---|---|---|---|
| 5 | Sinan | 6 May 2022 | Environ-mental Defender | Karaburun, fish farms and wind power plant | İzmir |
| 6 | Yusuf | 11 Janu-ary 2023 | Environ-mental Defender | Ida Mountain | Çanak-kale |

# Bibliography


1+1 Express. (2021, July 1). *Haklarımızdan, hayatlarımızdan vazgeçmiyoruz*. 1+1 Express. https://birartibir.org/haklarimizdan-hayatlarimizdan-vazgecmiyoruz/

@350turkiye. (2023, October 6). *350 Türkiye, Instagram: "Denizli, Avdanlılar zeytinlikleri yok ederek ilerleyen kömür madenine karşı dava açtı, kazandı. Ancak şirket, yürütmeyi durdurma kararına uymuyor. Avdanlılar, kömürden kurtuldukları bir gelecek istiyor. Paylaş, herkes duysun."* [Online post]. Instagram. https://www.instagram.com/p/CyDuqRFsyPJ/

Adaman, F., Akbulut, B., & Arsel, M. (2016). Türkiye'de Kalkınmacılığı Yeniden Okumak: HES'ler ve Dönüşen Devlet-Toplum-Doğa İlişkileri. In C. Aksu, S. Erensü, & E. Evren (Eds.), *Sudan Sebepler: Türkiye'de Neoliberal Su-Enerji Politikaları ve Direnişleri*. İletişim.

Adaman, F., & Arsel, M. (Eds.). (2005). *Environmentalism in Turkey: Between Democracy and Development?* (0 ed.). Routledge.

Adem, Ç. (2005). Non-State Actors and Environmentalism. In F. Adaman & M. Arsel (Eds.), *Environmentalism in Turkey: Between democracy and development?* Routledge.

Agamben, G. (1998). *Homo Sacer: Sovereign Power and Bare Life* (Original print). Stanford University Press.

Akbaş, K. (2018). Sınıf Mücadelesi ve Hukuk: Marx'ın Yönteminin İzinde. *Praksis*, *48*, 42–61.

Akbaş, U. (2021, November 6). Akbelen Yuvamız – İkizköy Direniyor. *İkizköy Direniyor*. https://ikizkoydireniyor.net/akbelen-yuvamiz/

Akbelen Yuvamız Vermeyeceğiz [@ikizkoydireniyo]. (2020, April 15). *İkizköylüleri korona günlerinde susuzlukla sınatan Yeniköy Termik Santrali köyün uğraştığı tek mesele değil. İkizköy muhtarıyla da sınanıyor.Susuzluk ortasında sesini duyurmaya çalışan İkizköylüleri muhtar adeta "haklarını aradıkları için" şikayet ediyor. Https://dokuz8haber.net/kose-yazilari/ikizkoy-mahalle-mi-yoksa-koy-mu/* [Tweet]. Twitter. https://x.com/ikizkoydireniyo/status/1250410647701118980

Akbelen Yuvamız Vermeyeceğiz [@ikizkoydireniyo]. (2021, December 2). *İkizköy Işıkdere'nin camisi yıkılıyor. Minaresi biz yetişinceye dek yıkılmış. En az 200 yıllık bir köyden geriye kalan ne varsa kömür için yok ediliyor. Tarih, kültür, kişisel ve toplumsal anılar.... Https://t.co/jvnQGjiYky* [Tweet]. Twitter. https://x.com/ikizkoydireniyo/status/1466344309138075653

Akbelen Yuvamız Vermeyeceğiz [@ikizkoydireniyo]. (2022, September 11). *İkizköy'de bu sabah Sularımız bir haftadır akmıyor. Güya arıza varmış. Biz arızanın nerede olduğunu çok iyi biliyoruz. Su Hakkı, vazgeçilmez bir yaşam hakkıdır. Bize su sağlamayan @muskibasin ve suyumuza el koymuş olan @LimakEnerji @IcIctas suç işlemektedir. Https://t.co/ZChZTaBH2n* [Tweet]. Twitter. https://x.com/ikizkoydireniyo/status/1568853411835088896

Akbelen Yuvamız Vermeyeceğiz [@ikizkoydireniyo]. (2023, November 26). *Dünya Zeytin Ağacı Günü'nde Akbelen'de Zeytin Kanunu çiğneniyor, ormanın ardından şimdi de zeytinlikler hiçe sayılıyor. Biz her şeye rağmen üretmeye, zeytinlerimizi yaşatmaya ve korumaya devam edeceğiz. Zeytin için adalet, Akbelen için adalet! #ZeytincilikKanununuUygula https://t.co/T0cZYQHLYY* [Tweet]. Twitter. https://x.com/ikizkoydireniyo/status/1728690828703400429

Akbulut, B. (2017). Commons. In C. L. Spash (Ed.), *Routledge Handbook of Ecological Economics: Nature and Society* (1st ed., pp. 395–403). Routledge. https://doi.org/10.4324/9781315679747

Akçabay, F. C. (2020). Hukuk Bilinci Çalışmalarının Bakiyesi. İn *Prof. Dr. Metin Günday armağanı I. Cilt* (pp. 55–76). Atılım Üniversitesi.

Akdemir, Ö. (2017, October 24). AİHM bir kez daha "Bergamalıların hakları ihlal edildi" dedi. *Evrensel.net*. https://www.evrensel.net/haber/336004/aihm-bir-kez-daha-bergamalilarin-haklari-ihlal-edildi-dedi

Akdemir, Ö. (2020, July 29). Bergama altın madeni itirazı reddedildi | "İvedi yargılama çevre lehine de işlesin." *Evrensel.net*. https://www.evrensel.net/haber/410478/bergama-altin-madeni-itirazi-reddedildi-ivedi-yargilama-cevre-lehine-de-islesin

Aksu, C., Erensü, S., & Evren, E. (Eds.). (2016). *Sudan Sebepler: Türkiye'de Neoliberal Su-Enerji Politikaları ve Direnişleri*. İletişim.

Aksu, C., & Korkut, R. (2017). *Ekoloji Almanağı, 2005-2016*. Yeni İnsan.

Altıntaş, B., & Tahincioğlu, G. (2022). *Yargının Namlusu Gazetecilere Doğrulduğunda- SLAPP Davaları: Muktedir Gazeteciye Karşı*. Media and Law Studies Association. https://www.mlsaturkey.com/images/SLAPP-Tr-dijital.pdf

Altıparmak, Ö. (2022). *Zeytinin Hakkını Savunmak: Yönetmelik İptali Davası*. Doğa Derneği. https://dogadernegi.org/wp-content/uploads/2023/06/zeytinin-hakkini-savunmak-yonetmelik-iptal-davasi.pdf

Anka Haber. (2023, August 8). *Akbelen ve Dikmece Köylüleri CHP Grup Toplantısına Katıldı. İkizköylü Işık: "Marjinaller Burada. Başı Yazmalı, Elleri Kinalı, Ayakları Naylon Papuçtan Başka Bir Şey Görmemiş."* Ankahaber.Net. https://ankahaber.net/haber/detay/akbelen_ve_dikmece_koyluleri_chp_grup_toplantisina_katildi_ikizkoylu_isik_marjinaller_burada_basi_yazmali_elleri_kinali_ayaklari_naylon_papuctan_baska_bir_sey_gormemis_149946

Anka Haber. (2024, May 17). *Muğla'da 1 Günde 6 Projeye "Çed Gerekli Değildir" Karari Verildi, Çevreciler İsyan Etti*. Ankahaber.Net. https://ankahaber.net/haber/detay/muglada_1_gunde_6_projeye_ced_gerekli_degildir_karari_verildi_cevreciler_isyan_etti_180348

Aoki Inoue, C. Y., Lemos Ribeiro, T., Gonçalves, V. K., Basso, L., & Franco Moreira, P. (2023). Indigenous and traditional communities' ways of knowing and being in planetary justice. *Environmental Politics*, 1–20. https://doi.org/10.1080/09644016.2023.2293437

Armstrong, C. (2015). Climate justice and territorial rights. In J. Moss (Ed.), *Climate Change and Justice* (pp. 59–72). Cambridge University Press.

Arsel, M. (2005). The Bergama Imbroglio. In F. Adaman & M. Arsel (Eds.), *Environmentalism in Turkey: Between democracy and development?* Routledge.

Arsel, M., Akbulut, B., & Adaman, F. (2015). Environmentalism of the malcontent: Anatomy of an anti-coal power plant struggle in Turkey. *The Journal of Peasant Studies*, *42*(2), 371–395. https://doi.org/10.1080/03066150.2014.971766

Artı Gerçek. (2023, October 11). *İkizköylüler "Akbelen'e adalet" için mahkemeye yürüyor: Biz bitti demeden bitmez*. https://artigercek.com/cevre/ikizkoyluler-akbelene-adalet-icin-mahkemeye-yuruyor-biz-bitti-demeden-bitmez-268495h

Arzuk, İ. (2013). Noyan Özkan'ın Mücadelesine Saygı. *Kolektif Ekososyalist Dergi*, *16*.

Avcı, D. (2017). Mining conflicts and transformative politics: A comparison of Intag (Ecuador) and Mount Ida (Turkey) environmental struggles. *Geoforum*, *84*, 316–325. https://doi.org/10.1016/j.geoforum.2015.07.013

Aydin, C. I. (2019). Identifying Ecological Distribution Conflicts Around the Inter-regional Flow of Energy in Turkey: A Mapping Exercise. *Frontiers in Energy Research*, *7*, 33. https://doi.org/10.3389/fenrg.2019.00033

Aydın, Z. (2005). The State, Civil Society, and Environmentalism. In F. Adaman & M. Arsel (Eds.), *Environmentalism in Turkey: Between Democracy and Development?* (0 ed.). Routledge. https://doi.org/10.4324/9781315256245

Aydıner, T. (2021). Denizli/Avdan Termik Santral Projesi'nin İptali: Müşterekler Siyasetinin Öğrettikleri. *Emek Araştırma Dergisi (GEAD)*, *12*(20), 353–382.

*Babaanne Senin Köyün Nerede? | Kömür Hikayeleri*. (n.d.). Kömür Hikayeleri. Retrieved August 21, 2024, from https://komurhikayeleri.org/tayyibe-demirel-yatagan-mugla/

Ballestero, A. (2019). *A Future History of Water*. Duke University Press. https://doi.org/10.1215/9781478004516

Barca, S. (2007). Enclosing the River: Industrialisation and the "Property Rights" Discourse in the Liri Valley (South of Italy), 1806-1916. *Environment and History*, *13*(1), 3–23. https://doi.org/10.3197/096734007779748264

Barkan, S. E. (1980). Political Trials and Resource Mobilization: Towards an Understanding of Social Movement Litigation. *Social Forces*, *58*(3), 944. https://doi.org/10.2307/2577193

BBC News Turkish. (2024a, April 9). *AİHM, iklim değişikliği davasında İsviçre'yi mahkumiyeti ne anlama geliyor?* BBC News Turkish. https://www.bbc.com/turkce/articles/cy9xylg9j21o

BBC News Turkish. (2024b, June 18). *Avrupa Konseyi'nden "Osman Kavala ve Selahattin Demirtaş serbest bırakılsın" çağrısı: "Türkiye AİHM kararlarına uymalı."* BBC News Turkish. https://www.bbc.com/turkce/articles/c3gg094e2jwo

Bennett, L., & Layard, A. (2015). Legal Geography: Becoming Spatial Detectives. *Geography Compass*, *9*(7), 406–422. https://doi.org/10.1111/gec3.12209

bianet.org. (2019, March 4). *İzmir Barosu: Aliağa'da Hukuksuz Olarak Çalışan Termik Santrali Kapatın*. https://bianet.org/haber/izmir-barosu-aliaga-da-hukuksuz-olarak-calisan-termik-santrali-kapatin-206056

bianet.org. (2023a, January 13). *Kömür madenine direnen Avdanlılar: Unutulmasın ki toprak bizim*. https://bianet.org/haber/komur-madenine-direnen-avdanlilar-unutulmasin-ki-toprak-bizim-272808

bianet.org. (2023b, August 4). *Akbelen'de jandarma su tankerini engellemek istedi, direniş kazandı*. https://bianet.org/haber/akbelen-de-jandarma-su-tankerini-engellemek-istedi-direnis-kazandi-282396

bianet.org. (2023c, September 12). *Akbelen'de nöbet alanına jandarma baskını: "Hepiniz utancınızla yaşayın."* https://bianet.org/haber/akbelen-de-nobet-alanina-jandarma-baskini-hepiniz-utancinizla-yasayin-283860

Birgün. (2022, October 20). *İkizköylülerden toplantıya itiraz*. birgun.net. https://www.birgun.net/haber/ikizkoylulerden-toplantiya-itiraz-406912

Birgün. (2023, April 3). *Çimento fabrikasına karşı yurttaşlar yolu kapattı*. Birgün. https://www.birgun.net/haber/cimento-fabrikasina-karsi-yurttaslar-yolu-kapatti-427282

Blomley, N. (2003). From 'What?' to 'So What?': Law and Geography in Retrospect. In J. Holder & C. Harrison (Eds.), *Law and Geography* (pp. 17–34). Oxford University Press. https://doi.org/10.1093/acprof:oso/9780199260744.003.0002

Blomley, N., Delaney, D., & Ford, R. T. (Eds.). (2001). *The legal geographies reader: Law, power, and space*. Blackwell.

Boccagni, P., & Kusenbach, M. (2020). For a comparative sociology of home: Relationships, cultures, structures. *Current Sociology*, *68*(5), 595–606.

Bodrum Gündem. (2020, February 12). *Milas'ta Halk Direndi, Orman Kurtuldu*. Bodrum Gündem. https://www.bodrumgundem.com/2020/02/12/milasta-halk-direndi-orman-kurtuldu/

Bourdieu, P. (1977). *Outline of a Theory of Practice (Vol. 16)*. Cambridge University Press.

Bourdieu, P. (1987). The Force of Law: Toward a Sociology of the Juridical Field. *Hastings Law Journal*, *38*(5), 814–853.

Bourdieu, P., & Wacquant, L. J. D. (1992). *An invitation to reflexive sociology*. University of Chicago Press.

Boutcher, S. A. (2017). Private Law Firms in the Public Interest: The Organizational and Institutional Determinants of Pro Bono Participation, 1994–2005. *Law & Social Inquiry*, *42*(02), 543–564. https://doi.org/10.1111/lsi.12231

Braverman, I. (2009). Uprooting Identities: The Regulation of Olive Trees in the Occupied West Bank. *PoLAR: Political and Legal Anthropology Review*, *32*(2), 237–264. https://doi.org/10.1111/j.1555-2934.2009.01061.x

Braverman, I., Blomley, N. K., Delaney, D., & Kedar, A. (Eds.). (2014). *The expanding spaces of law: A timely legal geography*. Stanford Law Books, an imprint of Stanford University Press.

Burstein, P. (1991). Legal Mobilization as a Social Movement Tactic: The Struggle for Equal Employment Opportunity. *American Journal of Sociology*, *96*, 1201–1225.

Bustos, C. (2022). Movement Lawyering in the Time of the Climate Crisis. *Pace Environmental Law Review*, *39*(1), 1. https://doi.org/10.58948/0738-6206.1854

*Büyük Menderes: Gökkubbe Altındaki En Güzel Yeryüzü*. (2023). Spatial Justice Association (MAD), We Live Together Education and Social Research Foundation (BAYETAV). https://mekandaadalet.org/wp-content/uploads/2023/10/Buyukmenderes.pdf

Cain, M. E., & Harrington, C. B. (1994). *Lawyers in a postmodern world: Translation and transgression*. New York University Press.

Can, Ö., & Gönenç, D. (2022). The Impact of Cognitive Filters on Strategic Actions and Relationships: An Analysis From Local Environmental Advocacy in the Aegean Region, Turkey. *Regional Environmental Change, 24*(53). https://doi.org/10.1007/s10113-024-02208-5

Canan, P., & Pring, G. W. (1988). Strategic Lawsuits against Public Participation. *Social Problems*, *35*(5), 506–519.

Capra, F., & Mattei, U. (2015). *The ecology of law: Toward a legal system in tune with nature and community* (First edition). Berrett-Koehler Publishers.

*Çevre Adaletini Hukuk Yoluyla Aramak Sempozyumu—Mekanda Adalet*. (2024, January 25). https://mekandaadalet.org/cevre-adaletini-hukuk-yoluyla-aramak-sempozyumu/

Çevre Hukuku Ağı (@cevreagi). (2024, March 6). *Çevre Hukukçuları Buluşması Denizli*. https://www.instagram.com/cevreagi/

Chitty, A. (2000). Recognition and Social Relations of Production. In T. Burns & I. Fraser (Eds.), *The Hegel-Marx Connection* (pp. 167–197). Palgrave Macmillan UK. https://doi.org/10.1057/9780230595934_8

Choudry, A., & Kapoor, D. (2010). Learning from the Ground Up: Global Perspectives on Social Movements and Knowledge Production. In A. Choudry & D. Kapoor (Eds.), *Learning from the Ground Up* (pp. 1–13). Palgrave Macmillan US. https://doi.org/10.1057/9780230112650_1

Çoban, A. (2004). Community-based Ecological Resistance: The Bergama Movement in Turkey. *Environmental Politics*, *13*(2), 438–460. https://doi.org/10.1080/0964401042000209658

Çoban, A. (2016). Toplumsal ve İklimsel Adaletsizlik Sarmalında İklim Siyaseti. In F. Özlüer & A. Çoban (Eds.), *Doğa ve Kent Hakları İçin Siyasal Stratejiler* (pp. 13–41). Ecology Collective.

Çoban, A. (2018). Ecological Commons and Enclosure Policies in Turkey. In E. Erdoğan, N. Yüce, & Ö. Özbay (Eds.), *The Politics of the Commons: From Theory to Struggle* (pp. 29–52). SEHAK and Rosa Luxemburg Foundation.

Coglianese, C. (2002). Social Movements, Law, and Society: The Institutionalization of the Environmental Movement. *SSRN Electronic Journal*. https://doi.org/10.2139/ssrn.297161

Cole, D. H. (2001). 'An Unqualified Human Good': E.P. Thompson and the Rule of Law. *Journal of Law and Society*, *28*(2), 117–203. https://doi.org/10.1111/1467-6478.00186

Constitution of the Republic of Turkey, 56, 56 (1982). https://www.mevzuat.gov.tr/mevzuat?MevzuatNo=2709&MevzuatTur=1&MevzuatTertip=5

Critical Legal Thinking. (2019, August 6). Pierre Bourdieu: Habitus. *Critical Legal Thinking*. https://criticallegalthinking.com/2019/08/06/pierre-bourdieu-habitus/

Cumhuriyet. (2023a, January 16). *Yurttaşlar çimento fabrikasına karşı adliye önünde!* https://www.cumhuriyet.com.tr/turkiye/yurttaslar-cimento-fabrikasina-karsi-adliye-onunde-2022088

Cumhuriyet (Director). (2023b, July 24). *Akbelen'de nöbet: Şirket kim şirket? Toprağıma sahip çıkıyorum, suç işlemiyorum* [Video recording]. https://www.youtube.com/watch?v=FuCWWM1eCMs

Cumhuriyet. (2023c, July 27). *Akbelen'de direniş: Ölürüm de vermem*. https://www.cumhuriyet.com.tr/cevre/akbelende-direnis-olurum-de-vermem-2102828

Cumhuriyet. (2023d, September 11). *Deştin'deki çimento fabrikasına mahkeme 'dur' dedi*. https://www.cumhuriyet.com.tr/cevre/destin-deki-cimento-fabrikasina-mahkeme-dur-dedi-2118238

Cummings, S. L. (2006). Critical Legal Consciousness in Action. *Harvard Law Review Forum*, *120*, 62–71.

Cummings, S. L. (2017). Law and Social Movements: An Interdisciplinary Analysis. In C. Roggeband & B. Klandermans (Eds.), *Handbook of Social Movements Across Disciplines* (pp. 233–270). Springer International Publishing. https://doi.org/10.1007/978-3-319-57648-0_9

Dağıstanlı, E. (2022, June). *Seven examples of ecology struggle in Turkey* [Saha journal by Citizens' Assembly Turkey]. https://hyd.org.tr/attachments/article/1200/saha_ing5_web.pdf

Delaney, D. (2015). Legal geography I: Constitutivities, complexities, and contingencies. *Progress in Human Geography*, *39*(1), 96–102. https://doi.org/10.1177/0309132514527035

Della Porta, D., & Diani, M. (2006). *Social movements: An introduction* (2nd ed). Blackwell Publishing.

Dezalay, Y. & Garth, B.G. (2010). *The Internationalization of Palace Wars: Lawyers, Economists, and the Contest to Transform Latin American States.* Univ. Chicago Press.

Diken. (2023, April 4). *Deştin: Talana direnen köylüler yolu kapattı, iftar ve sahuru sokakta yapıyorlar*. https://www.diken.com.tr/destinde-talana-direnen-koyluler-yolu-kapatti-iftar-ve-sahuru-sokakta-yapiyorlar/

Doğa Derneği. (2022, October 13). Doğayı savunmaya engel olacak ÇED yönetmeliği değişikliğine karşı davacıyız. *Doğa Derneği*. https://dogadernegi.org/dogayi-savunmaya-engel-olacak-ced-yonetmeligi-degisikligine-karsi-davaciyiz/

Dost, H. (2023, July 30). Akbelen'i bir de ondan dinleyin: 39 yıl önce Özal'a 'meyvelerimiz çürür' diyen Hatice Çakır'a ulaştık. *10Haber*. https://10haber.net/cevre/akbelen-direnisi-40-yil-once-baslamisti-ozala-karsi-cikan-kizlara-yillar-sonra-10haber-ulasti-226631/

EkoIQ. (2023, July 14). Deştin'de Süreç Çimento Fabrikası Lehine İşletiliyor. *EkoIQ Sürdürülebilirlik Hakkında Her Şey*. https://www.ekoiq.com/destinde-surec-cimento-fabrikasi-lehine-isletiliyor/

Ekoloji Birliği. (2020, March 30). *Türkiye'nin ilk büyük çevre zaferi: Termik santrale hayır!* Ekoloji Birliği. https://ekolojibirligi.org/turkiyenin-ilk-buyuk-cevre-zaferi-termik-santrale-hayir/

Ekoloji Birliği. (2023, August 2). *İkizköy Çevre Komitesi, ağaç katliamını savunan YK Enerji'nin iddialarını tek tek yanıtladı*. Ekoloji Birliği. https://ekolojibirligi.org/ikizkoy-cevre-komitesi-agac-katli-amini-savunan-yk-enerjinin-iddialarini-tek-tek-yanitladi/

Elveriş, I. (2016). Cause lawyering when it really matters: How Istanbul lawyers reacted to events in Gezi. *International Journal of the Legal Profession*, *23*(2), 131–156. https://doi.org/10.1080/09695958.2016.1176925

Engel, D. M. (1987) Law, Time, and Community. *Law & Society Review*, *21*(4), 605-638.

Ercan, F. (2023). Janus'a Karşı Emek-Doğa Değer Teorısının Çağrısı: Esnek Ama Merkezıleşmış Çapraz Dayanışma Ağları. *Türk Tabipleri Birliği Mesleki Sağlık ve Güvenlik Dergisi*, *77–78*.

Erdem, C. U. (2018, July). Yurttaşlar İçin ÇED Süreci Takip Rehberi – Ekoloji Kolektifi Derneği. *Ecology Collective*. https://ekolojikolektifi.org/portfolio/yurttaslar-icin-ced-sureci-takip-rehberi/

Eren Aybars Arpacık (Director). (2021, May 21). *İkizköy trailer (English subtitled)* [Video recording]. https://www.youtube.com/watch?app=desktop&v=Jxn6J9b9q8I

Erensü, S. (2019, January). Politik Ekolojinin Türkiye (Son)Baharı. *Saha Journal by Citizens' Assembly-Turkey*. https://hyd.org.tr/attachments/article/510/saha5.pdf

Erensü, S., Turhan, E., Özlüer, F., & Gündoğan, A. C. (Eds.). (2016). *İsyanın Ve Umudun Dip Dalgası Günümüz Türkiye'sinden Politik Ekoloji Tartışmaları*. Tekin.

Eroğlu, D. (2022, October 12). *Barolar Birliği, ÇED Yönetmeliği'nin iptali için dava açtı: "İdareye keyfiyet, şirketlere kirletme izni."* Medyascope. https://medyascope.tv/2022/10/12/barolar-birligi-ced-yonetmeliginin-iptali-icin-dava-acti-idareye-keyfiyet-sirketlere-kirletme-izni/

Erol, Ö. S. (2022, November 25). Aesthetics of Resistance: The Ways of Spatializing Women's Ecological Struggle in Turkey. *SFB 1265 „Re-Figuration von Räumen"*. https://sfb1265.de/en/blog/aesthetics-of-resistance-the-ways-of-spatializing-womens-ecological-struggle-in-turkey/

Ertekin, O. G., Özsu, F., Şahin, K., Şakar, M., & Yiğit, U. (2014). *Türkiye'de Yargı Yoktur*. Tekin.

Escobar, A. (2008). *Territories of Difference: Place, Movements, Life, Redes*. Duke University Press. https://doi.org/10.1215/9780822389439

Escobar, A. (2020). Thinking-Feeling with the Earth: Territorial Struggles and the Ontological Dimension of the Epistemologies of the South. In B. de S. Santos & M. P. Meneses (Eds.), *Knowledges born in the struggle: Constructing the epistemologies of the Global South*. Routledge, Taylor & Francis Group.

Evciman, S. (2022). Hafıza mekânlarının ve "hafıza-bireylerin" "bir aradalığı" ve hafıza-kimliğin sürekliliği: Türkiye Caferileri örneği. *Ege Sosyal Bilimler Dergisi*, *3*(1), Article 1.

Evrensel. (2023, April 4). *Muğla'da çimento fabrikasını istemeyen köylülerin nöbeti sürüyor*. Evrensel.net. https://www.evrensel.net/haber/486608/muglada-cimento-fabrikasini-istemeyen-koylulerin-nobeti-suruyor

Evrensel Gazetesi. (2011, September 5). *Deştin'de çevre mücadelesi festivale de damga vurdu*. Evrensel.net. https://www.evrensel.net/haber/13064/destinde-cevre-mucadelesi-festivale-de-damga-vurdu

Evrensel Gazetesi. (2016, November 1). *'Torunlar Yapı, birileri tarafından korunuyor'*. Evrensel.net. https://www.evrensel.net/haber/294308/torunlar-yapi-birileri-tarafindan-korunuyor

Evrensel Gazetesi. (2020, December 24). *Dünyada en çok kamu ihalesi alan 10 şirketten 5'i Türkiye'de*. Evrensel.net. https://www.evrensel.net/haber/422022/dunyada-en-cok-kamu-ihalesi-alan-10-sirketten-5i-turkiyede

Evrensel Gazetesi. (2021, August 26). *Denizli'de halk, kömür ocağı projesinin ÇED toplantısını yaptırmadı*. Evrensel.net. https://www.evrensel.net/haber/441303/denizlide-halk-komur-ocagi-projesinin-ced-toplantisini-yaptirmadi

Evrensel Gazetesi. (2022a, March 1). *AKP, Zeytin Yasası'nı yönetmelik değişikliğiyle ortadan kaldırdı: Zeytinliklerde maden ve enerji projeleri yapılabilecek*. Evrensel.net. https://www.evrensel.net/haber/456092/akp-zeytin-yasasini-yonetmelik-degisikligiyle-ortadan-kaldirdi-zeytinliklerde-maden-ve-enerji-projeleri-yapilabilecek

Evrensel Gazetesi. (2022b, March 2). *Kömür temini için yok edilmek istenen Akbelen ormanında bilirkişi keşfi yapıldı*. Evrensel.net. https://www.evrensel.net/haber/456200/komur-temini-icin-yok-edilmek-istenen-akbelen-ormaninda-bilirkisi-kesfi-yapildi

Evrensel Gazetesi. (2022c, March 2). *Yönetmelikle zeytini koruyan yasanın enerji ve maden lobilerinin lehine kaldırılmasına tepkiler büyüyor*. Evrensel.net. https://www.evrensel.net/haber/456194/yonetmelikle-zeytini-koruyan-yasanin-enerji-ve-maden-lobilerinin-lehine-kaldirilmasina-tepkiler-buyuyor

Evrensel Gazetesi. (2022d, March 31). *İkizköy'de köylüler zeytine barikat oldu, şirket söküm işlemini durdurdu*. Evrensel.net. https://www.evrensel.net/haber/458286/ikizkoyde-koyluler-zeytine-barikat-oldu-sirket-sokum-islemini-durdurdu

Evrensel Gazetesi. (2022e, April 1). *Burhaniye'de zeytin mitingi: Zeytin hayattır, zeytinime dokunma*. Evrensel.net. https://www.evrensel.net/haber/458447/burhaniyede-zeytin-mitingi-zeytin-hayattir-zeytinime-dokunma

Evrensel Gazetesi. (2022f, April 5). *Zeytinleri söken şirkete destek veren Tes-İş'e yanıt: "Çalışma hakkı çevre hakkından ayrı düşünülemez."* Evrensel.net. https://www.evrensel.net/haber/458686/zeytinleri-soken-sirkete-destek-veren-tes-ise-yanit-calisma-hakki-cevre-hakkindan-ayri-dusunulemez

Evrensel Gazetesi. (2022g, April 17). *Milas'ta "Zeytin hayattır" mitingi düzenlendi*. Evrensel.net. https://www.evrensel.net/haber/459553/milasta-zeytin-hayattir-mitingi-duzenlendi

Evrensel Gazetesi. (2022h, July 29). *ÇED Yönetmeliği değiştirildi, ÇED süreci şirketlerin keyfine bırakıldı!* Evrensel.net. https://www.evrensel.net/haber/466974/ced-yonetmeligi-degistirildi-ced-sureci-sirketlerin-keyfine-birakildi

Evrensel Gazetesi. (2023a, September 29). *Avdan Platformu: Maden şirketiyle ilgili Danıştayın yürütmeyi durdurma kararı uygulansın*. Evrensel.net. https://www.evrensel.net/haber/500059/avdan-platformu-maden-sirketiyle-ilgili-danistayin-yurutmeyi-durdurma-karari-uygulansin

Evrensel Gazetesi. (2023b, September 29). *Avdan Platformu: Maden şirketiyle ilgili Danıştayın yürütmeyi durdurma kararı uygulansın*. Evrensel.net. https://www.evrensel.net/haber/500059/avdan-platformu-maden-sirketiyle-ilgili-danistayin-yurutmeyi-durdurma-karari-uygulansin

Evrensel Gazetesi. (2023c, December 16). *Avdan'da maden faaliyeti için durdurma kararı*. Evrensel.net. https://www.evrensel.net/haber/505878/avdanda-maden-faaliyeti-icin-durdurma-karari

Evrensel Gazetesi. (2024, March 12). *Akbelen'de kamulaştırma kararına tepki: Toprağımız şirketlere peşkeş çekiliyor*. Evrensel.net. https://www.evrensel.net/haber/512976/akbelende-kamu-lastirma-kararina-tepki-topragimiz-sirketlere-peskes-cekiliyor

Ewick, P., & Silbey, S. (2020). Looking for Hegemony in All the Wrong Places: Critique, Context and Collectivities in Studies of Legal Consciousness. In J. Přibáň (Ed.), *Research handbook on the sociology of law*. Edward Elgar.

Ewick, P., & Silbey, S. S. (1998). *The common place of law: Stories from everyday life*. University of Chicago Press.

Fırat, B. Ö. (2022). Performing property in Göllüce: Land enclosures and commoning struggles in 1960s Turkey. *The Journal of Peasant Studies*, *49*(6), 1229–1248. https://doi.org/10.1080/03066150.2021.1907354

Flores, A., Escudero, K., & Burciaga, E. (2019). Legal–Spatial Consciousness: A Legal Geography Framework for Examining Migrant Illegality. *Law & Policy*, *41*(1), 12–33. https://doi.org/10.1111/lapo.12120

Food and Agriculture Organization of the United Nations. (2012). *People's Manual on the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the context of National Food Security: A guide for promotion, implementation, monitoring and evaluation*. Food and Agriculture Organization of the United Nations. https://www.ruralforum.org/wp-content/uploads/2021/10/peoplesmanual.pdf

Food and Agriculture Organization of the United Nations (Ed.). (2015). *Voluntary guidelines for securing sustainable small-scale fisheries in the context of food security and poverty eradication*. Food and Agriculture Organization of the United Nations.

Food and Agriculture Organization of the United Nations. (2018). *United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas*. https://www.fao.org/plant-treaty/tools/toolbox-for-sustainable-use/details/en/c/1373893/

Fraser, N. (2009). Social Justice in the Age of Identity Politics Redistribution, Recognition, and Participation. In G. L. Henderson & M. Waterstone (Eds.), *Geographic thought: A praxis perspective*. Routledge.

Fritsvold, E. D. (2009). Under the Law: Legal Consciousness and Radical Environmental Activism. *Law & Social Inquiry*, *34*(04), 799–824. https://doi.org/10.1111/j.1747-4469.2009.01168.x

Galanter, M. (1974). Why the "Haves" Come Out Ahead: Speculations on the Limits of Legal Change. *Law & Society Review*, *9*(1), 95–160. https://doi.org/10.2307/3053023

Galanter, M. (1990). Case Congregations and their Careers. *Law & Society Review*, *24*(2), 371–395. https://doi.org/10.2307/3053686

Gazete Duvar. (2021, May 5). *Termik santral için orman satıldı, İkizköylüler dava açtı*. https://www.gazeteduvar.com.tr/termik-santral-icin-orman-satildi-ikizkoyluler-dava-acti-haber-1521409

Gazete Duvar. (2022, August 8). *Akbelen'de üçüncü keşif: Bundan sonrası bilirkişilerin bilimsel dürüstlüğüne kalmış*. https://www.gazeteduvar.com.tr/akbelende-ucuncu-kesif-bundan-sonrasi-bilirkisilerin-bilimsel-durustlugune-kalmis-haber-1576654

Gazete Duvar. (2023, June 10). *Yürütmeyi durdurma Avdan'ı durduramadı: "Şirket cayır cayır çalışıyor"*. https://www.gazeteduvar.com.tr/yurutmeyi-durdurma-avdani-durduramadi-sirket-cayir-cayir-calisiyor-haber-1640992

Gazete Duvar. (2024, June 22). *Muğla'da büyüyen tehlike: İftira, tehdit, can tehlikesi.* https://www.gazeteduvar.com.tr/muglada-buyuyen-tehlike-iftira-tehdit-can-tehlikesi-makale-1700372

Giugni, M. (2009). Political Opportunities: From Tilly to Tilly. *Swiss Political Science Review*, *15*(2), 361–367. https://doi.org/10.1002/j.1662-6370.2009.tb00136.x

Gönenç, D. (2019). Litigation process of social movements as a driver of norm transformation? *Cambridge Review of International Affairs*, *32*(1), 43–60. https://doi.org/10.1080/09557571.2018.1556245

Gönenç, D. (2022). Litigation as a Strategy for Environmental Movements Questioned: An Examination of Bergama and Artvin-Cerattepe Struggles. *Journal of Balkan and Near Eastern Studies*, *24*(2), 303–322. https://doi.org/10.1080/19448953.2021.2006004

Grinfeder, E., Lorenzi, C., Haupert, S., & Sueur, J. (2022). What Do We Mean by "Soundscape"? A Functional Description. *Frontiers in Ecology and Evolution*, *10*.

Grobelski, T. L. (2016). *Becoming a Side: Legal Mobilization and Environmental Protection in Poland* [Ph.D. Thesis, University of Washington]. http://hdl.handle.net/1773/38149

Gündem Fethiye. (2022a, May 10). *CHP, HDP ve Muğla Barosu'ndan Deştin direniş çadırına ziyaret*. Gündem Fethiye. https://gundemfethiye.com/chp-hdp-ve-mugla-barosundan-destin-direnis-cadirina-ziyaret-8460/

Gündem Fethiye. (2022b, December 5). *Akbelen nöbetinin 505'inci günü: "İnsanca yaşamdan vazgeçmeyeceğiz."* Gündem Fethiye. https://gundemfethiye.com/akbelen-nobetinin-505inci-gunu-insanca-yasamdan-vazgecmeyecegiz-18307/

Gündem Fethiye. (2023a, February 23). *"Muğla'da çimento fabrikası istemiyoruz" diyenler bilirkişi keşfinde bir araya geldi*. Gündem Fethiye. https://gundemfethiye.com/muglada-cimento-fabrikasi-istemiyoruz-diyenler-bilirkisi-kesfinde-bir-araya-geldi-24398/

Gündem Fethiye. (2023b, July 14). *Bilirkişilerin olumsuz görüşüne rağmen çimento fabrikası inşaatına yürütmeyi durdurma kararı vermeyen mahkeme önünde nöbet başladı*. Gündem Fethiye. https://gundemfethiye.com/bilirkisilerin-olumsuz-gorusune-ragmen-cimento-fabrikasi-insaatina-yurutmeyi-durdurma-karari-vermeyen-mahkeme-onunde-nobet-basladi-35196/

Gündem Fethiye. (2023c, November 28). *"Akbelen'de son durum: Dinamit patlaması; evlerde yarıklarıyla depremin, savaşın kötü bir replikası…."* Gündem Fethiye. https://gundemfethiye.com/akbelende-son-durum-dinamit-patlamasi-evlerde-yariklariyla-depremin-savasin-kotu-bir-replikasi-43309/

Gündem Fethiye. (2024, March 30). *İkizköy Muhtar Adayı Nejla Işık: "Değişen bir şey olmayacak benim için, sadece elimde muhtar kimliği olacak."* Gündem Fethiye. https://gundemfethiye.com/ikizkoy-muhtar-adayi-nejla-isik-degisen-bir-sey-olmayacak-benim-icin-sadece-elimde-muhtar-kimligi-olacak-51119/

Gündem Gazetesi. (2020, April 16). *Milas İkizköy 2 gündür susuz, köylü cezalandırılıyor*. Gündem Gazetesi. https://www.gundem-gazetesi.net/milas-ikizkoy-2-gundur-susuz-koylu-cezalandiriliyor-71400h.htm

Haber ve İnsan. (2023a, February 24). *Deştin'de Bilirkişi Keşfi Yapıldı; Deştinliler "Çimento Fabrikası İstemiyoruz" Diye Haykırdı*. Https://Haberveinsan.Com. http://haberveinsan.com/destin-de-bilirkisi-kesfi-yapildi-destinliler-cimento-fabrikasi-istemiyoruz-diye-haykirdi/3298/

Haber ve İnsan. (2023b, September 29). *Direne Direne Kazandılar*. Https://Haberveinsan.Com. http://haberveinsan.com/direne-direne-kazandilar/3727/

Hajjar, L. (1997). Cause Lawyering in Transnational Perspective: National Conflict and Human Rights in Israel/Palestine. *Law & Society Review*, *31*(3), 473–504. https://doi.org/10.2307/3054043

Halliday, S. (2019). After Hegemony: The Varieties of Legal Consciousness Research. *Social & Legal Studies*, *28*(6), 859–878. https://doi.org/10.1177/0964663919869739

Halliday, S., & Morgan, B. (2013). I Fought the Law and the Law Won? Legal Consciousness and the Critical Imagination. *SSRN Electronic Journal*. https://doi.org/10.2139/ssrn.2350262

Harvey, R. (2022). The Climate Movement Needs Movement Lawyering: Call the Fossil Fuel Industry to Account For Making a Killing. *Socialist Lawyer*, *90*, 28–34.

Hazar Kalonya, D. (2021). Environmental Movements in Turkey from the Perspective of Commons. *International Journal of the Commons*, *15*(1), 236–258. https://doi.org/10.5334/ijc.1088

Hertogh, M. (2018). *Nobody's law: Legal Consciousness and Legal Alienation in Everyday Life*. Springer Berlin Heidelberg.

Horuş, M. (2009, July). 20. Yılında Bergama Davası. *Elektrik Mühendisliği*, *436*, 80–83.

Hung, B. (2017). Movement Lawyering As Rebellious Lawyering: Advocating With Humility, Love And Courage. *Clinical Law Review*, *23*(2), 663.

Hunt, A. (1990). Rights and Social Movements: Counter-Hegemonic Strategies. *Journal of Law and Society*, *17*(3), 309. https://doi.org/10.2307/1410156

Hürriyet. (2010, December 24). *Köylünün çimento fabrikası isyanı*. https://www.hurriyet.com.tr/ege/koylunun-cimento-fabrikasi-isyani-16615150

İkizköy Direniyor. (2021a). *7 Eylül 2021 tarihinde gerçekleşen keşif hakkında – İkizköy Direniyor*. https://ikizkoydireniyor.net/7-eylul-2021-tarihinde-gerceklesen-kesif-hakkinda/

İkizköy Direniyor. (2021b, July). İklim Krizi ve COVID Pandemisi Esnasında İkizköy Akbelen Ormanını Kesmeyi Planlayan OGM Yetkilileri Hakkında Suç Duyurusu. *İkizköy Direniyor*. https://ikizkoydireniyor.net/suc-duyurusu/

İkizköy Direniyor. (2021c, August). İkizköy Çevre Komitesi Olarak Resmi ve Detayli Bilgi İstiyoruz! – İkizköy Direniyor. *İkizköy Direniyor*. https://ikizkoydireniyor.net/kizkoy-cevre-komitesi-olarak-resmi-ve-detayli-bilgi-istiyoruz/

İkizköy Environmental Committee. (2023). *Akbelen Forest Defense: An Environmental Justice Struggle From Milas, Muğla, Turkey*. İkizköy Environmental Committee. https://ikizkoydireniyor.net/ingilizce-bilgi-notu-yayinda-english-information-note-is-available/

@ikizkoy.direniyor. (2022, August 9). *İkizköy Direniyor, Instagram: "🚨🚨🚨 Akbelen Ormanı'nda bir zeytin ağacı 🌿🫒 Dün yapılan Akbelen Ormanı davamızın bilir kişi keşfinde bir ilk yaşandı. Bir zeytin ağacı kendisine, doğaya, yaşama kastedenlerin karşısında yaşamı savunanların, #ZeytinİçinAdalet diyenlerin yanında davaya müdahil oldu. ⏭ 💧40+°C'de yapılan keşifte 50-60 kişilik heyet yok edilmek istenen zeytinlerden birinin gölgesine sığındı. ⚖✍🦺📣 DOĞANIN HAKLARI ADINA: Zeytin kazanacak. Akbelen Ormanı kazanacak. Zeytinlikleri, ormanları, yaşamı savunanlar; İkizköylüler, Avdanlılar, Deştinliler kazanacak."* [Online post]. Instagram. https://www.instagram.com/p/ChCAAIcgIQx/

@ikizkoy.direniyor. (2023, November 10). *İkizköy Direniyor, Instagram: "İkizköy'de yaşayan Necati dedenin 30 sene önce 10 aylık maaşıyla aldığı asırlık Dilmit zeytini 🌿 Hâlâ bu zeytinin meyvesiyle, bereketiyle karnını doyuruyor, zeytincilik ile geçimini sağlıyor. Mücadelemiz bu kadar gerçek, ekmek su gibi temiz bir mücadeledir. İkizköy'de 45 bine yakın zeytin ağacımız ayakta. Bu zenginlikleri kara kömüre feda etmeyeceğiz! #ZeytinimeDokunma #AkbelendenVazgeçmiyoruz"* [Online post]. Instagram. https://www.instagram.com/p/CzdWH_ZAGsK/

İklim Haber. (2022a, December 5). *Akbelen Davasında Bilirkişi Raporu Sonrasında Yürütmeyi Durdurma Kararı Kaldırıldı*. İklim Haber. https://www.iklimhaber.org/akbelen-davasinda-bilirkisi-raporu-sonrasinda-yurutmeyi-durdurma-karari-kaldirildi/

İklim Haber. (2022b, December 14). *İkizköylüler TBMM'de: "Zeytin Hayattır, Hayatımıza Dokunmayın"—İklim Haber*. https://www.iklimhaber.org/ikizkoyluler-tbmmde-zeytin-hayat-tir-hayatimiza-dokunmayin/

İklim Haber. (2023, October 13). *Akbelen Ormanı İçin İki Dava Görüldü: Karar Taraflara Daha Sonra Tebliğ Edilecek*. İklim Haber. https://www.iklimhaber.org/akbelen-ormani-icin-iki-dava-goruldu-karar-taraflara-daha-sonra-teblig-edilecek/

İnal, O. (2022). Authoritarianism, Populism, and the Environment in Turkey. *Environmental History*, *27*(4), 634–641. https://doi.org/10.1086/721415

Jacquot, S., & Vitale, T. (2014). Law as weapon of the weak? A comparative analysis of legal mobilization by Roma and women's groups at the European level. *Journal of European Public Policy*, *21*(4), 587–604. https://doi.org/10.1080/13501763.2014.887138

Jenkins, J. C. (1983). Resource Mobilization Theory and the Study of Social Movements. *Annual Review of Sociology*, *9*(1), 527–553. https://doi.org/10.1146/annurev.so.09.080183.002523

Joseph, M. (2002). *Against the romance of community*. University of Minnesota Press.

Kang, J., & Schulte-Fortkamp, B. (Eds.). (2016). *Soundscape and the Built Environment*. CRC Press.

Karahan, S. (2020). Karaköy İskelesi ve Yakın Çevresi Ses Haritası. *MAD-journal-Spatial Justice Association*. https://mekandaadalet.org/wp-content/uploads/2021/12/MADjournal2020_Karahan.pdf

Kars Kaynar, A. (2014). Carl Schmitt, Yargı Kararları ve Anayasal Devlette Siyasal İktidarın Sınırı. *Kampfplatz*, *5*, 45–50.

Kavak, S. (2021). Rethinking the political economy of rural struggles in Turkey: Space, structures, and altered agencies. *Journal of Agrarian Change*, *21*(2), 242–262. https://doi.org/10.1111/joac.12389

Khalil, H. M. (2023). Lawyers as infrastructures: Mediations, blockages, and new possibilities in grassroots movements. *Journal of Law and Society*, *50*, 231-250. https://doi.org/10.1111/jols.12422

Kim, C. J., & Arrington, C. L. (2023). Knowledge production through legal mobilization: Environmental activism against the U.S. military bases in East Asia. *Law & Society Review*, *57*(2), 162–188. https://doi.org/10.1111/lasr.12650

Kısa Dalga. (2022, December 12). *AKP'den 10'uncu kez 'zeytinlik' düzenlemesi: "Yandaşın ihtiyacı için, köylünün zeytinliklerini almak istiyorlar."* Kısa Dalga. https://kisadalga.net/haber/detay/akpden-10uncu-kez-zeytinlik-duzenlemesi-yandasin-ihtiyacini-karsilamak-koylunun-elindeki-zeytinlikleri-almak-istiyor_49411

Kıvılcım, Z. (2018). Articulating human rights discourse in local struggles in a neoliberal age. In B. Golder & D. McLoughlin (Eds.), *The politics of legality in a neoliberal age*. Routledge, Taylor & Francis Group.

Köç, A. (2020). XX. Yüzyılda Antalya'da Zeytinciliği Geliştirme Çabaları. In *Antalya Kitabı 3* (pp. 107–120). Palet. https://avesis.akdeniz.edu.tr/yayin/346ef77e-282f-49eb-96c1-301a9a714f68/xx-yuzyilda-antalyada-zeytinciligi-gelistirme-cabalari

Kurtiç, E. (2022, March). Criminalizing Environmental Activism in Turkey. *Middle East Brief-Crown Center for Middle East Studies at Brandeis University*, *147*. https://www.brandeis.edu/crown/publications/middle-east-briefs/pdfs/101-200/meb147.pdf

Kutlu, K. (2020). *Yeşil devlet" kavramı ve Türkiye'deki yenilenebilir enerji politikası* [PhD Thesis]. Marmara University.

Kutlu, K. (2022). The Need to Look Beyond the Right to Property: An Assessment of the Constitutional Court of Turkey's Judgments on Urgent Expropriations for Hydropower Plants. In İ. Borsuk, P. Dinç, S. Kavak, & P. Sayan (Eds.), *Authoritarian Neoliberalism and Resistance in Turkey* (pp. 129–150). Springer Singapore. https://doi.org/10.1007/978-981-16-4213-5_6

Kutlu, K. (2024). Jeotermal enerji santrallerine ilişkin çevre adaleti mücadelelerinde Aydın ili örneği: Hukukun imkânları ve sınırlılıkları. *Çevre Adaletini Hukuk Yoluyla Aramak: Direniş İmkânları, Sınırlar, Yeni Ufuklar*, 108–129. https://mekandaadalet.org/wp-content/uploads/2024/04/TR-Pages-1.pdf

Lavalle, A. G., & Szwako, J. (2023). Social Movements and Modes of Institutionalization. In F. M. Rossi (Ed.), *The Oxford Handbook of Latin American Social Movements* (1st ed., pp. 777–794). Oxford University Press. https://doi.org/10.1093/oxfordhb/9780190870362.013.38

Law On The Improvement Of Olive Cultivation And Grafting Of Wild Olives (1939). https://www.mevzuat.gov.tr/MevzuatMetin/1.3.3573.pdf

Lemaitre, J., & Sandvik, K. B. (2015). Shifting Frames, Vanishing Resources, and Dangerous Political Opportunities: Legal Mobilization among Displaced Women in Colombia. *Law & Society Review*, *49*(1), 5–38. https://doi.org/10.1111/lasr.12119

Low, N., & Gleeson, B. (1998). *Justice, society, and nature: An exploration of political ecology*. Routledge.

Marshall, A.-M. (2010). Environmental Justice and Grassroots Legal Action. *Environmental Justice*, *3*(4), 147–151. https://doi.org/10.1089/env.2010.0013

Martinez-Alier, J. (2002). *The environmentalism of the poor: A study of ecological conflicts and valuation*. Edward Elgar Publishing.

Martínez-Alier, J. (2023). *Land, Water, Air and Freedom: The Making of World Movements for Environmental Justice*. Edward Elgar Publishing. https://doi.org/10.4337/9781035312771

Martin-Ortega, J. (2023). We cannot address global water challenges without social sciences. *Nature Water*, *1*(1), 2–3. https://doi.org/10.1038/s44221-022-00013-0

Mason, H. (2024, March 3). A Slapps law could affect anyone, not just the rich and powerful. *The Guardian*. https://www.theguardian.com/law/2024/mar/03/a-slapps-law-could-affect-anyone-not-just-the-rich-and-powerful

McCann, M. (2006). Law and Social Movements: Contemporary Perspectives. *Annual Review of Law and Social Science*, *2*(1), 17–38. https://doi.org/10.1146/annurev.lawsocsci.2.081805.105917

McCann, M. (1994). *Rights at work: Pay equity reform and the politics of legal mobilization* (Reprint). University of Chicago Press.

McNeil, K. (2017). Indigenous territorial rights in the common law. In M. Graziadei & L. Smith, *Comparative Property Law* (pp. 412–434). Edward Elgar Publishing. https://doi.org/10.4337/9781785369162.00028

Meili, S. (2001). Latin American Cause-Lawyering Networks. In A. Sarat (ed.) and S. Scheingold, *Cause Lawyering and the State in a Global Era* (pp. 307-333). Oxford University Press.

Meisels, T. (2009). *Territorial rights* (2. ed). Stanford Encyclopedia of Philosophy. Springer. https://plato.stanford.edu/entries/territorial-rights/

Merry, S. E. (1990). *Getting Justice and Getting Even: Legal Consciousness among Working-Class Americans*. University of Chicago Press. https://press.uchicago.edu/ucp/books/book/chicago/G/bo3774571.html

Meyer, D. S., & Laschever, E. (2014). *Social Movements and the Institutionalization of Dissent in America* (R. Valelly, S. Mettler, & R. Lieberman, Eds.; Vol. 1). Oxford University Press. https://doi.org/10.1093/oxfordhb/9780199697915.013.14

*Milas'ta Kömürsüz Bir Gelecek Mümkün*. (n.d.). Kömürün Ötesinde Milas. Retrieved August 20, 2024, from https://komursuzmilas.org

Moore, M. (2020). Territorial Rights and Territorial Justice. In E. N. Zalta (Ed.), *The Stanford Encyclopedia of Philosophy* (Summer 2020). Metaphysics Research Lab, Stanford University. https://plato.stanford.edu/archives/sum2020/entrieserritorial-rights/

MUÇEP. (2021, February 2). Milas İkizköy'de Kömüre Karşı Dernek Kuruldu. *MUÇEP - Muğla Çevre Platformu*. https://mucep.org/milas-ikizkoyde-komure-karsi-dernek-kuruldu/

MUÇEP. (2022, October 3). MUÇEP'in tosbağa'sı. *MUÇEP - Muğla Çevre Platformu*. https://mucep.org/tosbaga-gulyami-com/

Muñoz, L., & Moya, D. (2019). NGOs environmental legal mobilization and their access to the Spanish Supreme Court. *Oñati Socio-Legal Series*, *9*(9(3)), 308–332. https://doi.org/10.35295/osls.iisl/0000-0000-0000-1061

Murombo, T., & Valentine, H. (2011). Slapp Suits: An Emerging Obstacle to Public Interest Environmental Litigation in South Africa. *South African Journal on Human Rights*, *27*(1), 82–106. https://doi.org/DOI: 10.1080/19962126.2011.11865006

Nachet, L., Beckett, C., & MacNeil, K. S. (2022). Framing extractive violence as environmental (in)justice: A cross-perspective from indigenous lands in Canada and Sweden. *The Extractive Industries and Society*, *12*, 100949. https://doi.org/10.1016/j.exis.2021.100949

National, T. (2021, March). *Turkish grandmother battles to save olive farm from encroaching coal mine—In pictures*. The National. https://www.thenationalnews.com/mena/turkish-grandmother-battles-to-save-olive-farm-from-encroaching-coal-mine-in-pictures-1.1181539

Nizam, D. (2017). Place, food, and agriculture: The use of geographical indications in olive oil production in western Turkey. *New Perspectives on Turkey*, *57*, 3–30. https://doi.org/doi:10.1017/npt.2017.31

Nora, P. (1989). Between Memory and History: Les Lieux de Mémoire. *Representations, 26*, 7–24.

Nükhet, T. (1996). Çevre Hukukunda Çevreci Örgütlere Tanınanan Olanaklar. *Ankara Üniversitesi Hukuk Fakültesi Dergisi*, *45*(1), 1. https://doi.org/10.1501/Hukfak_0000000667

Odman, A. (2021, November 18). *Dev/let-Şirketler ve Güçlülerin Suçları*. polenekoloji.org. https://www.polenekoloji.org/dev-let-sirketler-ve-guclulerin-suclari/

Özlüer, F. (2021). *Ekolojik, Ekonomik ve Siyasi Krizler Eşliğinde 2020'de Yaşanan Hukuki Dönüşüm*. Haklar ve Araştırmalar Derneği. https://haklarvearastirmalar.org/wp-content/uploads/2021/03/rapor-1.pdf

Özlüer, F. (2022). *Çevrenin Korunmasında İdari Yargının Rolü* [PhD Thesis]. Ankara University.

Özlüer, F. (2023, January 25). *Enerji ve Maden Yatırımları Işığında Sermaye Birikimi ve Yargı*. Foundation for Social Research, Culture and Art (TAKSAV) Academy Wednesday Meetings, İstanbul. https://www.instgram.com/p/CnoUVDKoXSO/?igsh=MTVnOWdtMDNkemR5dQ==

Özlüer, F., Erdem, C. U., Yildirim, H., & Sakin, E. (2019). *İklim Adaleti için Davalar Raporu 2017—2018*. Ecology Collective. https://ekolojikolektifi.org/wp-content/uploads/2019/05/Dava-Raporlamas%C4%B1-1.pdf

Özlüer, F., Yıldırım, H., & Erdem, C. U. (2017). *Türkiye'de İklim Koruma Davaları ve Hukuki Durum '2016*. Ecology Collective. https://ekolojikolektifi.org/wp-content/uploads/2017/11/T%C3%BCrkiye-%C4%B0klim-Koruma-Davalar%C4%B1-ve-Hukuki-Durum-Raporu.pdf

Pabuççucoğlu, M. (2005, April 27). Cumhuriyet'ten Bu Yana Zeytincilik Hakkında Yasal Düzenlemeler. *Agricultural Industries: Olive Oil, Wine and Design Proceedings*. Agrindustrial Design -1st International Product and Service Design Symposium and Exhibition, İzmir.

Paker, H. (2020). Politicizing the environment: The ecological crisis of Turkey. In E. C. Sokullu (Ed.), *Turkey in Transition: Politics, society and foreign policy*. Peter Lang D. https://doi.org/10.3726/b16939

Paker, H., Adaman, F., Kadirbeyoğlu, Z., & Özkaynak, B. (2013). Environmental organisations in Turkey: Engaging the state and capital. *Environmental Politics*, *22*(5), 760–778. https://doi.org/10.1080/09644016.2013.825138

Pamukkale Haber. (2022, August 20). *Avdan'da Maden Direnişi Sürüyor*. Denizli Haber | Pamukkale Haber | Denizli Haberleri. https://www.pamukkalehaber.com/avdanda-maden-direnisi-suruyor

Parslow, J. (2018). Lawyers against the Law. *Anthropology of the Middle East*, *13*(2), 26–42. https://doi.org/10.3167/ame.2018.130203

Quigley, W. P. (2020). Ten Ways of Looking at Movement Lawyering. *How. Hum. & C.R.L. Rev*, *5*(23).

Robbins, P. (with Wiley-Blackwell (Firm)). (2012). *Political ecology: A critical introduction* (Second Edition). Wiley-Blackwell.

Rosenberg, G. N. (1994). *The hollow hope: Can courts bring about social change?* (Nachdr.). Univ. of Chicago Press.

Sabah. (2023, September 14). *Sözde çevreci CHP'nin Muğla ikiyüzlülüğü! Zehir fabrikası mühürlendi*. Sabah. https://www.sabah.com.tr/galeri/gundem/sozce-cevreci-chpnin-mugla-ikiyuzlulugu-zehir-fabrikasi-muhurlendi

Şahin, Ü. (2010). Türkiye'de Çevre ve Ekoloji Hareketleri Üzerine Notlar: Aliağa Zaferinden Vatan Toprağı Söylemine. *Birikim*, *255*, 8–14.

Sandler, R., & Pezzullo, P. C. (Eds.). (2007). *Environmental Justice and Environmentalism: The Social Justice Challenge to the Environmental Movement*. The MIT Press. https://doi.org/10.7551/mitpress/2781.001.0001

Sarat, A., & Scheingold, S. A. (1998). *Cause lawyering: Political commitments and professional responsibilities*. Oxford university press.

Sayan, R. C. (2017). Urban/rural division in environmental justice frameworks: Revealing modernity-urbanisation nexus in Turkey's small-scale hydropower development. *Local Environment*, *22*(12), 1510–1525. https://doi.org/10.1080/13549839.2017.1368465

Scheingold, S. A. (2004). *The politics of rights: Lawyers, public policy, and political change* (2. ed). University of Michigan Press.

Scheingold, S., & Bloom, A. (1998). Transgressive cause lawyering: Practice sites and the politicization of the professional. *International Journal of the Legal Profession*, *5*(2–3), 209–253. https://doi.org/DOI: 10.1080/09695958.1998.9960449

Schipper, E. L. F., Dubash, N. K., & Mulugetta, Y. (2021). Climate change research and the search for solutions: Rethinking interdisciplinarity. *Climatic Change*, *168*(3–4), 18. https://doi.org/10.1007/s10584-021-03237-3

Schlosberg, D. (2007). *Defining Environmental Justice: Theories, Movements, and Nature* (1st ed.). Oxford University PressOxford. https://doi.org/10.1093/acprof:oso/9780199286294.001.0001

Schneiberg, M. (2022). Institutional Theory and Social Movements. In D. Della Porta, B. Klandermans, D. McAdam, & D. A. Snow (Eds.), *The Wiley-Blackwell Encyclopedia of Social and Political Movements* (1st ed., pp. 1–5). Wiley. https://doi.org/10.1002/9780470674871.wbespm470.pub2

Sever, Ç. D. (2018). *Kent ve Çevre Davalarında Stratejik Davalama Kılavuzu*. Ecology Collective. https://ekolojikolektifi.org/wp-content/uploads/2018/07/Kent-ve-%C3%87evre-Davalar%C4%B1nda-Stratejik-Davalama-K%C4%B1lavuzu.pdf

Sezgin, İ. (2024). Çevre Mücadelesinde Bir Yıldırma Aracı: 2009/7 Genelgesi. *Çevre Adaletini Hukuk Yoluyla Aramak: Direniş İmkânları, Sınırlar, Yeni Ufuklar*, 78–91. https://mekandaadalet.org/wp-content/uploads/2024/04/TR-Pages-1.pdf

Silbey, S. S. (2018). Studying Legal Consciousness: Building Institutional Theory from Micro Data: *Droit et Société*, *N° 100*(3), 685–731. https://doi.org/10.3917/drs1.100.0685

Söğüt, M. (2024, September 5). Ülkesini sevmeyen devlet ve bir ormanı yok etmek için işlenen cinayet. *T24*. https://t24.com.tr/yazarlar/mine-sogut/ulkesini-sevmeyen-devlet-ve-bir-ormani-yok-etmek-icin-islenen-cinayet,46242

Sözcü. (2023, July 29). *Akbelen ormanları 10 yılda nasıl değişti?* https://www.sozcu.com.tr/canonicalUrl

Spatial Justice Association. (2023). *Çevre İhtilaflarında SLAPP: Kamu Katılımına Karşı Stratejik Dava*. Spatial Justice Association. https://mekandaadalet.org/program/cevre-ihtilaflarinda-slapp/

Spatial Justice Association. (2024). *"Hikâye uzun tabii": Çevre Adaletini Hukuk Yoluyla Aramak*. Spatial Justice Association. https://mekandaadalet.org/wp-content/uploads/2024/04/TR-Pages-1.pdf

Staggenborg, S. (2022). Institutionalization of Social Movements. In D. Della Porta, B. Klandermans, D. McAdam, & D. A. Snow (Eds.), *The Wiley-Blackwell Encyclopedia of Social and Political Movements* (1st ed., pp. 1–3). Wiley. https://doi.org/10.1002/9780470674871.wbespm113.pub2

Stavrides, S. (2015). Common Space as Threshold Space: Urban Commoning in Struggles to Re-appropriate Public Space. *FOOTPRINT*. https://doi.org/10.59490/FOOTPRINT.9.1.896

Stone, M., Wall, I., & Douzinas, C. (Eds.). (2012). *New critical legal thinking: Law and the political* (First issued in paperback). Routledge.

Su Hakkı. (2013, June 5). Yaşamı savunurken sanık oldu. *Su Hakkı Kampanyası*. https://suhakki.org/2013/06/yasami-savunurken-sanik-oldu/

Sunay, S. (2022). Son Dönem Osmanlı Devleti'nde Zeytin Tarımı ve Zeytinyağı İmalatının Geliştirilmesine Dair Görüş ve Öneriler. *Tarih Dergisi - Turkish Journal of History*, *77*, 297–326. https://doi.org/10.26650/iutd.2022297

Svarstad, H., & Benjaminsen, T. A. (2020). Reading radical environmental justice through a political ecology lens. *Geoforum*, *108*, 1–11. https://doi.org/10.1016/j.geoforum.2019.11.007

Tanış, E. (2023, December 27). *Yerel Mahkeme yine AYM kararını tanımadı: Can Atalay dosyası Yargıtay'a gönderildi*. Medyascope. https://medyascope.tv/2023/12/27/yerel-mahkeme-yine-aym-kararini-tanimadi-can-atalay-dosyasi-yargitaya-gonderildi/

*The right to say no: A legal toolbox for communities affected by mining in the EU*. (2023). European Environmental Bureau. https://eeb.org/library/the-right-to-say-no-a-legal-toolbox-for-communities-affected-by-mining-in-the-eu/

Undisciplined Environments Collective. (2015, January 26). The Rise and Transformation of Environmentalism in Turkey. *Undisciplined Environments*. https://undisciplinedenvironments.org/2015/01/26/the-rise-and-transformation-of-environmentalism-in-turkey/

Thompson, E. P. (1978). Eighteenth-century English society: Class struggle without class? *Social History*, *3*(2), 133–165. https://doi.org/10.1080/03071027808567424

TMMOB. (2023, July 21). *Danıştay, Tmmob Tarafindan Çed Yönetmeliği'nin İptali İstemiyle Açilan Davada Bazi Maddelerin Yürütmesinin Durdurulmasina Karar Verdi*. www.tmmob.org.tr. https://www.tmmob.org.tr/icerik/danistay-tmmob-tarafindan-ced-yonetmeliginin-iptali-istemiyle-acilan-davada-bazi-maddelerin

TMMOB Chamber of Civil Engineers, T. İ. M. (2022, April 20). *Zeytin Hayattır Milas Zeytin Mitingi gerçekleştirildi.* https://denizli.imo.org.tr/TR,90023/zeytin-hayattir-milas-zeytin-mitingi-gerceklestirildi.html

Turhan, E., Zografos, C., & Kallis, G. (2015). Adaptation as biopolitics: Why state policies in Turkey do not reduce the vulnerability of seasonal agricultural workers to climate change. *Global Environmental Change*, *31*, 296–306. https://doi.org/10.1016/j.gloenvcha.2015.02.003

Uncu, B. A. (2022). *Muğla'da kömür karası ölmez ağacını yok ederken* (Çevre ve İklim Adaleti Çerçevesinde Yerinden Edilme: Kavramlar, Tartışmalar, Vakalar). Spatial Justice Association. https://mekandaadalet.org/program/cevre-ve-iklim-adaleti-cercevesinde-yerinden-edilme/

Üner, B. (2023). Defending Nature: Transformation of the Space Through Grassroots Activism Against the Threat of Extractivism [Pdf]. *Ecology, Economy and Society - the INSEE Journal, Indian Society of Ecological Economics (INSEE)*, *6*(02), 484.1 kB. https://doi.org/10.22004/AG.ECON.343175

Ünker, P. (2023, August 4). *Yeniköy ve Kemerköy santrallerinin bedelini kim ödüyor? – DW – 04.08.2023*. dw.com. https://www.dw.com/tr/yenik%C3%B6y-ve-kemerk%C3%B6y-santrallerinin-bedelini-kim-%C3%B6d%C3%BCyor/a-66445145

Valenti, J. M., & Tavana, G. (2005). Report: Continuing Science Education for Environmental Journalists and Science Writers: In Situ With the Experts. *Science Communication*, *27*(2), 300–310. https://doi.org/10.1177/1075547005282474

Vanhala, L. (2012). Legal Opportunity Structures and the Paradox of Legal Mobilization by the Environmental Movement in the UK. *Law & Society Review*, *46*(3), 523–556. https://doi.org/10.1111/j.1540-5893.2012.00505.x

Vanhala, L. (2020). Coproducing the Endangered Polar Bear: Science, Climate Change, and Legal Mobilization. *Law & Policy*, *42*(2), 105–124. https://doi.org/10.1111/lapo.12144

Varvarousis, A., Asara, V., & Akbulut, B. (2021). Commons: A social outcome of the movement of the squares. *Social Movement Studies*, *20*(3), 292–311. https://doi.org/10.1080/14742837.2020.1793753

Vesterinen, V.-M., Manassero-Mas, M.-A., & Vázquez-Alonso, Á. (2014). History, Philosophy, and Sociology of Science and Science-Technology-Society Traditions in Science Education: Continuities and Discontinuities. In M. R. Matthews (Ed.), *International Handbook of Research in History, Philosophy and Science Teaching* (pp. 1895–1925). Springer Netherlands. https://doi.org/10.1007/978-94-007-7654-8_58

Villamayor-Tomas, S., & García-López, G. A. (2021). Commons Movements: Old and New Trends in Rural and Urban Contexts. *Annual Review of Environment and Resources*, *46*(1), 511–543. https://doi.org/10.1146/annurev-environ-012220-102307

Villegas , M. G. (2004). On Pierre Bourdieu's Legal Thought. *Droit et Société*, *56–57*, 57–70.

Voigt, C., & Makuch, Z. (Eds.). (2018). *Courts and the environment*. Edward Elgar Publishing.

White, R. D. (2008). *Crimes against nature: Environmental criminology and ecological justice*. Willan.

Wilkinson, D. (2002). *Environment and law* (1. publ). Routledge.

Wilson, S. (2017). Cause Lawyering in Revolutionary Ukraine. *Journal of Law and Courts*, *5*(2), 267–288. https://doi.org/10.1086/693013

*Yaşam Alanlarımızı Savunuyoruz*. (2022, October 22). MUÇEP - Muğla Çevre Platformu. https://mucep.org/yasam-alanlarimiz-mustereklerimizdir/

Yeniçağ. (2022, September 2). *Danıştay zeytinlik yönetmeliğini iptal etti Yapılan değişiklikle zeytinlik sahaları madenciliğe açılıyordu*. https://www.yenicaggazetesi.com.tr/danistay-zeytinlik-yonetmeligini-iptal-etti-yapilan-degisiklikle-zeytinlik-sahalari-madencilige-aciliyordu--580019h.htm

*Yerel Ekonomi için Dönüşüm Fırsatı: Milas'ta Zeytincilik*. (2022). Climate Action Network (CAN) Europe, İklim İçin 350 Derneği, Milas Kent Konseyi.

Yeşil Ekonomi. (2022, December 14). *Zeytinlik maddesi geri çekildi*. Yeşil Ekonomi. https://yesilekonomi.com/zeytinlik-maddesi-geri-cekildi/

Yeşil Gazete. (2013, April 8). *[Özel Haber] Dostları Noyan Özkan'ı anlatıyor—Yeşil Gazete*. https://yesilgazete.org/dostlari-noyan-ozkani-anlatiyor/

Yeşil Gazete. (2022a, February 9). *Termik santralden kömür ocağı işletmesine: Avdan'ın kamulaştırmaya karşı mücadelesi*. https://yesilgazete.org/termik-santralden-komur-ocagi-isletmesine-avdanin-kamulastirmaya-karsi-mucadelesi/

Yeşil Gazete. (2022b, February 10). *Otuz yıllık bir doğa mücadelesi: Muğla'da çimento fabrikası istemiyoruz - Yeşil Gazete*. https://yesilgazete.org/otuz-yillik-bir-doga-mucadelesi-muglada-cimento-fabrikasi-istemiyoruz/

Yeşil Gazete. (2023a, July 24). *İkizköylü Esra Işık'tan kolluk kuvvetine: Gözüme bakamıyorsunuz çünkü gerçeği biliyorsunuz*. https://yesilgazete.org/ikizkoylu-esra-isiktan-jandarma-personeline-gozume-bakamiyorsunuz-cunku-gercegi-biliyorsunuz/

Yeşil Gazete. (2023b, August 9). *Adalet nöbetine devam eden Deştinliler çimento fabrikasına geçit vermiyor*. https://yesilgazete.org/adalet-nobetine-devam-eden-destinliler-cimento-fabrikasina-gecit-vermiyor/

Yeşil Gazete. (2023c, August 10). *Deştinlilerden Muğla İdare Mahkemesi önünde türkülü, zeybekli adalet nöbeti*. https://yesilgazete.org/destinlilerden-mugla-idare-mahkemesi-onunde-turkulu-zeybekli-adalet-nobeti/

Yeşil Gazete. (2023d, September 11). *Deştin'de doğa kazandı: Mahkeme, entegre çimento tesisinin ÇED raporunu iptal etti*. https://yesil-gazete.org/destinde-doga-kazandi-mahkeme-entegre-cimento-tesisinin-ced-raporunu-iptal-etti/

Yeşil Gazete. (2024a, March 6). *Avdanlı Hatice Kocalar'ın duruşması görüldü: Suç mu toprağımı savunmak? - Yeşil Gazete*. https://yesilgazete.org/avdanli-hatice-kocalarin-durusmasi-goruldu-suc-mu-topragimi-savunmak/

Yeşil Gazete. (2024b, May 29). *Avdan'da maden şirketine direnen 75 yaşındaki Hatice Kocalar'a para cezası*. https://yesilgazete.org/avdanda-maden-sirketine-direnen-75-yasindaki-hatice-kocalara-para-cezasi/

Yıldırım, H., İnce, E., Özlüer, M. F., & Erdem, C. U. (2016). *Aliağa'daki Termik Santrallerin Dava Süreçleri Hakkında Rapor*. Ekoloji Kolektifi. https://ekolojikolektifi.org/wp-content/uploads/2017/11/aliagadaki-termik-santrallerin-dava-surecleri-hakinda-rapor.pdf

Yılmaz Turgut, N. (2008). The Influence of Ecology on Environmental Law: Challenges to the Concept of Traditional Law. *Environmental Law Review*, *10*(2), 112–130. https://doi.org/10.1350/enlr.2008.10.2.012

Young, K. M. (2014). Everyone Knows the Game: Legal Consciousness in the Hawaiian Cockfight. *Law & Society Review*, *48*(3), 499–530. https://doi.org/10.1111/lasr.12094

Yüksel, R. (2015). *Un regard aux rapports entre le droit, le pouvoir et les mouvements sociaux: Le devant de palais de justice comme un lieu de manifestation et protestation* [Master Thesis]. Galatasaray University.

*Yurttaş Ekokırım Yasasını Yapıyor*. (2023, January 31). https://ekokirimyasasi.org/

Zavestoski, S., Agnello, K., Mignano, F., & Darroch, F. (2004). Issue Framing and Citizen Apathy Toward Local Environmental Contamination. *Sociological Forum*, *19*(2), 255–283. https://doi.org/10.1023/B:SOFO.0000031982.79050.9d

*Zeytin için Adalet · Movement · Change.org*. (n.d.). Change.Org. Retrieved August 21, 2024, from https://www.change.org/m/zeytin-i%C3%A7in-adalet

*Zeytinlikler için Bakanlığa seslen*. (n.d.). Retrieved August 21, 2024, from https://act.350.org/sign/madde-20yi-uygulayin

Zoller, U. (2013). Science, Technology, Environment, Society (STES) Literacy for Sustainability: What Should it Take in Chem/Science Education? *Educación Química*, *24*(2), 207–214. https://doi.org/10.1016/S0187-893X(13)72464-9