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State Intervention in the Public and Private Spheres in Times of Crisis: Covid-19 Pandemic

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ABSTRACT

Especially in times of crisis, states can influence the public and private spheres by relying on their legitimacy power. Aside from its emergence and importance for humanity, the state reshapes individuals' private and public spheres by influencing them. The reshaped public and private spheres undoubtedly require a new perspective. Whether these areas have changed, the fate of their boundaries and the approach of individuals and the state to these areas may differ between ordinary and extraordinary periods. In the emergence of differences, the current understanding of governance is as important as how the state perceives its people and how the people perceive the state. Because these perceptions affect the parties' expectations in ordinary and crisis periods, criticism or acceptance develops due to the actual practices. In this article, the Covid-19 pandemic has been defined as a crisis period, and the Republic of Türkiye has been chosen as the subject whose policies implemented during the crisis period have been observed. The study examines the state's authority to intervene in the public and private sphere boundaries during the Covid-19 pandemic and the changes in these boundaries. Within the scope of the article, the study carried out in this direction examines how the edges of the public and private spheres were affected by the state's interventions/practices/policies during the Covid-19 crisis.

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Introduction

The 20th century was when many fundamental rights and freedoms, such as the right to live, personal inviolability, privacy and protection of private life, and freedom of movement, were granted to individuals. Some rights and responsibilities were also given to the state to realise these rights. One of these rights given to the state is negative rights. Negative rights include the right of the state not to interfere with the individual's freedoms, such as freedom of thought, freedom of conscience, inviolability of residence and freedom of movement. With negative rights, the individual is tried to be protected against the state. The freedoms that the individual cannot transfer, such as language, religion, gender, ethnicity and race, are negative freedoms. The state must respect and not interfere with these negative freedoms. Negative rights are a set of rights that limit the state and draw the boundaries of the state. However, the individual needs the state to utilize his fundamental rights and freedoms better. Since the individuals cannot fully realize their freedoms, they need the help and services of the state in some areas, such as social security, health and education—the assistance and services the state provides to the individual fall within the scope of positive rights. While the state

respects and does not interfere with the fundamental rights and freedoms of the individual with negative rights, it helps the individual better use the freedoms it respects with positive rights.

These rights and obligations given to the state, especially positive rights, are realized in the public sphere where individuals are equally present. In other words, while the state does not intervene by respecting the private sphere of the individual with negative rights, it intervenes in the public sphere where society is together with positive rights. While the state's authority exists in the public sphere, technological developments and changes have also begun to see the state's authority in the private sphere. Especially in crisis management, the state has intervened in the public and private spheres. The state intervenes in the private and public spheres to fulfil the negative and positive rights given to it and, most importantly, to protect the individual and society. This situation manifested itself during the Covid-19 pandemic.

On December 1, 2019, Covid-19 virus emerged in Wuhan, China. The Covid-19 virus, which spread throughout China, started to spread to many different parts of the world due to fast transportation networks. Upon the virus's rapid spread, the World Health Organization declared a pandemic on March 11, 2020 (WHO, 2020). The Covid-19 virus, which is effective worldwide, has caused millions of people to lose their lives. It has caused problems in many areas, such as worldwide economic, health, education, cultural and social issues. The state has played an essential role in managing this Covid-19 crisis. The state has taken many measures since the outbreak of the pandemic. In particular, the fundamental rights and freedoms of the individual have been restricted to protect the health of the society. Although these restrictions are contrary to negative rights, the state has temporarily restricted the fundamental rights and freedoms of the individual to protect the right to life of individuals and society. To protect the health of society, not only the fundamental rights and freedoms of the individual have been restricted, but also the state's intervention in both the public and private spheres has paved the way. The state took many measures such as curfew restrictions, restriction of freedom of movement, mandatory use of masks, and these measures continued until the end of the pandemic.

To find an answer to the question of the level of state intervention in the public and private sphere during the Covid-19 crisis and whether the borders of the state towards the public or private sphere have expanded, this article first includes a literature review to see the place of the study in the literature. In the next section, the definitions and boundaries of the public and private sphere are mentioned under the public and private sphere title. In addition, based on today's debates, the changes in the boundaries of the public and private spheres have been emphasized. In the Covid-19 and precautions section of the study, the development process of the Covid-19 pandemic and the measures and restrictions taken by the state in Türkiye after the pandemic outbreak are mentioned. In the main part of the study, Covid-19 restrictions and the distinction between public and private space, the restrictions and precautionary decisions taken in the Covid-19 outbreak were analysed and evaluated in terms of public and private space and the individual-state relationship. Finally, the conclusion section was included.

Literature Review

Despite the end of the pandemic, the fact that the effects of the epidemic continue has been compelling in many studies on the Covid-19 outbreak. In the literature review, the studies on the social impact of the Covid-19 outbreak are mainly on the effects of the curfew imposed on individuals aged 65 and over, such as the feeling of loneliness, the sense of exclusion from society, the narrowing of movement areas, and the negative consequences in the socio-economic field (Kapıkıran et al., 2022; İnce, 2020). Fatma Duygu Bozkurt (2021) stated in her study that the curfew imposed on individuals aged 65 and over and individuals under the age of 20 violates the principle of discrimination by limiting freedom of movement and the right to work. In particular, it was stated

that although the 20-65 age range is likely to be infected with the Covid-19 virus, it is unlikely to be fatal. The discussions on whether the state should take responsibility for the individuals between the ages of 20-65 who are infected and die and whether restricting the movement of individuals under the age of 20 and 65 and over is beneficial for public health were not discussed. Considering the fact that individuals aged 65 and over experience the pandemic process differently and the effects of the practices for the elderly on the individual, the article analyses the relationship between the state, society and the individual during the pandemic.

Looking at the socio-economic impact of the pandemic, Mehmet Şükrü Nar (2020) and Emre Şimşek (2021) stated that the restrictions imposed during the pandemic will increase the inequality between different segments in socio-economic terms. Nar noted that the decisions taken during the pandemic will isolate the individual from the social sphere and that technological and internet developments will cause the individual's social life to move to the virtual space. Şimşek, on the other hand, stated in his study that the state has to protect the right to life; therefore, the state should take adequate measures to protect public health, but when the number of individuals who died due to the epidemic is considered, he claimed that the state did not take adequate measures. In both studies, the extent to which the socio-economic status of the society and the individual was affected in line with the steps taken by the state was emphasized. Within the framework of these claims, the article examines the extent of the state's authority to intervene in the public and private sphere during the pandemic.

Looking at the studies on the effects of the Covid-19 pandemic on education: In the studies conducted by Ramchandra Radha et al. (2020) and Kenan Orçanlı and Mustafa Bekmezci (2020), students' opinions on the effects of the pandemic on education were taken as a basis, and it was concluded that online learning is a suitable method and students can access education in a comfortable environment at any time. However, Orçanlı and Bekmezci drew attention to segments lacking the necessary tools to participate in distance education. Radha et al. only mentioned the positive aspects of online education in their study. Therefore, even though the main reasons for the inequality caused by distance education are not discussed in this article, the consequences of the state's decision for education will be included within the scope of the state-individual relationship.

In the literature, it is seen that there are many studies on the use of masks with the onset of Covid-19. Some of these studies are as follows: Shuo Feng et al. (2020) stated in their research that mask use varies worldwide. The study noted that while the use of masks is widespread in South Korea and Asian countries, the use of masks is mandatory in some countries, such as Japan and China. In the study, only the mask usage methods of the countries were mentioned. Still, it is seen that there is no research on the effect of masks used on the individual or that the state intervenes in the private sphere of the individual by imposing the obligation to use masks. Berna Fildiş (2020) and Ömer Karbuş et al. (2021) examined the effects of the mandatory use of masks on individuals in Türkiye during the pandemic period. Both studies stated that although individuals experienced particular difficulties using masks, they paid attention to wearing masks to protect themselves and their environment. In addition, it was stated that according to the individuals, using masks is their responsibility. Therefore, they are distant from the warning of people who do not use masks by the competent authorities or individuals. However, neither of the two studies discussed whether the state's compulsory use of acts violates the individual's rights and only focused on the effects of mask use on the individual. However, based on the results, such as the compulsory use of masks and its impact on the individual and the fines imposed on individuals who oppose the use of masks, we have examined the state-individual relationship and the violation of the individual's rights during Covid-19 in this article.

Since vaccination is a great solution to control Covid-19, vaccine studies were conducted, and the Covid-19 vaccine was found as a result of the studies. In the literature review, many studies were found in which individuals' attitudes towards vaccination were examined. Some of these studies are

as follows: Hatice Şahin (2022) and Hanife Başal and Elif Emir Öksüz (2022) examined the variables towards Covid-19 vaccine and anti-vaccination. In the studies, the idea that the existence of the Covid-19 virus is not accurate, the belief that the vaccine is produced to control social life, mistrust towards scientists, politicians and social media that produce the vaccine, the idea that the vaccine is not suitable for religion, the idea that the vaccine is made for profit on a global scale or for biological warfare without scientific basis were shown as the main reasons for the opposition to the Covid-19 vaccine. In addition, Başal and Öksüz, unlike Şahin, examined the positive or negative attitudes of individuals towards the vaccine based on their age, education level and gender. However, the state's intervention in the public or private sphere for vaccination, such as the state's decisions and the inability of the unvaccinated individual to enter the public/private sphere, were not examined. Considering the characteristics of individuals, such as age, education level, gender, and opinions against vaccination, this article examines the state's intervention in the public and private sphere during the pandemic.

Another study on the Covid-19 vaccine belongs to Mert Aykut Akbulak and Meltem Çöl (2022). The study examined the current situation of vaccine opposition in the world and Türkiye and included the policies and legal arrangements made by countries for vaccination. The study stated that lack of information was the basis of vaccine refusal and hesitation and that an environment of trust was not created. In the study, the suggestion that the individual should be vaccinated through coercion for the benefit of the general public was mentioned. However, it was not said whether making the necessary legal arrangements for the compulsory vaccination of the individual is a violation of the individual's rights. Based on all these, in this article, we investigated the effect of mandatory vaccination on the individual to ensure the general good.

There are studies examining the effects of technological applications such as the Hayat Eve Sığar (HES) application used during the pandemic on individuals. Hasan Giray Ankara and Büşra Tekin (2021) conducted a study on this subject. In their research, Ankara and Tekin included the thoughts of citizens using the HES application regarding privacy and security. It was stated that individuals trust the HES application and that this is because it is an application developed by the state. However, the study did not include publicising the public and private sphere with the HES application and that this situation poses a risk for the individual. The article examines the issue of making the individual's privacy open to authorized persons and sharing it with society in general. Şakir Eşitti (2021) stated that frequent surveillance practices during the Covid-19 pandemic may cause the practices to become internalized, ordinary and normalized in individuals. He emphasized that if the use of surveillance practices becomes permanent after the pandemic, the privacy of the individual and the idea of a democratic society will be at risk and that the individual is prevented from expressing his/her own opinion comfortably in private and public spaces. Unlike Eşitti, Bayram Noyan et al. (2022), who examined the use of the HES application in the Covid-19 pandemic, stated that the HES application made positive contributions to the fight against the pandemic and that individuals took care not to travel to places where risk intensity was shown in the application. However, the study did not mention that the individual makes his/her private area visible with the application and shares it with society and that the state can spy on the individual at any time with the application. The issue of the visibility of the public and private spheres with the application, such as the individual trying not to be in the places shown as red areas in the HES application, is included in the article.

The state has taken many decisions in the management of the Covid-19 pandemic. Studies have shown that some of the decisions made by the state lead to violations of the rights of the individual and society. In the survey conducted by Mine Kasapoğlu Turhan (2020), the curfew imposed by the state was discussed in terms of administrative law, the effect of the curfew on fundamental rights and freedoms and whether administrative sanctions imposed on individuals who violate the curfew are subject to judicial review. In the study, it is stated that the declaration of curfew in ordinary

periods is unconstitutional, and according to the Law on the State of Emergency from an Administrative Perspective, the duty to declare the curfew is not assigned to the Ministry of Interior. Therefore, the declaration of the curfew has no legal basis. A similar study was conducted by Çağrı Çeliköz (2021). His research stated that the restriction of travel freedoms with the circular issued by the Ministry of Interior was not based on the law. In addition, the measures taken were not based on the Public Hygiene Law and the Provincial Administration Law, and the decisions taken were only for show. Volkan Aslan (2020) has stated that the measures taken to restrict fundamental rights and freedoms during the pandemic must comply with Article 13 of the 1982 Constitution, as a state of emergency was not declared. However, he has pointed out that even if the measures were taken in accordance with the relevant articles of the 1982 Constitution, the curfew is contrary to the principle of legality and, therefore unconstitutional. It has been emphasized that the scope, duration, and form of the restrictions should be clearly defined in the law for the implementation of curfews. Additionally, it has been stated that the lack of clarity regarding which law will be enforced in case of individuals violating the restrictions is problematic. Aslan has highlighted that the government's decision to restrict rights and freedoms during the pandemic is unconstitutional. Considering that the decision to impose curfew and restriction of freedom of movement during the pandemic was not based on the constitution, the article analyses the decisions taken by the state during the pandemic within the scope of the state-individual relationship and the state's intervention in the public and private sphere.

In the literature studies, the decisions made by the state in the management of the pandemic were evaluated to be insufficient in some studies. In contrast, in some studies, it was stated that they were appropriate and natural decisions. One of the studies emphasizing that the measures taken by the state during the Covid-19 pandemic were insufficient belongs to Yahya Alameşe (2021). Alameşe stated that the traditional understanding of security was insufficient against a critical security threat such as Covid-19 and that the state's traditional understanding of security was weak for human security. However, İzzet Erdem (2020) stated in his study that public health was prioritized in Türkiye with measures such as starting to take precautions when the Covid-19 virus was not seen in Türkiye, raising public awareness on this issue and implementing some practices for social isolation, taking decisions by the scientific board, and taking measures according to the spread of cases and deaths. However, neither Alameşe's nor Erdem's study mentioned whether the measures restricted the public and private spheres of the individual. Based on the claims in the articles on whether the decisions taken by the state during the pandemic were sufficient to ensure the safety of the individual, the size and limit of the state's authority to intervene in the individual are discussed in the analysis and evaluation part of our study.

The study by Ari R. Joffe (2021) stated that although the quarantine decision taken by governments in the Covid-19 pandemic was aimed at protecting public health, economically disadvantaged groups were more affected by this situation. It has been claimed that unemployment, loneliness, food insecurity, interruption of education, increase in mental disorders and increase in partner violence will lead to significant losses in welfare now and in the future. It was emphasized that governments' increasing spending on health and decreasing spending in the social sphere for the health of the society would lead to economic stagnation and cause more loss of life than the pandemic. All of this is the source of our study in analysing the impact of the decisions taken by the state during the pandemic on the individual and the effects on the public/private sphere.

Finally, the central area of the article is the state's observance of public health while managing the pandemic and entering the border of fundamental rights and freedoms. Therefore, it is necessary to mention the studies conducted in this field. A similar study was conducted by Artur Jasinski (2020). In his study, Jasinski stated that changes were made in social life and the functioning of cities during the pandemic. He examined these changes around the public sphere and discussed the changes that the public sphere has undergone. In the study, it was emphasized that the public sphere narrowed,

and the private sphere expanded. It is stated that the individual avoids crowded environments to avoid getting caught in the epidemic and isolates himself from the atmosphere by wearing masks, sunglasses, hats and headphones. Thus, it was stated that the public space was privatized from the public environment to another dimension of the virtual space. Similar studies were conducted by Betül Şahin (2022) and Özge Tekçe (2021). Şahin stated that with the emergence of the pandemic, the need for personal space increased in individuals. She noted that grocery shopping occurs in online markets, but some individuals go to the markets and shop by creating personal space for themselves. He explained that individuals try to create private space in the public sphere. Teke stated that the need for close public spaces increased in individuals due to the curfew during the Covid-19 pandemic. He stated that individuals use the closest public spaces by visiting neighbourhood parks, doorsteps, and streets. The effect of the state's measures in managing the epidemic on the individual's public and private sphere constitutes the main subject of our study. The studies from the literature review constitute the source of the article's main subject. However, in the literature review, very few studies discuss the impact of the state's crisis (Covid-19 pandemic) management on the boundaries of the public and private spheres. To fill the gap in the literature, this article evaluates the authority and limits of the state in the public and private spheres during the crisis period in Türkiye.

In this study, which examines whether the preventive decisions taken during the pandemic have created an expansion and contraction in the authority of the state and the changes in the state-individual relationship during the pandemic, it is necessary first to address the issue of public and private space to make the subject comprehensible.

The Concept of Public and Private Space

The concept of public space dates back to Ancient Greece. The concept of public space, based on the word "public", means the space open to the knowledge and control of citizens in Ancient Greece. On the other hand, private space refers to the intimate/secret space associated with the individual himself/herself, his/her family, his/her work, and his/her friends. In the 17th century, public and private space concepts began to clarify. While the public sphere is an area open to the knowledge and control of all people, the private sphere is an area that is not open to everyone, has certain boundaries, and where relationships such as oneself, one's family and friends, and work are carried out (Onat, 2010: 14-18).

Aristotle spoke of three lifestyles. The lowest lifestyle is the private sphere of the body's work and pleasure. Freed from the difficulties of this life, the individual turns to the political sphere of life. This political sphere of life is the public sphere. This sphere is called "polis". The sphere of life considered superior to the polis is "theoria"; it is where man is alone with himself, and the act of thinking takes place. However, according to Aristotle, the polis is "the sphere of freedom of citizens" (Onat, 2010: 10-11). In Ancient Greece, the condition for entering the polis was to own property. However, foreigners, enslaved people and women residing in Athens were not allowed in the Polis. Women, enslaved people and children are included in the private sphere. The Polis is an area established on the grounds of freedom where virtue can be acquired (Aristotle, 2011).

Hannah Arendt, who analyses the public and private spheres in her work "The Human Condition", bases her public sphere model on Aristotle's political sphere of life mentioned above. According to Arendt, the public sphere is where subject differences emerge. In the public sphere, the individual exists in his/her own space. It is in this space that he/she acquires identity. In this sphere, politics is not understood based on personal characteristics such as language, religion, race and ethnicity. In the public sphere, the individual freely defends his/her thoughts and represents his/her power. There is continuity and equality in this sphere. However, in the private sphere, the individual may

not be aware of what is happening around him/her. Because the individual has not yet gained his/her political identity in this field (Arendt, 2021: 31-50).

The natural sphere in which the individual exists is the private sphere. This is the sphere in which human beings have to survive, in which relationships are obligatory, and in which there are no political activities. "... *the police sphere was the sphere of freedom, and if one were to speak of a relationship between these two spheres (the household and the police), it would naturally be a relationship like this: the condition for the freedom of the police is to be master of the necessities of life in the household*" (Arendt, 2021: 68). According to Arendt, the public sphere is a space of freedom, where the meaning of being human prevails and politics is active, while the private sphere is a space of secrecy and oppression. In the public sphere, there is freedom, speech and action, while in the private sphere, there is labour, work, obligation and violence. While the public sphere is a transparent and more open space, the private sphere is one where some things must remain hidden. Everything is visible in the public sphere, and there are things to hide in the private sphere, which expresses the distinction between the private and public spheres (Arendt, 2021: 50-122). While the private sphere is dominated by violence and command instead of speech, the public sphere is dominated by speech and persuasion. "*To be political, to live in a polis, meant that decisions were made not by force and violence but by words and persuasion*" (Arendt, 2021: 62). We can say that there is no longer a public sphere when violence instead of speech occurs in the public sphere. Equality, freedom, action, speech, and plurality also disappear in this space.

Habermas arrived at the idea of a new public sphere based on the characteristics of the "bourgeois public sphere". The bourgeois public sphere is based on the relationship of social production: It is controlled by capitalists and depends on the capitalist's profit. It is a public sphere not open to women, workers and people from different ethnic groups (Zabcı, 2018: 5-8). Habermas defines the public sphere as follows: It is a specific space born in civil society, a central area that enables the formation of public opinion in modern society, and an institutionalized area of interaction where citizens discuss common issues (Özbek, 2004: 20-28). According to Habermas, the public sphere is the space where people debate equally, critically and rationally. This form of discussion constitutes the basis of democracy (Karaoğlu, 2010: 20-28; Onat, 2010: 78).

In the public sphere, there is the state and the nobility, i.e. public power, while in the private sphere, there is the public. Habermas made the following statements: "*The private sphere includes bourgeois society in the narrow sense, that is, the sphere of the circulation of goods and social labor; it also includes the family with its sphere of privacy*" (Habermas, 2015: 98). In short, the nuclear family is seen as a sphere of privacy and is included in the private sphere. In addition, since people see themselves as autonomous in the market sphere and the market depends on need, it is in the private sphere.

Even though the family and work spheres are in the private sphere at the liberal level, socio-economic development has enabled the family and work spheres to develop in opposite ways. As a result, while the family has maintained its place in the private sphere, the fields of work or profession have moved out of the private sphere and taken their place in the public sphere. However, the family has not successfully maintained its place in the private sphere because the fact that it met its basic needs in the public sphere caused its place in the private sphere to be shaken. "*The so-called basic needs, which the bourgeois family once assumed as a private risk, are now met publicly on behalf of the individual family member*" (Habermas, 2015: 274). Habermas also states that "*(...) the family now becomes a pure consumer of income and leisure, a recipient of publicly guaranteed compensation and benefits*" (Habermas, 2015: 275). Developments such as the deterioration of family walls and the transparency of privacy have impacted consumption activities in the public sphere. After this, it is seen that reasoning in the public sphere has been abandoned. Habermas explained this situation

as follows: "*The world created by the mass media is public only in appearance*" (Habermas, 2015: 295). Mass media has made the boundaries of the private sphere visible.

There are many reasons for the state to operate in the public sphere. However, it has primarily been seen to use public spaces as a means of disseminating culture, and these public spaces have become a part of democracy (Pratt, 2017: 2). Here, the idea that the social perspective of the ruling cadre of the state is reflected in public spaces is explained. The way these spaces are used and how the concept of the public is filled in can be shaped by the preferences of the political power-seeking legitimacy.

The development of the Internet, technology, and the social square have led to changes in society's lifestyles. With these changes, individuals have started to reflect their private sphere to the public sphere through social media. This leads to the publicization of the private sphere and the narrowing of boundaries. Thus, the private sphere has entered the agenda of the public sphere. Social media and other new media tools, such as virtual public spaces, allow individuals to carry out activities online that they can perform in the public sphere. However, social media and other technological tools will enable the individual to be visible in the public sphere at any time and place. This situation provides the opportunity to enter the individual's privacy beyond the individual's control (Alacahan and Vatandaş, 2021: 721-730).

Throughout history, activities such as entertainment, leisure, research, information, and consumption have primarily occurred in the public sphere. However, the internet and technological development have allowed these activities to happen in the private sphere (Carmona, 2021: 134). In this way, the individual can carry out activities not in public spaces that the state can directly limit and control but in private spaces whose borders are determined by the state. Considering the regulations, limitations and rules that the state has made on the Internet, the individual in the private sphere is monitored by the state just like in the public sphere. The state narrows the boundaries of the private sphere for itself. The state's regulations, inspections and surveillance for the security of the individual violate the privacy of private life. However, the individual does not feel uncomfortable about being monitored and controlled by the state in the public sphere because these inspections and controls by the state make the individual feel safe. However, the state spies on the individual not only in the public sphere but also in the private sphere through secret wiretapping and monitoring e-mails and messages. The individual feels this but does not know they are being spied on clearly (Alacahan and Vatandaş, 2021: 728-729). In other words, the individual narrows the boundaries of his/her private space by using technology, the internet and social media. In addition, the state enters the boundaries of this private sphere with or without the individual's consent. As a result, the boundaries of the state's public and private spheres cannot be clearly stated because the boundaries of public and private spheres change and become unclear.

The Covid-19 Pandemic

The Covid-19 outbreak, which has affected the world and Türkiye, emerged on December 1, 2019, in Wuhan, China, according to the World Health Organization (WHO). The Covid-19 virus spread throughout China within two days. WHO declared a global emergency on January 30, 2020. After the virus started to spread worldwide, it was declared a Covid-19 pandemic on March 11, 2020 (WHO, 2020). The pandemic spreading around the world has led states to take many measures. However, despite the actions taken, according to WHO, 6,972,132 people died worldwide due to the virus (WHO, 2023).

State Policies during Covid-19

As the Covid-19 outbreak started to spread worldwide, the Coronavirus Scientific Advisory Board, consisting of 31 academicians from public experts, was established by the Ministry of Health in

Türkiye on January 10, 2020. The progress of the disease will be monitored, reporting will be made, measures will be taken, and treatment methods and opinions will be stated by this board (Anadolu Agency, 2020). At first, the Ministry of Health published a poster with 14 rules for the pandemic. These rules are as follows: hand hygiene, not touching the mouth, nose and eyes without washing hands, wearing a mask, social distancing, etc.

With the emergence of the first case in Türkiye, it was announced that education was suspended for three weeks in all higher education institutions according to the decision taken at the meeting held under the presidency of the President of the Republic on how to deal with the Covid-19 outbreak (YÖK, 2020a). After the suspension of education in universities, all higher education institutions started infrastructure studies for distance education due to the spread of the disease throughout the country. Later, universities decided to provide instruction in the form of distance education, digital pathways and open education in the spring semester (YÖK, 2020b).

As the pandemic spread rapidly to many parts of the world, many states have implemented some measures and restrictions to stop the spread. One of these restrictions is flight restrictions. Many states, including Türkiye, have imposed flight restrictions on specific countries. According to the decision taken by the Scientific Council, Türkiye first restricted flights to the People's Republic of China, Switzerland, Egypt, Austria, Italy, Iran, Iraq, Spain, England, Norway, Sweden, Germany, France, South Korea, Saudi Arabia, Ireland, United Arab Emirates, Belgium, Denmark, Netherlands and Azerbaijan. Later, 46 more countries were added to these 21 countries and in the following period, all flights from Türkiye to abroad were stopped. In other words, citizens were restricted from travelling abroad as of March 27, 2020 (Directorate General of Civil Aviation, 2020a; 2020b; 2020c).

On March 10, 2020, a circular was issued stopping the activities of civil society organizations and condolence houses. It was also reported that in 81 provinces, being in public places where the community spends time together was temporarily restricted (Republic of Türkiye Ministry of Interior, 2020c). In addition to these measures taken to prevent physical contact due to contact and airborne transmission of the pandemic, the Ministry of Health has requested that all alcoholic or non-alcoholic restaurants, eateries, patisseries, etc., serve only on a "grab-and-go" basis and not allow customers to stay in these areas. For this reason, workplaces such as patisseries and restaurants were asked to remove places where customers sit to eat, such as tables and chairs (Republic of Türkiye Ministry of Interior, 2020a). In addition, workplaces such as hairdressers, barbers and beauty centres were suspended (Republic of Türkiye Ministry of Interior, 2020d).

All schools nationwide were closed from March 16 to March 30, 2020. The Minister of National Education announced the launch of distance education for students through the Education Information Network (EBA) programs (Republic of Türkiye Ministry of National Education, 2020).

Since the Covid-19 pandemic mostly affects people aged 65 and over, on March 21, 2020, people aged 65 and over, people with chronic lung disease, asthma, weak immunity and hyper blood pressure, liver disease, COPD, cardiovascular disease and people who use drugs that disrupt the immune system were restricted in open squares, parks and public transportation and these citizens were banned from going out (Republic of Türkiye Ministry of Interior, 2020b). On 22 March 2020, with the Presidential Circular, it was announced that to ensure that the fight against the pandemic is not disrupted, public services are not disrupted, and flexible working models such as remote working (working at home) and shift work have been introduced regardless of the working methods of public institutions and organizations, with the condition of employing minimum personnel (Republic of Türkiye Official Gazette, issue: 31076).

The scope of measures taken to manage the pandemic has been expanded. The service hours of grocery stores were set as 09:00-21:00, and the number of customers inside was limited. The number of passengers specified in the vehicle licenses of urban and intercity public vehicles was halved. In addition, arrangements were made to ensure that individuals sitting in vehicles do not come into contact (Republic of Türkiye Ministry of Interior, 2020 ç; d).

With the circular sent by the Republic of Türkiye Ministry of Interior to governorships, activities such as walking and picnicking in picnic areas on Saturdays and Sundays, being on the coast, and ruins and promenades in residential centres are prohibited. Announcements/warnings were made to prevent people from leaving (Republic of Türkiye Ministry of Interior, 2020e).

With the circular issued by the Ministry of Interior on 03.04.2020, a new one was added to the measures taken to protect public order. According to this circular, entrances and exits to 30 metropolitan provinces and Zonguldak province, where lung disease is common, are banned for 15 days. In addition, a weekend curfew was imposed on all citizens in 30 metropolitan cities (Adana, Ankara, Antalya, Aydın, Balıkesir, Bursa, Denizli, Diyarbakır, Erzurum, Eskişehir, Gaziantep, Hatay, İstanbul, İzmir, Ordu, Sakarya, Samsun, Şanlıurfa, Tekirdağ, Van) and Zonguldak province. During this restriction, hotels, hostels, shelters, and nursing homes will be open (the Republic of Türkiye Ministry of Interior, 2020g).

Despite the measures and restrictions, a curfew was imposed in 30 metropolitan cities and Zonguldak province on April 17-19-25-26 as the outbreak spread rapidly. It was reported that banks and markets can operate between 09.00 and 14.00 during the curfew restriction. It was stated that individuals going out on the streets during the curfew would be warned and cautioned. It was also announced that individuals who do not comply with the weekend curfew would be subject to administrative fines and judicial proceedings against criminal behaviour (Republic of Türkiye Ministry of Interior, 2020f).

With the recommendation of the Scientific Committee and the decision taken by the Presidential Cabinet, all citizens aged 65 and over and those with chronic diseases will be able to go out on the streets between 11:00 and 15:00 on Sunday, May 10, 2020, in 81 provinces, provided that they comply with the social distancing rule and wear a mask. Likewise, children aged 14 and under and citizens aged between 20 and 15 were allowed to go out on the streets between 11:00 and 15:00 on Wednesday, May 13, 2020, and Friday, May 15, 2020, respectively (Republic of Türkiye Ministry of Interior, 2020 ğ).

Due to the increasing number of marriages during the pandemic, the Ministry of Interior sent a circular dated 02.09.2020 to 81 provincial governors and temporarily banned events such as weddings, circumcisions, henna nights, and engagement ceremonies. Only the wedding ceremony is allowed to take place within one hour. However, this wedding ceremony was allowed on the condition that social distancing was observed, areas such as runways were closed, food and beverage service was prohibited, and only first and second-degree relatives of the bride and groom were present. People over 65 and under 15 were not present (Republic of Türkiye Ministry of Interior, 2020i).

As the Covid-19 virus mutated and the pandemic continued to spread rapidly, the Presidential cabinet convened on April 13, 2021, and as a result of the meeting, it was announced that a 2-week partial lockdown would be imposed as of Wednesday, April 14, 2021. However, due to increased cases, a complete lockdown period was initiated between April 29 and March 17, 2021. That is, an uninterrupted curfew was imposed. During the curfew period covering 81 provinces, the working hours of grocery stores, markets, greengrocers, butchers, dried fruit shops and sweet shops were set

as 10.00-17.00 (Republic of Türkiye Ministry of Interior, 2021a). After these restrictions, there was a decrease in the number of cases.

On 08.09.2020, all citizens across the country (except residences) in public areas, streets, avenues, gardens, parks, picnic areas, shopping malls, public transportation, workplaces, factories, and beaches, etc., were obliged to wear masks without exception. It has been decided that no music broadcasting, such as live music or recordings, will be allowed after 24.00 in all eating and drinking or entertainment places such as restaurants, cafes, and hotels. It was stated that judicial and administrative actions would be taken if all measures taken were not followed (Republic of Türkiye Ministry of Interior, 2020i).

The Hayat Eve Sığar (HES) application developed by the Ministry of Health was implemented. Subsequently, with the circular issued by the Ministry of Interior as of 23.08.2020, the Hayat Eve Sığar (HES) code system has been implemented at the entrance of all public institutions and organizations (Republic of Türkiye Ministry of Interior, 2020h). With the Hayat Eve Sığar mobile application and the HES code received via text message and the Area QR Code Reader, individuals have been used in intercity journeys, at the entrance to public institutions, at the entrance of shopping malls, and in public spaces requiring individual communication (Republic of Türkiye Ministry of Health, 2020). With the Hayat Eve Sığar application, citizens could see their location on the map and the risk status and intensity of the epidemic in the regions they wanted to visit. On the map, the areas where the risk intensity was high were shown in 'red' colour, medium-risk regions and areas in orange-yellow colours, and locations and regions where the risk was shallow were shown in blue.

Countries like Germany, China, Russia and Türkiye have started vaccine studies against the Covid-19 virus. As a result of the studies, the Covid-19 vaccine was found and made available worldwide. With the discovery of the vaccine in Türkiye, "emergency use approval" was given for the Turkovac vaccine, and it was put into use. The first vaccine was administered to the then Minister of Health Fahrettin Koca on December 29, 2021 (Republic of Türkiye Ministry of Health, 2021c). The vaccine was first administered to healthcare workers and individuals aged 65 and over. In the following period, other citizens were gradually vaccinated. Individuals who wanted to be vaccinated were vaccinated by making an appointment through the appointment system (Republic of Türkiye Ministry of Health, 2021a). However, as in the rest of the world, some individuals in Türkiye did not want to be vaccinated. While some countries impose sanctions against those who do not want to be vaccinated, Türkiye has not imposed any sanctions against individuals who do not want to be vaccinated. For those who did not want to be vaccinated, a negative PCR test result showing that they were not infected was required for them to travel. To be in public spaces, they were asked to scan a negative PCR test, HES code or QR code (Republic of Türkiye Ministry of Health, 2021b).

With the decline in the speed of the outbreak and the negative PCR test result required upon the effect of the vaccine, the HES code inquiry required from citizens entering shopping malls, theatres, carpet fields and using public transportation such as planes, trains and buses was terminated with a circular issued by the Ministry of Interior on 03.03.2022 (Republic of Türkiye Ministry of Interior, 2022c). With the circular sent by the Ministry of Interior to 81 provincial governorships on March 27, 2022, the mask requirement was abolished in all indoor and outdoor areas and schools (Republic of Türkiye Ministry of Interior, 2022a). However, the obligation to wear a mask in public transportation continued until April 30, 2022. The use of masks in health institutions continued for a while (Republic of Türkiye Ministry of Interior, 2022b). As of 1 July 2021, the curfew and intercity travel restrictions were lifted, and a gradual normalisation process began (Republic of Türkiye Ministry of Interior, 2021b).

Covid-19 Restrictions and Public-Private Space Distinction

While the private sphere is a secret, private world belonging to the individual and where the individual lives isolated from society, it has started to gain visibility with the development of technology in modern times. The individual's effective use of social media and the Internet in the private sphere causes the boundaries of the private sphere to narrow (Özbek, 2004: 44). With the visibility of the private sphere, the individual has become open to the intervention of the state to ensure security and protect personal data. In addition, with recent changes, private tendencies and public activities have developed in public spaces. All this shows that the boundaries of the private and public spheres are not clear and transitory. It can be stated that these areas are open to state intervention. Especially in times of crisis, the boundaries of public and private spheres can be fluid. The measures taken against the Covid-19 pandemic, which spread worldwide, caused the boundaries of the public and private spheres to be transitive. For example, education, concerts, and museum visits in the public sphere started to be seen in the private sphere thanks to technology and the internet during the pandemic. The fact that activities that belong to the public sphere can be seen in the private sphere outside the boundaries of the public sphere shows that there is transitivity in the boundaries of the private/public sphere in times of crisis.

The state's measures during the pandemic led to the transitivity of the boundaries of the public and private spheres. This section of the study analyses and evaluates the measures and restrictions taken by the state, such as curfew restrictions, restriction of freedom of movement, distance education, mask obligation, ban on going out in open spaces and limiting participation in special moments such as weddings, engagements, funerals, entry and exit restrictions of markets, HES application and HES code, vaccination obligation and transfer of Covid-19 data.

Curfew restrictions

With the emergence of the Covid-19 virus in China and its subsequent spread worldwide, many measures and restrictions have been implemented. One of these restrictions is the curfew. Türkiye first imposed lockdowns on March 21, 2020, for people aged 65 and over. Upon the progression of the pandemic, curfews were imposed on individuals aged 65 and over, as well as individuals under the age of 20. A segment has to work among people aged 65 and over who are subject to curfew restrictions. The rate of this group in their age group is 12%. (Euronews, 2021). In other words, it is thought that the 12% of people aged 65 and over who have to work are ignored. As a result of the research, it was observed that health workers who do not have chronic diseases and Covid-19 pandemic symptoms in individuals aged 65 and over are exempted from the curfew (Republic of Türkiye Ministry of Labor and Social Security, 2021). Considering all these, it can be said that there are two different practices among all age groups and individuals aged 65 and over. First of all, among all age groups, elderly individuals were isolated from both social and economic spheres. Among individuals aged 65 and over, except for health workers, those who did not have health problems and epidemic symptoms and who had to work were kept at home. Thus, it was understood that they suffered economic losses. In addition, there is an idea that this group is protected by preventing those who do not work from going out on the streets. However, the state prioritized the health of this group on the grounds that individuals aged 65 and over were more affected by the Covid-19 pandemic. In regular times, the state does not obstruct individuals' transition from the private to the public sphere. However, during the pandemic, it required a particular group of individuals to remain in the private sphere for public health. Thus, it is understood that there is variability between the state practices in the ordinary period and the pandemic period and transitivity in the practices of intervention in spaces.

Individuals aged 65 and over could not do things within the individual's private sphere, such as shopping and withdrawing pensions, due to the restriction on going out on the streets. In the face of this situation, the state met the necessary needs of the elderly by using masks and following the rules of social distancing by the gendarmerie in villages and by public officials and helpful individuals in

cities and towns. This service provided by the state to individuals aged 65 and over leads to the interpretation that the state has entered the private sphere of elderly individuals. It is seen that elderly individuals are isolated from the public sphere, and their private space and private needs are narrowed with the restrictions.

In April 2021, 30 metropolitan cities and Zonguldak province were locked down on weekends. A "full lockdown" was then imposed on April 29-May 17, 2021. The lockdowns imposed in the country have brought about debates in terms of constitutionality. Due to the amendment of 13 articles in the 1982 constitution in 2001, the curfew restriction, which restricts the rights and freedoms of the individual based on "public interest, public order and public health", turned out to be unconstitutional (Gözler, 2001: 64-69). The state cited the Law on Public Hygiene and the Provincial Administrative Law as grounds for the curfew restrictions. The fact that these laws are cited as the basis means that the restrictions imposed and to be set on the society are in accordance with the law and that the state can manage the form, size and duration of the interventions as it wishes. At this point, it can be interpreted that the state can intervene in the fundamental rights and freedoms of the individual by citing the laws as a basis in different matters.

It is unlikely that curfews will be imposed during normal periods. The situations in which curfews can be imposed are regulated by Extraordinary State Law No. 2935. However, according to the law, curfew restrictions are not considered as a measure to be applied in case of natural disasters and dangerous epidemics declared as a state of emergency. The law includes measures taken in case of violent incidents that lead to a state of emergency. According to Aslan, the law does not grant the government the authority to impose a general curfew even in the event of a state of emergency due to an epidemic. However, it is unlikely that the government will be able to impose a curfew based on the general regulations on powers and duties in the Public Health Law and Provincial Administration Law, which limit it to situations where there is a declaration of a state of emergency due to violent acts (Aslan, 2020: 828-829).

Administratively, according to the State of Emergency Law, the Ministry of Health was authorized to impose restrictions such as curfews and freedom of movement. However, during the pandemic, it was observed that measures were taken by the Ministry of Interior instead of the Ministry of Health, leading to a serious violation of authority (Çeliköz, 2021: 6-47; Kasapoğlu Turhan, 2020: 560-565). Since the Ministry of Interior did not have the power to announce the restrictions by issuing a circular and the curfew had no legal basis, there was considered a gap in the constitution in this area. Suppose there is a gap in the constitution. In that case, it can be interpreted as follows: To protect the individual's right to live, the state has intervened in the fundamental rights and freedoms of the individual by using a right not granted to it in the constitution. This, in turn, indicates that the state has expanded its jurisdiction to intervene in the individual, that is, in the private sphere. In other words, it can be said that it has intervened in both the public and private spheres without relying on the Constitution and thus expanded the limits of its intervention. It can be stated that there is flexibility in the state's authority to intervene in society and the individual.

With the curfew decision taken by the state, preventing the individual from being in public spaces such as streets, avenues, sports fields, parks, and squares is state intervention in the public sphere. Likewise, the quarantine of the infected individual at home and the control by the police to ensure that the infected individual is at home is an intervention of the state in the private sphere. With the curfew restriction, individuals are prohibited from meeting with close relatives and friends, even in their own homes. Similarly, individuals are restricted from being in apartment gardens. All these are indicators of state intervention in the public and private spheres of the individual. It is clearly seen that the state has expanded its jurisdiction with these interventions.

Restriction of freedom of movement

Since the Covid-19 virus is transmitted from person to person by air and contact, individuals should act with their health and those around them in mind. However, some individuals could not protect themselves and their environment from the disease for reasons such as not believing in the reality of the virus. This situation jeopardized both the individual's health and the health of others in society. Upon this situation, in accordance with Article 23 of the principle of individual rights and duties in the constitution, if the individual's freedom to travel may constitute a crime, if there is a situation of endangering the right to life of another person or persons, the state may restrict the individual's freedom to travel to prevent crime. However, this restriction can be made by law (1982 Constitution of the Republic of Türkiye). In this way, the state can intervene in individuals who jeopardize their own right to life and the right to life of those around them and prevent individuals from committing crimes. In this regard, the state stopped all flights abroad on March 27, 2020. Thus, individuals were prevented from travelling abroad. This is a step that will reduce the rate of spread of the virus. In addition to preventing individuals from travelling abroad, many restrictions have been imposed on domestic travel. Among the restrictions on domestic travel, the number of passengers in intercity and urban public transportation was reduced, and the use of masks and travel with the HES code were obligatory. However, Abalı stated that in the 2001 amendment of the 1982 Constitution, travel restrictions were removed due to "general health" and stated that these restrictions were not in accordance with the constitution (Abalı, 2020: 97). However, Article 23 of the Constitution gives the state the right to protect the health of society and the individual by imposing certain restrictions on freedom of movement. However, the state can realize this restriction with a law in Article 23 of the Constitution. Based on all these, it can be interpreted that the travel restriction taken by the state is within the state's authority. Still, it is not fully compliant with the constitution since the restriction is not applied with a law enacted. However, since some individuals willingly tried to ensure that other individuals were infected during the pandemic period (Balantekin, 2020), the restriction imposed by the state on the freedom of travel was seen as a state of necessity, even if it was not in accordance with the constitution. The fact that the Constitution does not authorize the state to limit the freedoms of the individual due to public health but holds it responsible for protecting the health of the individual and society is an indicator of contradiction.

The State's restriction of freedom of movement is aimed at protecting society and the individual's right to life. However, this restriction is an intervention in the public space of the individual. By introducing the HES code or PCR test and the obligation to use a mask during intercity travel, a barrier has been placed in front of travel in public spaces. This barrier prevented the individual from travelling freely in public spaces, indicating the state's intervention in public space similarly, some individuals travelled by using their cars to avoid crowded places. The individual's vehicle use can be considered their private space. Authorized persons intervened in this private space due to the HES code or PCR test and the obligation to use a mask. Here, there is state intervention in the private travel of the individual for public health. Thus, during the pandemic, the state has expanded its jurisdiction by intervening in the private and public sphere of the individual with travel restrictions.

Obligation to wear a mask

The first of the measures taken in epidemic management is the 14 rules prepared by the Ministry of Health. These 14 rules and measures consist of hand hygiene, not touching the mouth, nose and eyes without washing hands, wearing masks, social distancing, etc. Individuals were required to comply with these rules, so the state needed individuals to wash their hands and to have disinfectants available and used in many areas outside. All this can be interpreted as the state's intervention in the hygiene preferences of the individual to protect public health. Despite the harmful aspects of wearing a mask and the discomfort experienced by the individual due to wearing a mask, it can also be stated that the state puts the individual in the second plan for the sake of public health. With the rules determined by the state, despite the individual's right over his/her own body, the state impacts the individual's body and restricts the individual by using authority.

With the social distancing practice, the level of interaction of individuals with the society was reorganized for the community's health. In short, these are examples of state intervention in the individual's private and public spheres for the general public's health. All these have expanded the state's jurisdiction during the pandemic, and with the rules introduced, the boundaries of the public sphere have been expanded, but the boundaries of the private sphere have been narrowed.

Administrative fines were imposed on individuals who did not wear masks during the pandemic. The administrative fines imposed on individuals who did not wear masks because they violated Article 282 of the Public Hygiene Law No. 1953 were appealed to the Court of Cassation. The Court of Cassation abolished the administrative fines imposed on using masks because there is no obligation to use masks in the Public Hygiene Law No. 1953. Even if the obligation to wear masks is accepted as a legal basis because the state must protect health, individuals should provide three masks per day as a requirement of being a social state of law. In addition, since the authority to issue administrative sanction decisions belongs to the local authority, not the administrative police, it was declared that the criminal proceedings were unlawful in terms of the element of authority (Uğur, 2023).

During the pandemic period, it was observed that individuals avoided crowded environments to prevent infection and isolated themselves from the environment by wearing masks, sunglasses, hats and headphones (Jasinski, 2020: 5). Jasinski claimed that public space has been privatized from the public domain to another dimension of virtual space. In public spaces, individuals tried to socialize using masks and with a social distance of 1.5 meters. In workplaces such as cafes, restaurants, patisseries and eateries, removing areas such as tables and chairs where customers sit to eat has pushed individuals into private space. To avoid being infected, the individual tried to be in the private sphere by performing their work in the public sphere quickly. All this has led to the narrowing of the public space. Preventing individuals from being in the public space collectively in an equal way has actually led to the privatization of the public space. This indicates transitivity in the boundaries of the public/private sphere.

Compulsory application of Hayat Eve Sığar (HES)

Individuals infected with the Covid-19 virus are identified in the HES application and monitored for 14 days to isolate them. In addition, individuals infected with the HES code and Scan Area QR Code are not allowed to be in public spaces. Only uninfected individuals with the HES code and Scan Area QR Code through the application were allowed to be on intercity travels, at public institutions, at shopping mall entrances, and in public spaces requiring individual communication. With the Hayat Eve Sığar application, individuals are notified by showing the regions where the epidemic is intense in red and where the intensity is low in yellow. By sharing their location information, individuals preferred to stay away from the red areas, showing that the outbreak was intense. With this application, even if individuals do not have the direct location information of other people, they can understand whether they are infected with the epidemic disease from the colour categories of the regions. By sharing personal data here, the individual causes the private sphere to gain visibility. The state can more easily observe this private space that has gained visibility. In fact, with the use of technology, it is noticeable that the state has expanded its dominance over the private and public spheres.

With the "Scan Area QR Code" application, access to the system was provided by scanning the QR code at specific locations such as shopping malls, university entrances, restaurants and public transportation. Thus, individuals in the same period and environment with the detected positive case were informed. In addition, uninfected individuals could be in public spaces by scanning the HES code or QR code and using a mask. All these practices prevented individuals from freely being in public spaces to protect the general public's health. However, some individuals, despite being infected, tried to survive the process on their feet by not going to the hospital in order not to be

restricted in terms of freedom and not to fall behind in public space and their working lives. This preference constituted one of the biggest obstacles to the pandemic. Should the individual be held responsible for the fact that individuals who bypassed the measures taken by the state acted without thinking about themselves and their environment, or should the state be held accountable for not taking harsher measures?

Ban going outdoors and not attending special occasions (engagements, weddings, funerals, etc.)

During the pandemic, the state banned citizens from being in open areas such as gardens, parks and forests. In addition, at first, special occasions such as weddings, engagements and funerals were banned. Still, with the decrease in the spread of the epidemic, only first-degree relatives were allowed to attend and special occasions were permitted to be held. During the pandemic, many events such as concerts, festivals and museum visits held in public spaces were moved to the virtual environment. The transition to a period in which the individual can visit a museum or participate in education at any time in his/her own home and in a comfortable environment has led to increased feelings such as comfort and laziness. The desire to work from home has increased in some individuals despite the end of the pandemic, as they spend less money by working at home, carry out their studies in a comfortable environment or access education at any time. This situation shows the individual's desire to move from the public to the private sphere. Children who stay at home during the pandemic and play with phones, tablets, and computers will prefer to live in the virtual space without leaving the private space in the future. This situation may affect the formation of a virtual public space within the private space of the next generation.

The ability of individuals to be in the public sphere with online applications in their own homes has led to the transformation of the private sphere into the public sphere. In addition, individuals' privacy and personal data are at risk with the devices used. In this case, the state, which is responsible for protecting the individual, must protect the individual against the public space created in the individual's private sphere and the risks that arise with it. This means state intervention in the private sphere. In particular, forming a public sphere in the private sphere will cause the state to increase its dominance over the private sphere. The situation in question shows that the boundaries of the private sphere have narrowed, and the state's intervention area has expanded.

During the management of the pandemic, the Ministry of Health of the Republic of Türkiye requested that all workplaces, such as restaurants, restaurants, patisseries, etc., provide service only on a "grab-and-go" basis and not allow customers to stay to prevent physical contact. Therefore, restaurants, patisseries and bakeries were asked to remove tables and chairs where customers sit to eat. In addition, the service hours of grocery stores were set as 09:00-21:00, and the number of customers was limited. These measures taken by the state to prevent the pandemic can be seen as direct intervention in the individual's daily routines. With the measures taken, the state tried to direct the individual's eating habits. Individuals cannot fulfil their daily routines freely, and they perform their routines around the conditions determined by the state. This is the state's intervention in the name of protecting public health. Individuals' accessible areas, such as shopping, daily routines, and nightlife, are restricted to protect public health.

The state has allowed non-contact individuals to be in public spaces by scanning the HES code or QR code and wearing a mask to protect public health. As a result of such measures, individuals began to experience a private space within the public space. The public space has become a space where individuals who meet certain conditions can enter rather than where everyone can enter; in other words, it has been privatized.

Between April 29, 2021 and May 17, 2021, a "full closure" period was implemented. During this period, the working hours of grocery stores, markets, greengrocers, butchers, dried fruit shops and sweet shops were set as 10:00-17:00. Apart from these, the working hours of some shopkeepers, shopping malls and many other commercial establishments were interfered with. In addition, due to the ban on events such as concerts and activities in the field of art, those working in these fields remained unemployed throughout the pandemic. However, factories continued to operate even during the entire shutdown period. All these are indicators that the state tried to balance public health and the economy. In short, the state tried to protect public health and prevent problems such as food shortages by keeping the country's economy afloat. However, despite the measures taken by the state, many businesses had to close down. Although the state tried to support tradesmen and working citizens with economic packages throughout the pandemic, financial problems occurred in Türkiye, as in many countries due to the pandemic. The uninterrupted operation of factories during the pandemic period, the change of working hours in some sectors, and the complete closure of some businesses caused some segments of the country to become richer and some segments to become poorer. However, the measures taken by the state were in the name of public health. Even though economy-oriented measures have been taken, some segments of society have been advantageous for some segments and disadvantageous for others.

Distance education

After the outbreak of the pandemic in Türkiye, education was suspended all over the country. Considering the course of the pandemic, the country switched to a distance education model at all levels, as the opening of schools would pose a risk. The Ministry of National Education created online platforms and tried to educate students through television channels. With the transition to the distance education model, it has become evident that some individuals have problems accessing education. The right to education was not fulfilled for those who wanted to participate in online education but lacked the necessary tools, such as technology and the Internet. The state has distributed tablets to students and provided internet connection up to a certain quota. However, some regions in the eastern parts of the country could not access distance education opportunities due to inadequate infrastructure (İHA, 2020). This has caused inequality in the field of education in society. With the distance education model, the state could not ensure all students had access to education. The first reason for this situation is that the pandemic emerged suddenly and caught the states unprepared. The second reason is that some regions of the country do not have sufficient technological infrastructure, and the third and last reason is that some segments do not have the financial means to access the necessary tools. For individuals to have access to the right to education, the state has provided make-up classes for those who could not participate in distance education, and it has been observed that the state has tried to fulfil its positive obligations for individuals to access their fundamental rights and freedoms during the pandemic period.

While education was seen in the public sphere in the normal process, with the emergence of the pandemic, the distance education model was switched to the distance education model so that education started to be seen in the private sphere. This situation has transformed the private and public spheres through online education. The individual could access education in the private sphere anytime and in a comfortable environment. This comfort experienced by individuals aroused the desire to continue after the end of the pandemic. With the use of technology and the internet, the public sphere has evolved into another dimension by performing some tasks, such as education and work, which are specific to the public sphere in the private sphere. In particular, doing public work in the private sphere has paved the way for the state's intervention in the private sphere. As a result, the process leads to the narrowing of the private sphere and the expansion of the state's intervention area.

Transfer of Covid-19 data during the pandemic

How the authorities manage during the crisis, the direction of travel and whether the measures and restrictions are sufficiently taken into account are understood from the information received by the public. During the Covid-19 pandemic, the Ministry of Health provided information to the public. In the Covid-19 table published daily, informative information was presented to the public by showing the number of patients who came to the hospital and were tested for coronavirus, the number of cases and the number of intubated patients. However, the Ministry of Health changed the coronavirus table on July 29, 2020. This new table shows only the number of patients who tested positive for coronavirus and were treated in the hospital. In short, those who tested positive but were isolated at home were shown as carriers, and this carrier group was not shown in the table.

The change in the coronavirus table has brought along many debates. According to some, the change in the table was intended to prevent panic in society and further damage to the economy with the pandemic. In addition, it has been claimed that the data is being harmonized with international data because the tests performed in Europe due to the virus descending into the lungs were negative and, therefore, not reflected in the number of cases. Another group claimed that the outbreak could not be controlled, hospitals were overcrowded, and this percentage of data was hidden (Yeni Safak, 2020).

The information shared with the public during the Covid-19 pandemic leads to a lack of trust or confidence in public authority. Preventing individuals' right to information brings along debates and causes unrest in society. In fact, the changes made to the coronavirus picture mean interfering indirectly, if not directly, in the public sphere. In light of the information received from the Ministry of Health, individuals choose whether or not to be in public spaces to protect themselves and those around them. In other words, the presence or absence of an individual in a public space is based on the information the individual receives. For citizens to comply with the restrictions and measures taken by the authorities, the data should be shared with society because there is a relationship between the public's access to information and the excellent management of the pandemic process.

Covid-19 vaccine mandatory

With the emergence of the Covid-19 virus, many countries have started vaccination studies since vaccination is the effective way to combat the epidemic despite many precautions taken. Vaccine discovery studies were conducted in many parts of the world, and Türkiye was also included in this race. As a result of vaccine studies, the Covid-19 vaccine called "Turkovac" was developed. With the discovery of the vaccine, the Turkovac vaccine started to be administered gradually throughout the country on the first vaccination of Health Minister Fahrettin Koca. At first, healthcare workers and individuals aged 65 and over were vaccinated. Despite the continuation of vaccination efforts across the country, some individuals did not want to be vaccinated because the vaccine was developed rapidly, the vaccine would have side effects, and there was no trust in vaccine companies. This situation was not unique to Türkiye, and anti-vaccination sentiment has emerged in different parts of the world. Especially in some European countries, restrictions were imposed on individuals who did not receive the vaccine, preventing them from participating in the public sphere. This has led to protests. Some countries have made vaccination compulsory. However, in Türkiye, vaccination is not mandatory, there are no sanctions against those who do not want to be vaccinated, and vaccination is voluntary. However, with the approval of the governor's office, anti-vaccinationists protested at the "Great Awakening" rally in Istanbul. At the rally, journalist-writer Abdurrahman Dilipak made a speech. In his remarks, it was stated that the vaccine was developed in a short period of 6 months and that there were seven different mutated viruses during this period, and he demanded an explanation of which microbe the vaccine was made against (Hürriyet, 2021).

No sanctions were imposed on individuals who were not vaccinated in the country. However, all measures and rules required for individuals to be in public spaces before the development of the

vaccine continued to apply to unvaccinated individuals. In other words, the PCR test and HES code requirement continued for non-vaccinated individuals to enter shopping malls, travel, and attend schools (universities) for education. The continuation of these rules and measures pushed individuals to get vaccinated. Although the individual is an entity that makes decisions with free will, directing the individual to be vaccinated has created a situation that can restrict free will for the benefit of society. Especially through traditional media and social media, the idea of the individual being vaccinated was positively influenced by the participation of well-known celebrities in public spots and advertisements. In the face of all these, it is seen that the individuals are directly or indirectly pressured to be vaccinated even though they do not consent, and it is ensured that they make their own decisions under this pressure. Due to factors such as the increase in the number of deaths caused by the virus and the spread of images of individuals who died due to the epidemic, the decision of individuals who have not yet been vaccinated to be vaccinated has been taken as a result of fear and pressure.

In the current legislation, vaccines developed for the Covid-19 virus are not included in the scope of legally mandatory vaccination. However, if the society is not vaccinated, the state can make necessary regulations in the constitution for public health and make vaccination compulsory. Making vaccination mandatory without the consent of the individual means interference in the individual sphere or individual life. Imposing compulsory vaccination by restricting the individual's freedom without relying on the Constitution causes a violation of rights.

Obligations such as PCR tests and HES code requirements for individuals who are not vaccinated to enter shopping malls, travel, and attend schools (universities) for education are actually indicators of state intervention in the private and public sphere of the individual. The state has put obstacles in front of the individual to be in the public and private sphere. Once individuals pass these barriers, they can comfortably be in the public and private spheres. This situation is actually an indication of the limitation of the individual's public and private sphere by the state. With the restriction made by the state, barriers are placed in front of the individual, and when the individuals pass these barriers, they can enter the area they own. This process shows that the state has expanded its authority for public health.

The discovery of the Covid-19 vaccine has brought many debates. One of these debates emerged after the end of the pandemic. This debate is about the BioNTech vaccine. A woman sued the BioNTech company because she experienced some side effects after receiving the BioNTech vaccine. BioNTech denied side effects, stating that 1.5 billion people had received the BioNTech vaccine and saved 20 million lives during the pandemic. The company stated that it had positive reports from European Union regulators and German vaccine evaluation institutions and that they had saved lives globally (Euronews, 2023). The decision to accept the woman's claim of post-vaccine side effects in the case in Germany affects not only German citizens but also approximately one and a half billion people who received the BioNTech vaccine. In this case, the question of whether the state can take responsibility for individuals who use the vaccine in Türkiye arises. Another question is whether the state will leave the responsibility to the individual since individuals voluntarily choose the BioNTech vaccine among the BioNTech, Sinovac and Turkovac vaccine options. In addition, the question of whether it is possible to use the documents signed by individuals before vaccination in cases of responsibility and payment is also asked at this point.

It was criticized that the measures the state took during the crisis (Covid-19 pandemic) were insufficient. It was criticized that the state's traditional understanding of security was inadequate and that its interventions to keep the individual safe were limited. In these criticisms, it was stated that the state should adopt an understanding of intervention that would ensure the security of the individual. According to Alameşe, the individual becomes free with the security provided by the state. Therefore, he emphasizes that the state should expand its scope of intervention (Alameşe, 2021: 46).

However, the state's priority is to protect public health. Therefore, during the pandemic period, the state restricted the fundamental rights and freedoms of the individual in many areas, such as curfews and restrictions on freedom of movement. It has already expanded its intervention area with these restrictions. If the state expands its intervention area further, the individual has no fundamental rights and freedoms. On the other hand, the risk of eliminating the fundamental rights and freedoms of the individual may lead to the emergence of the state as an absolute power.

Considering the pandemic period, restricting some fundamental rights and freedoms of the individual can be regarded as a necessary measure to prevent the spread of the virus. In addition, it can be said that having a model understanding that is open to the state's intervention to protect the society's health enabled Türkiye to overcome the pandemic better than European countries. In many European countries, the fact that the state is closed to intervention may cause difficulties in managing the pandemic.

During the pandemic, there has been direct or indirect state intervention in society and the individual. Many measures and interventions have caused changes in the boundaries of the public and private spheres, such as the activities such as excursions, concerts, and education, which are carried out in the public sphere, being carried out in the private sphere with the use of technology and the internet, the state's measures and rules entering the public sphere, creating obstacles in front of the individual and turning the public sphere into a private sphere. However, it can be clearly stated that in managing the pandemic, the state has expanded its jurisdiction with its interventions, regardless of whether they are in accordance with or against the law.

Conclusion

With many changes in modern times, the boundaries of the public and private spheres have become blurred. Technology, the development of the internet and the development of individual rights cause the boundaries of the public and private spheres to become fluid. The fact that an activity in the public sphere starts to be seen in the private sphere indicates a change in the boundaries of the public and private spheres. Likewise, the recognition of a right in the public sphere, which is in the private sphere, in the public sphere leads to the transitivity of the boundaries of public and private spheres. Changes in these boundaries are not only due to technological advances or the development of individual rights. An event or a crisis period fragile the boundaries of the public and private spheres. This is because the state's intervention in the private or public sphere during a crisis also affects the other spheres. In other words, a change in the public sphere affects the private sphere, and a change in the private sphere affects the public sphere.

The rapid spread of the Covid-19 virus, which emerged in China, caused states to take measures and precautions against the pandemic. Many measures have been taken by the state in Türkiye during this crisis period. The measures taken affect the public and private spheres. In the Covid-19 pandemic, the importance and rules introduced by the state, such as the obligation to wear masks, the 1.5m social distance requirement, and the QR code or HES code for entry to public spaces such as shopping malls and restaurants, are indicators of intervention in the public sphere. These interventions have narrowed the public space. The individual creates a private space for himself/herself by isolating himself/herself from others in the public space. Thus, a private space has been created within the public sphere, and the boundaries of the private sphere have been expanded. Based on the rules and measures introduced by the state for the individual to access his/her fundamental rights and freedoms in the public sphere, it can be clearly stated that the state has expanded the limits of intervention.

Measures such as quarantine, restriction of freedom of movement, obligation to wear masks, and social distancing were used to reduce the interaction between individuals and ensure that the

individual was in the private sphere. However, the mass media and the internet, which individuals use in the private sphere, have enabled interaction between individuals, which has led to the formation of a public sphere within the private sphere. It may seem that the state has tried to restrict the public sphere by intervening in the public sphere. Still, turning the private sphere of individuals into the public sphere has caused the boundary of the public sphere to expand and the state to intervene in the private sphere. It is seen that the boundary of the public sphere has grown, but the boundary of the private sphere has narrowed in this regard. In other words, the restrictions/practices taken by the state have caused a narrowing or expansion in the boundaries of the public and private spheres.

It is thought that the state has expanded its intervention limits and authority by imposing curfews and restrictions on freedom of movement without relying on the Constitution. In short, during the Covid-19 pandemic that affected the world, the state took many measures and imposed restrictions to manage the crisis in Türkiye, as in many other states. All this was done to protect public health. The state has expanded its jurisdiction to protect public health. It has tried to overcome the crisis period by taking constitutional or unconstitutional measures. The fundamental rights and freedoms of the individual were restricted, and measures were taken to interfere with the boundaries of the public and private spheres.

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