

RESISTANCE IN EVERYDAY LIFE:
COPING WITH THE SMOKING BAN IN THE CASE OF NEVİZADE

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ABSTRACT

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The aim of this study is to draw attention to the fact that daily practices which tend to be overlooked due to their taken for grantedness actually signify power coming into existence here and now as well as that everyday problems bring along accordingly ordinary coping ways. In this respect, resistance in everyday life means a refusal that does not identify itself as political and organized, and who intends to make do with the rule by finding immediate and effective solutions to negative effects power generates rather than overtly challenging it. In order to render visible this type of resistance, to understand how it is experienced and perceived, the implementation of smoking ban in enclosed areas was covered in entertainment venues. Participant observations and semi-structured in-depth interviews were conducted in Nevizade Street that is located in Beyoğlu district of İstanbul and consists of *meyhanes* as well as beerhouses. Although customers resist based on pleasure principle, managers in order not to go bankrupt and employees not to fall out of work, it is concluded that what is thwarted here is not public health that the related law aims to protect but rather the troubles that the implementation of the law brings about.

Keywords: Everyday life, Resistance, Nevizade, Smoking Ban

ÖZ

GÜNDELİK HAYATTA DİRENİŞ: NEVİZADE ÖRNEĞİNDE SİGARA YASAĞINI İDARE ETMEK

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Bu çalışmanın amacı aşinalığından dolayı gözden kaçma eğiliminde olan gündelik pratiklerin esasen iktidarın kendini tam da burada ve şimdi var etmesi anlamına geldiğine ve gündelik sorunların aynı sıradanlıkta baş etme yollarını beraberinde getirdiğine dikkat çekmektir. Bu bakımdan gündelik hayatta direniş, kendini politik ve örgütlü olarak tanımlamayan; niyeti iktidarın karşısına dikilmekten ziyade onun ortaya çıkardığı olumsuz etkilere acil ve etkili çözümler bularak onu idare etme eğilimi gösteren bir ret anlamına gelmektedir. Bu türden direnişi görünür kılmak, nasıl deneyimlendiğini ve algılandığını anlamak amacıyla kapalı alanlarda sigara içme yasağının eğlence mekanlarında uygulanması ele alınmıştır. İstanbul'un Beyoğlu ilçesinde bulunan, birahane ve meyhanelerden müteşekkil Nevizade Sokağı'nda katılımcı gözlem ve yarı-yapılandırılmış derinlemesine mülakatlar yapılmıştır. Her ne kadar müşteriler zevk prensibine dayanarak, işletmeciler iflas etmemek ve çalışanlar işsiz kalmamak adına direnseler de burada karşı çıkılanın, ilgili yasanın gözettiği kamu sağlığından ziyade yasanın uygulanmasının doğurduğu sıkıntılar olduğu sonucuna varılmıştır.

Anahtar kelimeler: Gündelik Hayat, Direniş, Nevizade, Sigara Yasağı

Dedicated to Hasan Ūnal Nalbantođlu

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CHAPTER 1

INTRODUCTION

This study is an attempt to understand the very simple yet as crucial the matter of how we get along. For as social beings, we are first and foremost expected to live together every single day. There is a wide range of rules to comply with so that chaos and anomaly can be avoided. Obviously however, the rule is never fully complied with. The social reality breathes in and out each moment on a daily basis. Everyday practices are accordingly as spontaneous, inconspicuous and common as breathing. Despite the term is often used in a pejorative sense, everyday life is the life itself where everything not only takes place but is also taken for granted. Familiarity renders opaque the ways social actors get by the rule hence entails a sight in favor of the latter. In other words, people take for granted not only the rule but also their ways of coping with it.

The study aims to emphasize the complexity of social relations with reference to daily encounters of ordinary people. In line with the concerns of the study, society is not viewed as a bundle of dualities such as subject-object or structure-agent but rather as a horizontally situated network with nodes where power is relatively concentrated. Since power is exercised through the capillaries of the social, a probable response is assumed to be expected from the same canal. Indeed, the response in question not transpires as any sort of uprising or opposition but may often occur as silent resistance or diversion of the rule. In order to illustrate the point, research concerning the recently enforced smoking ban was conducted in entertainment venues where the implementation of the ban has been troublesome the most.

The framework of this study has three major premises borrowed from three major theoreticians. First one is a simple dictum by Hegel, which also underlies the lifelong work

of Lefebvre: The familiar is not necessarily the known. In fact, getting curious about the obvious constitutes the very initial stage of everyday life studies. Depending on the approach, it might either be assumed that daily routine obscures the truth, the original problem or there is no concealment involved and it is simply a matter of taking for granted. Rejection of the first assumption noticeably resonates Baudrillard whereas contradicts with Lefebvre who strongly believes that there is an extraordinary truth hidden behind the veil of the ordinary. As far as this study is concerned however, the empirical eye's state of overlooking is associated with sheer incapability rather than a political version of hide and seek. That is not to say politics in the conventional sense has a particularly transparent way of working with no lies and secrets whatsoever but the empirical eye is habitually blind to what it always sees. Once again depending on the approach, the premise that the familiar goes unrecognized might or might not have an accusing tone. At least within the limits of this study and in accordance with its concerns, no social actor is reproached for being unable to identify what has been always already there.

Foucauldian conceptualization of power constitutes the second major premise of the theoretical framework. Since conceptualizing power as an absolutely repressive monolithic structure pushing down on people, unfortunately obstructs the likelihood of appreciating its relational character and the complexity of its workings, power is rather to be assumed as not possessed absolutely by specific people, groups or institutions. Secondly, it is not necessarily a negative force, meaning it does not simply repress or resort to violence. Thirdly, it has no outside. In other words, there is no place free from power. The last but not the least, resistance is its condition of possibility. These four main features related to the present study merely help draw the contours of Foucault's theory of power. His theory is particularly crucial and convenient for studying everyday life because he does not restrict structure and power to some circumscribed entities. It is rather something lived, experienced, exercised. Therefore power is both omnipresent and agile. This outlook provides the everyday life researcher with the most unexpected research fields, namely the everyday spaces.

The third premise is actually the core argument of James C. Scott who contributed to the literature by what he called the everyday forms of resistance. He basically argues that the reason subordinate classes do not usually attempt to change the structure is because they cannot afford it or so they suppose. They resist however in barely perceptible forms so they achieve their aims meanwhile enjoy the safety of anonymity. He does not reconceptualize resistance but makes visible its most common sort.

It is positively clear that the three premises underlying the theoretical framework are closely linked. What Hegel, Foucault and Scott add up to in this one version of thinking on their dialogue is kind of an answer to the simple question of how people get along throughout the day. They interact to convey that people actually do more than just lie down and wait for anything to come. People or to be more specific, everyone, make little arrangements to make life easier whereas usually pick the easier ways to do it. Therefore daily routines do not usually witness uprisings or revolts but rather petit acts with more immediate outcomes and less hazard. The range of such acts is vast and taken for granted too. So much so that the doers of the deed cannot tell what they do when asked. Miniscule techniques of getting by, after all constitute the everyday life.

So in fact the question necessitates a meticulous definition of everyday in the first place. Lefebvre calls it *something* since it is hard to define yet all the same defines it as “a mixture of nature and culture, the historical and the lived, the individual and the social, the real and the unreal, a place of transitions, of meetings, interactions and conflicts, in short a *level* of reality” (Lefebvre 1961/2002: 47). Blanchot on the other hand begins with an even more simple definition: “the everyday is what we are first of all, and most often: at work, at leisure, awake, asleep, in the street, in private existence. The everyday, then, is ourselves, ordinarily” (Blanchot 1987: 12). It is noteworthy how the simplicity of his definition is compatible with the simplicity of the concept. Plus, his choice of pronoun is as important since it distinguishes him from those authors who distinguish themselves from the so-called ordinary people. To his definition Blanchot adds:

Whatever its other aspects, the everyday has this essential trait: it allows no hold. It escapes. It belongs to insignificance, and the insignificant is without truth, without reality, without secret, but perhaps also the site of all possible signification. The everyday escapes (...) It is the unperceived, first in the sense that one has always looked past it (...) the everyday is what we never see for a first time, but only see again, having always already seen it by an illusion that is, as it happens, constitutive of the everyday (Blanchot 1987: 14).

Of course the elusive nature of everyday life does not necessarily imply that it can never be highlighted, whereas the research shows it does escape representation. Hence the very matter itself determines the method for the researcher to use for approaching it. If it allows no hold then it is both futile and impertinent to try after all. So the convenient method proves to be participant observation where the researcher gets the opportunity to partake in the escape. Even participation though does not enable full-representation. The heart of everyday remains practical, more than representational if not against it. Not that

representations are not a part of everyday but there is *something* that overwhelms them hence cannot be registered and archived with ease. Speaking in terms of the field research, the observer can well act like the observed yet it is to a great extent beyond the power of the observer to take a snapshot of the mimics and gestures that reveal more than the words can express. In fact usually they express what the discourse does *not* reveal at all.

Plus, it is of great importance not to convert the matter into something it is not. This is a legitimate drawback in a number of senses. For instance, Lefebvre uses a marine analogy to make this point clear and suggests the researchers not to treat the everyday non-signifiers as “water-creatures wrenched from the deep and left to die in the light of the day” (Lefebvre 1961/2002: 276). Likewise Certeau draws attention to the common fallacy of attributing everyday an underlying logic (Colebrook 2002: 700). Everyday life is not completely amorphous after all, it has patterns and regularities inherent to it. Yet attributing a certain meaning or logic necessarily means carrying them from outside because everyday remains contingent no matter what. That is exactly what Foucault states his optimism consists of: “So many things can be changed, being as fragile as they are, tied more to contingencies than to necessities, more to what is arbitrary than to what is rationally established, more to complex but transitory historical contingencies than to inevitable anthropological constants...” (Foucault, 2002: 458).

The last but not the least of conversion to avoid is the one concerning banality. Everyday life is by definition banal, so any attempt to *save* it from its banality would be a considerable shift in the conceptualization and nothing less. At least as far as this study is concerned, the tediousness of everyday is not considered as a disadvantage, a misunderstanding to be corrected or a veil to be removed. On the contrary, it is in fact the *sine qua non* of the everyday.

Of course, studying everyday life does not have to be banal itself. Crossing the street when the red light is on or smoking in a non-smoking area “[e]verybody is aware of such banal facts. But the fact that they’re banal does not mean they don’t exist. What we have to do with banal facts is to discover –or try to discover- which specific and perhaps original problem is connected with them” (Foucault, 2002: 328). Banality of everyday life is quite controversial to say the least. As Foucault points out, what is considered banal cannot be kept being overlooked. Meanwhile, it would be as pretentious to suppose that it conceals “the original problem” though. Not because there is no problem but it is just out there and not hidden. In other words, the fact that the structure and the individual empirical eye have different temporalities does not necessarily imply that the former is slyly hiding something

from the latter. The structure after all, brings itself into being via everyday operations that look ordinary to the empirical eye.

The renowned French historian of the Annales School, Fernand Braudel covers the same issue from within the discipline of history in one of his major works, *The Mediterranean and the Mediterranean World in the Age of Philip II*. His tripartite conception of duration has a lot to tell to a sociologist who intends to deal with structure and multiple temporalities. First, there is the geographical time, it is imperceptibly slow and cyclical. Then, there is the conjunctural time where social, political and economic change can be observed in the course of a few centuries. The last and the least since practically despised by him, there are the epiphenomena of history that are experienced even during the course of a single life time. In accordance with his Durkheimian roots, he assumes that historical time, just like structure, limits individual action which he believes to bring social change. Inspired by Braudel, Wallerstein asks: “you take an event and you look underneath it and see it in terms of the long-term, asking was it epiphenomenal? was it momentary? was it a kind of a flash? or did it really make a difference?” (Wallerstein, 1978:98). In other words, relatively miniscule events bring change as far as they succeed to overcome structural limitations, therefore they are to be considered in their relation to larger structures as well as longer time periods, both retrospectively and prospectively. That is not all there is to it however. “To speak about change one has to look ‘underneath’ and ‘on top’ of events, but to explain them one must equally look ‘beside’ them” (Bailey, 1984:78-83).

This specific piece of guiding very much echoes Lefebvre’s advice about rhythmanalysis, which is “to capture a rhythm one needs to have been *captured* by it. One has to *let go*, give and abandon oneself to its duration” (Lefebvre 1996:219 quoted in Highmore, 2005:145). This draws attention to only one of the many contradictory elements of studying everyday life. One needs to go with the flow meanwhile keep her critical distance to the flow in question. In fact, this is the fundamental challenge that studying everyday life brings along: the familiarity. The researcher is required to look with different eyes at things that were already there, hence defamiliarize but not thoroughly decontextualize. It is an involuntarily hermeneutical approach since the researcher cannot choose to get away from the everyday. It is about somehow spotting the minute workings of the structure but not failing to appreciate the work itself. So another challenge consists of the thin line between appreciation and overestimation.

Everyday life very simply refers to those things that practically occur every day, yet what recurs on a daily basis cannot be considered as sporadic or chance. The fact that

something happens every day does not make it any less worthy of value or attention anyway. On the contrary, if there is a pattern then there is a structure there and ordinariness is not an implicit property of everyday but only so on account of the structure. What happens every day is not at once ordinary, banal or normal. What makes something ordinary is getting used to it. It is about a change in the relationship between an actor and his/her environment. About this process, Heidegger asserts that “[o]vernight, everything that is primordial gets glossed over as something that has long been well known” (Heidegger, 2008: 165). Hence the significance of attention to be paid when using the controversial term ordinary.

Especially city life is associated with taking things for granted, ironically because it is full of contradictions and surprises so as to require instant practical adaptation as well as a mental sort of adaptation that Simmel elaborated a hundred years before now. The concept of everyday already indicates routine and taken-for-grantedness. To them, Simmel adds a psychic phenomenon that is particularly observed among the city dwellers and that is the *blasé* attitude. He begins by asserting that the urban people suffer “*intensification of nervous stimulation* which results from the swift and uninterrupted change of outer and inner stimuli” (Simmel, 1965: 410). As he goes on and identifies the lonely, lost, yet free man of metropolis, he notes that “[w]hat appears in the metropolitan style of life directly as dissociation is in reality only one of its elemental forms of association”¹. In other words, what is considered as a distorted –even lack of- association is in fact another form of association. It is indeed a different form of relationship, a different grasp of life. It is ordered whilst considered ordinary.

As a matter of fact, urban and everyday are closely related concepts since it is the rise of a middle class and its migration to urban centers that located everyday activities in the focus of experts from various disciplines (Kaplan and Ross, 1987: 2). In relevance to this, Lefebvre resorts to periodization. In the first phase, the city is barely distinguishable from the village and capitalism is occupied with constructing assets rather than peoples’ lives. As industrialization and urbanization accelerate and intensify around the middle of twentieth century, consumption attracts some of the attention that production had all for itself till then. It is in this second phase that the everyday is identified as a concern for capitalism. It is then when a new class, namely the technocrats emerges. They control and manipulate daily life via the media. The third phase can be considered as an intensified extension of the second one: Everyday life is completely seized and administered by capitalist forces (Lefebvre in ed. by Nelson and Grossberg 1988: 79). In line with the predominant theoretical stance of the

¹ Ibid 1965, 416.

present work however, the capitalism-invades-life view is not adopted but criticized. Instead, Foucauldian analysis of power is of more help in terms of periodization hence visualizing the process.

Among the general characteristics of everyday life, two major characteristics stick out. First of all, everyday life is an all-embracing concept, embracing both people and activities. There is nothing and no one left out. In this sense, Lefebvre asserts that everyday life is “profoundly related to *all* activities, and encompasses them with all their differences and conflicts; it is their meeting place, their bond, their common ground” (Lefebvre, 1991: 97). Likewise, everydayness refers to a “denominator common to existing systems including judicial, contractual, pedagogical, fiscal, and police systems” (Lefebvre and Levich, 1987: 9). In other words, everyday life is not limited by such and such sphere of life but sort of constitutes the air in which society is.

It also encompasses everyone although everyone strongly believes that “everyone” means only ordinary people. Therefore it is intended to problematize the jauntily used concept of “ordinary people” who are supposedly as jauntily living their ordinary lives. In his etymology of the word “ordinary” Raymond Williams points to a shift of meaning in the seventeenth century. The term that has meant ‘commonly shared’ till then, takes on a pejorative sense during the period. He suggests that in any sense of the term, “ordinary people” is usually “an indication of a generalized body of Others... from the point of view of a conscious governing or administrative minority” (Williams, 1988: 226). Just like everyday life is always somewhere else, the people living it too are always someone else. Since everybody is someone, no one happens to accept that s/he’s just anyone. Within the scope of this study however, everyone is assumed to be anyone. Even the intellectuals whom Guy Debord harshly criticizes:

Certain intellectuals seem to flatter themselves with an illusory personal participation in the dominant sector of society through their possession of one or more cultural specializations, though those specializations have put them in the best position to see that this whole dominant culture is moth-eaten. But whatever one’s opinion of the coherence of this culture or of the interest of one or another of its fragments, the particular alienation it has imposed on these intellectuals is to make them imagine, from their lofty sociological position, that they’re quite outside the everyday life of the common people, or to give them an exaggerated idea of their sociopolitical rank, as if their lives were not as *fundamentally impoverished* as everyone else’s (Debord, 1961).

Moreover, the very argument that daily life is impossible for the system to colonize fully, not only assumes a clear cut distinction between daily life and structure but also between the people involved in the process. Besides the colonizers and the colonized, there are also those who are relatively conscious of the situation and those who are not. Without a doubt, individuals with different backgrounds have different images of their life and the world around them. Everyday life however, has in a sense a leveling feature in this respect. Basically speaking, people with different socio-economic statuses mostly struggle for different ends with accordingly differing means. What is common is the struggle itself on the other hand, neither its form nor its content but the very struggle that people carry out on a daily basis, not necessarily knowing what they do but striving all the same.

For instance, assume a professor and a primary school graduate janitor sharing the same need to smoke in a faculty building where smoking is not allowed. Two individuals with two fairly different habituses meet at their common insistence to pursue their humble pleasure. They are apparently different in a number of senses including the meaning they attribute to the act of smoking, the pleasure they get from smoking, the accompanying activities they carry out while smoking, their motivations to smoke, the way they perceive the hindrances to smoke and even the very material they smoke. In other words, they occupy two intersecting as well as quite distinct places in the overall structure. The difference of relationship they have with the structure is reflected upon their ways of dealing with it. The hypothetical professor may just lock his door and smoke inside his office whereas the janitor may just have to go outside the building. It may as well be the other way around in the sense that the latter may have more advantageous conditions for smoking legally. The point is their insistence leading to divert enforcements, using what they have got at hand. This is what everyday life encompasses everyone, means in practice.

It is noteworthy how some theoreticians tend to evoke a separation between their *objects* of inquiry and themselves the researchers. This is most probably an unconscious segregation but all the same, the predominant tone of voice in their major works. One cannot help but notice the 'us' and 'them' separation in the prominent texts in question. Though not in an explicit manner, it is always *they* who live the everyday life that is miserably impoverished by such and such external forces. The author is in a relatively safe spot where he can at least see it all, if not do something about it. Well-known dedication part of de Certeau's masterpiece is an example *par excellence*. His ubiquitous, anonymous and ancient hero murmurs in all societies and in all ages (Certeau, 1988: dedication) . On the other hand, with Lefebvre, the separation is rather made between the structure and the daily life. The

former colonizes the latter; seizes it; penetrates it. Therefore his understanding of everyday life is sort of a defense line in a war and there exists an un-alienated life inside the defended zone. In an essay he writes that “the commodity, the market, money, with their implacable logic, seize everyday life. The extension of capitalism goes all the way to the slightest details of everyday life” (Lefebvre in Grossberg and Nelson, ed’s 1988: 79).

He believes that it is impossible for the system to fully colonize everyday life thanks to the unpredictability aspect of the social. In agreement with Lefebvre’s principal assumption, Jane Jacobs brings a deeper as well as brighter insight to the analysis. In fact, her analysis is focused on the street where Blanchot thinks the everyday is, if it is anywhere (Blanchot 1987: 17). According to her, everyday life is too complex, contingent or too alive for high-modernist minded urban planners to fully appreciate. Those who think they can are definitely mistaken because a proper planner should make room “for the unexpected, small, informal, and even nonproductive human activities that constitute the vitality of the ‘lived city’” (Scott, 1998: 143).

It is indeed hard not to admire the lively picture of the street that Jacobs depicts with such eloquence. She succeeds to draw attention to the familiar. High-modernism, as James Scott prefers to call it, constantly attempts to codify, stabilize thus order the social. It employs schemes, geometric designs, sharp edges and mathematical precision for this end. After all, any entity with an aim to control needs to take hold of its object first. Everyday life however, escapes, leaving the urban planners frustrated. Against the hegemony of high-modernism both Jacobs and Scott set the streetwise, the know-how, the *métis*. Not only the apparent mess of everyday life is to be considered as a complex order rather than pure chaos, but also the so-called social order needs precisely that sort of a complexity to survive. Scott asserts that “the nonconforming practice is an indispensable condition for formal order”². He simply implies that things to be done perfectly in accordance with the rule is not as a desirable situation as expected. What keeps the system working is those little deviations from the very system itself.

By themselves, the simplified rules can never generate a functioning community, city, or economy. Formal order, to be more explicit, is always and to some considerable degree parasitic on informal processes, which the formal scheme does not recognize, without which it could not exist, and which it alone cannot create or maintain³.

² Ibid 1998, 352.

³ Ibid 1998, 310.

Therefore, Scott's reader is presented with the picture of a dominant, hegemonic, imperialist yet clumsy, inadequate and pathetic structure set against a huge body of subordinate, trivial yet pervasive and creative social actions. Besides, the most problematical part of his assertion is that the formal scheme does not recognize the informal processes on which it is parasitic. It is possible that the organic relationship he spots between the two supposedly distinct entities might be even more organic than he assumes. At least, in line with the concerns of this research, social structure and everyday life are not conceptualized as two monolithic entities facing each other, hence their relationship not as a pure antagonism. It is rather assumed that structure is not happening somewhere else than where we are; it does not hover above the ground where ordinary people strive to survive every day but comes into being in the very endeavors of the people involved; realized in the relations people establish with it. Certainly this assumption by no means comes to indicate that everyone relates to structure in a similar manner. After all, the relations established within the structure are power relations. What is persistently indicated is that there is not a separate entity as "the social". Plus, neither the hegemony of high modernism nor capitalism is separate from everyday life.

Since the realm of everyday life is ever associated with taken-for-grantedness, it does not rank among those realms promising change in power relations. As a matter of fact, looking at a daily routine does not usually indicate much about an upcoming revolution. Even when it does, it is far from being ostentatious since it does not yell out but just is. People do not aim to change their life on a daily basis, let alone the system. Simply, the aim is to somehow get things done and as Garfinkel points out, "*somehow* is the problematic crux of the matter" (Garfinkel, 1967:10).

Thereby the theoretical account briefly introduced above contributes to engender the approach of the present work. This approach aims to appreciate everyday life in its very ordinariness, with deliberate abstinence from the anticipation of some extraordinary truth to be revealed. It also appreciates the ordinariness of the people involved, in the sense of sharing the realm of everyday. Despite the common pejorative usage of the term, ordinary people does not correspond to a certain class or group within the scope of this study. Besides, rather 'everyday people' is preferred to connote those people who are involved in daily pursuits. Delimiting the study to urban space, the focus is put on the divertive social practices of urban dwellers who are expected to be more unresponsive and indifferent.

The research is developed around this point: By looking at the daily practices of ordinary people it is possible to have an idea about the relationship that people establish with

the rule. The aim of the research is to problematize the correlation between actors' attitudes towards power in discursive level and how they actually relate to it in practice. It is also a problem area the extent to which trivial, daily acts can actually be considered fairly political when "endowed with a logic from the point of view of a single and analyzing strategy" (Colebrook 2002:700).

Depending on the above-mentioned approach, the research focuses on a case that has been taking place since the summer of 2009. In the spring of 2008, a law was enacted to ban smoking in many enclosed public places as well as some open ones. Around a year later, the law was extended to cover bars, cafes and restaurants. That is when the law met with a relatively greater public reaction. There was not however as intense and overt resistance as the one experienced in Greece whose proportion of adult smokers is very close to that of Turkey's. Except the feeble protests of some entertainment associations, no political activity was organized in order to object to the ban. Also considering the high fines to be paid, there appears to be no substantial resistance in contrast to such expectations preceding the enactment. Since the case is also a part of the researcher's personal experiences though, there was seized the opportunity to observe that the law is substantially flouted. Although this attitude is observed pretty much everywhere, the case study is spatially narrowed down to a single street in the Beyoğlu district, the center of entertainment in Istanbul.

Nevzade Street is located next to Çiçek Pasajı, across Galatasaray Lycée that is on the İstiklal Avenue. Nevzade consists of a very short, narrow street and a shorter one that intersects it perpendicularly. It is among the most popular as well as populated entertainment centers in İstiklal. There are nothing but pubs, bars and restaurants on both sides of the street. Since all the enterprises also use their share of the street for a certain amount of occupation fee, it becomes even harder to move along it especially in the weekends. Even in the weekdays, the places start to get crowded in the afternoon. There are mainly two types of places in Nevzade: beerhouses and *meyhanes*. A *meyhane* is different than a wine house in the sense of what it serves as well as the style that goes with it. The space in question is further elaborated in the following chapter but in a nutshell, it rather serves traditional appetizers (*meze*), seafood and the traditional drink *rakı* meanwhile Turkish classical music accompanies the long hours of conversation. Customer profile of the beerhouses is mostly college students and people around that age whereas *meyhanes* mostly serve older people as well as the middle aged who enjoy its atmosphere. They also differ in terms of time spent since beerhouses have rather itinerant customers who usually go there for a few beers and have other places to go throughout the night. The *meyhane* customer on the other hand

settles down in the place for the rest of the night. It is more like a cultural ritual with historical background.

Since a large majority of Nevizade customers are also smokers, the smoking ban directly affected both them and the enterprises. Some places were shut down for good whereas almost all of them suffered from high percentages of profit loss. Since the inspections of the municipality continue and fines are quite high, the managements apparently comply with the law and strive to persuade their customers to light no cigarettes. In brief, the enterprises are reluctant to neither go bankrupt nor pay the fine whereas the customers tend to insist on their pleasure without ruining their whole night by disputing with the employees. In addition to this overall picture, there is a general opinion on both sides that a probable political struggle would cost too much in terms of money, time and energy, whereas would not yield any result. Therefore a midway is found. This midway or *somehow* in Garfinkel's terms constitutes the problem area of the research and is further elaborated.

As previously mentioned above, the case in a sense predetermines the methodology. Hence a semi-structured in-depth interview was conducted with one employee from each and every place in Nevizade. The questions were prepared with the aim of understanding the thoughts and feelings about the ban, classical mode of resistance, general attitude towards the government and application of the ban. In addition to the interviews, observations of the researcher as a participant were also included in the methodology. The findings are evaluated under categorical subtopics in relevant chapters, accompanied with an attempt to incorporate salient quotes from the interviews.

It would not be wrong to admit that a way that Foucault suggests was attempted to be followed; "a way that is more empirical, more directly related to our present situation, and one that implies more relations between theory and practice"; a way that "consists in using this resistance as a chemical catalyst so as to bring to light power relations, locate their position, find out their point of application and the methods used. Rather than analyzing power from the point of view of its internal rationality, it consists of analyzing power relations through the antagonism of strategies" (Foucault 2002:329).

In this respect, the question that rises is how one can make sense of such ordinary, unorganized, unintended to be political, ubiquitous cluster of daily practices. Obviously, the questions to be asked are at least as significant as the responses that can be given. Does the type of practices aforementioned simply refer to crude cases of intransigency and recalcitrance? Can a practice shared by both the most erudite and the illiterate be simply

explained by ignorance or lack of civilization and manners? Those acts that are not intended to be political by their actors, are they strictly not political? The actors who think of one thing, utter another and do a totally different thing, are they to be called inconsistent, hypocrite, opportunist or very simply feeble minded? Who are they in the first place? Taking this particular type of deeds into consideration, the so-called doers are not so willing to be exposed and set behind their deeds either. Hence to what extent is it legitimate or illegitimate to call them social actors, individuals or agents? What if the concepts in question are bent a little just like the rule in everyday life? The last but not the least, could one make use of studying everyday life hence demystifying the concept of ordinary people, as an opportunity to perturb the self-proclaimed extraordinary status of allegedly privileged intellectuals?

In order to find answers, Nevizade Street was paid a great many of visits in the winter of 2009. On the basis of previously acquired knowledge as a Nevizade regular, the street looked not very different than its pre-smoking ban state. Nevizade in daylight seemed quite the same except the bulky heaters located in every open space of enterprises. As a conglomerate of entertainment venues however, the street rather lives at night. Hence the effects of the law on the everyday life stand out particularly during those lively hours of the street that looks as full as before the enactment of the law. The rule is *somehow* diverted and its effects resisted by the entertainment venues on a nightly basis.

Nevizade in particular and *meyhanes* in general have always been identified with drinking and smoking, two major activities that go together in the pleasure economy of entertainment venues. After all, the aim of the law numbered 4207 is not to bash Nevizade and places alike but to protect public health. Regardless of the intention however, the smoking ban collides head on with the bread and butter concerns of the entertainment community. So the community resorts to a variety of strategies to keep the business going while carefully avoid colliding head on with the law. The strategies in question are defined as neither political, organized nor intentional in the narrow sense of the terms whereas the very ordinariness or everydayness of them render the acts political, organized and intentional *par excellence*.

CHAPTER 2

STRUCTURE OF THE LAW

“The imperative of health: at once the duty of each and the objective of all”

(Foucault, 1980: 170).

2.1 Short History of Tobacco and Smoking Bans

Tobacco’s introduction to Europe is almost immediately met with prohibition, so there is little or no inconvenience about considering their history together. “The golden leaf” has a history of at least 18,000 years during which it is smoked, chewed and even drunk by Native Americans like the Mayans. *Nicotiana* seeds are brought to Europe by explorers and colonists like Columbus in the early 16th century and they become popular particularly in Britain, Portugal and Spain by the end of the century (Proctor, 2004: 372). In England, a tract and a diatribe against smoking are published in 1602 and 1604 respectively. Despite similar official denunciation and heavy taxation all over Europe, smoking is embraced as an ordinary social practice all the same. Especially Prussia, Italy and some North American states are known to have collected considerably high taxes in the first half of the 19th century (Brewis& Grey, 2008: 969).

It is also noteworthy how the journalist Iaian Gately depicts the Ottoman Empire in the 17th century in his book “Tobacco: A Cultural History of How an Exotic Plant Seduced Civilization”. After pointing out that “the most extreme persecution of early smokers took place in the Ottoman Empire”, he continues:

Murad IV, also known as ‘Murad the Cruel’, ruler of this vast territory between 1623 and 1640, had despised smoking ever since the firework display celebrating the birth of his first son had burned down half of his capital, Constantinople. Murad’s habit was to roam the streets of Constantinople in disguise, feigning an urgent craving for a smoke then beheading any good Samaritans who offered relief. Contemporary records state that he himself killed or had put to death, in the space of only fourteen years, in excess of 25,000 suspected smokers. Murad’s example was followed in Persia, where merchants caught selling tobacco were executed by having molten lead poured down their throats (Gately, 2001: 86).

Until the early 18th century when the cigarette –meaning ‘small cigar’- emerges, pipes, cigars and chewing remain as the prevalent modes of tobacco ingestion. Despite the fact that it is initially looked down on for being perceived as ‘French’ and ‘feminine’, a number of reasons contributes to its rapidly increasing popularity⁴. Science historian Robert N. Proctor names six of them. First of all, emergence of the belief that smoking tobacco cures flue in the 1830’s in North Carolina, causes increasing the sugar content of the leaf by heating so the smoke can be inhaled more easily. 1855 signifies another milestone since it is the year that safety matches are invented. Their invention followed by the introduction of matchbooks makes lighting fire a practice much easier than it was before. Thirdly, development of the Bonsack rolling machine in the 1880’s points to mass production that makes cigarettes cheaper. Proctor names the first World War as another milestone since the rations of soldiers include cigarettes to calm them down. The soldiers that return home spread the habit in the United States. Mass consumer marketing also contributes to the popularity of cigarette smoking via intense advertising. The last but not the least, governments recognize the tobacco industry as a reliable source of tax revenue so much so that state-owned tobacco monopolies are established⁵. Only Nazi Germany severely campaigns against smoking and it is German scientists who first draw attention to the possibility of a link between smoking and lung cancer in 1939. By 1945, cigarette smoking becomes the norm, “part of the fabric of everyday life” as Brewis and Grey call it. It is even encouraged by doctors. In 1950’s, medical research on the link between smoking and lung cancer gets intensified in both United Kingdom and United States. Official reports recommending that citizens shall be encouraged to quit smoking are published in UK in 1962 and in US in 1964⁶.

⁴ Ibid 2008, 969.

⁵ Ibid 2004, 373.

⁶ Ibid 2008, 970.

Proctor identifies again six moves that the tobacco industry makes as a response to this shift: Distraction and decoy research, suppression of internal industry research, efforts to influence doctors through propaganda, use of code names inside the industry and hiring of experts to defend the industry in court⁷. In short, the industry predictably resorts to every means it can in order to invalidate the facts and arguments that the anti-smoking lobby comes up with. A rather liberal approach is adopted by governments until late 1990's anyway. In the last decade of the past century though, the medical evidence on the perils of passive smoking reaches such a point that smoking can no longer be viewed as a purely self-regarding action⁸. Therefore, the increase in attention and consciousness surrounding the issue of environmental tobacco smoke shift the debate to where it currently is.

The most extensive step taken concerning this issue has been the World Health Organization Framework Convention on Tobacco Control that entered into force in the beginning of 2005. Turkey who is known to have the largest smoking rates after Greece, is among the 168 Signatories of this widely accepted treaty. In this respect, in Turkey, the law regarding tobacco control that was enacted back in 1996 and has hardly been applied, was drastically reorganized in 2008 to ban smoking in many public places including some outdoor ones. In 2009, the law was extended to include entertainment enterprises like cafes, restaurants, pubs and bars. These tobacco control measures in Turkey also constitute a part of the health reforms undertaken in direct relation with EU perspectives. So, control measures concerning tobacco issue is supposed to be considered somewhat separately from Health Transformation Programme who is suggested to be motivated only indirectly by international circles.

2.2 Law numbered 4207

In Turkey, first law that aspired to protect public health from the harms of tobacco products was accepted on November 7, 1996. Exact title of the law 4207 read "Law Regarding the Prevention of Harms of Tobacco Products" and manifested its aim as taking measures to protect persons and coming generations from the harms of tobacco products; advertisements, publicity and promoting campaigns that encourage such habits and implement regulations that ensure all can breathe clean air. Around a decade later, law

⁷ Ibid 2004, 375.

⁸ Ibid 2008, 972.

numbered 5727 that was about amending 4207 was accepted on January 3, 2008 and the title now reads “Law Regarding the Prevention and Control of Harms of Tobacco Products”.

According to the amended version of the law, consuming tobacco products is banned in the closed areas of public service buildings as well as the closed areas of buildings that belong to legal persons where more than one person may enter, like buildings of education, health, production, commerce, social, cultural, sports, entertainment etc. The law also covers both open and closed areas of all transport vehicles in addition to closed areas of entertainment enterprises like restaurants, coffee houses, cafeterias and beer houses.

Exceptions that are granted a right to construct strictly isolated and well air-conditioned smoking areas are centers of elderly care, mental and penal institutions, decks of naval vessels that travel on intercity or international routes, hotels and all outdoor places where sports, cultural, art and entertainment activities take place. Other protective measures are concerned with advertisements, publicities, campaigns, logos, giveaways, exposure on television, sales and pollution caused by tobacco related products. Some control measures on the other hand include warning signs to be hung on walls of previously mentioned public places and those to be written on packs of tobacco products. Penal provisions and their execution are also clarified with the recent changes.

Current law is fundamentally distinguished from its a decade old predecessor by its relative clarity and manifest rigour that made a difference *de facto*. Especially in the notice published by the prime ministry, concept of closed area is clearly defined so as to not allow any ambiguities about it: places with a permanent or portable ceiling or roof , with all its lateral surfaces except doors, windows and entryways either permanently or temporarily closed or again with a ceiling or roof and more than half of its lateral surfaces closed are considered closed area where smoking is banned. Previously unclear issue of who was in charge of applying the law is also clarified: municipal committee within the municipality and local civilian authority outside the municipalities are in charge of pursuing the law and fining. Due to this lack of clarity in defining authorities in charge, a member of parliament points out that all through the period this law was in force, only less than 100 fines could actually be issued including measures taken⁹.

The law numbered 4207 in its revised version was decided to come into force gradually. Thereby smoking is banned since May 19, 2008, in the closed areas of public

⁹ Hasip Kaplan (Şırnak) in the name of DSP group. TGNA General Assembly Minutes of Proceedings Term 23, Legislative Year 2, Session 43, December 27, 2007. p. 44

service buildings as well as the closed areas of buildings that belong to legal persons where more than one person may enter, like those of education, health, production, commerce, social, cultural, sports, entertainment etc. with both open and closed areas of all transport vehicles, educational institutions. Entertainment enterprises like restaurants, coffee houses, cafeterias and beer houses on the other hand were given eighteen months after the law was published, to adapt to this amended version of 4207. Hence the relatively hot debates about smoking ban in Turkey started after July 19, 2009.

2.3 Analysis of Proceedings

The law numbered 4207 was amended on the grounds of adapting it to the Framework Convention on Tobacco Control signed with the World Health Organization on 2004. Minutes of proceedings where the records of discussions on legislative processes are kept seem to well provide a picture of how the legislative body conceives the law. The minutes in question help to reveal the motivations in the legislation process, albeit partially, if not the entire mental climate of the parliament members. Their approach to public health as well their critiques and drawbacks all help to understand how the law is aimed to be designed.

To begin with, the discussions on the amendment of the Law Regarding the Prevention of Harms of Tobacco Products lasted for three sessions of the Turkish Grand National Assembly. The sessions that are held on December 27, 2007, January 2, 2008 and January 3, 2008 are respectively the 43rd, 44th and 45th sessions held during the twenty third term of the TGNA and second year of its legislation. The political parties that contributed to the discussions are JDP (Justice and Development Party)¹⁰, RPP (Republican People's Party)¹¹, DSP (Democratic Society Party)¹² and NMP (National Movement Party)¹³.

¹⁰ AKP (Adalet ve Kalkınma Partisi) in Turkish, is the successor of preceding political Islamist parties. It is the single-party in power since 2002.

¹¹ CHP (Cumhuriyet Halk Partisi) in Turkish, is the party that claims to represent the social democrats in Turkey.

¹² DTP (Demokratik Toplum Partisi) in Turkish, was the successor of the preceding parties that emphasized the rights of the Kurdish people. DSP was banned hence closed in 2009.

¹³ MHP (Milliyetçi Hareket Partisi) in Turkish, is the main representative of conservative Turkish nationalism in the parliament.

When all the three minutes are taken into consideration, there emerges the need to highlight several points. First of all, the parliament members are unanimous and content about the fact that this particular law is among scarce topics on which all the groups in the parliament agree. All the members including those who are regular smokers, agree on the harms of tobacco products and that nonsmokers should have their right to breathe clean air. During the discussions, almost every speaker enlists relevant statistics so as to prove the validity and plausibility of the law in question. All agree to think of smoking as an international epidemic that requires education and raising consciousness equally as much as protective and deterrent laws to tackle. In the minutes, it stands out that the law is obviously immune to discussion due to its tremendously scientific base. The general tone makes clear that health, whether individual or public is in the state's disposition more than anyone else's. "It is pointless to object to the law because objecting to the law means objecting to protection of health", states Sacid Yıldız¹⁴ to whom Cevdet Erdöl contributes by declaring "no pleasure is more precious than human health". He goes on to remind that "science cannot be drawn a sword" referring to the steadfast scientific ground of the law¹⁵.

The aim of the law is by and large explained as providing a fully smoke-free air so as to raise healthy generations in addition to making sure that present generations are discouraged to start and already-smokers are encouraged to quit smoking. The emphasis on the coming generations and the way they constitute the future of the nation is a constantly recurring theme throughout the minutes. Medical expenditures related to smoking are expressed to be less important compared to health as Erkan Akçay from NMP suggests "pecuniary dimension of the issue should not matter where human health and values are in question"¹⁶. Relevant figures are nevertheless touched upon by various members of the parliament. As the motto of the campaign also proclaims, the aim of the law is a hundred percent smoke-free airspace because there is no air condition system advanced enough to fully protect people from exposure to tobacco smoke.

¹⁴ "Yasaya karşı çıkmak anlamsızdır çünkü yasaya karşı çıkmak, sağlığın korunmasına karşı çıkmak demektir,..." Sacid Yıldız (RPP, İstanbul) speech in TGNA General Assembly Minutes of Proceedings Term 23, Legislative Year 2, Session 43, December 27, 2007. p. 48

¹⁵ "Ama, hiçbir zevk insan sağlığından değerli değildir...İlme kılıç çekilmez." Cevdet Erdöl (JDP, Trabzon) speech in TGNA General Assembly Minutes of Proceedings Term 23, Legislative Year 2, Session 43, December 27, 2007. p. 42

¹⁶ "Kaldı ki, insan sağlığının ve insani değerlerin söz konusu olduğu yerde, konunun parasal boyutunun bir önemi olmamalıdır" Erkan Akçay (NMP, Manisa) speech in TGNA General Assembly Minutes of Proceedings Term 23, Legislative Year 2, Session 45, January 3, 2008. p. 20

Another point on which the members of the parliament are of the same opinion is that law numbered 4207 in its previous version has not been properly applied during the course of its enforcement. Nevertheless they appreciate its success in transport vehicles such as busses and planes where it was formerly allowed to smoke but now, no one even considers it. In fact it is hopefully expected by the deputies that a similar attitude is going to be rooted in entertainment enterprises via the new version of the law.

Almost all members of the parliament also have a strong common tendency to associate tobacco consumption with other “ills” of society, namely drugs, alcohol and terror¹⁷. Where smoking is despised and denigrated to extremes by the majority, the deputy of Gaziantep Mahmut Durdu from JDP takes the floor to come up with a fairly unusual comment. He suggests smoking to be called harmful rather than bad and given the fact that a third of the population consists of regular smokers, there is no point in despising it to such extremes that violate liberty¹⁸. The distinction Durdu makes between “harmful” and “bad” is significant for it refers to the moral discourse associated with the issue and this is precisely what Brewis and Grey argue in their article:

...the medical knowledge that ‘smoking is bad for you’ has to be understood as slipping into the moral proposition that ‘smoking is bad’. This then has effects at the level of individuals because the stigmatization of smoking slips into the notion that ‘smokers are bad’. At the very least, the consequence is to render smokers abnormal and marginal¹⁹.

Another point of sensitivity is observed about the word “ban”. This time, it is not one deputy but virtually all that objects to the law being called, as well as perceived as “smoking ban”, although many of them do use the term in their relevant speeches . It is frequently emphasized by the members of the parliament as well as by the Minister of Health himself, that this law actually attempts a “distribution of liberties” between smokers and nonsmokers by reducing the smoking areas. In a sense, it is conceived as an act of distributing justice in favor of the nonsmokers who were exposed to environmental smoke to this day. After all,

¹⁷ e.g. “Uyuřturucu mafyasının hedefinde olan on bir-on yedi yař grubu alkol, uyuřturucu ve sigarada en önemli yař grubu olarak kabul edilmekte ve dolayısıyla sigara, alkol ve uyuřturucuyu eř zamanlı olarak düşünmek gerekmektedir, mücadele açısından söylüyorum.” Lütfi Çırakođlu (JDP, Rize) speech in TGNA General Assembly Minutes of Proceedings Term 23, Legislative Year 2, Session 44, January 2, 2008. pp. 46-47

¹⁸ “Halkımızın yüzde 33’ü eđer tiryaki ise hürriyetlerin uç noktasına müdahale ederek, kötüleyerek bir yere varılmaz.” Mahmut Durdu (JDP, Gaziantep) speech in TGNA General Assembly Minutes of Proceedings Term 23, Legislative Year 2, Session 45, January 3, 2008. p. 43

¹⁹ Ibid Brewis&Grey 2008, 984.

Akdağ, the Minister of Health asserts that “the soul of the law is about extending the area of freedom of nonsmokers rather than inflicting penalties”²⁰ although the deputies embrace quite a diversity of thoughts about the tobacco-oriented implementations of the Ottoman emperor Murad IV.

Besides the more or less concurrence on the soul, applicability of the law numbered 4207 is a major topic of discussion. More than one voice of opposition rise about the compatibility of the law with the social reality. For instance the deputy of Ordu, Rıdvan Yalçın from NMP points out that the most important feature of a law is its applicability in everyday life. Reminding other deputies of the necessary need to obtain the support of parties related to the issue, he asserts that “it is not a struggle that can be carried out merely by penalty threat or police force... Even in those countries where smoking ban is most strictly applied, cigarette consumption either does not decrease at all or does not decrease significantly”²¹.

Applicability of the law is also problematized on the basis of fundamental rights and liberties. Especially the İzmir deputy İbrahim Hasgür from JDP refers to several articles of the constitution to deduce that in a situation where liberties conflict, they shall be delimited so as to sustain their existence and effects in optimum level. He asserts that “the lawgiver’s designating the boundaries of the liberty of cigarette smoking does not mean limiting this liberty”²². When the three minutes are considered as a whole however, the lawgivers’ conceptualization of smoking seems closer to disgrace, ignorance plus violation of a national obligation to be healthy rather than a liberty to be enjoyed by citizens in their right mind.

Other problems concerning the legislation process in question are as such that would better be considered in relation to each other. For instance, some deputies from the

²⁰ “Sonuç itibarıyla kanunun ruhu da ceza vermekten çok, sigara içmeyenlerin özgürlük alanını genişletmekle ilgili.” Recep Akdağ (Minister of Health) speech in TGNA General Assembly Minutes of Proceedings Term 23, Legislative Year 2, Session 43, December 27, 2007. p. 59

²¹ “Bu, sadece ceza tehdidi ve zabıta gücüyle yapılacak bir mücadele değildir...-sigara yasağını en katı uygulan ülkelerde bile sigara tüketimi ya hiç düşmüyor ya da anlamlı şekilde düşmüyor.” Rıdvan Yalçın (NMP, Ordu) speech in TGNA General Assembly Minutes of Proceedings Term 23, Legislative Year 2, Session 44, January 2, 2008. P. 31-32

²² “Bu ilkeye göre, çatışan özgürlükler, varlık ve etkilerini optimal düzeyde sürdürebilecek şekilde sınırlandırılmalıdır... Bu alanda yasa koyucunun sigara içme özgürlüğünün sınırlarını belirtmesi bu özgürlüğün sınırlandırılması anlamına gelmez.” İbrahim Hasgür (JDP, İzmir) speech in TGNA General Assembly Minutes of Proceedings Term 23, Legislative Year 2, Session 45, January 3, 2008. pp. 25-26

opposition parties were rather suspicious about the timing of the law. No one essentially opposed the law but some did not consider it a priority among other problems of Turkey. Poverty was argued to constitute a threat per se to human health. In fact, an independent deputy named Recai Birgün who is also a smoker, asks during his speech “why someone smokes” and answers his own question: “Of course people don’t really smoke just because it’s cheap, they have other troubles, that’s why they smoke. So, if we have a prime minister who is genuinely concerned with public health, then he is supposed to take measures to provide people with comfort and peace.”²³ Therefore the hasty enforcement of smoking ban gives rise to a rather contradictory picture. Particularly on the 45th session after which the revised law comes into force, discussions get heated up so as to voice the doubts about JDP, the party in power, having a secret agenda. It can be clearly seen on the pages 38, 53 and 57 of the session in question, that deputies from the opposition parties, namely Ertuğrul Kumcuoğlu and Oktay Vural from NMP and Yaşar Ağyüz from RPP charge JDP with rushing to enact this law right before the privatization of Tekel so that its price turns out to be less than its cost.

Aside from this charge, many deputies are also already concerned with what is going to happen to the national tobacco production and producers as well as the tobacco related taxes worth 10-11 quadrillion a year (session 45, p.50). In fact there emerges one of the main issues that challenge the law: Although the primary aim is to protect people from exposure to second hand smoke, reducing tobacco consumption nevertheless ensues hence the challenge to protect tobacco production and producers from the effects that will follow. The last but not the least, there are two more points to be made about these minutes of proceedings that is intended to give an idea about the mental climate in which the law is revised and enacted. Depending on deputies’ particular distress about the rise in the percentage of female smokers, it might be suggested that the parliament does disapprove smoking whereas it disapproves women smoking even more. Lastly, two deputies separately refer to two anecdotes very similar to each other to express their disappointment in the previous law. It is interesting how both members tell the story of a citizen carelessly smoking his cigarette while reading the “No smoking” sign with the amount of fine to be paid. One deputy calls the act “reckless” (session 45, p. 21) and the other “deliberate” (session 43, p. 57) but the point is the legislators’ legitimate concerns about the application of the law. Therefore the

²³ “Tabii, insanlar sigaraya gerçekten ucuz olduğu için içmiyorlar, başka sıkıntıları var, onun için içiyorlar. Onun için, eğer gerçekten halkın sağlığını düşünen bir Başbakanımız varsa, o zaman halkın rahatlığını, huzurunu sağlayacak tedbirleri alması gerekir.” Recai Birgün (Independent deputy, İzmir) speech in TGNA General Assembly Minutes of Proceedings Term 23, Legislative Year 2, Session 43, December 27, 2007. pp. 57-58

law numbered 4207 comes into force with virtual unanimity on its aim whereas with a little less faith in its applicability. To put it in numbers, the law was enacted by 240 affirmative, 2 objection and 6 abstention votes.

2.4 World Health Organization Framework Convention on Tobacco Control

Tobacco control is hardly a new issue on the agendas of many countries. In fact, history of tobacco regulations in some goes back as far as the 1960's. Although the 56th article of the Turkish constitution proclaims it everyone's right to live in a healthy and balanced environment, tobacco regulations in Turkey are not as deep-seated as those in many developed countries. Taking into consideration the fact that smoking was allowed in virtually all means of transport in the beginning of 1990's, the law numbered 4207 might be called an accomplishment in its own right. By 2010 however, one needs to look through the articles of Framework Convention on Tobacco Control in order to fully grasp the logic underlying the tobacco regulations in force.

Framework Convention on Tobacco Control (FCTC) is, in its own words, “an evidence-based treaty that reaffirms the right of all people to the highest standard of health” as well as “the first treaty negotiated under the auspices of the World Health Organization”. The tone of regulations that the convention imposes are distinguished from earlier agreements by its emphasis on demand reduction. The convention is declared to be “developed in response to the globalization of the tobacco epidemic” and is set out to be a “global trend –setter” in this respect. The provisions contained in the articles can be classified as those aiming at demand reduction and those at supply reduction. Demand reduction provisions consist of price and tax measures as well as non-price measures. (WHO FCTC, 2005: v)

In Article 3, the objective of the convention is declared as:

to protect present and future generations from the devastating health, social, environmental and economic consequences of tobacco consumption and exposure to tobacco smoke by providing a framework for tobacco control measures to be implemented by the Parties at the national, regional and international levels in order to reduce continually and substantially the prevalence of tobacco use and exposure to tobacco smoke (WHO FCTC, 2005: 5).

The emphasis on exposure to tobacco smoke is apparently common to both the convention and the law numbered 4207. Article 8 of the convention altogether is about

protection from exposure to tobacco smoke and consists of two parts whose first part recalls recognition of relevant scientific evidence: “Parties recognize that scientific evidence has unequivocally established that exposure to tobacco smoke causes death, disease and disability” whereas the second part obliges each Party to

adopt and implement in areas of existing national jurisdiction as determined by national law and actively promote at other jurisdictional levels the adoption and implementation of effective legislative, executive, administrative and/or other measures, providing for protection from exposure to tobacco smoke in indoor workplaces, public transport, indoor public places and, as appropriate, other public places (WHO FCTC, 2005: 8).

The WHO FCTC was open for signature between June 2003 and June 2004. When it was closed it had 168 Signatories and the European Community was among them. It is important in the sense that their sign renders the convention “one of the most widely embraced treaties in UN history”(WHO FCTC, 2005: vi). In the notice published by the Legal Consultancy of the Turkish Ministry of Health on November 29, 2006, it is seen that Turkey signed this first international treaty concerned with tobacco control on April 28, 2004 in New York. The treaty was ratified by the law numbered 5261 on November 25, 2004; published on November 30 and entered into force on February 27, 2005. The Ministry also affirms to have prepared a “National Tobacco Control Program” to pursue the aims of the signed treaty. In the very last paragraph of the notice, the Ministry organization and all health care institutions are obliged to constitute well-isolated and air conditioned indoor smoking areas –as far as possible although only three years later in the previously mentioned minutes of proceedings, it is almost unanimously agreed upon that there is no filter or air condition system as advanced as to fully prevent exposure to tobacco smoke.

In 2009 Summary Report on global process in implementation of the WHO Framework Convention on Tobacco Control, there are found a number of statistics that give a general idea about how the convention is actually put into practice. For instance, of hundred and seventeen Parties that reported, sixty five (56%) indicate they did develop and implemented strategies, plans and programs of the sort.

Naturally in accordance with the scope of the present study, statistics regarding Article 8 are of particular importance therefore require extra attention. When the Parties are asked “whether they implemented any policy to protect citizens from exposure to tobacco smoke in indoor workplaces”, 85% reply yes. Indoor workplaces are categorized as government buildings, health-care facilities, educational facilities, private workplaces, cultural facilities, bars and nightclubs and restaurants. The Figure 1 (2009: 9) which displays

the levels of protection in these selected settings indicate that bars and nightclubs followed by restaurants provide the least complete protection. The settings that most frequently provide no protection at all are again the same. Meanwhile the report declares an overall progress in protection from exposure to tobacco smoke, the figures at hand clearly suggest that the settings who constitute a significant challenge to the process are entertainment venues.

2.5 Debates on Tobacco Control

It is acknowledged by all that changes in social policies no matter how incontrovertible, usually bring loads of debates along them. Of course their heat very much depends on the extent to which the policies in question affect the everyday life of people. As long as the law is not somehow experienced by the ordinary people in everyday life, it possibly does not turn out to be a hot topic of debate about which the public maintains a cluster of controversial opinions. Viewed from this point, the new regulations in tobacco control are expected to meet rampageous objections of addicted smokers since smoking is the most prevalent habit worldwide. Despite a quite remarkable history of discussions, anti-smoking front can obviously be suggested to have beat this one.

Among many other policies that closely affect everyday life, tobacco regulations are distinguished by a shield of science that render them practically untouchable in the face of any objections or criticisms. A brief review of scientific literature presents three major axes of discussion: medical, economic and political. Since a positive correlation between smoking and cardiovascular diseases as well as many types of cancer has long been established, there is no question about whether smoking is harmful or not. However the question that arises in the medical sense is that if smoking is the only threat to public health. Also voiced in the Turkish parliament during the discussions concerning the revision of the law numbered 4207, it is argued that public is exposed to many other health risks that can actually be avoided. Therefore it becomes an issue of priority of actions to take. The Turkish parliament is obviously not the only place where this point is made. A philosophy professor Mark J. Cherry, while in a debate called “Should Smoking Tobacco Products in Public Places be Legally Banned?” with a thoracic surgeon asserts that

The actual health risk of accidental exposure to environmental tobacco must be appreciated in light of the overall level of background public risks. (...) it is arbitrary to hold smoking to a significantly higher standard than we hold other types of pollution or hazards to the “public

health”. Many diseases, including lung cancers and coronary diseases, have multi-factorial causation, with genetic components, environment, pollution, and life-style choices playing more-or-less important causal roles (Dresler, Cherry, Sade, 2008: 704).

Another axis of the discussions is the economic one that problematizes the link between smoking and medical expenditures. In the minutes of proceedings mentioned earlier, Ahmet Öksüzakaya from JDP declares the health care cost of tobacco related diseases as 2,7 billion dollars per year in Turkey (session 45, p. 33). However there are a number of studies albeit exceedingly controversial, that demonstrate, smokers increase medical expenditures only in the short term whereas non-smokers compensate the difference by their higher life expectancy in the long term (Leu and Schaub, 1983; Barendregt, Bonneux and Maas, 1997).

On the other hand, the core axis of the debates on tobacco control consists of the directly political aspects like the extent to which states are justified to force their citizens to be healthy or whether smokers are some sort of criminals and the national health care not underfunded. Moreover, it is hardly fair to tar every country with the same brush since each political tradition engenders and adopts an according approach concerning tobacco regulations. In this sense, Vogel, Kagan and Kessler identify three types of tobacco restrictions in their article where they compare the tobacco politics in US, Canada, France and Japan. The three types they distinguish are informational, paternalistic and protective whereas they add that countries adopt policies that fall into all three categories but what makes a change is the difference in timing and priority (Vogel, Kagan, Kessler, 1993: 318).

They accordingly distinguish between two political philosophies and suggest that a liberal government tends to value individual choice hence looks out for both smokers’ and nonsmokers’ rights whereas a communitarian state is likely to adopt a paternalistic approach therefore aims to withdraw smokers from their “foolish choice” of smoking. They nevertheless add that “where coercive controls clash too strongly with folkways, democratic governments are less likely to enact them”²⁴. Almost a decade before this illuminative article of theirs, B.J. Boughton and R.S. Downie write as to complete their word that “the cost of policing unpopular new laws could outweigh any potential saving in health care” (Boughton and Downie, 1984: 186). In fact they problematize altogether the extent to which the State is justified to compel if education fails to persuade people into looking after their health in the

²⁴ Ibid 1993, 324.

first place. They conclude by implying that assailant attitude of the State towards individual freedom is related to its incapability of being on a par with the cost of modern medicine²⁵.

On the even more liberal side of the spectrum stands Mark J. Cherry who argues that smoking ban can be justified in terms of neither public nor private good. He focuses on bars and restaurants to assert that it is up to employers to decide what kind of a lifestyle they are to sell in their business whereas it is up to employees as well as the customers to be present in the place. In brief he points out that “[m]orally permissible legislation does not extend to the coercive imposition of paternalistic regulations on free citizens, as if they were mere children” (Dresler, Cherry, Sade, 2008: 705).

Speaking of smoking ban in entertainment venues, it is noteworthy that public-place smoking laws in Canada had no significant effect on either smoker population or cardiovascular health although they did reduce the level of exposure to tobacco smoke especially in public places like bars and restaurants (Carpenter, Postolek, Warman, 2010: 4). The same research adds an interesting note and reveals that public-place smoking laws actually increased nonsmokers’ exposure to tobacco smoke at places like building entrances where smokers practically invade²⁶.

In their humbly entitled article, Brewis and Grey achieve to draw attention to another axis of the debates. They discuss that smoking bans cannot be understood in medical terms alone. According to the authors, the medical discourse is not all but only a part of a moral discourse in which the regulations are located. They point out that “there is no simple logic, either economic or scientific, at work here”. Throughout history, smoking has been both encouraged and discouraged from time to time. Social norms constantly change but this particular shift is distinguished by its pace. Smoking has been denormalized in a period as short as a lifetime. Brewis and Grey point at the often neglected complexity of the matter rather than offering a clear answer to the question why. For instance, they consider it likely that organizational smoking regulations might be thought as a sheer manifestation of power over employees whose submissiveness and docility are attempted to be reinforced (Brewis and Grey, 2008: 983). In any case, one can hardly afford to neglect their emphasis on the moral aspect of the ongoing debates.

²⁵ Ibid 1984, 189.

²⁶ Ibid 2010, 25.

2.6 Tobacco Issue in Turkey

Tobacco is definitely an issue in Turkey where smoking is substantially more prevalent compared to other European countries. It is positively illustrative to look through the numbers in order to have a general idea about the issue: Who smoke, how populated smokers are, the correlation –if there is any- between smoking and medical expenditures, how the smoking trend changed throughout the years, what influenced this change and what did not are some questions whose answers are to help better grasp the recently heated issue of tobacco control.

According to Global Adult Tobacco Research carried out in 2008 by the partnership of Centers for Disease Control and Prevention, CDC and Turkish Statistic Institution, TÜİK, 31,3 % of the population aged 15 and more smoke on a daily basis or occasionally. The ratio is 47,9 % in males and 15,2 % in females. Plus, smoking is most prevalent in the 25-44 age group where approximately 40 % and 42,4 % of overall smokers do not plan to quit smoking. The percentage of urban and rural male smokers are almost the same whereas the difference of 10 % in the female smokers pulls down the total percentage of smokers in the rural. In terms of years, a more or less steady rise is observed in tobacco consumption from 1980 to 1999 so much as to almost double the former amount. After the year 2000 up to 2008, a much slower but again steady decline is observed. Tobacco consumption today, can be estimated to be about the same as in 1997-1998. Unfortunately, there are no statistics more up to date than 2008 namely after the law concerning tobacco control was revised and entered into force. However, a steep rise in tobacco consumption can be clearly observed in 1996-1997, namely the year that the law numbered 4207 first entered into force. Therefore it can well be deduced that the previous law concerning tobacco prevention did not affect the rate of tobacco consumption except ironically increasing.

About the expected correlation between smoking and health care costs, the issue gets even more complex and vague. Although a member of the parliament declares the medical cost of tobacco related diseases in Turkey as 2.7 billion \$ per year, the Minister of Health declares that no research with a well-planned methodology has been conducted to demonstrate the medical cost of smoking. He nevertheless adds that someone who smokes twenty years earlier or now is a financial burden to public either way (session 43, p. 65). His ambivalent statement brings to mind that the limited set of data in hand is hardly sufficient to establish a reliable correlation between smoking and medical expenditures. Over and above multiple factors of having cancer and the effort needed to distinguish them, a well designed research that covers a long time frame is required to come up with any valid results. It is

nevertheless noteworthy that between the same years 2000 and 2006 when tobacco consumption declines slowly and steadily, total expenditure on health as % of GDP practically remains constant (4.9 and 4.8 respectively) and general government expenditure on health as percentage of total expenditure on health increases by 10 % which is reflected on the same amount of decrease in the private expenditure on health as percentage of total expenditure on health (World Health Statistics, 2009: 114-115).

After all, within the debates on tobacco control, public health discourse is emphasized way more often than medical expenditures since the former is considered priceless. Therefore medical statistics concerning harms of tobacco rather than financial statistics dominate the debates: 100 thousand people a year die due to tobacco use whereas 17 thousand of them are passive smokers. Out of 20 million current smokers, 10 million is going to die 10-22 years earlier than expected. Moreover, smoking in entertainment venues is an issue of job security since the entertainment business workers are exposed to tobacco smoke throughout their work hours. Depending on the minutes of Central Bank, the enterprises are claimed not to have lost any money due to the control regulations insomuch as increased their profits too. After all there is no air conditioning technology as advanced as to clear the air of tobacco smoke so that the indoor public places can be allowed to install separate places for smoking. The arguments are followed by a reference to the 8th article of WHO FCTC that is said to require 100 % smoke free areas (Gürsoy ,2010). Interestingly enough, the very article in question does not include an obligation defined as such. Turkey has obviously been very enthusiastic about enforcing this law. In fact, as the head of the Green Crescent points out that Turkey is the 6th country who adapted to the WHO's suggestion of prohibition of smoking indoors (Özfatura, 2010).

Prof. Dr. Gençay Gürsoy holds out more figures: 20 million citizens spend 20 billion \$ a year and the whole lot goes to foreign business trusts. The treatment of diseases caused by tobacco costs three times the taxes that tobacco companies pay (Gürsoy ,2010). He announces this medical cost to be 30 billion \$ which is somewhat confusing since the number is rather approximate to the overall expenditures on health. In fact, the health expenditures altogether draw attention to very different trends that may not be directly related to tobacco issue but interact with it either way. In consideration of the extent to which the present work is concerned, it is sufficient to note down that public health expenditures decline between 1999 and 2007 whereas out-of-pocket expenditures rise from 3.77 to 8.53 billion \$ within the same time interval. Between 2001 and 2008, the change in the shares of public, university and private hospitals in treatment expenditures constitute another

intriguing trend such that the share of private hospitals drastically rise whereas those of public and university hospitals decline almost as drastically. Dr. Ata Soyer interprets these trends as an indicator of the fact that the financing of health market initiated in the JDP period is to be covered by non-public resources (Dr. Soyer, 2010).

All the figures mentioned above simply help visualize the context in which the new tobacco control regulations are enforced. In the meantime, the government raises the taxes it gets from cigarette by 30 % and that is directly reflected upon the raises made by tobacco companies. Smoking ban combined with price increases obviously prepare the ground for reducing tobacco consumption. General manager of European Tobacco, Hulusi Kaymaz on the other hand argues that bans and increases in price cannot yield to a decline in tobacco use. Plus he predicts that tax increases are to lead people into illicit cigarettes and tobacco. The proximity of Turkey to Syria, Iran and Iraq as well as the long established culture of twist in the geography taken into consideration, it is not a remote possibility that regular smokers are going to take an increasing interest in smuggled goods. As an unintended consequence, the sales of illicit tobacco have already boosted in Tahtakale, Eminönü. The increase in this interest is expected to be enhanced by the raises to come (Bektaş & Öztürk, 2010). This piece of information is important in the sense that the gap between tobacco sales and tobacco consumption is going to be greater than before due to the increasing popularity of illicit tobacco.

In the larger context namely considered in the global scale, the steep rise in tobacco consumption after 1986 can indeed be read as an effect of developed countries accelerating and intensifying their own tobacco control programs which then caused tobacco companies to turn their faces towards less developed countries where smoking was still unrestrained. As mentioned earlier, 1996, the year that law concerning tobacco control was first enacted is not reflected in the statistics as a decline but rather as an increase. This ironical trend proves the members of the parliament right, who communicated their disappointment in the application of the law numbered 4207 during the discussions concerning revision of the law. However, the observable improvement in the execution of the law cannot be simply explained by the fact that the distribution of authority was much more clearly defined so much as to increase administrative capacity and assign staff particularly for the task of tobacco control. The fact that tobacco control turned out to be such a seriously pursued issue today is very much related to the recognized alacrity of the current government to become a full member of the European Union. Turkey having a majority government hence a more or less politically stable context since 2002 has motivated international organizations like EU, UN and WB to

assist as well as fund large scale projects like the Health Transformation Program (WHO, 2009).

Of course the well-known willingness of the current government to adopt western standards does not necessarily indicate the process is free of contradictions. For one thing, the WHO declares that Turkey is well behind its regional counterparts. Health services and infrastructure as well as the human resources capacity are some general problem areas that hamper a health system that truly appreciates public health and human dignity. Moreover, some preventable factors other than tobacco that jeopardize the lives of all inhabitants are base stations of GSM operators, buildings vulnerable to seismic moves, jobs that are settled for despite the job security they are known to lack, inconsiderate and unchecked disafforestation, a nuclear plant to be constructed whereas poverty per se can be considered a threat since it denotes inadequate nourishment and sanitation. The rigour and diligence that government displays in pursuing the recently revised tobacco regulations necessarily rise the expectations to observe the same level of concern for other risk factors like poor living conditions.

At this point, it is utterly crucial to well distinguish and identify the issue that matters more than the rest, in accordance with the concerns of the present work. First of all, the ideal structure of the law needs to be clearly defined so as to properly make sense of how it practically works thereafter. What is intended by the enactment of the law in the first place, as well as how it is worded and communicated to the public all make up the necessary material that is required to understand the reactions displayed throughout the application of the law. As far as the review of the relevant literature reveals, tobacco control laws and regulations are usually grounded on the public health discourse whereas the economic aspect of the issue is voiced much later if voiced at all. This prioritization of arguments is absolutely not for no reason.

The legislators are right to align the alibis when publicizing the law in question, especially if the law is intended to be embraced as a social campaign. The public needs to be well persuaded if their cooperation is hoped for. Therefore the government's care for the health of its public is a more favorable argument than that concerning the medical expenditures allocated to tobacco-related diseases. It is not as motivating after all, to think that the state just cannot afford the health care of its citizens, even if it *is* the case. Boughton and Downie are not the only ones to consider that “[c]ompulsory health and safety is a very dangerous notion which may only be justifiable when the public *health* interest and not its *economic* interest is at stake” (Boughton and Downie, 1984: 189). Rajendra Persaud on the

other hand associates the times such debates occur with the nationalized health care system becoming “terminally underfunded” (Persaud, 1995:287). Of course in addition to this particular stance, there are those who do consider economic restraints as a perfectly justifiable ground as well as those who are positive that there is no need for justification if health is in question. It is observed in Turkey that the majority is inclined to think of governmental interventions regarding public health as not even justifiable but justified *ipso facto*.

The Turkish government has so far carried out all three types of tobacco restrictions: informational, paternalistic and protective. Citizens are informed about health risks of smoking whereas broadcast as well as billboard and print media advertisements of tobacco companies are already banned. Large tax increases, limitations on access to cigarettes, intimidating warnings on the packs and prohibition of smoking indoor public places are all available and exercised. The question whether the government acts in accordance with a liberal or communitarian political philosophy remains rather ambivalent though. Based on the discourses in the minutes of proceedings, it can be suggested that smoking is certainly not banned but limited so as to simply respect the rights of nonsmokers. In the meantime, the idea that smoking is not only unwise but also selfish is constantly made clear. Therefore it can be argued that while the government ostensibly sticks to a liberal discourse, in practice it hardly refrains from taking fairly forceful measures that show little or no respect to the rights of smokers. Moreover, its general attitude turns out to be quite compatible with the metaphor widely used to define paternalistic manner usually adopted by the communitarian state: “Like a concerned parent who discovers that his or her teenage son has started smoking, the communitarian state would consider it irresponsible not to take aggressive action in restricting this most foolish ‘freedom of choice’” (Vogel, Kagan, Kessler, 1993: 324). In fact, there are more than one news stories with the prime minister Recep Tayyip Erdoğan taking away the cigarette packs of the people he happens to come across²⁷. Technically an act of confiscation, this points to paternalism literally embodied in one of the prominent figures of state authority.

“The interference with a person’s liberty of action justified by reasons referring exclusively to the welfare, good, happiness, needs, interests or values of the person being coerced” is the definition of paternalism that Spencer A. Hall adopts whereas he adds that in its true form, consent is not relied on. “Without input and agreement from the target

²⁷ E.g. “Erdoğan ne yapıyor?” August 25, 2009. <http://www.haberform.com/haber/erdogan-recep-tayyip-erdogan-erdogan-haberleri-cankaya-cankaya-haber-cankaya-bag-27214.htm>

community” he further argues, “it is not surprising that these types of interventions often fail” (Hall, 1992: 198). The lack of input and consent from the community obviously applies to the present case. Most basically, the anti-smoking movement is not initiated by the target people but discussed, decided and exercised by the state. Plus, despite the fact that individual action cannot be thought separately from societal norms, the transition from once familiar and acceptable to now condemned and criminalized act of smoking was not granted the time necessary to adjust to such a radical change in long established habits.

Enis Batur, a well-known Turkish intellectual touches upon the smoking ban issue as early as February 2008 since he lives in Paris. He writes quite sincerely about the intolerance that any attempt to defend the right to smoke is confronted with. In his news story entitled “They do not get the tobacco culture”, he makes a well-balanced critique of the situation. Without objecting to non-smokers’ right to clean air, he argues that ‘pleasure’ oriented indoor public places shall constitute an exception to the ban. He also believes that technology is in fact advanced enough to provide adequate air conditioning. To the fact that people get used to everything, he does not oppose but add that people also do get used to living by totalitarian regimes. The absolute exercise of smoking ban in ‘pleasure’ oriented spaces is despotism according to Batur. In the mean time, he finds it hypocritical that tobacco production cannot be as harshly treated. In brief, his main argument is that this is a rooted and rich culture to be respected (Batur, 2008). By June 20, 2010 there are already ongoing attempts to omit coffee houses from the scope of the ban. The legal objection includes only coffee houses and not the other entertainment venues because the former has a 500 years long history and the ban is supposed to be revised if it puts the survival of businesses in serious danger. For the sake of consistency with the latter alibi though, the whole category of entertainment sector needs to be excused from the ban.

CHAPTER 3

STRUCTURE OF THE FIELD

3.1 On Nevizade

No one investigated, no one asked. I mean nobody knows how Nevizade was established. If it is to be studied, one needs to come to us. Now if the new comers are asked, they wouldn't know who allowed the street, in what state the street was, who there were.²⁸

Mustafa Yıldırım who is a partner of the second oldest *meyhane* in the street speaks with an explicit self-esteem. Yıldırım who wears a suit as always, is actually the young one compared to the 90 year old Greek partner Yorgo Okumuş. Habitually talking in behalf of Okumuş, Yıldırım constantly implies his pride in being among the oldest dwellers of the street. Aside from a fairly limited archive of newspaper clippings with indirect references to the street, there really is not a satisfying amount of written material on the history of Nevizade Street partially because it does not have much of a history as what it is today. Therefore majority of the historical information about Nevizade included here is extracted from oral histories conducted with two oldest and one middle aged *meyhane* managers in the street.

Nevizade is originally a street in the Beyoğlu district of Istanbul whereas Beyoğlu is an object of inquiry *per se*. In regard of its relation with the street in question, it is worthwhile to know at least a few things about the ancient district. It consists of uninhabited woodland, some kiosks, cemeteries and vineyards till after the 16th century when the construction of embassy buildings attracts embassy staffs, European tradesmen and

²⁸ Kimse araştırmadı, kimse sormadı. Yani Nevizade nasıl kuruldu kimse bilmez. Çalışılsa bize gelmesi gerek, şimdi daha yeni gelenlere sorsa bilmez ki sokağa kimin izin verdiğini, sokak ne halde olduğunu, kimler vardı.

prosperous Christians to the area (Batur in Eminoğlu ed., 2004: 7). Throughout history, Beyoğlu suffers from numerous fires but the one that breaks out on 5 June 1870 turns out to be a defining moment since it almost completely changes the architectural silhouette of the main street that is called İstiklal Avenue, Cadde-i Kebir or Grande rue de Pera²⁹. The famous arcade called Cité de Péra for instance, is constructed in place of the Naum Theater that is burnt down in the 1870 conflagration. In time, the arcade comes to be known as Çiçek Pasajı due to flower auctions held in there and remains intact until 1978 when it collapses as a result of neglect³⁰. It is then rebuilt and serves as a center for a number of restaurants now. Right beside it there is Balık Pazarı namely the Fish Market where one can find all kinds of fruits, vegetables, charcuterie, spices and souvenirs in addition to various kinds of seafood and a number of restaurants. To the right of Balık Pazarı, there is the main church of Beyoğlu's Gregorian-rite Armenian community, the Three Horan (Trinity) Church and on the left, there are the gates of Avrupa Pasajı and Aslıhan Pasajı.

Aslıhan Pasajı is a rather new arcade in comparison to the history of its whereabouts. Previously, there was Krepen Pasajı in its place until 1981 when it was sold and demolished. Krepen Pasajı had its name after the French Levantine family who founded it in 19th century whereas it was also known as Krizantem Geçidi by its elderly occupants. They cite that Krepen was three floors high with no roof. There were the shops of shoemakers, tailors, hosiers, a café and two restaurants that were crowded with art and literature circles of the time. İmroz, one of the restaurants belonged to Greek managers Tanaş Yalyas and Spiro Havuços whereas Avyeri Zaharapulos managed his place named after himself. Bayram's Restaurant, Deniz Restaurant and Hoşgör joins them in time. The Greek masters usually recruited Muslim Turks who learned the job in the meantime. The property tax directed at minorities in 1942 and the events of 6-7 September 1956 coalesced to cause this cosmopolitan texture of Beyoğlu to wither dramatically (2004: 12). In time, the Muslim Turks who learned the job also started to take over the places from their Greek masters who left for a foreign homeland. When the oldest as well as the only Greek dweller of the street is asked if he ever felt uneasy or anxious and considered going back, he answers:

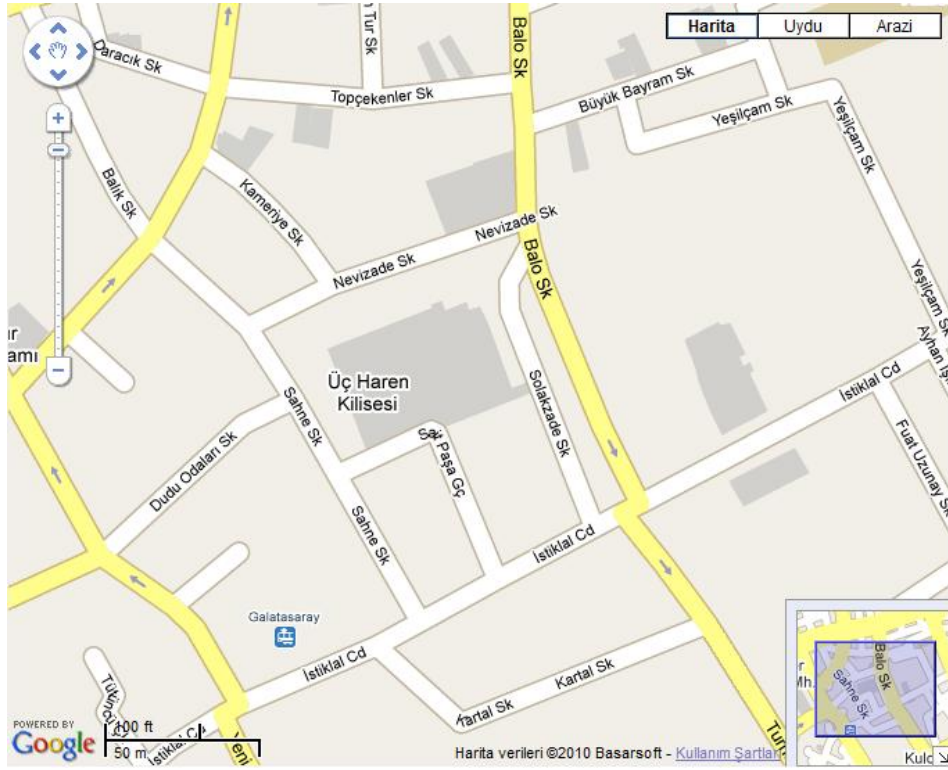
For a moment you are but... You my beautiful girl, you were born here and grew up here...How is it going to be? Now it's easy, it's easy in words. Now pack up and leave, for

²⁹ Ibid 2004, 51.

³⁰ Ibid 2004, 90.

wherever you're going to go. There are no acquaintances, here look you sat here. Whoever comes in "Yorgo what's up"...this is it. There are visitors, there's someone who says hello.³¹

Picture 1. Map of Nevzade Street



In terms of location, Nevzade Street is parallel to İstiklal Avenue and right behind Çiçek Pasajı. It also connects Sahne and Balo streets that intersect the avenue perpendicularly. Plus, there is the Kameriye Street which cuts Nevzade also perpendicularly and comes to be known as a part of it in time. In the beginning of 1982 Kadir Karmak moved to Nevzade Street which was used like some backyard of Balık Pazarı then. Around a year later, Yorgo Okumuş moved to the street. Karmak and Okumuş are the only street dwellers who moved in from the Krepen. Hence the whole names of both places start with "Krepen'deki", meaning the one in Krepen. The emphasis is not for no reason. They are distinguished by the name Krepen to which a respected identity and a cherished memory are attached. In 1982, the street was nothing like what it is today. The two oldest occupants of the street are of the same opinion about the creepy sight of the place then. Balık Pazarı used to drop its litter on this muddy street, their customers parked their cars here and there and especially after 8 o'clock in the evening it was not a safe place to be around. "It was a street

³¹ Bir anda olursun ama...Sen güzel kıyım, sen burada doğdun büyüdün...Nasıl olacak? Şimdi kolay, lafla kolay. Şimdi kalk git, ne bilmem nereye gideceksen. Hiç kimse tanıdığın yok, burada bak siz burada oturdunuz. Kim gelirse "Yorgo ne yapıyorsun"...bu budur. Gelen giden, bir merhaba diyen var.

like Texas, I mean no man would pass by. Lotto men, drug addicts, those parking guys harbored here. No one would pass by in the morning, let alone in the night. Also the mud...”³² recites Mustafa Yıldırım.

There were the Emperyal Otel on the corner below, Sim Dry Cleaning in the place of İmroz, next to it a funeral office, a water depot, the panel beater Stefo, a coal dealer and a paper seller respectively. There were also Lefter’s Laterna in the place of now Nevizade, a thread seller in the place of now Şahika, a *kıraathane* (coffee house) in the place of now Abbas, a greengrocery on its corner, a fisher on the opposite corner, Agora *meyhanesi* on the above, Salim Şen’s *tekel bayi* (kiosk) next to it, Şimşek Kıraathanesi on the opposite and Uzelli who sold yoghurt on the Kameriye Street. In addition to florists and the mostly non-Muslim dwellers, there were also some prostitution and drug business in the street too, which Tamer Balaban declares eradicated in the time of Saadettin Tantan³³.

After Okumuş and Karmak moved here from Krepen, shops and houses on the street began to be sold one by one to similar managers for considerably cheap prices. As a continuation of the habit in Krepen as well as an answer to customers’ demands, the few restaurants that were open at the time put a couple of their tables on their front. Nurettin Sözen³⁴, the president of Metropolitan Municipality and Hüseyin Aslan³⁵, the president of Beyoğlu Municipality allowed the outdoor tables in return of a certain occupation fee. The restaurants needed to acquire an alcohol license from the municipality and a heavy alcohol license from the police for they sell heavy alcohol. Today, the latter is no longer needed.

When asked about how they were with the municipality back then, the business partner of İmroz mention that Sözen meant well and he paved the street with stones although they soon “cracked like egg shells” whereas Kadir Karmak perceives the question in a negative sense and mentions that “the municipality did nothing so they got along well”. It presents a somewhat interesting picture when the two reactions are considered together: the

³² Teksas gibi sokaktı, adam geçmezdi yani. Tombalacılar, hapçılar, efendime söyleyeyim bu otoparkçılar, bunların barındığı bir yerdi. Hani gece geçmez, gündüz bile kimse geçmezdi buradan. Çamur da...

³³ Saadettin Tantan was the president of Police Directorate-general Review Committee İstanbul Region between 1990 and 1994.

³⁴ Nurettin Sözen from the social democrat Republican Party, was the president of İstanbul Metropolitan Municipality between 1989 and 1994, he comes after Bedrettin Dalan and before Recep Tayyip Erdoğan.

³⁵ Hüseyin Aslan from the social democrat Republican Party, was the president of Beyoğlu Municipality between 1989 and 1994.

former is obviously dissatisfied with the service and respectfully sardonic about it whereas the latter is quite content that the municipality did not take any obstructive action. The former adds that the road of the street was later made by the Nevizade Association.

It might be suggested that the municipal elections of March 27, 1994 signify a turning point in the history of Nevizade since Recep Tayyip Erdoğan³⁶ was elected as the president of Metropolitan Municipality and Nusret Bayraktar³⁷ as the president of Beyoğlu Municipality. This indicates a change of administration in favor of the right wing yet brings along an unintended consequence regarding the Nevizade Street. Motivated to fulfill the expectations of his voters, the new mayor Bayraktar ordered that all the outdoor tables get removed so that pedestrians could walk more easily and passers-by who could not afford to eat there were not exposed to the sight of people who could. Plus, the restaurant owners were asked to put thick and preferably black curtains in their windows so the inside could not be seen either (Bartu in AlSayyad ed., 2001: 146). On April 13, 1994 the story was given with the title “Black curtain to Beyoğlu” in the newspaper Milliyet (Avcu, 1994: 17). The reporter mentioned about the rush that took place the night before. As the tables and chairs were moved in the enterprises, the employees expressed their concerns about the survival of their business: “In the midst of summer, you cannot get anyone into a restaurant enclosed with black curtains”³⁸. A middle aged employee with whom I interviewed almost 15 years later, stated that the police had confiscated the tables by force and detained those who objected the act. When asked how long this curtain business lasted, the employee who was a witness to the time in question replied that “it didn’t endure long, it wasn’t street’s thing. The street has never, believed”³⁹. Here, “the street” does not refer to the enterprises alone. The term often includes the customers who have constituted a defining part of the street and its whereabouts right from the start. Therefore it is also the customers who are indicated not to have “believed”. Plus, their disbelief made a serious difference in the history of Nevizade.

Already alarmed by the election results, the rather intellectual and mostly journalist customers of the street spontaneously organized a sit-in thereupon. The tables were taken back out, chairs were put on them and all the participants drank on the street. The reporters

³⁶ Recep Tayyip Erdoğan from the Islamist Refah Party, was the president of Istanbul Metropolitan Municipality between 1994 and 1999. He is the current prime minister of Turkey.

³⁷ Nusret Bayraktar from the Islamist Refah Party, was the president of Beyoğlu Municipality between 1994 and 1999.

³⁸ Ibid 1994, 17.

³⁹ Yok, fazla dayanmadı, sokağın şeyi değildi. Sokak hiç şey yapmadı, inanmadı.

who were previously unable to get a single word from the restaurant owners, thronged to the street and rendered this act an agenda item. Hence the Nevizade Street attained the widest recognition in its entire history. The employee said that the shopkeepers were afraid to do such a thing then, but the customers were not and not because they were just customers but because they knew their rights hence defended them. However, he also added: “You know they (the Municipality) have it all. It’s so easy to fine. He comes and says the cook has no cap, that’s it. He really has to wear one, no gloves too. Or he finds something out of nowhere and closes (the place) down. Due to many reasons, we don’t want to run counter to them. That’s what’s right after all”⁴⁰. While accepting their own flaws, the employee also drew attention to the almost random application of the rule. Based on his narration, one can deduce that power is exercised according to the rules only when *necessary*. At any rate, the sit-in reached its goal, the tables were moved back out. Plus, the Islamist Refah Party had led to the unintended consequence of publicizing the Nevizade Street to an extent that no intended act could have achieved so well. On June 3, 1994 the same newspaper used the title “Middle way in Beyoğlu” (Kabakçı, 1994: 22). The middle way meant that each enterprise could occupy one and a half meters of the street so two and a half meters were left to pedestrians. Interestingly enough, there is not a word about the protest but rather meetings and negotiation are mentioned. Moreover, Nevizade Street Shopkeepers Representative thanks the president for making their face smile again⁴¹.

Tamer Balaban who is the manager of the smallest *meyhane* on the street tells about the times in question from a slightly different angle due to his stance that is easily distinguished. His *meyhane* is also quite distinguishable due to an ancient copy of La Marseillaise hanging on the wall right across the entrance door. Balaban is a middle aged man whose beard, outfits and talking easily give out his left-leaning political orientation. As a graduate of political sciences, he was previously occupied with theatre and cinema as well. Thereby his particular circle of acquaintances seems to have substantially contributed to the change in the customers’ profile. About the above-mentioned period of 1990’s, he tells that the pressures of the municipality caused Nevizade Association to form. In fact, he complains that the members get together or apply to the association only if there is a problem they cannot solve on their own. He thinks that “our society is not prone to organization” anyway

⁴⁰ Biliyorsun onların elinde her şey. Ceza yazmakta ne var. Gelir der ki aşçının kepi yok, bu kadar. Takmak zorunda gerçekten, eldiveni yok. Ya da yarın tahtadan bir şey bulur anladın mı, kapar. Bir sürü nedenden dolayı o yüzden onlarla zıt düşmek istemiyoruz. Doğrusu da o tabii yani.

⁴¹ Ibid 1994, 22.

and adds that the members are always opposed to whoever the president is. About the history of the street, he assumes that the customer profile was altered with the opening of his place in 1992 since his customers mostly consist of artists, politicians and academics. Moreover, the first half of the decade also witnessed the significant increase in women's' attendance to such restaurants. Beforehand, only men used to attend such places and it had a quite negative connotation to say the least. If the beginning of 1990's marked women's' entrance to *meyhane*, that of 2000's marked their entrance to beerhouses which is closely related to college students thereof. Presence of women and the content of the places actually interacted to cause the latter to become more decent than before. Today, the street has six security guards of its own, two located on each three ends. The third end is of the Kameriye Street who shared in the name of Nevizade over the years. Except a latent, slightly condescending attitude, the dwellers of the Nevizade Street apparently do not have any problems with their colleagues in the Kameriye.

In Nevizade, there are thirty three places in total, all established in multi-storey ancient buildings adjacent to one another. Only two of them, Hisar on the corner of Kameriye and Gideros on the below corner of Nevizade belong to hotels by the same name. The last but not the least, it is necessary to briefly elaborate the distinction between the two types of enterprises evenly found in the street, namely the beerhouses and *meyhanes*. The first beerhouse on the street was opened by a woman in the second half of the 1990's when beerhouses enjoyed the peak of their popularity. Although a good variety of cocktails are also prepared in beerhouses, beer is the most commonly consumed drink since it is the cheapest one while the vast majority of customers are students with limited budget. The customers actually vary from high school students to people in their thirties whereas the prevalent group consists of college students. The music is loud to the extent that two people sitting across a table can barely hear each other. Beerhouses rarely serve main dishes, instead they give snack food and like. They are open until three or four in the morning during weekends. Relatively well-off customers prefer to just stopover at the beerhouses for a few drinks before or after attending a main event in some other entertainment venue.

On the other hand *meyhane*, though directly translates as wine house, refers to a totally different concept. Characteristically *raki* is served up as drink. Fresh *meze* (appetizers) in small portions on a large tray, are exhibited to each new coming table and the customers are asked to pick the ones they wish to taste before the main dish which is mostly a kind of seafood. Kadir Karmak states that in the old times, it was only the *meze* served in even smaller portions with a 70cl bottle of *raki*. The point after all, was not eating or

drinking but the conversation. Tamer Balaban is quite pessimistic about this, he thinks that young people who come to *meyhane* only worry about the prices and do not want to spend much time there. According to him, the content of their conversations is insubstantial and superficial. He considers this as part of a global tendency though. Besides, majority of *meyhane* customers consists of middle-aged and older people. Contrary to beerhouses, there is either a mild level of classical Turkish music playing in the background or live performance of an orchestra which is fairly rare though. For instance in İmroz, there is no music at all and it even writes on the wall that “singing is strictly prohibited”. When asked why, the oldest and the only Greek dweller of the street Yorgo Okumuş gives a very simple answer: not everyone has a beautiful voice but after drinking a little *rakı*, everyone thinks the opposite and every other one joins in the noise.

Today, the beer houses do not have the same popularity as they had in 1990’s and *meyhanes* have changed a great deal over the years. Nevertheless the street is full in weekdays and so crowded that it is almost impossible to move along it in the weekends. Tables start to be occupied in the afternoon hours and the street does not empty completely until early hours of morning. Taking into consideration the fact that most of its customers are also smokers and not all enterprises have the balcony or terrace advantage, Nevizade was expected to be severely affected by the smoking ban that was fully invoked in the summer of 2009. However, Nevizade *somehow* survived.

3.2 Impact of the Law on Nevizade Street

3.2.1 Unfair Competition

The full enactment of the law in July 2009 did not immediately take effect. Since it was summer season, the customers were inclined to occupy the outdoor tables of the enterprises they attended. However as the weather changed and people tended to sit indoors, a tension between the managers and the customers began to emerge. At first, both the parties hardly took the law seriously. The fines made it clear for the managers though, that the determination to enforce this law was much higher than the determination to enforce the previous one. Therefore the initial nonchalance and extenuation that characterized the attitudes of the managers, shortly left its place to financial concerns about keeping the business. However not all the enterprises are equally concerned about

the fines. The middle aged beerhouse manager who did not owe his streetwise looks to his black leather jacket but his careless glances, was busy enjoying a smoke as I got in the place to conduct the interview. He rejected the tape recorder right away and added that it was hard to trust people. While smoking, he explained the difference in the concern levels of the enterprises:

Everyone allows. The one on the opposite allows for instance. Because he has acquaintances, he has a circle. The news comes. It doesn't come to us. There are the bad neighbors and the good neighbors. He doesn't denounce us but doesn't notify us either. So if you have a circle [of acquaintances] you don't obey. They clear the place as the news comes.⁴²

There are other interviewees who explained that there actually *are* cases of denunciation between enterprises who hold a grudge against each other. This is not as common as the view though, that some places are inspected more loosely than the rest.

Another aspect of the unfair competition is one due to the very architectural structure of the enterprises. Since Nevizade is a narrow street, the enterprises have a limited number of tables that can be set outside. For the majority, this limit corresponds to not more than a few. So those placed in the corners or with rather large frontage are better off than the rest. The terraces are useful as outdoor spaces as long as it does not rain or snow. Either way, making use of the outdoor spaces in the winter, necessitates the use of electric heaters whose monthly cost almost equals to or in some cases even exceeds the fine of smoking. For instance, the beerhouse manager quoted above said that he paid 6,000 TL for the electricity the past month and mostly because of those electric heaters whose sales increased dramatically after the enforcement of the law. He was pissed off because the fine of smoking was 5,600 TL, in other words, less than the electricity had cost him. Therefore simply abiding by the law seems to be unaffordable for most of them.

The third aspect has to do with the customers' choices. Either while making reservations on the phone or simply passing by the place, the customers ask whether they are allowed to smoke inside. Negative answers entail frustration hence those places that do allow smoking are rather preferred. This means unfair competition for the few who are determined to comply with the law.

⁴² (1) Herkes içirtiyor. Karşıdaki içirtiyor mesela. Tanıdıkları var çünkü, çevresi var. Haber uçuyor. Bize gelmiyor haber. Komşunun iyisi var kötüsü var. İhbar etmiyor ama haber de vermiyor. Çevren varsa uymuyorsun yani. Haber geliyor kaldırıyorlar.

3.2.2 Deterioration of Enterprise-Customer Relations

Second distinguishable impact of the law has three interrelated aspects to it. In other words, the relationship of enterprises and customers has deteriorated in three respects. Firstly, the two parties have come up against each other. The managers are concerned with not getting into trouble with the municipality and paying a significant fine whereas the customers are concerned with pursuing their pleasure. The now-clashing interests lead to unease and a latent enmity between the parties in question. The worldly-wise, old-timer headwaiter of a *meyhane* commented as he kept preparing *meze* for the evening: “They made us come up against the customer, the customer sulked over the place”⁴³.

Another aspect of this deterioration is related to security issues. A middle aged *meyhane* waiter who has been in the business for twenty seven years stated that “it’s uncertain who is what. You intervene the guy but you don’t know what will come out. The guy comes in as a gentleman but doesn’t go out as such”⁴⁴. The streetwise beerhouse manager with the black leather jacket, was even clearer about his security concerns: “Okay the guy is psychopath, mafia for instance. What am I supposed to say? Okay there is the fine but the guy makes a grab for his gun for instance, so is it my life or otherwise? I can’t say don’t light [the cigarette]”⁴⁵. This insecurity towards the customers is not without a ground since the anonymous rumor of drunk customer shooting waiter dead goes around the street. Moreover, “not knowing who is what” refers to another source of insecurity towards customers: Anyone can be a policeman in plain clothes. It is a common practice in supervision, since otherwise the word would arrive the street sufficiently long before the supervisors do.

In this respect, insecurity on the side of the employees is not the only effect of the law though. There is also an observable degree of discriminatory attitude towards customers. The employees discriminate between customers not only with regard to their propensity to resort to physical violence but also with regard to their propensity to violate the very law that

⁴³ (28) Müşteriyle karşı karşıya bıraktılar bizi, mekana küstü müşteri.

⁴⁴ (24) Kimin ne olduğu belirsiz. Adama müdahale ediyorsun ama bilmiyorsun ne çıkacak. Adam beyefendi giriyor, öyle çıkmıyor ki çıkarken.

⁴⁵ (1) E adam psikopat, mafya mesela. Ne diyeyim ben? E cezası var da elini tabancasına atıyor mesela adam, e can mı canan mı? Yakma diyemem.

bans smoking. They do understand why people demand to smoke, nevertheless they suppose it is due to philistinism and ignorance that customers insist on their demand:

Those who don't show understanding are the customers with low cultural level⁴⁶.

Since our customers are eminent, they comply with the ban⁴⁷.

There are not many defiant. Those who defy are trash. Our customer is not like that⁴⁸.

So the enterprises seem to brag about how docile and civilized their customers are to comply with the ban. The waiters seem to be glad to have such educated and cultured customers who do not insist on breaking the law. It is indeed true that Nevizade has a certain customer profile that tends to avoid causing unpleasant scenes but there is more to what the waiters so proudly brag about. Nevizade as an entertainment zone is thirty years old, hence a substantial portion of the customers are in fact regulars. There is an established amity between them and the employees. In fact as far as it was observed, both the success and the failure of the law in practical terms depends to a great extent on this very relationship. Both parties put their years of acquaintance forward to get what they wish: the waiters strive to persuade their customers not to smoke whereas the customers also rely on their years of acquaintance as they request the waiters to turn a blind eye to the act. At the point of persuasion, the issue is neither the content of the law nor the fine to be paid but reciprocal requests. If the customer's request overrides that of waiter hence fulfilled, this does not simply indicate s/he is uncivilized, uneducated and uncultured but the years of acquaintance do not suffice to hold down the pleasure of smoking. Therefore the waiter is frustrated by his failure to persuade his long-known customer.

3.2.3 Negative Image of the Government Reinforced

In Nevizade, political tensions take the shape of the street. The opposition is practiced as well as voiced. The workers of the street attribute it a certain life style with which the predecessors of JDP were known to be at odds. Although now JDP seems to have made peace with Nevizade, taking it more as a touristic center of attraction rather than a

⁴⁶ (32) Anlayış göstermeyenler kültür seviyesi düşük müşteriler.

⁴⁷ (22) Müşterilerimiz seçkin olduğu için uyum sağlıyorlar yasağa.

⁴⁸ (7) Kafa tutan pek yok. Kafa tutanlar varoşlar. Buranın müşterisi öyle değil.

hotbed of vice, the opposing street dwellers mostly cling to an attitude based on their professional identity. In other words, despite well-established prejudices they do not rush into opposing JDP. They rather predicate their dissident attitude on the implementations. After all, in the everyday life of Nevizade, people are distinguished by the way they embrace the *meyhane* culture rather than being a supporter of such and such political party. While telling about the Islamist Refah Party taking over the municipality in 1994, an interviewee stated:

After coming to power, Nusret Bayraktar made his first press conference here. They booed him and all. So imagine how important the place was. Because there is Tarlabası and Kasımpaşa below. He got his votes from there and made a certain promise to them. Like I will ban alcohol when I come to power. He says I cannot go to Balık Pazarı because of the drunks. The Kasımpaşa and Tarlabası dwellers say that, the religious people over there. Then he started to mess with here. He too knows that *meyhane* people do not vote for him anyway. But that's true they don't. I mean it contradicts with their life style. So he strived but couldn't afford it⁴⁹.

The interviewee was a very helpful, middle aged *meyhane* manager whose father too had a shop on the street “even before Nevizade was Nevizade”, a commonly used phrase since it is a matter of prestige. Proud of his prestigious past in the street, he was the one who introduced me to Kadir Karmak and motivated him into talking to me. Of course seventy five year old Karmak having seen more governments than his middle aged colleague, was rather tight lipped and preferred to remain silent or give neutral answers to questions having to do with politics. The middle aged interviewee on the other hand used more unambiguous terms. “*Meyhane* people” for instance, refers to *the* distinction at work in the street. As *meyhane* refers to a particular “life style”, the people involved in this life style refer to a particular identity that cuts across conventional categories of left, right and like. This is how it works within the street. No matter how pragmatic their acts may be, there still lingers on a collective memory where JDP implies potential threat for the *meyhane* people and their life style.

⁴⁹ (Oral history in Krependeki Kadir'in Yeri) Nusret Bayraktar geldikten sonra ilk basın toplantısını bu sokakta yaptı. Yuhaladılar falan. Çok şeydi düşün yani, o kadar önemli bir yerdi. Çünkü aşağısı Tarlabası var, Kasımpaşa var. Oyu oradan almış, ona söz vermiş tamam mı belirli bir söz vermiş. İşte ben gelince orada alkolü yasaklayacağım. O diyor ki ben Balık Pazarı'na gidemiyorum sarhoşların yüzünden. Kasımpaşa'lıyla Tarlabası'lı diyor bunu, işte oradaki inançlı diyelim. Ondan sonra burada uğraşmaya başladı. O da biliyor ki meyhaneciler ona oy vermiyor zaten. Doğru ama vermez ki zaten. Yani yaşam şekline ters düşüyor. Öyle uğraştı da o gücü yetmedi.

After the recent revision of the law numbered 4207, there has been a variety of opinions regarding the JDP government. Mainly there are those who count on the sincerity of the government about public health and those who find the whole public health argument insincere. The interesting point though, is that there is no one who does not expect to be an annuity issue behind the implementation. In this respect, it is fairly hard to ignore the rumor going around the street that Erdoğan's son is going to put an air filter in the market and tobacco licenses are going to be issued to the enterprises where this filter is installed. Whether this has any ground or not, the very existence of the rumor in question is significant due to the fact that it illustrates the taken for granted insecurity towards the government. Even those interviewees who vigorously declared to support JDP did not seem to feel any discomfort for also expecting some sort of malpractice to follow this.

Also, different age groups have been observed to display accordingly different attitude: The oldest dwellers of the street either refused to discuss politics, they were uncomfortable if they did or rather gave diplomatic answers. The middle aged waiters tended to interpret the situation as just another proof of the retrogressive government who actually wishes to ban alcohol altogether and all the socialization that goes with it. When they compare with their own youth, they find the contemporary young generation unresponsive and numb. However the younger dwellers of the street, who are usually the bartenders or beer house waiters seemed to approach the process rather cynically. Interpreting the retrogressive agenda as conspiracy theory, some of them associated the issue with the EU-accession process. In other words, the rigorous application of the law is thought as an attempt to appeal to EU. A young apathetic bartender who does not believe the government to be sincere about the law stated that "it's conspiracy theory they'll eliminate alcohol but they probably do have political interests. EU criteria, to appeal to here and there and all..."⁵⁰

In general, there are a number of reasons why the enactment of the law has reinforced the negative conception of JDP among the street's workers. Mostly inconsistencies seem to strain the government's credibility. A well educated, middle aged *meyhane* manager pointed out the contradiction that they talked about public health but did not say a word about the air pollution caused by the coal they distributed with clientelist motives⁵¹. Other interviewees mentioned events to indicate that the ban was not supervised equally. In other words the enterprises known for their religious disposition were rather

⁵⁰ (30) Hükümetin samimiyetine inanmıyorum. Alkolü bitirecekler komplo teorisi de politik çıkarları vardır. AB kriterleri, şundan bundan prim yapmak için.

⁵¹ (10) Halk sağlığı diyorlar ama dağıttıkları kömürün neden olduğu kirlilikten bahseden yok.

condoned by the supervisors: “They are incredibly organized. For instance the Saray Patisserie is not raided but Özsüt was suddenly raided and fined recently. School cafeterias are the same. Ülker wipes everyone out the market.”⁵² The young *meyhane* waiter who was wearing his coat to go out the door and smoke as I went in for the interview, was even more concise in his expression regarding the impact of the law: “Bribery has increased, undercover policemen are accepting bribes”⁵³. “They do not support the law they enacted. They regret but cannot take it back so it’s caught in the middle. When the Municipality is short in cash, they come and collect three or five hundred and leave”⁵⁴, added an elderly *meyhane* manager who was known for his strict compliance with the law. The interviewees also expressed they found it contradictory hence insincere that the government looked so serious about tobacco control but did not interfere in the production, namely the tobacco factories. Another inconsistency was expressed to be the unequal supervision in terms of districts. It was pointed out more than once that rather those places in sight like Beyoğlu were supervised and the rest was left unattended: “The customer coming from Bostancı says they smoke in a place right next to police station”⁵⁵. “In places less in sight, it is smoked a lot but here is in sight, hence the supervision strict”⁵⁶. Therefore both the inconsistencies and the misconduct in the implementation process have reinforced the oppositional feelings of the street against the JDP government.

3.2.4 Disorganization Among the Employees Reaffirmed

The Nevizade Street dwellers in fact did try to organize and protest the law but their attempts can hardly be called successful. Either the timing of the BEYDER⁵⁷ demonstration

⁵² (29) İnanılmaz teşkilatlandılar. Saray Muhallebici’sine baskın yapılmıyor mesela ama Özsüt’e ani baskın yapıldı, ceza kesildi geçenlerde. Okulların kantinleri desen öyle. Ülker herkesi siliyor piyasadan.

⁵³ (5) Rüşvetçilik arttı, sivil polis para yiyor.

⁵⁴ (18) Çıkardıkları kanunun arkasında değiller. Pişman oldular ama geri de alamıyorlar, ortada kaldı. Belediye’nin açığı olduğu zaman geliyorlar, üç yüz beş yüz toplayıp gidiyorlar.

⁵⁵ (7) Bostancı’dan gelen müşteri de diyor ki karakolun yanındaki mekanda sigara içiyoruz.

⁵⁶ (25) Sote yerlerde çok içiliyor da burası göz önünde, o yüzden denetim sıkı.

⁵⁷ BEYDER (Beyoğlu Eğlence Yerleri Derneği) is the Association of Beyoğlu Entertainment Venues. The association organized a demonstration against the ban a month after its enactment, on August 18, 2009. However it was underparticipated and the media did not pay any attention.

overlapped with the working hours or enterprises were reluctant to be pointed fingers at by the municipality. In addition to BEYDER's parade, the street itself endeavored to organize in itself but failed. As a matter of fact, the parade was not even appreciated by some dwellers. One of them was an old, worldly-wise *meyhane* employee who came in smoking and joined in the conversation during which he never ceased smoking. He stated that the demonstration had some consequences: only a few days later, the police came and locked the terraces in the street. He said they were not reopened until the police was given a "voluntary donation" and added that he was afraid about this in advance: "We still suffer it. I said, they are going to organize a parade and all and get us into trouble. So they did"⁵⁸. Another elderly *meyhane* manager suggested that "BEYDER overreacted, too much defied the police and the municipality"⁵⁹. Although practically all the street folk agreed that an organized resistance was required to change things, they considered themselves incapable of such organization. A serious lack of solidarity among the street as well as distress due to this self-seeking attitude were expressed. Plus, there was the Tekel resistance⁶⁰ that occurred about the same time as the interviews in question were conducted. It was observed to have contributed to this reaffirmation: "BEYDER walked to Ankara but it didn't work out. There is no solidarity, everyone is concerned about himself. Look, even Tekel couldn't make it"⁶¹. In brief, given BEYDER's demonstration against the ban, it can be suggested that the law albeit indirectly reinforced peoples' feeling of incapability to politically organize, besides showing that may not necessarily work out either. Having experienced the cost of opposition once again, majority of the street was already convinced about resorting to "their way" of coping with the inconveniences of the ban. The explanation that a young beerhouse employee who seemed a little under the influence of drugs, had rasta hair and eyes blackened with kohl, brought to the matter is noteworthy: "We cannot get organized, we are a society too indulged in its pleasure."⁶²

⁵⁸ (9) Onun derdini çekiyoruz hala. Dedim ben, bunlar yürüyüş mürüyüş yapıp başımıza dert açacaklar diye. Yaptılar da işte.

⁵⁹ (18) BEYDER aşırı tepki verdi. Polise, belediyeye fazla karşı koydu.

⁶⁰ Tekel resistance is a 2.5 months long sit-in that lasted from December 15, 2009 to March 2, 2010 in Ankara. It was carried out by the Tekel workers who protested their loss of employee personal rights as a result of privatization. The resistance survived long and attracted attention in both national and international levels. However the gains were much less than expected.

⁶¹ (15) BEYDER Ankara'ya yürüdü ama bir işe yaramadı. Birlik yok ki, herkes kendi derdinde. Bak Tekel bile başaramadı.

3.2.5 Profit Loss

Almost all employees conveyed grievance about serious loss of profit that the enterprises suffered after the enactment of the law. The rate of loss declared varies approximately between 40 and 60 %. The employees who work for a percentage of the total income rather than a constant salary expressed even more complaint about the situation. Since the buildings are multistoried, there are more than just a few employees who work for each enterprise. Plus, the rents are very high due to obvious popularity of the district. Besides, there is the financial burden of electric heaters whose usage increased tremendously after the smoking ban. When the interviewees were asked how they managed to survive such a dramatic loss of profit, they either gave out vague answers or stated that they “somehow got it together later on” with a similar, tenuous smile on their face. Regardless of the extent of their *adaptation* to the ban however, no enterprise was able to avoid the negative financial consequences. Nevertheless, their level of *adaptation* can be suggested to have notably increased in time.

The first week, we too complied with the ban but then realized it doesn't work, we quit. If we had insisted, we would go out of business in less than three months. We have two places here. Their total rent costs forty billion, forty two people work in total⁶³.

3.2.6 Increase in Exposure to Sight of Outdoor Smokers

This impact of the law is among its most widely witnessed unintended consequences. Although it is observed a lot more clearly on the Istiklal Avenue and specifically in Tünel area at the end of the avenue, a few employees and customers of Nevizade also expressed their discontent about this “unpleasant” sight. Nowadays, the front sides of entertainment places are indeed crowded by clusters of people standing with their drinks on one hand and cigarettes on the other. Besides constituting a sight that publicizes smoking, it is also accepted as a new site for socialization among the customers by now. Therefore it is observed that from time to time, smoking turns out to be used as a means to meet new people.

⁶² (19) Örgütlenemiyoruz, keyfine düşkün bir toplumuz.

⁶³ (15) İlk bir hafta biz de uyduk yasağa ama baktık olmuyor, bıraktık. Devam etsek, üç aya kalmaz kepenk kapatırdık. İki mekanımız var burada. Toplam kirası kırk milyar, kırk iki insan çalışıyor toplam.

Public health alright...they say it's a bad example for the kids for instance. Those under eighteen can't already enter here. For instance everyone's smoking in front of the doors now, so won't the kids see this and wonder what they are doing? You encourage in a way⁶⁴.

3.3 Customers' Responses

On the whole, the customers' responses have either been to keep going to the place and insist on smoking indoors; to keep going to the place but going outdoors to smoke or simply to stay home. A beer house employee interestingly pointed out that "the citizen's reaction is to comply with the ban. Like either to sit outdoors despite the cold weather or to smoke at home"⁶⁵. Of course this view refers to a reaction in a very passive sense: I comply with your law *and* still do as I like. Obviously this has to do with the part of the law where war against cigarette-smoking is declared rather than the part where exposure to environmental tobacco smoke is intended to be avoided.

In another beerhouse interview, two young and streetwise bartenders eagerly answered the questions while smoking which in this case, was meant to imply an answer *per se*. One of them touched upon the difference between the responses of beerhouse and *meyhane* customers. He said:

We thought it would hit the *meyhanes*, the restaurants but their customer is significant, heavyweight customer. S/he takes his/her coat in the snow, in the rain and smokes. People from high schools, universities come here. What is s/he to do there with fifty year old guys, here s/he can act at ease⁶⁶.

So according to him, the two age groups resort to different ways as they insist on smoking. He observes that the elderly tend to comply with the ban whereas the youngsters rather "act at ease". It is still hard to offer a pattern based on age though. Level of maturity

⁶⁴ (3) Tamam halk sađlıđı da... Çocuklara kötü örnek diyorlar mesela. On sekiz yaş altı giremez ki zaten buralara. Herkes kapının önünde içiyor şimdi mesela, e çocuklar bunu görüp merak etmezler mi ne yapıyor bunlar diye. Teşvik ediyorsun bir yerde.

⁶⁵ (22) Vatandaşın tepkisi yasađa uymak. Sođuđa rađmen dıřarıda oturmak ya da evinde içmek gibi.

⁶⁶ (29) Asıl meyhaneleri, restoranları vurur sandık ama onların müşterisi ağır, oturaklı müşteri. Karda, yağmurda alıyor şalını, çıkıyor dıřarı, içiyor sigarasını. Buraya liseliler, üniversiteliler gelir. Ne yapсын orada elli yaşında adamlarla oturup, rahat davranabilir burada.

certainly makes a difference in responses given, yet it also works the other way around. Not all the regulars are necessarily aged but those who are do take advantage of their old age. In a sense, they benefit from the gap between the legal code that bans smoking indoors and the moral code that suggests to respect the elderly. A middle aged *meyhane* manager smilingly tells: “There is this Hasan Abi who is sixty years old. The other day I saw him smoking from below the table, allegedly hiding it from me. How am I supposed to tell him now?”⁶⁷. After all whether elderly or not, this attitude is common on the sides of both parties of the street. Both the employees and the customers strive to make their word listened due to a shared history.

Of course, neither all confrontations end up in mutual understanding nor all customers are so friendly. There is a number of unintended consequences in terms of customers’ responses. For instance, the customers who are frustrated by the bill, sometimes call the numbers on the posters that are obliged by the law to be hung. Therefore smoking that does not really constitute a problem during the stay turns out to be a means of vengeance via denouncing the enterprise. Another bill-related customer response is to use smoking as a means for not paying the bill at all: Since taking a break from the dining table to go outside, have a smoke then come sit back at the table is a routinized practice by now, nobody finds strange the customers who constantly going in and out the place. So they easily leave the place without paying the bill be it high or not. Plus there are the customers who call the police and denounce not the enterprise but another customer for s/he is disturbed by him/her. The phone calls in question are usually made in the restrooms so the caller’s identity is not revealed. There are even cases where the customers complain at the employees for another person smoking at the same table. By the way, the restrooms are not only used for making calls but also smoking, supposedly without getting noticed. One can suggest that the paternalistic aspect of the restriction takes smokers back to their high school years when restroom smoking was a common practice. Different than school years however, some customers offer to light up a cigarette and pay the fine.

In terms of number of cigarettes smoked by the customers as a consequence of the ban, there are contradictory statements. A manager whose *meyhane* is counted among a few who do comply with the ban in practice, asserts that customers are actually glad they smoke less due to this application: “There are those who say they smoke three rather than ten, hence

⁶⁷ (10) Hasan Abi var altmış yaşında. Geçen baktım masanın altından içiyor, benden gizliyor güya. Nasıl diyeyim ben şimdi ona.

makes a profit of seven cigarettes”⁶⁸. Of course it is awfully ironic yet plausible that the person who smokes less then, thinks of it as a saving to be used just the same later on. On the other hand, another executive manager of a well-known *meyhane* asserts that customers actually smoke more than usual now. There is again a logic of saving there but this time it is saving time rather than cigarettes. The more s/he smokes at once, the longer it will take before s/he has to leave the table and go out to smoke again. “The guy smokes three rather than one before he goes in”⁶⁹ the manager cites. Somewhat similarly, a beerhouse employee points out that the customer drinks two rather than eight beers and leave. Since an important component of pleasure has been taken out, time that is supposed to be pleasant is shortened. In fact all this, namely people coming back and forth at the table or staying somewhere less than usual refers to a change in consumption patterns. It is perfectly predictable after all, that when a commodity is restricted, the restriction is to bring about changes in the relevant consumption patterns.

One of the most prevalent customer responses has been to ask whether it is allowed to smoke in the place. Either while making reservations on the phone or passing by the place at that moment, people often make their mind about where to eat and drink according to the answer. This data tells us at least two things. For one thing, people are not so willing to violate the law, and not just because this means illegality but also because it will ruin their night that is aspired to be enjoyable. “Let our heads not ache” is an idiom very commonly used not only during the interviews in question but in almost every corner of everyday life. Therefore the potential customers tend to avoid any chance of trouble and tension to occur during their congenial night to be. Even the fact that especially cigar smokers have either quit or reduced their visits alone indicates the pleasure emphasis of the activity under consideration. Second thing about this commonly posed question is that it keeps being a question. This is not to be simply considered as due to a lack of information or a failure of the media to spread the word. The fact is people take it for granted that the law will somehow change shape at the point of application. To pose this question while totally informed about the ban means the law *is* taken seriously but not *too* seriously.

⁶⁸ (18) On tane içecekken üç tane içiyorum, yedi dal kâr ediyorum diyen var.

⁶⁹ (14) Dışarıda bir tane içeceğine üç tane içip öyle içeri giriyor adam.

3.4 Employees' Responses

To begin with, it needs to be pointed out that the middle aged employee of an old Nevizade *meyhane* is far than alone in his statement, “in the very beginning it affected forty percent, we recovered afterward” (with a smile)⁷⁰. Most employees declared a fall about forty to sixty percent and some of them also added with a vague smile on their face that they later pulled themselves together. As far as the interviews revealed, the very first attitude of the enterprises was to take the law not more seriously than they did the previous one. As the fines were issued and the anti-smoking campaign diffused however, the government made its seriousness quite clear. Plus, it was summer hence the negative effects could not yet be observed. As a consequence, the enterprises declare, they genuinely tried to comply with the law for a short while, such as a week or two. Eventually it became clear that it was by no means possible to survive without *doing something about it*.

Before resorting to a repertoire of everyday tactics, they actually attempted to communicate their discontent by organized political action. BEYDER whose claim is to represent the entertainment places of entire Beyoğlu district, failed to provide sufficient participation to the demonstration organized a month after the ban. Of course this failure can hardly be considered apart from the overall neglect of the media. All in all, neither BEYDER nor Nevizade Association really succeeded to persuade its members to manifestly confront the government. When the interviewees were asked how they had ever managed to surmount the crisis Nevizade went through in 1994 without such organizations or associations as today, “this is too general a ban” they replied, “we can't fight this”⁷¹. It is indeed hard to say the Nevizade dwellers fight the ban but they rather manage it.

The first thing to do was to put away the ashtrays that are said to be fined as well. Instead, coca-cola and ice tea cans started to appear on the tables. Rather than coke and ice tea however, they had water and cigarette ends in them. Plastic water bottles and coffee cups filled with water are some other alternatives. Also, some enterprises were decorated with more flowers hence flower pots on the tables. In brief, it was arranged in such a way that the customers would not go through any difficulty with their cigarettes or ashes whereas there would be no ashtray around anyway. Needless to say, they are changed way more swiftly than the classic ashtrays previously in use. Ashtrays were actually come across a couple of times in the field during the interviews. They are usually used by the employees during the

⁷⁰ (9) İlk başlarda yüzde kırk etkiledi, sonradan toparladık (gülümsüyor).

⁷¹ (13) Bu fazla genel bir yasak, bununla mücadele edemeyiz.

day. Other than that, an enterprise had ashtrays on all its tables. When asked about it, the employee answered they were for trash like used napkins or toothpicks. Interestingly enough, there was no trash but ash in the ashtray on the table where the interview was conducted.

Other than ashtrays, some roofs were also removed to acquire rooftop terraces, namely more outdoor space where smoking is legal. Obviously perfect for summer time, most of these rooftops are convertible or as a beerhouse manager puts it: “Rooftop is foldaway. Like sound off. Off-on. There it is smoked. Of course we close it on winter. When meds or police come, up it opens”⁷². Those who had a roof but no top declared to be waiting for the weather to warm so they could use the space. Speaking of removals by the way, some places either dismissed a number of employees or altogether changed hands. After all not only in Nevizade but all around Turkey, the ban has caused a dramatic decline in the profits of entertainment places suchlike. “Whoever says he does not allow smoking is lying. This wheel has to drive. Even if the customer never comes, opening the door means a billion, or approximately six hundred. The gas, the electric...”⁷³.

Crowded groups constitute a challenge in this respect because saying to a group that they cannot smoke in the place is a very costly move for the manager of the place. A beerhouse manager who was smoking when I got in the place tells: “Recently a woman light up. Another woman screeched at us. Like what about there was no smoking. The woman had come with a group, well I am to earn money. The enterprise has to survive. So many people will take money home. How come I tell her not to smoke. Of course we allowed her to smoke”⁷⁴. Another beerhouse employee states that “the rooftop terrace is opened up when *necessary*. There is no smoking in the ground floor and intermediate stories except extreme situations. When there is a match or an organization, a group”⁷⁵.

⁷² (1) Terasın üstü açılıp kapanabilir. Hani sound off gibi. Off-on. Orada içiliyor. Kış günü kapatıyoruz tabi. Zabıta, sağlıktan ya da polis geldiğinde hop açılıyor tabi.

⁷³ (24) İçirmiyorum diyen yalan söylüyor. Bu çark dönmek zorunda. Müşteri hiç gelmese bile kapıyı açman demek bir milyar, ya da nereden baksan altı yüz. Bunun doğalgazı var, elektriği var.

⁷⁴ (1) Geçen bir kadın yaktı. Bir başka kadın bize cırladı. Hani içilmiyordu diye. Kadın kalabalık gelmiş, e para kazanacağım ben de. İşletmenin dönmesi lazım. Kaç kişi evine para götürececek. Nasıl içme diyeyim ben ona. İçirttik tabi.

⁷⁵ (26) Teras gerektiğinde açılıyor. Giriş ve ara katlarda içilmiyor ekstrem durumlar haricinde. Maç olur ya da bir organizasyon, bir grup olur.

As mentioned previously, Nevizade mainly consists of multistoried buildings and this feature is in favor of the enterprises for an extra reason now. A *meyhane* employee very straightforwardly phrases it as “it is not smoked in the ground floors since they are too in sight but everybody allows smoking on top floors”⁷⁶. Another *meyhane* manager who only had two narrow floors when the interview was made but constructed a rooftop terrace right before summer, states that they “say ‘we do not allow but you go on and smoke’. On the top floor of course”⁷⁷. He now seems to have at least partially overcome his problem. A beerhouse employee affirms his neighbors by pointing out that “there is no place who does not allow smoking in Nevizade and around. Only in ground floors there is no smoking, for security. Because they constantly walk around undercover”⁷⁸. Since the manager of the *meyhane* that is known for its compliance with the ban complains that the supervisors only have a peek at the ground floors, top floor solution seems wise and useful. Thanks to the street’s security guards, the top floors are cleared up anyway before the supervisors can get to there. The latter party seems aware of this particular news network because the interviewees mention that they go straight into the place in order to catch in the act.

In terms of initiatives by which the employees respond to the ban, the hours also gain significance. Early in daytime or a couple of hours after midnight, the ban is pursued rather less meticulously. A beerhouse employee explains the late hours’ relaxation as “after 2 a.m. on Friday, Saturday everyone is already high, of course we let them smoke then”⁷⁹. The bartender who was interviewed right after him gives the same hour as the time when the ban is loosened. He also adds that “employees and bosses smoke in the kitchen, not somewhere in view. The customers do not smoke”⁸⁰. Indeed employees care to smoke not when there are customers around and customers do demand more insistently to smoke as time goes on and level of alcohol increases. For instance, practically all Nevizade employees light up a

⁷⁶ (9) Giriş katları göz önünde diye içilmiyor ama herkes üst katlarında içiyor.

⁷⁷ (10) Bakın biz izin vermiyoruz ama siz için bari diyoruz. Üst katta tabi.

⁷⁸ (19) Nevizade ve çevresinde içirmeyen yer yok. Giriş katlarında içilmiyor sadece, güvenlik için. Yedi yirmi dört sivil geziyorlar çünkü.

⁷⁹ (19) Cuma, Cumartesi ikiden sonra herkes kopmuş oluyor zaten, o zaman içiriyoruz tabi.

⁸⁰ (20) Çalışanlar, patronlar mutfakta içiyor, görünür yerde değil. Müşteriler içmiyor.

cigarette or two after the work is over and tables are cleared. To *that* no one can interfere, is an attitude shared by all: “Who is to interfere to that? Of course we light!”⁸¹.

In addition to late night hours, acquaintances of the boss is another factor that loosens the ban. A beerhouse employee who at once declared they do not allow smoking later elaborated: “Acquaintances of the boss come, or the hour is late...only if so”⁸². The statement was made to emphasize the fact that they *normally* comply with the ban. These are all states of exception after all.

Wealthy place owners for instance, are not really engaged in the ban for they either use the entertainment place as a cover for the main illegal action they carry on or they simply have the means to afford the fine. Some places on the other hand do just the opposite and respond by not paying the fine at all: “We are the first to pay the fine, nobody pays. Due to this reason, they were actually going to make a discount for us but they couldn’t for the system was too new”⁸³.

It needs to be indicated once again that the responses of beerhouses and *meyhanes* have been distinct from each other. A *meyhane* employee after given a brief information about the interview, actually advised the interviews to be made with the beerhouses rather than with *meyhanes*. Another *meyhane* employee who was the interviewee most enthusiastic about the ban, clearly asserted that “it was discussed in the Nevizade Association. The ban is complied with in restaurant type places but the bars said they will allow. *Meyhane* customer is more understanding”⁸⁴.

All in all, thirty three interviews were made in Nevizade. Of this thirty three, sixteen were beerhouses and seventeen were *meyhanes*. To categorize them with regard to their answers however is not as easy a task since utterances are not so-called consistent in themselves. Initial statements were later challenged either verbally or by mimicry and gesture. Twenty two out of thirty three, that is to say two thirds of the interviewees nevertheless declared that they do not allow smoking in their place. Given that thirteen of them were *meyhanes* and nine were beerhouses, practically supports the general opinion that

⁸¹ (8) Ona kim karıştır! Yakıyoruz tabii!

⁸² (21) Patronun tanıdıkları gelir, ya da geç saattir ancak öyle...

⁸³ (16) Aldığı cezayı ilk ödeyen biziz, kimse ödemiyo. Hatta bu yüzden indirim yapacaklardı bize ama sistem çok yeni olduğu için yapamadılar.

⁸⁴ (32) Nevizade Derneği’nde görüşüldü bu. Restoran tarzı yerlerde uyuluyor ama barlar biz içireceğiz dediler. Meyhane müşterisi daha anlayışlı.

the latter party is rather more defiant than the former. “We obey the law but they don’t” was quite a common answer, given by eleven beerhouses and nine *meyhanes*. Supporters of the law were not as many however. Five interviewees did not declare they opposed the law. Only one of them, a *meyhane* employee was extremely enthusiastic about the law whereas a beerhouse employee had not given much thought to the matter but supported anyway. The other three support answers were rather ambivalent yet their ambivalence mirrored the general attitude of the street: No interviewee was willing not to support a public health law. Therefore a grand majority declared no opposition to “public health and all that” but had a serious trouble with the way the law was applied. Virtually all Nevizade declared they would prefer to have split their enterprises into smoking and no smoking areas with the necessary air filters installed. Another shared opinion was that entertainment places like bars and restaurants should be treated differently, in other words with more tolerance since smoking is as part of this job as eating and drinking. A *meyhane* employee phrases it as “just like *rakı* cannot be without *haydari* and *pilaki*, *rakı* cannot be without cigarette as well!”⁸⁵.

Among the twenty two who rather unambiguously manifested they obeyed the law, there are those who later listed exceptional situations or smilingly said to have found legal solutions to the matter. Legal, meaning in this particular context, not to have been caught by the police. After all, there was also an interviewee who declared they allowed no smoking in their famous beerhouse as he smoked his cigarette on the third floor where the interview was made. The most common situation come across with the twenty two employees on the other hand, was that they declared to obey the law but failed to avoid making remarks implying just the opposite. If nothing at all, they acted out their attitude by cynical mimics and gestures like eyes rolling, slightly waving hand, smiles varying from vague to manifest or even sticking out tongue. One can hardly read their responses as oppositional though. As in the case of interviewees who either smoked during the interviews or offered cigarettes, usually the aim is not to convey antagonism but rather apathy. It does not matter whether they support JDP and find this law sincere or not. A Nevizade employee puts it very plainly by saying “we do not hold out for cigarette but saving ourselves”⁸⁶.

⁸⁵ (8) Rakı nasıl ki haydarisiz, pilakisiz olmaz; rakı sigarasız da olmaz! (Haydari and pilaki being appetizers known to go well with the traditional drink rakı).

⁸⁶ (22) Sigara için değil kendimizi kurtarmak için direniyoruz.

CHAPTER 4

EVALUATION OF THE FIELD

4.1 Overview

The responses taken from Nevizade can hardly be utilized to come up with generalizations which would be redundant and improper, yet still give out many clues about certain aspects of everyday life there. It ought to be noted down at the outset that diversions concerning the smoking ban, lately constitute a significant part of the street's everyday life. Each case, in other words each enterprise is different from every other with regard to numbers of employees, floors, balconies, rooftops, area of open front space as well as its physical position in the street and relations with the municipality. Therefore each enterprise is a different composite in this respect. All such variables affect the ways the places relate to the law, more reckless or more sure footed. All their singularities plus the apparent problems in organization considered, their responses to the law do unfold some patterns, some latent regularities that work inside the irregularity in sight. As Hasan Ünal Nalbantoğlu argues, “everyday thought/language that constitutes an inseparable tissue of everyday life, in contrary to gullible suppositions, does not offer an infinite neutral amorphousness...[everyday life] is a platform that has regularities underground hence cannot really be considered irregular” (Nalbantoğlu, 2010:404)⁸⁷.

So how would everyday life better be considered, surely taking into account the field research results in question? What theoretical approach would do justice to a life that is

⁸⁷ “(...)yani ‘gündelik’ yaşamın ayrılmaz dokusunu oluşturan ‘gündelik düşünce/dilin’, safdil sanılar tersine, hiç de sonsuz nötr bir amorflik sunmadığı, varsa eğer onda bir ‘demokratlık’ onun da kötü ve hatta sahte bir demokratlık olduğu(...) Öte yandan, gene sanılanın tersine, alttan alta düzenlilikleri olan ve bu yüzden pek de kuralsız kaidemiz sayılamayacak bir düzlem”.

known for eluding theory? In this respect, the interviews actually shed light on a possible route to take. They basically help shatter the initial impression that everyday people are vulnerable agents who are victimized by the structure. Instead, one realizes how they actually use the structure to survive by it meanwhile make sure it survives too. In view of this, one can hardly observe “the antagonism between a knowledge which serves power and a form of knowing which refuses to acknowledge power” that Lefebvre talks about (Lefebvre, 1996:10). Quite the opposite, the officers assigned to supervise the places and the employees who work in the places to be supervised pretty much share the same everyday thought/language. Speaking the same language and saying the same thing are obviously not the same though. Moreover, the form of knowing adopted by the employees do acknowledge the power. In fact, it is a form of knowing that cannot be distinguished from the knowledge that is here asserted to serve power because they both are the knowledge of power. They have their very existence in relation to it. In Giddens’ terms, “[s]tructure has no existence independent of the knowledge that agents have about what they do in their day-to-day activity” (Giddens, 1984: 26). To put it more concretely, the supervisors are not exactly unaware of the solutions that the supervised draw on in order to keep the businesses running. If the ashtrays are to be fined, then they are removed. Thus the ban is obeyed. Translated to the Ottoman period, Necmi Erdoğan asserts that this tactical wisdom is shared by all such that as the vassals resorted to tactics of simulation and dissimulation, the powerful pretended to inspect and know not (Erdoğan, 2000: 10).

With regard to the field and without daring to leave out the ground-laying contributions of Lefebvre, it is deduced that de Certeau leads a more preferable route due to his appreciation of elusiveness. Of course his category of tactic as well the Greek notion of *métis* he refers to, are inspiring enough to follow his lead albeit not to the very end. The everyday eludes indeed. Its explicit evasion could intensely be sensed at the moment when the worldly-wise waiter of a *meyhane* was asked how *they*, namely the others did not obey the law. He smiled and answered: “The deceased president has a well-known saying, ‘my officer knows his way about’. We know some things, let it stay with us”⁸⁸. Aside from demonstrating a mutual knowledge, this is probably too concrete an example of how everyday life or tactics in this particular context, manifest though not give away itself completely. This is a part of the liminality that explains a great deal in case of thinking about everyday life.

⁸⁸ (28) Uymayanlar nasıl uymuyor mesela? (He smiles and makes a gesture) Rahmetli cumhurbaşkanının ünlü bir sözü vardır, ‘benim memurum işini bilir’ diye. Bir şeyler biliyoruz, o da bizimle kalsın.

One of the most striking points regarding the interviews had to do with the ambiguous positions encountered. As a matter of fact from a strictly rational point of view, they can be evaluated as either ambiguous, contradictory or inconsistent. Within the scope of this paper however, they are rather considered liminal. Necmi Erdoğan in his stimulating article “Making Do with the State: Subalternity and Métis” where he elaborates the folk culture of making do with the state in the Ottoman period, touches upon this issue of liminality which he mostly attributes to subalternity.

He also criticizes Scott’s famous distinction of public transcript and hidden transcript. In *Domination and the Arts of Resistance: Hidden Transcripts*, James C. Scott draws attention to how the powerless groups bow when the powerful is present but resort to a hidden transcript in the offstage, as he calls it. He defines hidden transcript as consisting of “those offstage speeches, gestures, and practices that confirm, contradict, or inflect what appears in the public transcript” (Scott, 1990: 4-5). Immediately however, Scott notes that power relations are by no means so clear-cut that hidden transcript is necessarily true or implies a realm of freedom. No matter how meticulously he emphasizes that it is an opposition less than a discrepancy *between* the two transcripts, he nevertheless locates them facing one another. Definitely meaningless to dismiss his point as a whole, this controversial distinction somewhat implies hypocrisy for Erdoğan who prefers to replace it with in-betweenness. On the whole, Necmi Erdoğan’s article is very significant as far as this paper is concerned for the reason that it sets out to deconstruct binary oppositions such as obedience and rebellion, consent and dissent or ideological incorporation and subversive challenge. Aside from the extent to which it fulfills its aim, the article succeeds anyway to ground its argument on historical folk narratives without falling for any kind of “document fetishism”. Plus, he notes that the practices he elaborates all throughout the article are not endemic to this very territory, yet does not abstain from declaring they still have a rather “Eastern” characteristic (Erdoğan, 2000:10).

What Erdoğan as well as Gramsci attribute to subaltern consciousness, is argued here to be shared by a much more crowded group. As far as the field work demonstrates, the liminality in question can hardly be attributed to a more or less restricted group no matter how controversial the group’s conceptualization may be. The stateless state of compliance *and* defiance that cannot indeed be simply reduced to a back and forth movement destitute of slightest intelligence, is argued here to signify a constitutive element of society.

The interviews are full of cases that illustrate what this means in practice. Probably the best example is given by those who express faith in government’s sincerity about the

issue *and* are positive that a sort of deceit will follow this. This prediction obviously has to do with past experiences as well as the currently witnessed misconducts. Nevertheless it does not compel the respondent to withdraw to a so-called coherent position. This is what one-or-the-other logic is not. After all,

We need to escape the dilemma of being either for or against. One can, after all, be face to face, and upright. Working with a government doesn't imply either a subjection or a blanket acceptance. One can work and be intransigent at the same time. I would even say that the two things go together (Foucault, 2002: 455-456).

“We don't allow smoking, everywhere else does. As a society we didn't really take it much seriously. We both support it and it's nonsense.”⁸⁹

“I voted for JDP. Because the guy does good stuff. I support him taking my children to be born into consideration. I want them to live without cigarette smoke and terror. The guy is right about the things he does. But there is a deceit in this. They don't check anymore, they too know everyone allows smoking. There is bribery going on but it varies depending on the person and the situation”⁹⁰.

“I don't agree, there is no decline or something. I support the law (...) Especially in Beyoğlu, there is very strict control. We immediately send messages to each other”⁹¹.

This last interviewee was an elderly *meyhane* waiter who was the most vigorous supporter of the law. He was determined not to discuss politics but his support, he noted anyway, was not because he supported the government. Their sincerity did not even matter. *He* looked sincere about his support though. The fact that he was the part of an underground information network operating in order to obviate the implementers of the law he supports so enthusiastically did not seem to lead him into any confusion. So the grumpy, old *meyhane* employee supported the law *and* made an effort to ward off its effects. He seemed equally sincere about both. Previously, he was concerned for children who were brought there by their irresponsible parents and the second hand smoke they would be exposed to. His equally

⁸⁹ (21) Biz içirmiyoruz, her yer içiriyor. Toplum olarak pek sallamadık açıkçası. Hem destekliyoruz, hem saçma.

⁹⁰ (15) Ben AKP'ye oy verdim. Adam güzel şeyler yapıyor çünkü. İleride doğacak çocuklarımı düşünerek destekliyorum. Sigara dumansız, terörsüz yaşasınlar istiyorum. Adam yaptıklarında haklı. Bu işte bir düzenbazlık var ama. Denetim yapmıyorlar artık, onlar da biliyor herkesin içirdiğini. Rüşvet dönüyor ama kişiye ve duruma göre değişiyor.

⁹¹ (32) Katılmıyorum, düşüş falan yok. Yasayı destekliyorum (...) Özellikle Beyoğlu'nda çok sıkı denetim var. Haber uçuruyoruz birbirimize.

sincere concerns about the effects of the law motivate him to be a part of this well organized network. Since the two concerns coexist without contradicting each other, it is hard to reduce this complexity to a simple inconsistency.

Another interesting point about this interview was his first reaction. When he was just told about the subject matter in a few words, “Mediterranean people!” he blurted out in an almost sympathizing manner. This was not the only geographical reference made throughout the field work though. Whereas some references were made to emphasize the gap between the levels of development, some also seemed to laugh up his sleeve when the emphasis shifted to pleasure aspect:

“Turkish people are comfortable, keen on their pleasure. They’re not like the Europeans. Look, the fine for throwing a cigarette end out at the street is fifteen liras. But have a look out there, the street is full of them. It can be a year in Europe but we need ten years in order adapt to this ban.”⁹²

“First time we heard about the enactment of the law, we said that wouldn’t work in Turkey and we wouldn’t comply. We said we would send the police back saying alright.”⁹³

“It’s not England but Turkey here, everything is worked out with a glass of *rakı*. You say ‘here bro’ and offer *rakı*. Even beer is OK. If none of them works, money... (...) We can’t get organized, we’re a society keen on its pleasure. The laws cannot top the pleasures.”⁹⁴

Therefore pleasure concept cannot be so easily dismissed from an analysis of this kind, at least due to the reason that differently from the employees, the customers are primarily motivated by their pursuit of pleasure in their whether overt or covert insistence to smoke. Hence comes into view a picture where the law is neither taken seriously nor controlled *appropriately* nor opposed *appropriately*, all related to the pleasure issue. The respondents also expressed the difficulty of distinguishing between smokers and nonsmokers since they often encounter customers who do not usually smoke but enjoy smoking a few

⁹² (15) Türk insanı rahattır, keyfine düşkündür. Avrupalı gibi değil ki. Bak sokağa izmarit atmanın cezası on beş lira. Ama çık sokağa, dolu. Avrupa’da bir yıl olabilir ama bizim bu yaşağa alışmamız için on yıl lazım.

⁹³ (13) Yasanın çıkacağını ilk duyduğumuzda, Türkiye’de olmaz öyle şey, uymayız biz dedik. Polisi de eyvallah der göndeririz dedik.

⁹⁴ (19) İngiltere değil Türkiye burası, bir kadeh rakıyla her şey çözülür. Buyur abi dersin, rakı ikram edersin. Bira bile yeter. Olmadı, para... (...) Örgütlenemiyoruz, keyfine düşkün bir toplumuz. Kanunlar, keyifler üstüne çıkamıyor.

cigarettes, a whole pack or even cigar while having alcohol. In fact, the expression “having alcohol” fails to correspond with the situation because what it signifies lacks the pleasure aspect about which it is told here. Especially when it is the *meyhane* culture under consideration, the emphasis is definitely on pleasure rather than simply getting drunk.

The pleasure aspect manifests itself in the language where it is clearly distinguished from just drinking. In Turkish, to drink and to drink slowly and with pleasure correspond to two different verbs: “İçmek” and “demlenmek” respectively. According to the dictionary of Turkish Linguistic Association, “içmek” means 1) to take a liquid in the mouth and swallow it, 2) to inhale the smoke of cigarettes, water pipe etc, 3) to absorb something, take in a liquid and 4) to consume alcoholic beverages⁹⁵ whereas “demlenmek” means 1) to be brewed, 2) reaching of the pilaf at its best after being cooked and 3) to drink alcoholic beverages⁹⁶. In everyday use, “demlenmek” is attributed the more specific meaning mentioned above. The Turkish dictionary as well uses the verb in a *meyhane* context to clarify the meaning of the verb. The fact that there is a word for drinking slowly and with pleasure is only one but an important indicator of the pleasure aspect that is inherent to *meyhane* culture. Neither the customers’ insistence on smoking nor the employees’ understanding can be fully grasped without including this pleasure aspect in the analysis.

Although the opinion that cigarette smoking is an integral part of this ritual of pleasure is widely accepted, the Nevizade workers do not reject the law altogether. Taking into consideration the entertainment sector of which they are a part, they rather think we need more time to adapt as well as more smoker-friendly alternatives in the name of both equal and reciprocal respect.

4.2 Evaluation of the Responses

4.2.1 Taken for grantedness: “This is Turkey, you don’t even need to write these”⁹⁷

It is noteworthy that Lefebvre distinguishes between the words “everyday” and *la quotidienne* in favor of the latter. He argues that the French version gives better the meaning of consistent repetition which philosophers have a tendency to despise hence pull themselves

⁹⁵ <http://www.tdkterim.gov.tr/bts/?kategori=verilst&kelime=i%E7mek&ayn=tam>

⁹⁶ <http://www.tdkterim.gov.tr/bts/?kategori=verilst&kelime=demlenmek&ayn=tam>

⁹⁷ (27) Burası Türkiye, bunları yazmana bile gerek yok.

apart from (Lefebvre ed.by Nelson and Grossberg, 1988: 78). Routine and ordinariness however do not refer to something anyone can intend and completely succeed to run away from. Everyday life eludes, paradoxically because it is right out there. As Blanchot points out “the everyday is what we never see for a first time, but only see again” (Blanchot and Hanson, 1987: 14). Therefore the *meyhane* waiter who comments that these are not even needed to be written, is as confused as the rest of the interviewees for whom it was plausibly difficult to understand what the research was really about. It is precisely about what they, what we, always do and that is why it is commonly considered unworthy of scrutiny. Another *meyhane* waiter who was asked if this smoking ban issue did not lead to any unfair competition, answered: “What is ever fair in Turkey!”⁹⁸. His statement points at only half of the problem though.

“We got used to trouble, *somehow* we overcome the troubles.”⁹⁹

Evidently, the familiarity works two ways in this case. All sorts of troubles and injustices are taken for granted, just like the fraud that is expected by both who find the government insincere as well as those who find it quite sincere about the smoking ban. As a few interviewees already points out, it does not have much to do with sincerity. It is *given* that there is going to be some sort of deceit following this auspicious law. In fact it was so expected that, the rumor that the prime minister’s son was about to market an air filter, was not met with any surprise or disappointment at all. As mentioned earlier in the paper, the fact that this rumor is taken so seriously and accepted with almost no discontent is more meaningful and significant than the rumor coming true or not. On the other hand however, taking the so-perceived obstacles and the expected misconducts for so granted render possible taking *solutions* for granted as well. In other words if the troubles are ordinary, then so are the solutions.

Regarding the issue of ordinariness, an expression that a *meyhane* employee uses is also worth some contemplation. “Some things are eminently obvious, not ordinary”¹⁰⁰ he spontaneously utters the words. Due to this simple sentence, the term “ordinary” is supposed to imply the opposite of “obvious”. Hence the middle aged Nevizade dweller turns out to affirm Hegel’s famous dictum that the most familiar is not necessarily the best known. The

⁹⁸ (24) Türkiye’de ne haklı ki!

⁹⁹ (31) Sıkıntıya alıştık, bir şekilde aşıyoruz sıkıntılarını.

¹⁰⁰ (28) Gayet de ayyukta bazı şeyler, sıradan değil.

respondent too, seems to associate ordinariness or taken for grantedness with some disguise or obscurity. A few minutes later after all, when he is asked about how the ban is dealt with, he cynically smiles and responds “we know some things, let them stay with us”. When considered together with his previously cited expression, it seems totally plausible to interpret this answer as furtive as wise a declaration of keeping the ordinary “ordinary”.

Moreover the casual expression “we somehow make-do”, that is come across a few times during the interviews is at least as significant, because its implication practically cuts across all the inferences that is to be made from the field work. Due to its casualty, it actually has to do more with the ordinariness aspect than it has with the rest. In the interviews, “somehow” and “make-do” were either used separately or together but the point is really about the ambiguity inherent to both. The responses given in line with this particular expression by no means give out the slightest impression of a crisis that requires an action plan of some sort. On the contrary, the respondents mostly looked cool-headed about the situation. Not simply because it does not matter. It indeed does, but they take the matter and the following solutions for so granted that there is no need for panic so to say. For instance, the BEYDER demonstration is accused precisely for not being as cool-headed and taking it easy. The demonstration is rather seen as a hitch that disrupted the routine. The fact that the demonstration is nevertheless seen as a right to demand justice, does not prevent them from making wry faces when the event is reminded. After all, self-implementing justice is as deep-rooted a tradition at least as demanding it first.

4.2.2 Politics: “I’m not doing it for a political opinion after all, I’m doing it for my bread”¹⁰¹

Becoming political is that moment when one constitutes oneself as a being capable of judgment about just and unjust, takes responsibility for that judgment, and associates oneself with or against others in fulfilling that responsibility (Işın, 2002: 276).

Of this tripartite definition of becoming political, the part that most strongly and patently applies to Nevizade is the first part. Virtually every interviewee had a definite idea about what was just and unjust in this case, as for the responsibility they did take it although

¹⁰¹ (20) Siyasi bir görüş için yapmıyorum ki, ekmeğim için yapıyorum.

in an apologetic manner. They *had to* do what they were doing by virtue of such and such ground of justification. The terms by which they associated themselves with or against others seem even more ambivalent. In this respect, Carl Schmitt's conception of the political as the intensity level of association or dissociation between a friend and an enemy does not seem to make much sense (Frye, 1966: 819). Although the street has a self-revealing identity of its own with an informal yet as strong a level of association, it is nevertheless hard to tell a friend from a foe.

The point is that Nevizade dwellers did not consider their acts aimed at obviating the disadvantageous effects of the smoking ban as political. Therefore what is meant by "political" here and what it might further mean need to be discussed after glancing through the ways they justify their not-at-all political acts of diverting the law. The respondents had perfectly clear justification grounds of which three can easily be distinguished. Firstly, there is the economic ground that suggests there is no option other than what they practice because otherwise, bankruptcy is unavoidable. A beerhouse manager added a moral aspect to it by bringing up the subsistence issue. He pointed to his employees who made a living out of this enterprise thereby referred to his responsibility of their subsistence that depended on the place. In another beerhouse, the boss managed to arrive only after the young waiter said: "The ban is transgressed because there is nothing else to do"¹⁰². As he arrived, the boss declared just the opposite due to the extra circumspection generally observed in the managers and senior managers of the places. Second ground of justification observed is contextual in the sense that bypassing the law is justified on the grounds that bars and restaurants by definition include the act of smoking. Accordingly, a bartender cynically asked "public health?", stuck out his tongue and said "even then I wouldn't support it because it's a bar after all"¹⁰³. Similarly the waiter of another beerhouse stated: "It is obvious the reason why the guy comes here, this guy is going to smoke this, my friend!"¹⁰⁴. The last but not the least ground of justification is a little more complicated than the first two because this one is predicated on the troublesome life in the country. "It's such a life that you have to smoke!"¹⁰⁵, the middle aged employee of a beerhouse exclaimed. A similar view was implied in a few more interviews and probably is among the most defiant lines of argument ever

¹⁰² (23) Yasağa karşı geliniyor çünkü yapacak başka bir şey yok.

¹⁰³ (17) Halk sağlığı mı? Öyle bile olsa gene desteklemezdim, çünkü bar yani.

¹⁰⁴ (15) Adamın buraya geliş nedeni belli, bu adam bunu içecek arkadaşım!

¹⁰⁵ (6) Öyle bir hayat ki içeceksin!

brought up. The subtext reads “we smoke not only for pleasure but also due to hardships which the people in power are responsible of eliminating”. Of course this comes back to the prevalent argument that there are more urgent problems than smoking that need to be taken care of.

Nevizade is observed to have made up *its mind* about what is just and unjust hence act accordingly. However it is a sort of action that is more underground rather than what might be called explicit. Politics is seen as belonging to a more macro level where it accordingly deals with more macro problems: “The agenda changes every day. Everyone is already at odds with everyone, the legislation with the judiciary; the soldier with the police... No one has the energy to take an interest in these”. Especially at the point of its application, the smoking ban is considered free of politics. “I’m rightist but both the leftist and the rightist would react in those days”¹⁰⁶, the middle aged *meyhane* waiter adds. There is indeed observed a predominant identity of the Nevizade Street rather than anything implying the left or the right. It is almost as if the street’s identity per se cuts across the conventional categories of political orientation including pro or con-JDP despite a dominant dislike. Besides, there is a manifest reluctance to take a political position. “I’m not saying it because I oppose, that’s the truth”¹⁰⁷, a *meyhane* employee points out.

On the other hand, the most interesting response has come from a pro-JDP bartender with a piercing on eyebrow. After having said “the ban is carried out *as far as it seems*”, he suggested an action plan so to say: “For instance one day, there happens a large massive thing, everybody allows smoking that day. Which one of them will they fine? They cannot fine everyone”. When he was asked whether this act was political or not, he seemed quite surprised and resolutely answered: “Such a massive act is not political. I’m not doing it for a political opinion after all, I’m doing it for my bread. If I put there a Turkish flag, an Atatürk effigy etc. then that is political”¹⁰⁸. So in order for an act to be considered political according to the bartender, there needs to be established symbols accompanying the act. Politics, here

¹⁰⁶ (3) Ben sağcıyım ama o zamanlar sağcısı da solcusu da tepki gösterirdi (...) Gündem her gün değişiyor. Herkes herkesle kavgalı zaten. Yasama yargıyla, asker polisle... Kimsenin bunlarla ilgilenecek hali yok.

¹⁰⁷ (28) Karşı olduğum için söylemiyorum, gerçek bu.

¹⁰⁸ (20) Görüldüğü kadarıyla uygulanıyor yasak (...) Mesela bir gün, geniş kitlesel bir şey olsa, herkes o gün içirse. Hangi birine ceza kesecekler. Herkese ceza kesecek halleri yok (...) Öyle kitlesel bir hareket politik değildir. Siyasi bir görüş için yapmıyorum ki, ekmeğim için yapıyorum. Ha oraya Türk bayrağı, Atatürk büstü filan koyarsam o politik olur.

in this context, and the struggle to make a living belong to two separate spheres that can only be connected by such symbols, preferably denoting mainstream references as Turkish nationalism and Islam. As far as this paper is concerned however, the practices in question are considered political due to the reason that their actors obviously distinguish between and have clearly defined judgments about just and unjust as well as take action to restore the kind of justice they find convenient.

In fact, “the political” is a neologism which political theorists themselves had a hard time conceptualizing. Hence the meaning it takes on shifts through the years it is used, as Emily Hauptmann suggests. Similar to the difference between “society” and “the social”, it is “pointedly distinguished from institutionally grounded conceptions of “politics” as well as from “the state” or “government”. As a substantive, “the political” is neither organized activity nor an institution; it is instead a distinct sphere of human life or a distinct kind of human potential” (Hauptmann, 2004: 36). Therefore when the bartender and all the rest stated that their acts in question had nothing to do with politics, they meant it and they were right because their acts were parts of a greater body called “the political”. Frye suggests that also Schmitt considered the word “political” as “freer, unbounded, and less specific than “politics”” whereas he adds that “the political was left dangling –isolated, independent, and autonomous, impervious to any other sphere of human activity that might have tainted or tarnished it. Nothing –but nothing – was left by which to bind, tie or bring the concept down to earth. It “was”. And to say that it was, was at once to say everything and nothing at all about it”¹⁰⁹.

Işın cautions his reader about a similar problem when he points out that “becoming political should be seen neither as wide as encompassing all ways of being (conflating being political with being social), nor as narrow as restricting it to being a citizen (conflating polity and politics)”¹¹⁰. Obviously, seeing a concept either everywhere or nowhere depends on its conceptualization whereas there is no end to discussing social science concepts. Political theorist Sheldon Wolin for instance, relates “the political” particularly with democracy which he thinks not as a form of government but rather “*the* political moment, when the political is remembered and recreated” by a brief attempt (Wolin, 1994: 55). No matter how brief the moment lasts, he refers to a creative solidarity which is followed by the opposition he finds between “institutionalized political power” and “rational disorganization”.

¹⁰⁹ Ibid 1966, 821.

¹¹⁰ Ibid 2002, 276.

According to Hauptmann, Wolin implies that “democracy has the potential to disorganize hierarchical structures that put people in opposition to one another”¹¹¹. In the case of Nevizade, a creative solidarity can indeed be observed whereas it can hardly be suggested that any hierarchical structure is disorganized. The structure remains intact.

Moreover, there is a key point to keep in mind when taking the responses into consideration and that is the pejorative use of the word “politics” in the Turkish everyday language. “Politics”, “political” and “ideology” all have a certain notoriety in common. They imply that there are dirty deeds behind them. When someone makes a comment like “the government’s decision was political/ideological”, it implies that the decision was unfair, dishonest and even corrupt. Therefore it is quite possible that such notorious implications of the term may have averted the interviewees from defining their acts as political. *They mean well after all.*

4.2.3 Organization: “Every tub stands on its own bottom”¹¹²

“Every sheep is hung by her own leg” goes the direct translation of the Turkish idiom that means everyone is responsible for his/her own actions hence bears their consequences on his/her own. This idiom was used a couple of times during the interviews in order to emphasize as well as to complain about the self-centered attitude of the street. The younger employees have noticeably less hope in organized struggle than their elderly colleagues. The latter having seen the “fast times”, is disappointed with the current lack of reactivity. By and large, there is a dominant sense of hopelessness surrounding the idea of organized struggle too. In other words, Nevizade dwellers constantly complain about how they fail to get organized but they do not have much faith in organization either.

Those who participated in the BEYDER demonstration and those who did not, both groups lack the hope to expect anything except harm to come out from the demonstration. An employee from the latter group stated that “it would have a greater influence if the reaction was massive. We couldn’t participate because it was at 7 p.m. on Saturday, we couldn’t leave the shop”¹¹³. There are many others who similarly suggested that “a hundred

¹¹¹ Ibid 2004, 52.

¹¹² (22) Her koyun kendi bacağından asılır.

people walked, it wouldn't be like this if a hundred thousand people had"¹¹⁴. The street practically agrees upon the idea that resistance should be organized whereas they also convey their reasons not to. For instance, they do not have the time or the financial force to close the shops for an evening. This view refers to a culture of immediacy in a sense. The primary concern is to keep the work going at the moment rather than guaranteeing its maintenance in the long run. Plus there are aversion and fear from the terms "organization" and "resistance" due to past experiences which do not prove invalid to this day:

"They came and closed the places after BEYDER's demonstration. Excuse me but the state said 'this for that'. *I wasn't applying the rules, this is what happens if I do*, it said (...) Our people cannot defy. For instance you went to the greengrocery, you bought two kilos of apple. You came home. One turned out to be rotten, what do you do? Do you take it back? You don't. You grumble and curse and leave it. You are supposed to go even for that single apple (...) There happens no organizing because different interests step in. Only if moneybags consult with the officials, even then it works maybe (...) The guy says 'I'm giving my racket. Why should I participate in the demonstration, why should I have fingers pointed at me in the street'. *Reaction always meets reaction*. Controls are made once in every two weeks. The street has private security, news come when there is going to be control"¹¹⁵.

After having referred to both the fear and the despair surrounding the idea of organization, the bartender refers to another issue that is relatively controversial and he is not the only one who brings it up. The majority complains that there is no solidarity in the street, everyone is concerned with saving his own enterprise and so forth. However, the street actually necessitates rethinking what it means to get organized. As far as the responses add up to, the employees of the street fail to decide on a day and arrange a protest in the form of

¹¹³ (11) Tepki kitlesel olsaydı daha çok ses getirirdi. Cumartesi akşam 7'de yapıldığı için gidemedik biz, dükkanı bırakamadık.

¹¹⁴ (25) Yüz kişi yürüdü, yüz bin kişi yürüse böyle olmazdı.

¹¹⁵ (26) BEYDER'in yürüyüşünden sonra gelip mekanları kapattılar. Affedersin öyle şeye böyle şey dedi devlet. Bakın ben kuralları uygulamıyordum, uygularsam böyle olur dedi (...) Bizim insanlarımız karşı gelemez. Mesela manava gittin iki kilo elma aldın. Eve geldin. Biri çürük çıktı, ne yaparsın? Geri götürür müsün? Götürmezsin. Söylenir, küfreder, bırakırsın. O tek elma için de olsa gideceksin işte (...) Örgütlenme olmaz, çünkü farklı menfaatler girer o zaman devreye. Ancak para babalarının yetkililerle görüşmeleri, o da belki netice verir (...) Adam diyor ki avantamı veriyorum, ne diye yürüyüş yapayım, niye parmakla gösterileyim sokakta. Tepkiye tepki her zaman gelir (...) İki haftada bir yapıyor denetim. Sokağın özel güvenliği var, haber geliyor denetim olacağı zaman.

a street festival where they all have to do is carry the beer barrels outside on the street and serve there. On the other hand, the very same employees practice a different type of solidarity and organization: Regardless of their declaration about whether they allow smoking or not, many employees casually mentioned the underground information network of the street. “We send messages to each other” was the common statement. Besides the private security guards of the street, there is a lamp that signals and there is the walkie talkie. “We have friends and acquaintances in many places of course. As they enter the street, there comes the message saying “dude, the cigarette guys are coming”. We clear away the ashtrays at once”¹¹⁶. In fact, a young *meyhane* employee who also reveals the informal name of this network, acknowledges the supervisors right to conduct inspection in civilian clothes: “They are right to come in civilian clothes. The lentil journal is on the go otherwise”¹¹⁷.

In short, one can hardly conclude that the street lacks solidarity or the ability to get organized. Plus, there already are organizations concerning the specific street as well as the whole district of Beyoğlu but the members whose number should actually be greater, do not either bother to attend regularly held meetings, pay revenues of considerably insignificant amounts or participate in demonstrations in which they have not much faith. “I wasn’t applying the rules, this is what happens if I do” is the way the post-demonstration raid of the municipality is interpreted based on the assumption that applying the rules is an exception and a potential threat to make use of when necessary. Getting politically organized is considered in a somewhat similar sense by the Nevizade employees. It is an exceptional option which the current situation makes appear even less preferable. By not resorting to their already-established organizations for voicing their demands, the street dwellers suppose to save their time, money and reputation.

Moreover, they take advantage of disorganization rather than simply suffering it. In other words, if they acted as a clearly defined and conventionally organized group by the name of Nevizade Street, they would suffer the consequences as a street. On the other hand, acting individually *as far as it seems*, provides anonymity hence safety. So the street is organized in such a way as to protect the interests of its dwellers whereas avoid announcing itself as an antagonistic entity. Therefore taking into consideration the way they are

¹¹⁶ (29) Bir sürü mekanda arkadaşımız, tanıdığımız var tabi. Sokağa girdiler mi haber uçuyor “kanka, sigaraclar geliyor” diye. Kül tablalarını topluyoruz hemen.

¹¹⁷ (8) Sivil gelmekte de haklılar. Mercimek gazetesi uçmayagörsün yoksa.

connected to deal with the obstacles and the way they contrarily consider themselves as disorganized point to the extent to which they take being organized for granted.

4.2.4 Bio-power: “What does the state have to do with my health!”¹¹⁸

For millennia, man remained what he was for Aristotle: a living animal with the additional capacity for a political existence; modern man is an animal whose politics places his existence as a living being in question (Foucault, 1990: 143).

As it was mentioned earlier, the respondents do not oppose the part of the law that aims to protect non-smokers from exposure to environmental tobacco smoke of the smokers but they rather oppose the part that pushes the smokers to quit smoking altogether. It is seen as an unfair intervention of the state who does not show the same respect to smokers as it does to non-smokers. It is the lack of equal and mutual respect that renders the law unfair. Besides, individual health is considered a sphere beyond state control. “No one can interfere in private life”¹¹⁹, exclaims the employee of a beerhouse. His exclamation is in line with the general argument that the places had better be separated into smoking and non-smoking areas so everyone could pursue his/her private choices in the public sphere.

“In democratic countries, the guy says I’m going to die of cancer then.”¹²⁰

“The person himself/herself interferes in his/her own health, s/he should be able to.”¹²¹

According to Foucault of course there is something here that exceeds the distinction of private and public sphere hence constantly interferes in things a person can do with his/her own body. In *The History of Sexuality*, Foucault mentions bio-power whose emergence goes back to 17th century when the conception of body evolved. Conceiving the body as a machine and the species body at the same time, brought about its supervision largely in the

¹¹⁸ (29) Benim sağlığımdan devlete ne!

¹¹⁹ (16) Kimse özel hayata karışamaz.

¹²⁰ (8) Demokratik ülkelerde kanserse kanserden ölürüm diyor adam.

⁸⁴ (27) İnsan kendi sağlığına müdahale eder, edebilmeli.

form of regulatory controls: a bio-politics of the population. This shift indicated “a power whose highest function was perhaps no longer to kill, but to invest life through and through” (Foucault, 1990: 139). By the 18th century, “it was the taking charge of life, more than the threat of death, that gave power its access even to the body”. He nevertheless notes that “[i]t is not that life has been totally integrated into techniques that govern and administer it; it constantly escapes them”¹²². Here, Foucault practically echoes Lefebvre who had a colonization theory –so to say- about capitalism and everyday life, suggesting the former colonized the latter. However as far as this paper is concerned, it is not exactly a tag and chase game being played between the power and the individual. It is legitimate to see the enactment of the law numbered 4207 in the light of bio-politics but in the case of responses, it also needs to be kept in mind that microphysics of power by no means works one way.

4.2.5 On Consciousness and Intentionality

Depending on the field research results, it is fairly hard to suggest that the respondents are unconscious of their daily activities and their acts unintentional. On the contrary, they are well aware of the situation out of which they strongly intend to find a way. Assuming that consciousness is intentional hence always consciousness-of-something, it may well be argued that the employees in question are simply conscious *of* the fact that their enterprise would eventually go bankrupt if they obeyed the rule completely. They do not necessarily have to know about the background of the law or the consequences thereof. Consciousness here, refers to neither the past nor the future of the issue. In line with this point, the picture in the social actors’ mind does not have to be or anything close to the reality. Yet the evident fact that they do have a certain way or ways to perceive and interpret the situation is sufficient to consider them as conscious beings. Whether right or wrong, vague or clear there is a way of making sense of the world and act more or less in relation to that way.

The challenge rather emerges at those moments when the actor is asked to convey what s/he thinks about a certain issue. Lying is obviously an option but the real challenge is “I don’t know”. Once again it might be a lie whereas it might also be the truth. It is pretty possible that a social actor may not adequately elaborate the answer of such a question because s/he frankly does not know. This is somewhat similar to what Giddens indicates by the notion practical consciousness which he maintains to be “inherent in the capability to ‘go

¹²² Ibid, 143.

on' within the routines of social life" (Giddens, 1984: 4). Plus, he insistently emphasizes that there is nothing like an impermeable bar between the two categories. "On the contrary, the division between the two can be altered by many aspects of the agent's socialization and learning experiences. Between discursive and practical consciousness there is no bar; there are only the differences between what can be said and what is characteristically simply done" (Giddens, 1984: 7).

This takes the discussion right to the heart of agency issue. Can something a social actor does without the ability or the will to tell what s/he does be called an action and the social actor an agent? As far as this paper is concerned, they certainly can because agency is taken in the broadest sense of the term. Almost as simply as Giddens puts it, agency is about doing and the social actors in question are agents because they do interfere in the process some way or another. They install convertible rooftops; clear away the ashtrays; arrange the flower pots, the water bottles, the coke or ice tea cans; hire security guards for the street; instantly inform each other in case of a raid; care to place the smokers on top floors and non-smokers on the bottom etc. Taking all this fuss into consideration, one can hardly claim that they do not act upon the ban. They clearly do something about a course of events which it is not completely within their scope of power to bring about, change or eliminate, therefore take action simply to get by within the scope. They intend to keep their business going and consciously carry out whatever is necessary for that purpose.

4.3 Key Aspects

4.3.1 Power

-For what do the trees in a jungle fight each other? For "happiness"?- *For power!*- (Nietzsche, 1968:375)

By this straightforward and predictably cynical analogy, Nietzsche seeks to highlight his point that "all expansion, incorporation, growth means striving against something that resists"¹²³. In this sense, the brief history of Nevizade Street might well be read as an ongoing story of expansion, incorporation and growth. As already mentioned, before 1982 the street is nothing like it is today. As the Krepen Pasajı is demolished, the street becomes the host of those *meyhanes* that were previously located in the old arcade. They are followed by similar enterprises whose managers buy the houses and workplaces on the street for

¹²³ Ibid 1968, 374-375.

considerably low prices. Taken into consideration the unfavorable living conditions, the street dwellers seem to have shown little or no resistance to the purchasers. Hence the once backyard of Balık Pazarı, used as both dumping site and parking lot, turns out to be a new center of attraction. The street flourishes to have an identity of its own. A young bartender of a beerhouse on the Kameriye Street expressed his faith in this identity as “Nevizade never dies...First the Nevizade is filled up, only after that is our street. The customer does not come for the place but for the street. Wherever s/he can find a seat. S/he comes even if you have disputed or had a fight. That’s the way the customer of this place is”¹²⁴. So Nevizade becomes *the* street as a result of a particular force expanding in a space previously occupied by another force.

This means that power and resistance are not predetermined positions but rather in a flux contingent on the relationship between the forces. On a similar basis, the smoking ban discussion does not take its current shape before ‘smoker’ and ‘non-smoker’ identities are as strictly distinguished and consolidated as they are now. In other words, what causes the smoking act of the smokers to be seen as an act of resistance is the context that has changed to confront them with the non-smokers who have recently emerged as a new face of hegemony.

Of course, the happiness argument can not to be dismissed altogether here due to the pleasure aspect inherent to the issue. After all, Nietzsche is not the kind of philosopher who dismisses feelings either. In fact, Deleuze makes this point quite clear. “Before treating power as a matter of will he treated it as a matter of feeling and sensibility” he suggests, “the capacity for being affected is not necessarily a passivity but an *affectivity*, a sensibility, a sensation” (Deleuze, 1983: 62). This feeling he mentions is so solid actually that it is easily observed by the empirical eye in the field. Although they borrow terms from a victims’ language, the employees obviously possess hence transmit the sense of power. They almost cannot help but reveal the power they are supposed to lack. In the words of Deleuze too, Nietzsche does not seem to victimize the less powerful:

What Nietzsche calls weak or slavish is not the least strong but that which, whatever its strength, is separated from what it can do. The least strong is as strong as the strong if he goes to the limit, because the cunning, the subtlety, the wit and even the charm by which he

¹²⁴ (29) Nevizade ölmez...Önce Nevizade dolar, bizim sokak sonradan dolar. Mekana gelmez, sokağa gelir müşteri. Nerede yer bulursa. Tartışmış, kavga etmişsen de gene gelir. Böyledir buranın müşterisi.

makes up for his lesser strength are part of this strength so that it is no longer the least (Deleuze, 1983: 61).

Despite the shift in terminology from power to strength, the point that is made here directly applies to the field. The Nevizade employees do go to their limits about allowing their customers to smoke thanks to “the cunning, the subtlety, the wit and even the charm” they possess. As Deleuze adds, the overall results might indeed be very misleading. Assuming that law separates a force from what it can do does not guarantee its success after all, hence “the strong always have to be defended against the weak” (Deleuze, 1983: 58).

As for Foucault, there is hardly any need to re-elaborate his whole conception of power but make references to the parts directly or indirectly related with the focus of the present work. For instance, he insistently suggests those who want to study power to not look right into it but rather at those moments of application where it becomes all the more visible. It is somewhat similar to looking at the Sun actually: one can get but little an idea about the way it works by directly looking at it or even literally going into it. Instead, all sorts of solar movements are closely observed to have an idea about this life-flourishing as well as life-ending gigantic mass. Therefore “analyzing power relations through the antagonism of strategies” makes way more sense than “analyzing power from the point of view of its internal rationality” (Foucault, 2002: 329). Also in a lecture dated January 14, 1976 he makes his suggestion even clearer:

On the contrary, it [the analysis] should be concerned with power at its extremities, in its ultimate destinations, with those points where it becomes capillary, that is, in its more regional and local forms and institutions (...) What is needed is a study of power in its external visage, at the point where it is in direct and immediate relationship with that which we can provisionally call its object, its target, its field of application, there –that is to say– where it installs itself and produces its real effects (Foucault, 1980: 96-97).

Steven Lukes seems to agree with this since he asserts that “power is at its most effective when least observable” (Lukes, 2005:1). Of course this has to do with the taken for grantedness of everyday life as it is mentioned earlier here. Moreover, this little hint of Lukes’ pretty much echoes Hegel’s aforementioned dictum that underlies the entire corpus of Lefebvre as well as this humble one. Foucault himself does not side with final answers after all, but he rather points his finger at where it is a better idea to look. Not that power hides itself but its workings are grown accustomed to. So the matter of observability is necessarily preceded by the ability to notice in the first place. It is all a matter of drawing

one's attention to what is familiar and never hides. Interestingly enough, these words of him that Foucault uses for power are applicable just the same to resistance:

...power is tolerable only on condition that it mask a substantial part of itself. Its success is proportional to its ability to hide its own mechanisms. Would power be acceptable if it were entirely cynical? For it, *secrecy is not in the nature of an abuse; it is indispensable to its operation*. Would [those it dominates] accept it if they did not see it as a mere limit placed on desire, leaving a measure of freedom -however slight- intact? (Foucault, 1979: 86) (emphasis added)

So, power does not hide yet it is hidden and hidden right in the middle. Unsurprisingly so is resistance. That is exactly why the terrain of everyday life is among the most challenging as much as the most proper places to get an idea about power relations and their nature. In fact, the Nevizade experience is meant to be read in this light that Foucault shed on the issue. If power is assumed to be exercised rather than possessed, then the customers shaking the ash off their cigarette, the waiter collecting the stunt ash trays and so forth are the moments when power is exercised *par excellence*.

Foucauldian power is the very concept that renders possible a study of everyday resistance the way it is conceptualized here. The sort of power that Foucault introduces is not a frozen, monolithic block that hits people on the heads. It is not the synonym of wealth, prestige or rank that some people have and some have not. It does not distinguish between already controversial spheres, private and public. There is not the possibility of a moment or a situation that one can step outside, take a deep breath then come back in. There is no outside hence no inside either. Therefore it is a mess *per se* with no governing rules but only patterns and regularities that are prone to change either in a second or a few centuries. In other words, the sort of power that the current study is concerned with, lives inasmuch as that it enables one to see life as it is lived, namely in details. Due to its diffuse character, one is able to even consider looking at the capillaries, the so-called micro level, the localities, the particularities. His understanding sets the thinker free from visualizing power in strictly juridical terms. By and large, he brings in the idea of omnipresence attributed not only to power but discourse and structure as well.

Thanks to this grasp, resistance is now not restricted to streets and squares filled with protestors, auditoriums where government people make speeches in the presence of media employees, besieged cities in the supposedly far corners of the world map or prison wards filled with death fasting prisoners. On the contrary, resistance that is known to be “integral to

power”, its “irreducible opposite”¹²⁵ now has the opportunity to be appreciated where it does not necessarily confront the coercive authorities that claim a right to monopolize force. Plus, it does not have to be the state anymore. It might be a male figure with a husband and/or a father role. But then again, it might as well be an uneducated woman of small means who is resisted by her child or her husband. The resisted does not come along with a catalogue of stereotypes, not simply because it is hard to make a precise distinction between who is dominated and dominating but because it all ends up to limiting what the other party can do. Hence the act of resisting gets freed from its narrow sense to gain a wider meaning that enables one to see that so-called ordinary people are somehow more than victims of the system, numbed and blinded by ideological apparatuses. In this sense, the omnipresence of power also helps to see that there are no extraordinary people either. So this assumption eliminates the invalid prejudice that congressmen for instance, never resist to anything at all.

The point is viewing the very same power relations from a different, a wider angle. So resistance is nothing likely to be found in those science fiction novels or movies where the habitants of two adversary planets clash in bloody wars. Obviously it is not to say that wars do not exist in our world or their existence does not mean anything. This is simply suggesting that there is more to the story. Thinking otherwise would mean to say that people living in relatively poor conditions are just not clever enough or seriously lack some values to stand up and object to their conditions of which they are not possibly fond. Since a number of established social scientists also ask, it seems as a perfectly legitimate question: Why and how do people take it?

For instance Charles Tilly gives a very clear answer to a similar question he poses: The premise is not correct so they actually do not take it. They do rebel but not explicitly (Lukes, 2005:10). The they he refers to are subordinates –as usual- since they are the ones who cannot afford to resist and rebel overtly. Plus, they have many other reasons to stay put whereas the mythical *we* do not. *We* the non-subordinates are capable of eagerly standing up for *our* rights whenever the opportunity arises. It is of course fair to suggest that upper middle and upper classes have more means to directly influence the related situation whereas poverty implies a culture of immediacy. On the other hand, what if immediacy is not a class-specific or economically determined culture but a common motivation that underlies the routine of everyday life? This is why resistance is needed not to be confined to direct confrontations like rebellion, revolt or uprising but is better tried to be seen where the objection is in a rather indirect form that avoids a radical break in the everyday routine.

¹²⁵ Ibid 1979, 95-96

Otherwise one would have to think that where there is no overt conflict, there is no trouble at all whereas there is and lots of it. Foucault himself does not recognize such an option:

For, if it is true that at the heart of power relations and as a permanent condition of their existence there is an insubordination and a certain obstinacy on the part of the principles of freedom, then there is no relationship of power without the means of escape or possible flight. Every power relationship implies, at least in *potentia*, a strategy of struggle (Foucault, 1982: 225).

The fact that it is the same man who mentions “the means of escape or possible flight” and that “there are no margins for those who break with the system to gambol in” refers to a typical Foucauldian dilemma that only pushes one further to contemplate. Not that the two categories mutually exclude each other but neither the leaders of oppositional political organizations nor the so-called ordinary people who simply strive to find their way around the rule are entitled to step out the power structure. Already having referred to the concept of liminality, one should also approach critically to such categories since “[i]t would be simplistic to suppose that ‘willing’ and ‘unwilling’ compliance to domination are mutually exclusive: one can *consent* to power and *resent* the mode of its exercise” after all (Lukes, 2005: 150). In other words, without the flight or the escape one can as well make-do as one likes and it does not have to take the shape of an outright reaction. Referring back to the field research, it is perfectly legitimate to suggest that

Power about which there is consensus must frequently overcome what might be called ‘frictional’ resistance (as opposed to ‘directed’ or ‘intentional’ resistance) which arises from indifference rather than from conscious and active opposition. Power would hardly be led to take a forceful let alone coercive form in overcoming such resistance (Barbalet, 1985: 534).

Nevertheless the extent to which ‘frictional’ resistance can be opposed to that which is ‘directed’ or intentional’ remains controversial. The issue of intentionality needs to be well clarified here: The social actors in question intend neither to oppose, to resist nor to be indifferent. The sole intent is to get by the rule with the least detriment. Besides, it is not free from structure. In fact, the intent itself is the structure at work. Therefore one can hardly point fingers at people and ask them to reveal their intentions but to claim that they have none is as problematical a move. In Foucault’s words: “Power relations are both intentional and non-subjective...there is no power that is exercised without a series of aims and objectives (...) the logic is perfectly clear, the aims decipherable, and yet it is often the case that no one is there to have invented them and few can be said to have formulated them”

(Foucault, 1979: 94-95). This is an everyday life perspective on power that is now seen as ‘anonymous’ and ‘routine’:

In any society, the pattern of people’s lives and their living conditions take the forms which they do, not so much because somebody somewhere makes a series of decisions to that effect; but in large part because certain social mechanisms, principles, assumptions –call them what you will- are taken for granted (Westergaard and Resler, 1976: 142-143).

Thus referring to doers in the case of deeds should not necessarily imply something like a great men’s’ history. Individuals after all are not assumed to pop out from nowhere to change the course of events with their perfectly free wills. Social actors as it is preferred to be used here, do act within the limits of the power structure and remake it in the meantime. Of course Marx has a more eloquent as well as frequently cited expression for this in the *Eighteenth Brumaire*: “Men make their own history, but they do not make it as they please; they do not make it under self-selected circumstances, but under circumstances existing already, given and transmitted from the past”¹²⁶. An extremely simplistic metaphor could help to visualize. A person walking inside a labyrinth made of thick and sound concrete walls may have to follow a certain route but even if so, it does not mean s/he is not moving. Of course Nietzsche would shudder with contempt if he were to hear this metaphor because according to him, the mechanistic conception of the world as motion is “mere semeiotics and nothing real”. So a mover, a moved and a motion are only those concepts through which ordinary people can grasp the world (Nietzsche, 1968:338). On the other hand, the people do not only grasp the world but remake it every second by acting on what they grasp, mostly not with the intent of remaking it but getting by and that includes the pursuance of both happiness and force.

Judith Butler too agrees with the “no doer behind the deed” argument, not without elaborating her standpoint though. According to her, the argument does not suggest that there is no materiality preceding the act. On the contrary, any performativity requires a body that acts. So “Butler’s point is not that there is no body here but that there is no pregiven identity emerging from that body and that subjectivity arises through the performativity of that body” (Secomb, ed by Davies, 2008: 149). So rises the question of whose body this is.

¹²⁶ <http://www.marxists.org/archive/marx/works/1852/18th-brumaire/ch01.htm>

4.3.2 Everyday People

Those who have been relentlessly called ordinary people so far were attempted to be analyzed and comprehended here. Among the concepts “people” and “multitude”, the former concept has obviously prevailed yet the latter still needs further attention to have an idea about the outlook towards this ambiguous group of no-name people. Multitude according to Spinoza, or *multitudo* as he originally calls it, signifies a permanent social and political existence that lays the ground for civil liberties. Hobbes on the other hand, besides his contempt for the concept, particularly distinguishes it from the concept of people which he sees as one and the political. According to him, the two categories of people and multitude are mutually exclusive whereas they respectively correspond to the existence of State and state of nature. His conception of the term is depicted by Virno as:

The multitude, according to Hobbes, shuns political unity, resists authority, does not enter into lasting agreements, never attains the *status* of juridical person because it never transfers its own natural rights to the sovereign. The multitude inhibits this “transfer” by its very mode of being (through its plural character) and by its mode of behaving (Virno, 2004: 23).

Balibar who also meticulously works on a Spinoza-Hobbes comparison in terms of multitude, points out that “individuality is not a simple *totality* which could be circumscribed in a unique discourse, a unique way of life; there always remains an indefinite multiplicity of “parts”, relationships, and fluctuations which exceed such an imaginary project, and wind up subverting it”. The point is how Spinoza believes there is always a politics beyond the instability of the state stability he actually searches for (Balibar, 1994: 35). The fear of the masses, so-expressed to have a double meaning is common to Hobbes and Spinoza though. Both philosophers believe that “the mass terrorizes if it is not afraid!” to reveal the latter’s ambivalent position considering democracy¹²⁷.

Hardt and Negri who also think all this struggle and resistance have to do with a quest for true democracy, mention the swarm intelligence of multitude as they conceptualize. The multitude in their sense has the shape of a formless, unorganized and irrational network whereas a glance at the inside would give out its actually organized, rational as well as creative features. The intelligence in question is fundamentally social. There is no head hence no figure to point fingers at. It literally swarms “the enemy” like insects or birds, “unknown, uncertain, unseen, and unexpected” as Hardt and Negri portray (Hardt and Negri, 2004: 91). The Nevizade field research on the hand does not really constitute an example to

¹²⁷ Ibid 1994, 24-29.

their sense of multitude whereas any quest for true democracy is out of question. There is a bad, moreover fake sort of ‘democracy’ in everyday, if there is any in the first place (Nalbantoğlu, 2010: 404). For instance, virtually all interviewees favored the construction of separate spaces for smokers and non-smokers, not because the smokers’ rights mattered but because it was the optimum solution for the businesses.

Despite the still-lingering, yearned-for image of a heroic, glorious past full of political and organized resistances, they do not hesitate to show their reluctance to be seen, exposed and pointed at either. There is no head of what they are doing and they certainly constitute a network whose members share nothing in common except the identity that their job and the street give them:

The members of the multitude do not have to become the same or renounce their creativity in order to communicate and cooperate with each other. They remain different in terms of race, sex, sexuality and so forth. What we need to understand, then, is the collective intelligence that can emerge from the communication and cooperation of such a varied multiplicity (Hardt and Negri, 2004:92).

The multitude as it is conceptualized by Hardt and Negri might apply to social actors of other types of everyday resistance but Nevizade displays too strong an identity for its folk to be called formless and unorganized in their perfectly rational acts of resistance to the unfavorable effects of the law.

Also Alfred Schuetz gives three common properties of “the knowledge of the man who acts and thinks within the world of his daily life”. First of all it is incoherent. Secondly, the man living his everyday life is only partially clear about his knowledge and not that interested in its clarity anyway. He is not enthusiastic about the truth or any certainty, but eager to be informed about the probability of the chances or the risks he is to take. “That the subway will run tomorrow as usual is for him almost the same order of likelihood as that the sun will rise”, Schuetz asserts. The last but not the least, his knowledge is inconsistent. He might have quite contradictory opinions on political, economic and social issues whereas this inconsistency does not necessarily have to be the result of a logical fallacy (Schuetz, 1944:500-501). For instance, the JDP electorate bartender with the eyebrow piercing and a unique action plan concerning the smoking ban would be classified as a “man who acts and thinks within the world of his daily life” by Schuetz. It is obviously not possible for anyone to act and think out of it however. Plus, the subway running tomorrow is a very ordinary assumption in accordance with the ordinariness of everyday life. Schuetz himself would be surprised to see it does not, although the subway not running is not an extraordinary situation

at all. In fact, the hypothetical case in question would help illustrate what is meant here: The cluster of subway-user people on their way to work would be likely to cope with the negative effect of the trouble (e.g. being late for work) rather than trying to obtain a coherent, consistent and clear knowledge of the subway system. So they would grumble for a while and head for alternative means of transportation. Although the smoking ban and the subway breakdown are two very different cases, the attitude and dealing with the effects are common.

Another distinguishable observation made in the field is that it is always *them*, the others who practically violate the ban. Somewhat similar to the anonymity about the multitude, it is impossible to single anyone out. Heidegger almost depicts the situation having come across in the field: “It ‘was’ always the “they” who did it, and yet it can be said that it has been ‘no one’. In Dasein’s everydayness the agency through which most things come about is one of which we must say that “it was no one”” (Heidegger, 2008:165). In fact, he gives the most fulfilling answer to who these actors are: “The “who” is not this one, not that one, not oneself [man selbst], not some people [einigre], and not the sum of them all. The ‘who’ is the neuter, *the “they” [das Man]*” (Heidegger, 2008: 164). In a similar sense to performativity, he also suggests that where Dasein comes closest to finding ‘itself’ is in its performance, namely its encounter with the external world which it is primarily concerned with. The more subtle the relation the more obstinately it works. Besides the subtlety and obstinacy on the part of the particular relation, averageness is an existential characteristic of the “they”. Due to averageness, what comes forward and makes itself seen is kept an eye on so as to level it down and make it public at once. “By publicness everything gets obscured, and what has thus been covered up gets passed off as something familiar and accessible to everyone” (Heidegger, 2008:165). Virno adds to this that such an “unauthentic life” involves opportunism and cynicism that derive from the abovementioned familiarity as well as proximity of the multitude to the rule. He also refers to two infamous phenomena of everyday life that Heidegger mentions: idle talk and curiosity. Authentic life that is fundamentally associated with labor is interrupted by such chattiness and nosiness because they indicate that things are not taken care of thus no work is carried on (Virno, 2004: 88-89).

Idle talk, gossiping or passing the word along may carry disparaging connotations and not a slightest trace of reality in them but this does not change the fact that they are essential to everyday life. Everyday people are moved by idle talk. Although it never corresponds to reality as a whole, everyone is assured that idle talk contains at least some

portion of reality. In fact, the power of gossip would capture the attention of any interviewer who worked in the street. Firstly insecurity and secondly gossip were easily observed in the field. The news that Erdoğan's son was going to produce an air filter, enterprises who acquired them were going to be issued a smoking license and they were going to cost 10 billion liras each were known and accepted as truth by almost everyone on the street. A middle aged and timid beerhouse employer stated:

Public health, sure...public health comes first alright, but they say something... I don't know, we believe in the word passed around, whatever we hear. An air filter or something is to come up, they say it's a filter for cigarette, an air filter or something. It's going to be imported and installed. Something like a tax is going to be collected¹²⁸.

His expressions were ambivalent yet uttered over and over by almost every other interviewee. Another point that could not go unnoticed was that the employees of neighboring enterprises were inclined to give responses with examples similar to each other. The knowledge they passed along the street was almost groundless yet effective in their views and actions. The idle talk seemed to connect them in such a way as to reinforce the street solidarity as well as the street identity.

Moreover, the work *is* carried on and things *are* very well taken care of in Nevzade although *they* do idle talk in the mean time. The fact is *we* all do and this *we* is not an abstraction at all: A grand majority of the interviewees who responded "they allow smoking and we don't" were later observed to allow smoking as well. This pattern of reflecting one's act on others might be interpreted as an attempt to exculpate oneself whereas in practice, it emphasizes the very contrary. Similarly, preferring to use *they* as a pronoun might also be a comfort for those who either consciously or unconsciously distinguish themselves from rest of the people. Of course it is extremely paradoxical that the intelligentsia who is supposed to see the big picture better than the less educated, commits the fallacy of holding itself apart and above the latter. Nonetheless it is true that the educated apparently displays a tendency to obey rules or challenge them rather explicitly. It cannot be concluded however that the more educated, the well-to-do does not resort to forms of everyday resistance since resistance is integral to power relations and everyday life *is* the power relations.

¹²⁸ (4) Halk sağlığı, tabi ki...önde gelen halk sağlığı da bir de şey diyorlar ne bileyim, biz de kulaktan söylenen laflara, duyduğumuza inanıyoruz...yok bilmem ne filtresi çıkacakmış da, sigaraya filtre diyorlar hava filtresi miymiş ne. Dışarıdan gelecekmiş de, onlar takılacakmış da. Bir vergi tabirinde bir şey alınacakmış.

4.3.3 Everyday Resistance

Within the scope of the present work, resistance is attempted to be reconceptualized so as to not overlook and be able to appreciate a vital aspect of the social. Resistance is habitually understood as direct action definitely involving a certain degree of materiality like the very bodies of people or objects to be used like arms or banners at least. It can be both violent, brutal, bloody as well as behavioral like dressing up in a certain fashion. One can resist by talking as well as keeping quiet, so both silence and breaking it can be means to resistance. The point is that no matter how multifarious its manifestations might be, the gist of resistance persists as recalcitrant refusal.

For instance, resistance may vary in terms of scale. In other words, it can be individual as well as collective. Level of coordination may be high or low, meaning the actors involved can be well organized or hardly in touch. Target of resistance can be a person, a group, an institution or the social structure in large. Of course, it is crucial to restate here that the target in question is always an effect of power rather than a fixed entity. It changes depending on the context. Before the smoking ban, non-smokers had to resist if not consent to inhaling the smoke whereas after the ban, the positions of smokers and non-smokers almost switched. Obviously, this shift also has to do with the smoker and non-smoker identities having crystallized more than ever. That is why the case of non-smokers before the law and that of smokers after the law cannot be considered as one and the same case. Smokers were not always resisters alright, but smoking was such a taken for granted aspect of *meyhanes* that non-smokers could hardly imagine otherwise.

Moreover, the goal of resistance can consist of plans to overthrow the current government as well as surviving just another day. Hollander and Einwohner who review a wide literature focused on the concept, come up with a number of variables that are common to those studies. They assert that some sense of action and that of opposition are common to almost all uses of the term resistance. However two other variables are especially significant to a reconsideration of the term. They are recognition and intent.

About the intent issue, they suggest that there seems to be three approaches. First of them is the approach that counts an act as resistance if only the actor intends to resist. Second approach is rather skeptical about the extent to which an actor's intent can properly be assessed. After all, it may be hard for the actor to articulate his/her claim or may not choose to articulate it in the first place hence lie about it. This view obviously echoes the aforementioned hidden transcript concept of James Scott. The third approach on the other

hand does not take intentions of the actor as necessary for calling an act resistance. So the act is not necessarily defined as resistance by the actor but is still taken to be one.

The issue of recognition is no less controversial. The act of resistance may not be visible, moreover it might be due to the intent that the act goes unrecognized as resistance. Again, the Nevizade field research constitutes an example. If the employees can be suggested to intend two things, one of them is keeping the business going whereas second one is keeping their solution clandestine. After all, recognition may not necessarily end up as advantageous, for instance the employees in this case might be fined or issued a warning. Plus, their reluctance to participate in relevant protests too imply their avoidance of recognition, namely direct confrontation with the municipality. Here the point is that the actors themselves may not recognize their act as resistance, so may not the target and the observer. Recognition after all is not one and the same thing as existence. In other words, the fact that the act goes unrecognized for this or that reason does not come to mean that it does not take place. Furthermore, the very existence of everyday resistance depends on the sustainability of unrecognition.

On the other hand, this is reducing the recognition aspect to announcing what is recognized hence would be a mistake similar to reducing politics to its narrow sense. As mentioned earlier, the controller and the controlled share the same repertoire of everyday tactics, so it is unimaginable to assume that the controllers are not aware of the tactics used for getting by the smoking ban. The statement “There is more control in rainy days”¹²⁹ alone points to the fact that the municipality knows what is going on in the street. Rainy weather means more smokers trapped in enclosed areas hence more fine or bribe to be collected, “depending on the intention of the controller”¹³⁰. Moreover, recognition of Nevizade by its customers as a safe zone is a crucial factor that enables the permanence or survival of the street. In other words, also the street customer knows that it is okay to smoke here. Thereby different aspects of the recognition issue add up to this: The act of smoking indoors is recognized, as a matter of fact taken for granted in Nevizade. It is too recognized so to say. This overall recognition however does not invalidate the presence of a law that bans smoking, customers who demand to smoke indoors and managers who have to keep their business going. Plus, the fact that power is exercised arbitrarily renders it more uncanny. Power then, turns into a gizmo to use when necessary and keep in its sheath when recognition does not need to be processed.

¹²⁹ (33) Yağmurlu günlerde daha çok denetim var.

¹³⁰ (6) Kontrole gelen kişinin niyetine bağlı.

Since the typology that Hollander and Einwohner construct is of great help in grasping how diverse forms a single concept can take, the table is given right below. In addition to their illustrative typology, they point out the inherently complex nature of resistance in two senses that have already been mentioned in the present work. Firstly, the actors may resist *and* comply with the rule at the same time. Second aspect of its complexity consists of the fact that resisters and resisted are not monolithic entities but adopting Foucauldian conception of power solves that problem at the outset. Therefore it is already assumed that population is not segregated into dominant and subordinate groups. After all, there is not a single configuration of power relations on a single level but multiple planes cutting across each other. Hence it is not an acquired and stagnant position being powerful or powerless (Hollander and Einwohner, 2004: 535-550).

Table I. Types of resistance

	Is act intended as resistance by actor?	Is act recognized as resistance by	
		target?	observer?
Overt resistance	Yes	Yes	Yes
Covert resistance	Yes	No	Yes
Unwitting resistance	No	Yes	Yes
Target-defined resistance	No	Yes	No
Externally-defined resistance	No	No	Yes
Missed resistance	Yes	Yes	No
Attempted resistance	Yes	No	No
Not resistance	No	No	No

In the light of what has been laid down so far, the resistant acts observed in Nevzade correspond to the externally-defined type of resistance. In fact, the subject matter has previously been elaborated by various, established social scientists like E.P. Thompson who studied the wife sales in 19th century England¹³¹, Asef Bayat who studied poor people's movement in Iran¹³² and James C. Scott who might be considered the leading figure in the studies of everyday resistance which he studied in a Malaysian village for two years¹³³. What they have in common is the fact that they have all studied a similar type of resistance either

¹³¹ Thompson, E.P. 1993. *Customs in Common*. London: Penguin Books

¹³² Bayat, Asef. 1997. *Street Politics: Poor People's Movements in Iran*. New York: Columbia University Press

¹³³ Scott, James C. "Everyday Forms of Resistance". *Copenhagen Journal of Asian Studies*. Vol. 4, (1989)

in rural settings or declared their actors to be the members of a subordinate group. On the other hand, the present work is an attempt to render visible the resistance in urban space whereas practiced by us all.

In this respect, two works are of special importance here in terms of leading the way thereby facilitating to see and contemplate about the kind of urban everyday resistance that is observed in Nevizade. To begin with, Asef Bayat draws attention to seemingly insignificant, popular practices that take place between 1976 and 1990 in big cities of Iran who received masses of poor people migrating from villages since 1950's. Consideration that Turkey has gone through a similar social change at the time, renders Bayat's work even more significant. He says "[t]he actors had become a counterforce, without intending to be so" and goes on telling how they resorted to do-it-yourself mechanisms when their infrastructural demands were turned down or postponed (Bayat, 1997: 2). He mainly focuses on those ordinary, everyday practices that take place especially in the urban centers of developing countries. What he spots when he looks at those places and practices is the "quiet encroachment of the ordinary" by which he means "a silent, patient, protracted, and pervasive advancement of ordinary people on the propertied and powerful in order to survive hardships and better their lives (...) an open and fleeting struggle without clear leadership, ideology, or structured organization (...) driven by the force of necessity –the necessity to survive and live a dignified life"¹³⁴. Despite the fact that the terms "ordinary people" and "the powerful" are problematized within the present paper, he nevertheless achieves to point out the particular manner of practice that constitutes the very core of this study.

In fact, he makes a number of points that help make more sense of what Nevizade roughly represents here. He mentions a desire to live an informal life with the least interference by modern formal institutions. In a sense similar to what Hobsbawm expresses as "working the system...to their minimum disadvantage" (Hobsbawm, 1973), the actors of Bayat also wish to get the most of they can from out of modernity whereas not mess with its constraining aspects. Hence the informal politics emerge to get immediate outcomes from direct action. Moreover he refers to "poor peoples' sense of justice" that he assumes to be underlied by "the necessity of maintaining a dignified life" in the Middle Eastern culture . Despite the controversial nature of his essentializing judgment, the quotations he includes display a striking resemblance with those heard during the Nevizade field research. Via expressions like "there is no other way around" and "what else can we do?", the poor justifies his/her acts of transgression thereby "articulate a moral language of urban politics"

¹³⁴ Ibid 1997, 7-8.

according to Bayat¹³⁵. This brings the issue back to what he calls “the force of necessity –the necessity to survive and live a dignified life” which challenges the term justification.

Bayat also assumes a conservatism inherent to the struggle in question, since the aim is not to acquire new gains but to conserve the ones already available. In the case of Nevizade however, the aim is not so much to defend smokers’ right to smoke or even conserve Nevizade as it is but rather conserve the means to make a living. Another point that has also been covered within the present work is the matter of appearing undisruptive and tamed while mildly keep expanding till it is either too late or too hard for the transgressed to do something about it. Of course, smoking case in Nevizade and poor people demanding infrastructure in Iran cannot be considered the same whereas the course that expansion takes looks common to both. Demands or objections are not poured out at once but tried over and over. The boundary between what is allowed and what is not is consistently tested and forced¹³⁶. This is obviously a safe as well as useful tactic that can hardly be attributed to a particular group.

In other words, considering that the governments as well make such gestures, it is hardly valid to attribute the move to a confined group defined as the poor or the subordinates. The last but not the least significant point that Bayat makes and that which also applies to the situation in Turkey is that:

States may also contribute to quiet encroachment in another way. This type of movement is likely to grow where both the inefficient state bureaucracy and rigid formal organizations, notably the “mercantilist” state described by De Soto (1989), predominate; such institutions tend to encourage people to seek more informal and autonomous living and working conditions¹³⁷.

In short, the work of Asef Bayat is important due to the reason that it draws attention to the habitually overlooked urban practices that seem trivial compared to large scale social changes. Once again however, the practices are confined with a certain group who is poor,

¹³⁵ Ibid 1997, 12-13.

¹³⁶ Although his concepts are each disputable, James C. Scott mentions an extremely corresponding situation anyway, as he suggests that hidden transcripts can be viewed as: [c]ontinually testing the line of what is permissible on-stage. One particularly intrepid, risk-taking, angry, unguarded subordinate says something that just touches or crosses the line. If it is not rebuked or punished, others, profiting from the same example, will venture across the line as well, and a new *de facto* line is created, governing what may be said or gestured (Scott, 1989: 59).

¹³⁷ Ibid 1997, 21.

subordinate and of rural origin. James C. Scott who is a venerable professor of political science and anthropology on the other hand, displays a gradually growing group of social actors in this sense. *The Moral Economy of the Peasant: Subsistence and Rebellion in Southeast Asia* (1976) is concerned with the peasants in a Malaysian village whereas in *Weapons of the Weak: Everyday Forms of Peasant Resistance* (1985) he covered peasants in other places of the world. As he suggested in *Domination and the Arts of Resistance: The Hidden Transcript* (1990) that all subordinates resist in a fashion similar to peasants, his works have been humorously interpreted as "peasants in Malaysia, peasants everywhere, everyone everywhere"¹³⁸. Beyond jumping to the conclusion, the present work can well be read as embracing an even larger group of people hence literally "everyone everywhere". Nevertheless his contribution to the literature is priceless without a doubt. Among numerous lengthy quotations he uses in the beginnings of his chapters in *Weapons of the Weak*, there is one by Brecht who makes a character say "[t]he little man doesn't give a shit about a great era"¹³⁹ (Scott, 1985:28). The little man and a great era are both controversial whereas the act involved is argued here to be far more pervasive than assumed.

Scott finds it perfectly plausible to speak of everyday resistance as "a social movement with no formal organization, no formal leaders, no manifestoes, no dues, no name, and no banner. By virtue of their institutional invisibility, activities on anything less than a massive scale are, if they are noticed at all, rarely accorded any social significance" (Scott, 1985:35). One of his main arguments is that subordinates avoid recognition on purpose since their aim is direct and immediate outcomes which recognition by higher authorities would only jeopardize. Elites and social scientists contribute to this absence of recognition by intensifying their attention primarily on larger scale events that manifestly constitute threat to the status quo.

In his illuminating article dated 1989, he talks about a "normative consensus", "a climate of opinion" without which the resistance in question would be unthinkable. He maintains that such a consensus abide resistance if not support, since otherwise the overall capacity of prisons would not suffice. Just like Bayat, also Scott utters such a sentence that has already been heard during the field: "Why protest, indeed, when quieter stratagems have achieved the same results at minimal risk?" (Scott, 1989: 40). Therefore everyday resistance according James Scott is marginalized within the realm of social analysis because it is "1)

¹³⁸ http://en.wikipedia.org/wiki/James_C._Scott

¹³⁹ Schweyk, in Bertolt Brecht, *Schweyk in the Second World War*, Scene 1

unorganized, unsystematic and individual; 2) opportunistic and self-indulgent; 3) [has] no revolutionary consequences and/or 4) imply in their intention or logic an accommodation with the structure of domination”¹⁴⁰.

As far as this study is concerned, all four items that Scott juxtaposes were assumed to be relevant but definitely needing further clarification. As the field suggests, there *is* a sense of organization although informal and even underground. Otherwise, one can hardly explain the present communication network in Nevizade. Compared to the mostly an instant-long eye contact between everyday people, Nevizade displays a quite well established and material level of coordination. Therefore, calling everyday resistance unsystematic is not as easy either. There *is* a system whose sustainability depends precisely on its unrecognition if not invisibility. It is not a rigid system or organization in the conventional sense of the term after all. The organization concerning everyday resistance carries its disorganization within itself. It is never more organized than those moments when it dissolves at once. Hence what is supposed to be disorganization actually provides safety and freedom. Namely, everyone does it but there is no one.

Secondly, everyday resistance *is* opportunistic and self-indulgent. This point has also been confirmed by the interviewees who have been constantly complaining that they fail to organize a protest because everyone is busy solely with saving his own enterprise. Interestingly enough, the aforementioned coordination and this self-indulgence go together. The power relations nevertheless affect the configuration of enterprises receiving the notice. Although rarely, some even turn each other in. To put it very simply, the relations include both companionship and competition. They do affect one another but never cancel each other out.

As Scott notes too, the third and the fourth go together, just like they do with the first and the second actually. The indication common to all four items is that the structure remains intact at the end. Everyday resistance does not include an intent of overthrowing the current government or anything alike. In fact, consciousness of the social actors involves a foreseeing the trouble they are to tackle with. Nevertheless, asserting that everyday resistance does not have revolutionary aims makes more sense than asserting it has no such consequences since the very formation of Nevizade is revolutionary. After all Scott himself in addition to many relevant theoreticians give examples from the history that imply how trivial practices can actually lead to major transformations. So radical changes can well

¹⁴⁰ Ibid 1989, 50-51.

succeed such petty practices although not particularly intending to do that, on the contrary showing consent to the power structure. That is definitely not saying that everything is fine, just the opposite. Since “everything is wrong” as a respondent had said, but also since this picture is taken for granted in everyday life, the resistance is accordingly subtle, imperceptible yet as obstinate.

Scott’s subject matter and analysis are tremendously significant and precious for he sees and recognizes a pervasive social practice that has long been overlooked although with the very intent of being overlooked. In addition to his analysis, it is argued here that the powerful and the powerless or the dominant and the subordinate is not an easy distinction to make, for the configuration changes as the parties and their relationship change. That is not to say that everyone enjoys equal power, on the contrary they never do.

Nevizade in itself includes two distinct courses which resistance takes. One is the customers’ resistance to employees in order to smoke and the other is the employers’ resistance to applying the law in order not to go bankrupt. Evidently, the aims are pleasure and subsistence respectively. Since neither the people oppose the law that protects public health nor the law aims to destroy Nevizade and places alike, it is the effects that are struggled with on a daily basis. Thereby everyday resistance is a taken for granted form of resistance to taken for granted exercise of power. Since such everydayness signifies too much familiarity, it might go unnoticed during the day but the sociological analysis can by no means afford to leave out everyday resistance.

CHAPTER 5

CONCLUSION

This study is neither a critique nor a praise of everyday life but a humble endeavor to make it visible; to shed a different light at something never seen for the first time; to say a new word about something that is never new. Taking into consideration Hegel's dictum that the most familiar is not necessarily the best known, it is in fact an ironically arduous project that is attempted here. Doubtlessly, the crux of the matter is to view everyday life as worth studying in the first place. Everyday life as a matter of social sciences has a problematical relation with theory and theorization only for those who consider theory as the end rather than the means to make a sense of the world. Despite the fact that it hardly allows being taken hold of, the most crucial reason why everyday life is worth studying is because it is the primary trouble we have with life. It is legitimate to use the pronoun "we" here since everyday life obviously leaves no one out. In fact, to prefer using the pronoun "they" either consciously or unconsciously, indicates an impertinent as well as invalid a sense of segregating hence overestimating oneself. After all, we are all they during the day.

Everyday life is characteristically ordinary and that cannot be altered. In this respect, studying everyday life is very similar to what Baudrillard calls "a paradoxical death" as he mentions the Tasaday tribe. It is found out that the tribe had lived apart from the rest of humanity for eight hundred years and is decided in 1971 that it keeps its "virginity". Evidently mocking this anti-ethnological move, Baudrillard asserts that "[f]or ethnology to live, its object must die. But the latter revenges itself by dying for having been "discovered", and defies by its death the science that wants to take hold of it" (Baudrillard, 1983: 13). "Savages who are indebted to ethnology for still being Savages", he calls them to ridicule the situation (Baudrillard, 1983: 15). Despite the similarity though, it is hard to suggest that the two cases are the same. Although Hawthorne effect makes its presence felt quite strongly during in-depth interviews conducted for the matter, assuming that science disenchant and totally destroys its object of inquiry indicate just another case of overestimation.

Studying everyday life obviously has or at least is supposed to have a disenchanting effect for the researcher but has little or no effect on the side of the studied. In order to study everyday life, the first thing to do is to notice what goes unnoticed by nature whereas one can hardly expect the latter to be affected to the same extent as the former is. The routine of everyday life is not interrupted just because it is studied, on the contrary it probably comes up with a new routine. “We clear away the ash trays when the press and so forth comes but there are smoke detectors now”¹⁴¹ states a beerhouse employee. Evidently, the knowledge of the fact that they are under scrutiny leads more to a simple twist of routine rather than a radical break therein. So the ash trays which the employees use during the day are not put on the tables but behind the bars or on top of the printers. Saving the appearance after all is a predictable response to a rule that is interested in checking the appearance in the first place. This was the very incentive that underlied the teasing smile on the face of the bartender who removed the ashtray on the bar as he replied there was no smoking allowed inside.

In accordance with the gist of the study, the inspiration to conduct this particular research has emerged during an everyday experience. A few months after the law numbered 4207 had been expanded to include coffee houses, bars, restaurants and entertainment venues as such, the rooftop floor of a well known Nevizade beerhouse was thick with smoke and nobody showed the slightest sign of finding the situation strange or anything close to it. In fact, the taken for grantedness was no less thick than the smoke. The legally obligatory “no smoking” signs could hardly be read due to the thick smoke and the ash trays had not even been cleared away yet. There was so nothing extraordinary that even Brecht who has a method of estrangement named after him, himself would have a hard time de-familiarizing to the situation.

Observed as a regular participant, the famous beerhouse in question by no means constitutes a sporadic case. The ban is more than usually obeyed only in appearance. In other words, the ash trays are removed and smoking is allowed on the top floors. In fact, the pleasure economy has in a sense overruled the law. It was almost unanimous a response given by the interviewees that each place should better be separated into smoking and no smoking floors with the necessary air conditioners installed. The current picture indicates that they actually ended up doing exactly what they considered just and reasonable. Plus, the legislators look so self-satisfied and glad that they use every opportunity to express their pride about the successful results. After all, the law did get support from a grand majority of the population as the State Statistical Institution announces. Of course, the entertainment

¹⁴¹ (6) Basın filan gelince küllükleri kaldırıyoruz ama duman detektörleri çıkmış şimdi.

sector employers and employees have a number of objections to the way the ban is applied whereas there is no voice bold enough to directly oppose a public health law. This note should not come to mean that the statistics in question are inaccurate but there might be something that is missed out or that simply evades representation.

After all is said and done, this study is concerned with the meaning that can be attributed to such mundane, trivial, tenacious, taken for granted practices to whose practitioners are reluctant to attribute any meaning. The type of acts that is exemplified by the tobacco case here, is argued to be considered as a form of everyday resistance only on the condition that relevant conceptual tools are reviewed and revised for the purpose of comprehending the social reality as much as possible rather than vice versa. In other words, trimming the alleged reality to fit the established conceptual tools has long proved to be more laborious and awkward than the other way around.

Having assumed that all relations are power relations and structure is not a distant abstraction but power that is both the thread and the fabric, it is argued that everyday resistance is a social reality far more pervasive and inherent than it has been assumed so far. If power is omnipresent and resistance is integral to power, then it is perfectly legitimate to expect resistance equally everywhere. The simplification suggests that everyday resistance is not in disposition of or endemic to any certain group, hence the futility of using “they” as the pronoun for the social actors involved. “We” is equally anonymous, ambiguous as well as realistic after all. *They* may be more disadvantaged in particular terms yet it does not necessitate such a fact as *only they* resist in a trivial, piecemeal, subtle manner. Neither they nor we are pre-identified subjects consistent in all levels of thought, discourse and action. Although in varying magnitude, it is possible that we think some way; say something else and then act totally different. This so-called inconsistency too enables everyday resistance whereas social actors have intentions all the same. Probably not conscious of long-term consequences or bigger picture, but totally intentional and having a consciousness of their own. So the interviewees do not intend to violate the law or have a smoke but definitely intend to make a living, survive and better their lives.

All in all, the problematic crux of the matter remains whether it is legitimate to call such ordinary practices as resistance because the term has been habitually associated with overt violent cases so far. For instance the Battle of Stalingrad which is amongst the bloodiest wars of history or the Tekel Resistance where workers endured tough winter conditions in the middle of Ankara for months constitute cases defined as resistance *par*

excellence. Therefore asserting that Nevizade case embodies a resistance of the same kind would be an ethical responsibility no one could take. On the other hand, confining resistance to such great historical moments would constitute almost as great a peril as broadening its meaning to encompass every little disobedience. Thus the point is no more overlooking the recalcitrant refusal that is organized, intentional and definitely political. Plus, the fact that it is everyday does not reduce its value but renders it especially worthy of attention.

This study had its weaknesses no doubt. Yet the main problem has to do with the limited literature that fails to provide concepts that correspond to what is attempted to be analyzed here. In consideration of the scope of this study however, the already available concepts have been come to terms and settled down with. Further analysis on the other hand, definitely requires new conceptual tools that are to help us make better sense of the everyday practices mentioned here.

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