**RESEARCH ARTICLE**

# Turkish Penal Politics within Biopolitics: Changes and Continuities since the 2000s

**Nilay Kavur**

*Koç University*

## ABSTRACT

*The Turkish criminal justice system has undergone significant reforms since the early 2000s. Probation services and addiction treatment centres have followed the legislative changes. Prisons have changed through centralization and securitization processes and improved in terms of prisoners' rights with an increase in the availability of prison space. These developments have impacted positively on the legitimacy of the criminal justice system. In the last years, however, prison administrations have been struggling with overcrowding problems alongside the bottlenecks in judicial cases. It is true that Turkish penal politics has been shaped around its will to protect first and foremost the sovereign power of the state. I further argue that the prison regime has transformed in such an efficient way that its governance corresponds both to transformations in the neoliberalizing political economy and the state's will to consolidate its own sovereign power and security. There is a convergence of increased securitization in crime control with a neoliberal trend and sovereign state's own security.*

CORRESPONDING AUTHOR:
Nilay Kavur (nilaykavur@gmail.com)
Koç University, Rumelifeneri, Sarıyer Rumeli Feneri Yolu, 34450
Sarıyer/İstanbul, Turkey

## 1. Introduction[1]

The Turkish criminal justice system has undergone significant reforms since the early 2000s. The introduction of the probation services and mediation, as well as developments in addiction treatment centres, followed legislative changes. Prisons have undergone major transformations in terms of both architecture and management through centralization and securitization processes. They have acquired a modern look and acceptable standards in terms of prisoners' rights. These changes and transformations have occurred as an extension and reaction to international developments, including the human rights principles introduced through legislation, training and new institutions, as Turkey lies at the periphery of Europe and wishes to emulate European standards. At first glance, all these developments indicate progress that has had a positive effect on the legitimacy of the Turkish criminal justice system. In the last few years, however, the Turkish prison administration has been struggling with overcrowding problems alongside bottlenecks in judicial cases, due to political crimes. There is an increase in the imprisonment rates and an accelerated securitization process in the prison regime. What are the underlying political, economic and social causes of this securitization trend in the Turkish penal politics? This paper provides an overview of the major transformations in the criminal justice institutions, with a particular focus on imprisonment and sheds light on social control in Turkish society through crime control, i.e. Turkey's penal politics.

Criminological literature has remained sparse in Turkey until today. A common language to argue about the penal history or culture of Turkey has not yet been developed to tackle general crime rates and policies. Criminal incidents find space in the media as individual and sensational cases, disconnected from structural variables such as class or ethnicity. Criminal justice policies or direction of penal policies do not find much space in broadcasts, except for highly politicized issues such as counter-terrorism or violence against women. Crime rates or issues in the criminal justice system do not translate into material for the current government or the competing

---

[1] I would like to thank the anonymous reviewers for their constructive comments on the earlier versions of this paper.

parties to collect votes in a populist manner. Crime control is tackled primarily by law graduates or the police department but not by social scientists. Moreover, there is no established work culture of calculating and presenting trends in crime and imprisonment rates. Data is mostly presented raw in tables rather than interpreted in graphs, which makes it difficult to keep track of crime and crime control rates and yearly trends. There is a pressing need for the standardization and systematization of the official data gathered by different state organs. The following changes are also needed: making data accessible for researchers; introducing a routine national victim survey; identifying recidivism through the organization of data between different state organs; uncovering factors leading to recidivism; and facilitating the introduction of intervention programmes (Topçuoğlu 2015).

Across the international literature, imprisonment is used synonymously with punishment as its most severe form in most countries (Hudson 2003, p. 119). Hence, an analysis of the prison system gives the most relevant data to analyse the penal system. In Turkey, prison politics and policies have focused on political prisoners, which has resulted in a lack of regard for the problems of ordinary prisoners (constituting approximately 90% of all prisoners in 2015) (Mandıracı 2015). Until recently, these political prisoners were detained either on the basis of their stance against political economy, i.e. being leftist, or on the basis of their ethnic identification, such as being Kurdish. Though the literature on the detention of political prisoners has made an invaluable contribution to the history of imprisonment in Turkey (Neziroğlu 2006; İbikoğlu 2012; Hakyemez 2017), it has been written with the purpose of questioning the legitimacy of detaining political prisoners, and by nature does not tackle imprisonment and control of perpetrators of street crime in general. According to Neziroğlu (2006), İbikoğlu (2012) and Eren (2014), throughout the history of the Turkish Republic, penal politics has been shaped to govern political prisoners that threaten the sovereign power of the state that holds the monopoly over the means of violence. I agree with this, but further argue that the prison regime has transformed in such an efficient way that its governance corresponds both to Turkey's political economy and the state's will to consolidate its sovereign power. In this article, I will demonstrate

how the developments in neoliberalizing the political economy and concerns around the government's security, as the sovereign state power, have converged in the penal culture and imprisonment policies of Turkey.

Overall, there are two axes in this paper. One axis scrutinizes the security concerns deriving from the sovereign state power throughout the history. The other axis analyses the concern over the security of the population that is threatened by ordinary non-political crimes. Both the security of the state and the security of the population are sustained through increasing imprisonment numbers and securitization of the prison regime in terms of architecture. It is possible to analyse these security concerns separately. However, this paper aims to weave the ways in which they intersect in Turkish penal politics.

## 2. Biopolitics as a tool to analyse security concerns in Turkey

In the international literature (Rusche & Kirchheimer 1939; Melossi & Pavarini 1981; Feeley & Simon 1992; Cavadino & Dignan 2007), imprisonment and penal culture are analysed in correspondence to relations of production and transformations in the political economy. Turkey's general criminal justice and imprisonment system have yet to be analysed with this approach, except for Sipahi's studies (2006, 2016) that covers mid-20th century prisons. The concept of biopolitics or governmentality (Foucault 1991, 2007, 2008) is a theoretical research tool, and a guideline to scrutinize Turkey's penal culture holistically.

Biopolitics refers to the production of knowledge and techniques to manage the population as a social entity within the transformations in the capitalist relations of production. Penal politics constitutes one of the aspects to manage the population, besides the issues of health, hygiene, birth rates, death rates, race, life expectancy, and the general social security of the population. By definition, biopolitics takes 'population' as its target, 'political economy' as its principle form of knowledge and 'apparatuses of security' as its technical means (Foucault 1991, 2007). Foucault (2007) argues that this art of governing develops as the population becomes the main target of the governor and economy is introduced as a correct way of managing individuals.

Government is defined as a right manner of disposing things so as not to lead to a form of common good, as the jurists' texts would have stated, but to an end which is 'convenient' for each of the things that are to be governed (Foucault 1991, p. 95). So, things must be *disposed*. Foucault underlines the term 'dispose' as government disposing things rather than imposing law, even 'using laws themselves as tactics- to arrange things in such a way that, through a certain number of means, such and such ends may be achieved' (Foucault 1991, p. 95). The term governmentality refers to the production of strategies and tactics to dispose things and to manage the population. Imprisonment is one of the mechanisms of disposal. Population is governed with a wide notion of security that encompasses all areas of life, including health, hygiene, birth, death, life expectancy, social security system. Drawing from Foucault, Agamben complements the concept of Biopolitics by contemplating on the sovereign power's own security.

Agamben (1998, 2005) elaborates the modern biopolitics through the control techniques over people who are in conflict with the sovereign power of the state with a focus on the 'state of exception'. Agamben studies the exclusion from protection of the law, the emergence of bare lives outside of the protection of the law, and the suspension of legal rights while the law is still in force. The sovereign power, i.e. the central state that holds the monopoly over the means of violence, may suspend the law for certain groups that are perceived as a threat to the very security of the state itself. The suspension of law while the law is still in force is practiced in many anti-terror policies in the world, including Turkey. Hence, Topaloğlu and Fırat (2012), Yonucu (2018a) and Mercan and Denizhan (2020) have studied law and policing practices in Turkey in anti-terror actions of the state, from Agamben's lens. The concept of biopolitics as developed by Foucault (2007, 2008) and later by Agamben (1998, 2005) provides a robust basis to interpret what issues become security concerns in Turkey and how penal politics respond to these security concerns.

Overall, in this paper, the history of imprisonment in Turkey is considered within biopolitics, 'as the politics of optimizing life of (a selective) population', both in relation to the political economy (Rusche & Kirchheimer 1939; Foucault 1977,

1980; Melossi & Pavarini 1981) and in relation to the manifestation of sovereign power (Agamben 1998, 2005). A quick overview of the recent implementations in the Turkish prison regime could imply that the prison regime is mainly shaped by the will of the sovereign power of the current government and its tactics to eliminate the threats against its very own existence. In other words, some of the changes and shifts have taken place due to the sovereign state's power's concern about its own security. A historical analysis of the prison regime, however, also situates these transformations within the political economy. The transformations must be observed as a convergence between the developments in political economy and the sovereign power's own security concerns. Below, I will first present an account of the shifts in the history of Turkish prison regime and architecture. Following the transformation in the prison regime, newly developed legislations and institutions will be discussed.

## 3. Prisons of Turkey

### 3.1. *Prison regime and architecture until the 2000s*

Revisionist penitentiary theories allow researchers to analyse the prison as the main site of punishment in relation to the political economy and relations of production that transform over time. Rusche and Kirchheimer's (1939, p. 5) well-recognized analysis of the correspondence of punishment systems to the productive relations forms the basis of discussion, whereby 'every system of production tends to discover punishments which correspond to its productive relationships'. Imprisonment emerges as the main site of punishment in correspondence to the development of wage labour in capitalist relations of production. Rusche and Kirchheimer (1939, p. 62) first present the objective of modern prison as the rational exploitation of labour power in times of its scarcity but later admit that prison became the standard method of punishment even when the demand for prison labour had fallen (Cavadino & Dignan 2007).

Eren (2014) has studied imprisonment in Turkey in three eras. The first era is identified as the 'dungeon' era until the end of the 19th century, when no building was constructed as a prison and no specific laws on the management of prisons

existed. At the start of the second era (late-19th century until the 1960s), a reform process began. Special buildings were constructed as prisons, prisoners were kept in wards and new laws were introduced to govern these institutions. Overall, the second era is the era of ward-system prisons in which prisoners were managed in inadequate conditions. Between the 1930s and 1950s, during the triumph of state-led industrial capitalism, labour-based prisons occupied policy-makers' agenda for boosting national production (Sipahi 2006). In line with the theory of Rusche and Kirchheimer (1939), prison conditions improved, and prison labour began to be widely used. 'The labour-based prisons were founded not as an instrument of controlling the masses, but as state enterprises for augmenting national production' (Sipahi 2006, p. 25). However, the government did not make a considerable profit from the labour-based prisons, nor did the prisoners turn into docile members of the labour force (Sipahi 2016). In 1941, reformatories for child convicts were assigned under the same regulations as labour-based prisons (Sipahi 2006, p. 48). Altogether, these special prisons received one-third of the entire prison population, which, according to Sipahi (2006), was a significant population, showing the impact of political economy on the criminal justice system. Labour-based prisons declined together with the decline of labour scarcity (Sipahi 2006). The ward system continued from the 1970s onwards (Eren 2014), but with smaller units.

In the 1960s, prison classification changed to closed, semi-open and open prisons. Similar to Eren (2014) and İbikoğlu's (2012) arguments, Sipahi (2006) claims that from the 1960s to the 1990s, the primary concern in Turkish penality shifted from prisoner-workers in prisons with production facilities to political prisoners in high-security prisons, reserved especially for prisoners charged with crimes against the state. After the coup d'état in 1971, left-socialist struggles became prevalent in Turkish prisons. Torture and violence occurred routinely and resistance took place, which eventually led to a transformation in prison design. During this third era from the 1970s onwards, in which socialist movements were repressed, the design of the prison started to be transformed from a ward system to room-cell systems to better

control the prisoners (Eren 2014, p. 14), but this transformation did not happen overnight.

State Security Courts were established and began operating in 1984. These courts, as befits the name, were ambiguous by design to protect the state with a judge appointed from the military, which inevitably undermined its independence. During this period, the normal juridical-penal law and rights could be suspended for an uncertain period of time while maintaining their force in the 'state of necessity' commanded by the will of the sovereign power of the state for the security of its population (Kaynar-Kars 2013). Eventually, in 2004, they were abolished. The Anti-Terror Law (No. 3713)[2] entered into force for cases involving the crimes against the state in 1991. The State Security Courts (1984-2004) and the introduction of the Anti-Terror Law (No. 3713), the Law on Assemblies and Demonstrations (No. 2911)[3] and Article 250 in the Code on Criminal Procedure (No. 5271)[4] on the establishment of special courts to prosecute acts of working in illegal organizations, have been the mechanisms to continue the never-ending fight against state's inner enemies and organized crime. Article 250 in the Code on Criminal Procedure has been abrogated later and amended. These legislations and courts indicate a 'state of necessity' (Agamben 1998, 2005) that claims the insufficiency of normal penal courts in dealing with 'security' of the state. Turkey's anti-terror law[5] has a vague and broad definition of terror, in line with global trends in anti-terror legislations (Yonucu 2018a).

Imprisonment of political prisoners, those associated with socialist movements or pro-Kurdish movements, has grown and shrunk over the decades in

---

[2] Turkish Republic. Official Gazette, "Anti-Terror Law" [Terörle Mücadele Kanunu] Law nr. 3713, 12 April 1991.

[3] Turkish Republic. Official Gazette, "Law on Assemblies and Demonstrations" [Toplantı ve Gösteri Yürüyüşleri Kanunu] Law nr. 2911, 06 October 1983.

[4] Turkish Republic. Official Gazette, "Code on Criminal Procedure" [Ceza Muhakemesi Kanunu] Law nr. 5271, 17 December 2004.

[5] Turkish Republic. Official Gazette, "Law on Amendments on the Anti-Terror Law" [Terörle Mücadele Kanununda Değişiklik Yapılmasına Dair Kanun] Law nr. 5532, 29 June 2006.

changing political environment and legislations. Drawing from an Agambenian understanding of a 'state of exception', as sovereignty existed but law was suspended, the actions were neither legal nor illegal. After the second coup d'état in 1980, military prisons held political prisoners who were referred to as anarchists and kept them under a brutal disciplinary regime. In the 1980s, torture was inflicted as a common, routine, discouraging, terrorizing form of punishment (Topaloğlu & Fırat 2012; İbikoğlu 2012; Can 2016). Later in the 1980s and 1990s, prisoner resistance in the form of social/communal culture and discipline inside the prisons trumped the military's discipline (İbikoğlu 2012, p. 156). İbikoğlu (2012) views this transition as a two-sided process; a failed disciplinary system of the military on the one side, and an effective disciplinary system of the political prisoners themselves on the other. The military's disciplinary regime diminished as civilian administrations took over control of prisons in the 1990s. Prisoners relied on well-rehearsed methods of resistance, and prisoners' communes gained autonomy through social/communal discipline, daily programmes, division of labour and compulsory education sessions, with prisoners being ready to fight for the commune against the state (İbikoğlu 2012, pp. 48-49).

### 3.2. Prison regime and architecture of the 2000s

#### Imprisonment of Political Prisoners

In 2000, hundreds of different political prisoners in various prisons went on hunger strike to prevent their transfer to F-type high security prisons that would stop them from meeting and unifying. On 19 December 2000, security forces intervened in the prisons in an operation known as 'Operation Return to Life' that cost the lives of thirty prisoners and two soldiers and left many injured. Immediately after the operation, nearly all political prisoners (accused of terror and organized crime) were transferred from wards into new cell-based F-type high security prisons designed to have one to three prisoners per cell (İbikoğlu 2012, pp. 139-140). The ward system favoured by political prisoners started to disappear in exchange for cells favoured by the Ministry of Justice (Neziroğlu 2006, p. 424). A European Commission for the Prevention of Torture (CPT) report published in 1996 that criticized the living

conditions in the ward systems at the time provided a legitimate back-up to the government in this transition while the official authorities aimed to regain control of the prisons (İbikoğlu 2012, pp. 120, 147; Neziroğlu 2006, p. 166). These F-type prisons generated discussions in academic studies and the media, specifically over solitary confinement and isolation. Although the terms 'prison (hapishane)' and 'punishment house (cezaevi)' are used interchangeably by the public, in the 2000s, 'punishment house' replaced 'prison' upon the initiative of the Ministry of Justice. Eren (2014, pp. 229-232) demonstrates this change through his discourse analysis of a mainstream newspaper. Accordingly, the term 'punishment house' is problematic, as the word 'punishment' inherently refers to a crime which itself is a contestable term, especially when considered in the literature for political prisoners and pre-trial detention. Punishment house connotes the certainty of an uncontested crime, implying that the punishment is well deserved. Today, the use of the term 'punishment house' corresponds to the 'room/cell system'.

According to İbikoğlu (2012), the maximum-security prisons in Europe and North America influenced the transition to F-type prisons in Turkey. This prison population is no longer the mere subject of a sovereign state or subjects to be transformed into ideal citizens but is managed and reduced to utilitarian individuals (İbikoğlu 2012, pp. 100-159). The goal of these new prisons is ensuring security by appealing to the self-interest of the rational individual prisoner. There has been a transition from the political prisoners' disciplinary regime of control to a security-oriented managerial regime of control. This new regime of control imagines prisoners as utility-maximizing rational individuals who naturally conform to the rules of the system in order to benefit from the rewards and avoid punishments, such as further isolation.

Although Turkish F-type prisons could be influenced by the maximum-security prisons in Europe and North America in design and regime, the term 'managerialism' needs to be utilised more carefully if it is to explain this transformation because the target population is different. Managerialism connotes a certain way of ruling corresponding to the political economy but not the political-sovereign rule.

Feeley and Simon (1992), the pioneering authors of the term managerialism, state that in this 'New Penology', the prison is not an institution to transform individuals, but functions as a custodial institution that 'manages aggregates'. This 'New Penology' is managerial rather than transformative, i.e. it is not concerned with reforming and treating the offender. New Penology is more consistent with the idea of 'security power' than 'disciplinary power'. While discipline targets the individual to be socialized and integrated into the community, 'security addresses itself to the 'ensemble of a population' (Hudson 2003, pp. 161-162). The idea of danger that applies to the individuals to be transformed is displaced by the idea of risk that applies to the aggregates. Efficient management of the aggregates is the main target of these actuarial practices, instead of normalizing individuals in the long term (Hudson 2003). So, the term 'managerialism' had been placed in the agenda by American criminologists to explain the transformation of American penality, where prisons lock up aggregates of ordinary prisoners to be managed. Political prisoners in Turkey, on the other hand, are deliberately placed in high-security prisons and managed carefully. The physical design of new Turkish prisons with their emphasis on security might resemble the American model. And it is this very intersection of the manifestation of the Justice and Development Party's sovereign power to govern the political prisoners in maximum security and its will to govern the non-political prisoners that must be studied. Eventually, the security-oriented prison regime fulfils the aim of controlling both the ordinary and 'commune-oriented political prisoners'; the latter refers to the prisoners with leftist tendencies that act as a unity in the prison, rather than indifferent individuals.

*Imprisonment of non-political criminal acts*

The new prisons that mostly prioritize security in large prison campuses have become prevalent in the 2000s in Turkey, in the neoliberalizing political economy that idealizes individual responsibilization. From the 1980s onwards, Turkey's political economy transformed in line with neoliberal trends in the global market. The dominant political ideology after the 1980s is defined as a coalition of the right

(neoliberal) with religious (conservative) cleavages (Göçmen 2014, p. 94). In this outward-oriented liberal era, income inequality rose due to both global conditions and domestic developments (Pamuk 2013, p. 313). It must be noted that Pamuk (2013) does not view liberalism as the sole reason for inequality, as he detects other eras with high-income inequality levels in inward-oriented, state-led economies. In fact, since the early 20th century, Turkish social policy and security have been based on the family and community (Göçmen 2016).

In the 2000s, 'a new welfare system has largely eliminated the fragmented structure, creating a social security institution and a general health insurance system to cover all citizens… Turkish welfare system expenditures as a percentage of the GDP have increased from 3.1 percent in 1980 to 12.5 percent in 2013' (Powell & Yörük 2017, p. 89). However, still according to Buğra (2020, p. 459), new forms of market regulation since the 2000s 'have sustained the trends toward privatization and marketization in a hybrid system of social security provision in which both the state and the private sector are important'. While public social spending increased and new institutions acquired a more inclusive character, this transformation was shaped by market-oriented reforms, which resulted in the deepening of class and gender inequalities (Buğra 2020). Moreover, according to Yörük's findings (2012), the Turkish state uses social assistance to contain the ongoing Kurdish unrest. Internally displaced, impoverished Kurds receive more social assistance not because they are poorer but for being Kurdish and being a potential security threat.

Although it is hard to reach a consensus on the categorization of Turkish welfare regime within the existing clusters as it is 'rapidly changing' (Powell & Yörük 2017), up until now, the Turkish welfare regime has been attributed characteristics of residualism (Buğra & Keyder 2006), informality (Eder 2010), dualism (Buğra & Adar 2008), eclecticism (Buğra & Candaş 2011) and 'regulatory neo-liberalism' (Öniş 2012). These attributes underline the welfare regime's non-universalistic character that reasserts social stratification and inequality. Alleviating these burdens are attributed to the (extended) family, informal social ties and the voluntary sector (Yazıcı 2012). In this paper, the construction of neoliberal subjects that are individually responsible, self-

sufficient, initiating and supported by the family in case of failure constitutes the basis of neoliberal governmentality. In neoliberalizing political economies, in which, the *homo oeconomicus* is responsible for his/her sustainability in the market and society (Foucault 2008), the defendant/criminal is fully responsible for the illegal act that he/she rationally and individually chooses to commit.

Gönen and Yonucu (2011) who have written on the criminalization of urban poor populations in Turkey, claim that since 1980s, in the neoliberalizing political economy, deregulation of the labour market conditions, reduced the power and living standards of workers. New consumption and leisure patterns of rich urban populations were possible thanks to the sharpening regional and class inequalities, poverty, unemployment and destruction of social safety nets. This coincides with the destruction of Kurdish villages in 1980s and 1990s, leading to forced migration to the urban West. Consequently, poverty and marginalization contributed to sharpening antagonisms in the cities (Gönen & Yonucu 2011).

Gönen (2011, 2017), focuses on crime discourses and police practices on urban crime; especially, theft, mugging, vandalism and drugs in İzmir, the third largest city of Turkey, in early 2000s. She concludes that 'tough on crime' measures of the police rest on a deliberate strategy of profiling and criminalization of ethno-racially differentiated urban poor populations. Accordingly, the public order/policing strategies targeted the poor segments and populations in the city, distinguishing them from the 'respectable' citizens (Gönen 2017, p. 4). Since the late 1990s, urban poor has been constituted as 'dangerous criminals' in the mainstream media. Representation of 'criminals' as dangerous 'monsters' naturalizes crime and conceals the structural inequalities underlying the criminal incidents (Gönen & Yonucu 2011, p. 81). The urban poor is perceived as a security issue and target of public order measures. Young people in the margins of urban life are criminalized (Uluğtekin 2012). The juvenile justice system, 'oscillates between an attitude that is both repressive and lax and a protectionist will that is not detached from neoliberal tendencies' (İrtiş 2010, p. 251).

In his understanding of governmentality, Castel (2004, pp. 76-77) draws attention to the contradiction embedded in neoliberal governmentality and states that

the modern individual cannot sustain him/herself in society without social security provided by the state. 'Such 'biopolitics' demands from the free individual self-actu-alization while simultaneously denying her the resources and opportunities that used to be provided by various sources, including the government, in earlier periods' (Yıldırım & Kuyucu 2017, p. 9). As the neoliberal governmentality that focuses on risk-management is embraced, preventive and security-oriented practices imprison-ment increase (Özkazanç 2011; Doğuç 2014, p. 60). In the absence of social security institutions, prisons manage the rational individuals who have failed in the market, i.e. security is maintained via prisons. The priority given to the handling of the polit-ical prisons through F-type prisons in Turkey has accelerated this transformation within securitization discourse in a neoliberalizing regime. In Foucault's terms, certain segments of the population are disposed through imprisonment.

In this socio-economic context and according to the official website of prison administration, many prisons have been closed down and replaced with new ones, to reduce the operating costs, to enhance the quality (of what is not specified) and to act in line with a modern punishment administration approach. Thus, hun-dreds of small district prisons have been closed down since 2006 as they did not meet international norms and physical standards. Alongside this, about a hundred new 'healthy, secure, mechanical and electronically equipped prisons that are eligible for rehabilitation services' have been designed as *modern* projects. Here, there is a similar-ity between the politics of the current Justice and Development Party government and the populist Democrat Party of the mid-20th century. Similar to the populism of Democrat Party, which invested in over 100 small prisons in less than 4 years (Eren 2014) while building roads, the Justice and Development government has invested a lot in constructing and renewing prison facilities, also while building roads and boost-ing the construction sector. The long-lasting power of building contractors in the construction business in Turkey has been effective in prison construction. In fact, during the first wave of migration flows in the aftermath of the Syrian civil war, the camps were recognized as 5-star hotels by the European authorities (Mcclelland 2014). The architecture and designs of camps or prisons that have been introduced

during the reign of the Justice and Development Party since the beginning of the 2000s have impressed both the public in Turkey and European policy makers. The design of the prisons, especially juvenile prisons, has given primacy to privacy and has thus given legitimacy to the imprisonment. It would not be wrong to conclude that the speed of the construction sector in Turkey has coincided with and contributed to the acceleration of securitization in the criminal justice system. Though the prison design might be a concern, especially for human rights activists caring for the privacy, health and security of the prisoners, the outlook and physical facilities should not mask the primacy of the questions of who are incarcerated and for which reasons. These questions are important not only due to the imprisonment of politically-engaged persons. Scrutiny of the prison population could give insights into the overrepresentation of certain ethnic minority groups as well as the growing class inequality in Turkey. This has remained overlooked and understudied.

Despite the introduction of probation services, alongside the increase in the number of prison facilities, imprisonment numbers have been rising steadily. There has been a rise in the number of prisoners per 100,000 people in Turkey since the 1990s. From 1992 to 2008, this number rose from 54 to 135 (Yücel 2009, p. 230). According to the World Prison Brief, the Turkish prison population has increased considerably since 2000, rising from 49,512 to more than 200,000 in 2016. The prison population rate (per 100,000 of the national population) rose from 73 in 2000 to 251 in 2016. Since 2016, there have been mass arrests and imprisonment in the aftermath of the attempted coup d'état. Thousands of political prisoners accused of terrorism have been incarcerated. There has been an acceleration of concern for security, related to the enunciation of the sovereign power of the Justice and Development Party. According to recent data shared by Turkey's Centre for Prison Studies, the number of prisoners has risen to over 280,000 in 2020. Overcrowding has reached the level of 28%.

**Figure 1. Imprisonment rates (2000-2018)**
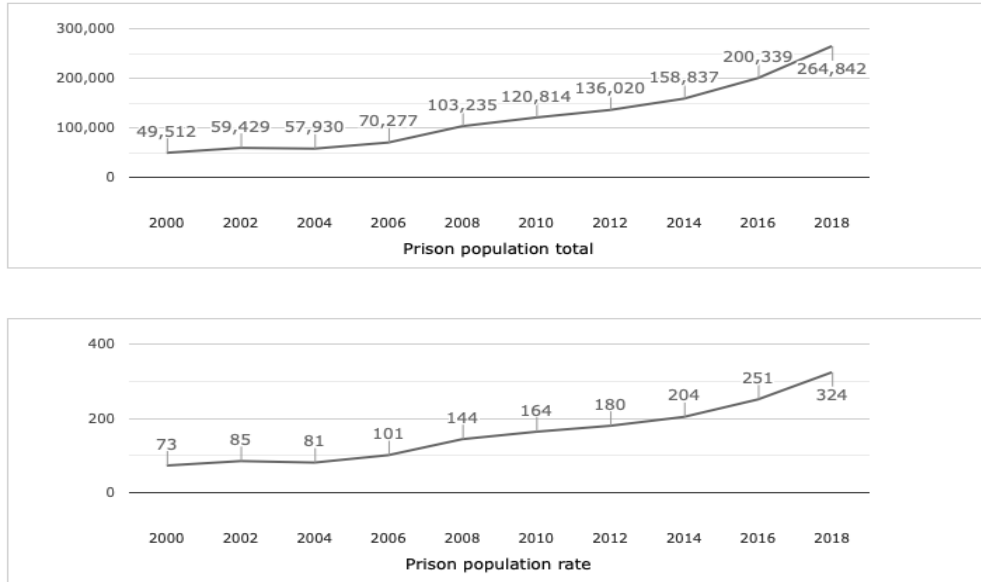


*Source: World Prison Brief, https://www.prisonstudies.org (accessed 10 December 2020)*

Until very recently, the current government has resisted solving the over-crowding issue in the prisons with general amnesties. Prior to the Justice and Development Party, with 157 amnesties since 1923, Turkey has been the leading country in the number of amnesties passed (Yıldırım & Kuyucu 2017). The Justice and Development Party has resisted this trend, which Yıldırım and Kuyucu explain in relation to the neoliberalism trend that leads to increased punitiveness, 'holding individuals responsible for their criminal acts' and a rationalized managerial approach (Yıldırım & Kuyucu 2017, p. 863). Accordingly, the Justice and Development Party's populist image of a strong and capable state does not allow it to take extraordinary measures in dealing with structural problems (Yıldırım & Kuyucu 2017). However, that image has collapsed in the early months of 2020 as the government has relied on releases alongside probation for ordinary crimes to decrease prison populations, in order to counter the spread of Covid-19 (Dal 2020). Having said that, these extraordinary measures do not cover those imprisoned for political reasons.

*3.3. Pre-trial detention: an issue that remains*

Prisons in Turkey have been known to be accommodating a considerable number of pre-trial detainees in various eras. In fact, the proportion of defendants on remand to convicted prisoners was too high until 2006, which is a significant indicator of crisis in the system. After all, prisons are considered to exist to facilitate the ultimate form of punishment, not detain people who have not yet been found guilty. Human rights expert Manuel Lopez-Rey, who was invited to conduct research for the Turkish state, raised the problem of remand back in 1967. Lopez-Rey (1967) stressed that remand imprisonment was used as an earlier form of undeclared punishment and it was difficult to prove otherwise. In 2010, the high proportion of pre-trial detainees to sentenced prisoners started receiving attention as members of secularist and ultra-nationalist organisations with possible ties to the military and security forces started to be tried and were on remand for a number of years. During the same years, some journalists were also placed on remand and tried, and others were on remand because they were tried according to the special law on state security (Türkiye Barolar Birliği İnsan Hakları Merkezi 2011, referring to the Code on Criminal Procedure, article 250). Consequently, the Turkey Bar Association Human Rights Centre released reports in 2009 and 2011 on the issue. According to the report, the proportion of prisoners on remand to sentenced prisoners had been rising in the last decade; the gap had increased to 162% (Türkiye Barolar Birliği İnsan Hakları Merkezi 2011, p. 18). Remand imprisonment gained attention as some public figures and journalists, rather than ordinary citizens, started to be detained on remand. Only a few studies (Şen 2011; Şen & Özdemir 2012; Erkul 2013) have problematized the issue of remand imprisonment for non-political crimes. By 2013, the Minister of Justice was proud to talk about the significant drop in the proportion of prisoners on remand (Şimşek 2013). However, the methods to reduce the ratio of remand imprisonment have not been expounded on in formal documentation. Since 2016, pre-trial detention has been back on the agenda, as most of the mass arrests have led to frequent and long periods of detention without trial or completion of the adjudication process. However, it is not possible to obtain reliable data on the pre-trial detention ratios.

**Table 1. Pre-trial detention ratios (2000-2017)**

| Year | Number in pre-trial/remand imprisonment | Percentage of total prison population | Pre-trial/remand population rate (per 100,000 of national population) |
|---|---|---|---|
| 2000 | 29,953 (of which 26,297 untried) | 41.7% (untried are 36.6%) | 44 (untried rate 39) |
| 2005 | 30,061 (of which 25,910 untried) | 55.4% (untried are 47.7%) | 42 (untried rate 36) |
| 2010 | 56,107 (of which 34,827 untried) | 46.6% (untried are 28.9%) | 77 (untried rate 47) |
| 2012 | 48,242 (of which 32,470 untried) | 40.1% (untried are 27.0%) | 64 (untried rate 43) |
| 2017 | 100,003 (of which 79,121 untried) | 43.1% (untried are 34.1%) | 124 (untried rate 98) |

*Source: World Prison Brief, https://www.prisonstudies.org (accessed 10 December 2020)*

## 4. Further developments in the 2000s: New legislation, introduction of probation and reforms in policing

A series of legislative reforms took place at the beginning of the 2000s. Turkey's first Penal Code that was adopted from Italy, which was amended many times, was totally replaced in 2004 (Law No. 5237, 2004)[6]. The first Code on Criminal Procedure that was transferred from Germany was in force until it was replaced by a new one in 2004 (Law No. 5271, 2004). This new Code on Criminal Procedure introduced diversion and control mechanisms that are alternatives to remand imprisonment. The New Law on the Execution of Penalties and Security Measures (Law No. 5275)[7] was adopted in 2004.

---

[6] Turkish Republic. Official Gazette, "Turkish Penal Code" [Türk Ceza Kanunu] Law nr. 5237, 12 October 2004.

[7] Turkish Republic. Official Gazette, "Law on the Execution of Penalties and Protection Measures" [Ceza ve Güvenlik Tedbirlerinin İnfazı Hakkında Kanun] Law nr. 5275, 29 December 2004.

With these legislative changes, there have been some positive developments in the criminal justice system, such as the introduction of probation services to lift the weight off prisons, and the introduction of Mediation (Law No. 26594, 2007)[8], which allows two parties to resolve a dispute without a prosecution process. The introduction of probation with the new Turkish Penal Code in 2005 and the passing of the Law on the Probation Services (Law No. 5402)[9] in 2005 were important achievements in terms of reforming the criminal justice system and reducing the prisoner numbers. Probation mainly targets crimes related to drug use and drug dealing. As shown in Figure 1, the number of cases transferred to probation services increased steadily from 2006 onwards.

In fact, availability of drugs in working-class areas increased recently (Yonucu 2018b). Since the early 2000s, this increase in drug availability and increasing poverty has led some segments of working-class youth to engage in car theft, shop robbery, pickpocketing, sex work and drug dealing (Yonucu 2018b). While neoliberal policies and relations deter certain segments of the population from decent wages and labour processes, the same policies still produce a desire in them to be part of society as consumers. This desire to be respected members of the society by being 'successful consumers' (Bauman 2013) is one of the main factors that can lead certain youth to engage in petty crime and drug dealing in urban sites (Yonucu 2018b, p. 413).

---

[8] Turkish Republic. Official Gazette, "Regulations on the Application of Mediation according to Code on Criminal Procedure" [Ceza Muhakemesi Kanununa Göre Uzlaştırmanın Uygulanmasına İlişkin Yönetmelik] Law nr. 26594, 26 July 2007.

[9] Turkish Republic. Official Gazette, "Law on the Probation Services" [Denetimli Serbestlik Hizmetleri Kanunu] Law nr. 5402, 20 July 2005.

**Figure 2. Number of cases brought to probation**
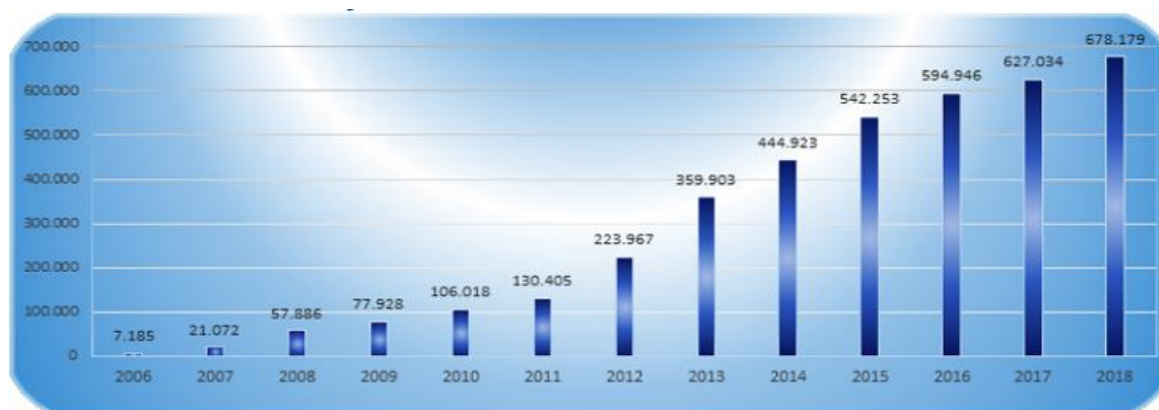


*Source: Denetimli Serbestlik Daire Başkanlığı (Probation Services) Website, https://cte-ds.ada-let.gov.tr (accessed 15 May 2020)*

Eventually, probation officers go through a role conflict and dilemma between their role as offering rehabilitation services and tough incarceration policies (Erdem et al. 2019). In line with the development of probation services that mainly target drug use and drug dealing, the number of centres for Treatment and Education for Alcohol and Substance Abuse (AMATEM) has also increased. Ünlü and Aksu (2018) claim that Turkish drug-control policy heavily relies on deterrence-based supply-side policies but lacks a holistic strategy to address the supply and demand reduction. The authors further state that, despite the increase in levels of illicit drug use, capacity of the rehabilitation/treatment centres appears to be weak (Ünlü & Aksu 2018).

Alongside the increase in imprisonment numbers, the number of police officers has been increasing since the 1990s. Atak (2020, p. 9), who has made the first attempt to investigate longitudinal crime statistics in Turkey from the 1990s onwards, states that 'the number of police officers grew twofold from 164 to 331 per 100 000 between 1992 and 2015'. The latest reduction in 2016 can be presumably linked to the recent purges from the public sector on the grounds of the massive crackdown against the affiliates of the Gülen movement, which is alleged to be the main orchestrator of the coup attempt in 2016.

Based on their examination of policing in Turkey, Mercan and Denizhan (2020) argue that extra-legal actions of the police towards historical criminal enemy categories, in line with the anti-terror law, represented the raison d'état of the sovereign power of the state especially during the 1980s-1990s. In the 2000s, a series of amendments were made in policing with the hope of easing these human rights violations of the 1980s-1990s. However, the amendments to the legislations on policing reinforced the sovereign power of the current government in policing, thus legalizing extra-legal actions (Mercan & Denizhan 2020).

Atak (2020) states that the police increased its capacity for surveillance and control by implementing high-tech preventive strategies. He further argues that the qualitative and quantitative expansions in the state capacity to police might have led to an escalated control over crime, leading to a rise in crime rates. In other words, it is questionable whether the increase in the number of prisoners corresponds to a real increase in criminal acts, i.e. changes in criminal behaviour. Rather, the increase in imprisonment rates might occur due to an expansion in crime-control techniques. The rise in crime statistics can be explained by the police effect. In conclusion, the insufficiency or the exility in probation services, increase in policing, increase in imprisonment rates and securitization trend in the prison regime reflect the politics of crime control in Turkey.

## 5. Conclusion

Overall, the Turkish criminal justice system cannot be analysed without acknowledging the effects of coup d'états, military interventions, repression of the leftist movements and criminalization of the Kurdish movement throughout the last century. Incapacitation of political selves has been the centre of Turkish criminal justice system to the present day. Though a wave of decriminalization of political identities and attacks on militarism created an emancipatory atmosphere at the beginning of the 2000s, prosecution and incarceration of political persons who allegedly pose a threat to the security and unity of the state have proven the continuity of the primacy of state security in the criminal justice system. Accordingly, the bulk of literature on

the Turkish criminal justice system and especially prisons has addressed the criminal-ization of the leftist movement and the Kurdish movement, questioning the impar-tiality and the legitimacy of the government. The lacuna in the literature addressing the criminalization process of street/ordinary crimes and the lack of comprehensive statistical data make it difficult to see a clear and holistic picture of Turkish penal culture.

In this paper, I aimed to draw an account of the trends in the general Turkish criminal justice system, with a particular focus on prisons. I argued that the transfor-mations in the prison regime and architecture indicate a process of securitization as part of a neoliberalizing trend. In the neoliberalizing political economy, in which an individual is responsible for his/her own welfare by contributing to the labour mar-ket, security rather than welfare needs becomes the dominant value. So the security of individuals is ensured through the criminal justice systems, creating gated commu-nities and CCTV through the design and use of space. Prisons epitomize the security discourse. Neoliberal tendencies in Turkey have led to increased punitiveness, hold-ing individuals responsible for their criminal acts (Yıldırım & Kuyucu 2017). Overall, the construction of the neoliberal individual that is stripped from the socio-economic context and held responsible for the illegal activities he/she has engaged in, finds him/herself prosecuted and incarcerated in criminal justice system institutions. More-over, the prison system works as a revolving door for this marginal population who shuttle between the courts, prisons and marginalized neighbourhoods, which reminds us of Wacquant's (2009, 2010) analysis on the relation between ghettos and prisons. The drastic increase in the capacity of the police force is perhaps one facet of this securitization process. The neoliberalization of the welfare regime of Turkey that has attached substantial value to the family and informal social ties and control mecha-nisms corresponds to what Bauman calls 'the individualization of the perception of injustice' (Bauman 2001, p. 86). Eventually, the insecurity of individuals grows, lead-ing to more demands for security through policing and imprisonment. The instability in the social security system and welfare regime leads to securitization. Probation ser-vices and Centres for Treatment and Education for Alcohol and Substance Abuse are

not developed enough to reverse the securitization trend. Given the insufficiency of social services institutions in the history of Turkey, the newly introduced legislations and institutions like probation have not necessarily led to a positive change in the justice system. The securitization trend that started in the 1980s continues in the 21st century.

Overall, since the 2000s, the Turkish criminal justice system has been adopting policies leading to an increase in securitization, imbued with managerialist tools that prioritize system management over social security and social work. However, these concepts of securitization or managerialism are not directly implemented on the criminalization of political identities. On the contrary, what we see is a convergence of increased securitization in crime control as part of neoliberal tendencies and increased emphasis given to the security of the state's sovereign power, through an Agambenian lens. This convergence is crystallized in the change in prison design and prison regime. Hence, the Turkish prisons and criminal justice policies of the 2000s reveal the two sides of securitization in governmentality: securitization in crime control through the rise of high security prisons, private security firms, CCTV cameras and police force on the one hand and the rise in the prosecution and imprisonment of political identities that pose a threat to the sovereign state power on the other hand. While the latter is a continuity peculiar to Turkish penal culture, the former development is a repercussion of international developments taking place in the Western and Anglo-Saxon justice systems.

## References

Agamben, G 1998, *Homo Sacer: Sovereign Power and Bare Life,* trans. D Heller-Roazen, Stanford University Press, Stanford, California.

Agamben, G 2005, *State of Exception,* trans. K Attell, Chicago University Press, Chicago, Illinois.

Atak, K 2020, 'Beyond the western crime drop: Violence, property offences, and the state in Turkey 1990–2016', *International Journal of Law, Crime and Justice,* vol. 6, pp. 1–11. https://doi.org/10.1016/j.ijlcj.2019.100373

Bauman, Z 2001, *Community, Seeking Safety in an Insecure World*, Polity Press, Cambridge.

Bauman, Z 2013, *Wasted lives: modernity and its outcasts,* John Wiley and Sons, New York, NY.

Buğra, A & Adar, S 2008, 'Social Policy Change in Countries without Mature Welfare States: The Case of Turkey', *New Perspectives on Turkey*, vol. 38, pp. 83–106. https://doi.org/10.1017/S0896634600004933

Buğra, A & Candaş, A 2011, 'Change and Continuity under an Eclectic Social Security Regime: The Case of Turkey', *Middle Eastern Studies*, vol. 47, no. 3, pp. 515–528. https://doi.org/10.1080/00263206.2011.565145

Buğra, A & Keyder, Ç 2006, 'The Turkish welfare regime in transformation', *Journal of European Social Policy*, vol. 16, no. 3, pp. 211–228. https://doi.org/10.1177/0958928706065593

Buğra, A 2020, 'Politics of Social Policy in a Late Industrializing Country: The Case of Turkey', *Development and Change*, vol. 51, no. 2, pp. 442–462. https://doi.org/10.1111/dech.12566

Can, B 2016, 'Human Rights, Humanitarianism, and State Violence: Medical Documentation of Torture in Turkey', *Medical Anthropology Quarterly,* vol. 30, no.3, pp. 342–358. https://doi.org/10.1111/maq.12259

Castel, R 2004, *Sosyal Güvensizlik* [Social Insecurity], trans. I Ergüden*,* İletişim, İstanbul.

Cavadino, M & Dignan, J 2007, *The Penal System: An Introduction*, 4th edn, Sage, London.

Dal, A 2020, 'İnfaz düzenlemesiyle yaklaşık 90 bin kişinin tahliyesi öngörülüyor', *Aa news,* 14 April, viewed 13 May 2020, <https://www.aa.com.tr/tr/turkiye/infaz-duzenlemesiyle-yaklasik-90-bin-kisinin-tahliyesi-ongoruluyor-/1804608 >.

Doğuç, S 2014, 'Riskli Grupların Yönetimi ve Supermax Hapishaneler: Psikiyatrinin dönüşümünden yeni cezabilime riskin idari bir araç olarak kullanımı' [Management of Risk Groups and Supermax Prisons: From the Transformation of Psychiatry to the Use of Risk as a Means of Ruling in New Penology], *Toplum ve Bilim*, vol. 129, pp. 51–81.

Eder, M 2010, 'Retreating State? Political Economy of Welfare Regime Change in Turkey', *Middle East Law and Governance*, vol. 2, pp. 152–184. https://doi.org/10.1163/187633710X500739

Erdem, G, Tuncer, AE, Safı, OA, Çankaya, B, Ergin, M & Aydoğan, R 2019, 'The professional experiences and training needs of probation officers in Turkey', *Journal of Social Work,* vol. 19, no.5, pp. 664–686. https://doi.org/10.1177/1468017318768181

Eren, M 2014, *Kapatılmanın Patolojisi: Osmanlı'dan Günümüze Hapishanenin Tarihi* [The Pathology of Confinement: The History of Imprisonment from the Ottomans till Today], Kalkedon, İstanbul.

Erkul, İ 2013, *Açıklamalı-İçtihatlı Uygulamada Ceza Yarılamasından Tutuklama ve Tahliye* [Interpretation of Decisions in Praxis about Pretrial Detention and Release in Criminal Prosecution], Adalet Yayınevi, Ankara.

Feeley, MM & Simon, J 1992, 'The New Penology: Notes on the Emerging Strategy of Corrections and its Implications', *Criminology,* vol. 30, no. 4, pp. 449–474. https://doi.org/10.1111/j.1745-9125.1992.tb01112.x

Foucault, M 1977, *Discipline and Punish: The Birth of the Prison*, Penguin Books, Harmondsworth, Middlesex.

Foucault, M 1980, *Power/Knowledge: Selected Interviews and Other Writings 1972-1977,* trans. C Gordon, Gordon, C. (ed.) Pantheon Books, New York, NY.

Foucault, M 1991, 'Governmentality', in C Gordon, M Foucault, PM Miller, & G Burchell (eds), *The Foucault effect: Studies in Governmentality,* University of Chicago Press, Chicago, Illinois, pp. 87- 104.

Foucault, M 2007, *Security, Territory, Population: Lectures at the College de France, 1977- 78,* Palgrave Macmillan, London.

Foucault, M 2008, *The Birth of Biopolitics: Lectures at the College de France, 1978-79,* Palgrave Macmillan, London.

Göçmen, İ 2014, 'Religion, politics and social assistance in Turkey: The rise of religiously motivated associations', *Journal of European Social Policy,* vol. 24, no.1, pp. 92–103. https://doi.org/10.1177/0958928713511278

Göçmen, İ 2016, 'An Immature Welfare State Under Transformation: The Turkish Welfare Regime and the Crises', in K Schubert, P Villota & J Kuhlmann (eds), *Challenges to European Welfare Systems,* Springer International Publishing, Switzerland, pp. 719–742.

Gönen, Z & Yonucu, D 2011, 'Legitimizing Violence and Segregation: Neoliberal Discourses on Crime and Criminalization of Urban Poor Populations in Turkey', in A Bourke, T Dafnos & M Kip (eds), *Lumpencity: Discourses of Marginality, Marginalizing Discourses*, Red Quill Books, Ottawa, pp. 75–103.

Gönen, Z 2011, 'Neoliberal Politics of Crime: The İzmir Public Order Police and Criminalization of the Urban Poor in Turkey since the Late 1990s', PhD Thesis, Binghamton University, New York, NY.

Gönen, Z 2017, *The Politics of Crime in Turkey: Neoliberalism, Police and the Urban Poor,* I.B. Tauris, London & New York.

Hakyemez, S 2017, 'Margins of the Archive: Torture, Heroism, and the Ordinary in Prison No. 5, Turkey', *Anthropological Quarterly,* vol. 90, no. 1, pp. 107–138. https://doi.org/10.1353/anq.2017.0004

Hudson, BA 2003, *Understanding Justice: An Introduction to Ideas, Perspectives and Controversies in Modern Penal Theory*, 2nd edn, Open University Press, Buckingham, Philadelphia.

İbikoğlu, A 2012, 'Incarcerating Politics: Prison Reform in Contemporary Turkey', PhD Thesis, University of Washington, Seattle, Washington.

İrtiş, V 2010, 'Understanding Juvenile Penal Justice in Turkey: An attitude both punitive and lax, expressing a will for solidarity', in F Bailleau & Y Cartuyvels, (eds), *The Criminalization of Youth: Juvenile Justice in Europe, Turkey and Canada.* VUBPRESS Brussels University Press, Brussels, pp. 231–261.

Kaynar-Kars, A 2013, 'TMK ve Devlete Karşı Suçların Hukuksuzluğu [Anti-Terror Law and Lawlessness of Crimes Against the State], *Toplum ve Bilim*, vol. 128, pp. 145–162.

Lopez-Rey, M 1967, *Türkiye'de Suçluların Islahı (Treatment) üzerine Rapor* [Report Treatment of Offenders in Turkey], trans. MT Yücel, Adalet Bakanlığı Yayınları, Yeni Seri, Ankara.

Mandıracı, B 2015, *Türkiye'de Ceza İnfaz Politikaları ve Kurumlarına İlişkin Yapısal Sorunlar ve Çözüm Önerileri* [Structural Problems and Solution Offers on the Punishment Policies and Institutions in Turkey], Tesev Demokratikleşme Programı Siyasa Raporları Serisi, Yargı Reformu 6.

Mcclelland, M 2014, 'How to Build a Perfect Refugee Camp', *New York Times Magazine*, 13 February, viewed 10 September 2017, <https://www.nytimes.com/2014/02/16/magazine/how-to-build-a-perfect-refugee-camp.html>.

Melossi, D & Pavarini, M 1981, *The Prison and the Factory: Origins of the Penitentiary System,* Macmillan Press, London and Basingstoke.

Mercan, BA & Denizhan, E 2020, 'The Transformation of Policing in Turkey: A Critical Assessment', in V Nagy & K Kerezsi (eds), *A Critical Approach to Police Science: New Perspectives in Post-Transitional Policing Studies.* Eleven International Publishing, The Hague, pp. 115–141.

Neziroğlu, İ 2006, 'A Comparison of Law and Practice within the Turkish Prison System with Relevant International Prison Standards, with Special Reference to F-Type High Security Prisons', *Turkish Studies,* vol. 7, no. 3, pp. 421–450. https://doi.org/10.1080/14683840600891174

Öniş, Z 2012, 'The Triumph of Conservative Globalism: The Political Economy of the AKP Era', *Turkish Studies,* vol. 13, no. 2, pp. 135–152. https://doi.org/10.1080/14683849.2012.685252

Özkazanç, A 2011, *Neo-liberal tezahürler: vatandaşlık-suç-eğitim* [Neo-liberal Manifestations: Citizenship-Crime-Education]*,* Dipnot, Ankara, pp. 163–201.

Pamuk, Ş 2013, 'Son iki yüzyılda Türkiye'de gelirin bölüşümü' [Distribution of Income in Turkey in the Last Two Centuries], *ODTÜ Gelişme Dergisi*, no. 40 (Ağustos), pp. 297–316.

Powell, M & Yörük, E 2017 'Straddling two continents and beyond three worlds? The Case of Turkey's welfare regime', *New Perspectives on Turkey*, no. 57, pp. 85–114. https://doi.org/10.1017/npt.2017.30

Rusche, G & Kirchheimer, O 1939, *Punishment and Social Structure*, Transaction Publishers, New Brunswick, New Jersey.

Sipahi, A 2006, 'Labour-Based Prisons in Turkey 1933-1953', MA Thesis, Atatürk Institute for Modern Turkish History, Boğaziçi University, Istanbul.

Sipahi, A 2016, 'Convict Labor in Turkey, 1936–1953: A Capitalist Corporation in the State?', *International Labor and Working-Class History*, no. 90, pp. 244–265. https://doi.org/10.1017/S0147547916000144

Şen, E 2012, *Yorumluyorum 2: Ceza Hukuku Perspektifinden Güncel Olaylara Bakış* [Interpreting II: A View over Current Issues through the Penal Law Perspective], Seçkin, Istanbul.

Şen, E and Özdemir, B 2011, *Tutuklama Uygulamada Şüpheli ve Sanık Haklarının Korunması* [The Protection of Rights of Suspects and Defendants in the Practice of Pre-trial Detention], Seçkin, Ankara.

Şimşek, S 2013, Interview with the Minister of Justice Sadullah Ergin, *Bugün*, 12 February, viewed 13 November 2013, <http://gundem.bugun.com.tr/ergin-4-yargi-paketini-acikladi-haberi/220611>.

Topaloğlu, H & Fırat, D 2012,  'Total kurum, disipliner cezaevi, kamp: Goffman, Foucault ve Agamben'in kavramlarıyla Diyarbakır Askerî Cezaevi (1980-84)' [Total Institution, disciplinary prison and the camp: Diyarbakır Military

Prison through the concepts of Goffman, Foucault and Agamben(1980-1984)], *Toplum ve Bilim,* no. 123, pp. 76–92.

Topçuoğlu, T 2015, *Türkiye'de Suçluluğa ve İnfaz Politikalarına İlişkin Veri İhtiyacı* [The Need for Data on Criminalization and Law Enforcement Policies in Turkey], TESEV.

Türkiye Barolar Birliği İnsan Hakları Merkezi 2011, *Türkiye Barolar Birliği İnsan Hakları Merkezi Tutuklama Raporu* [Turkey's Bar Association Human Rights Center Remand Report], no. 183, 2nd edn, Şen Matbaa, Ankara, viewed 10 May, 2020 <http://tbbyayinlari.barobirlik.org.tr/tbbbooks/tutuklama-raporu.pdf >.

Uluğtekin, S 2012, *Denetimli Serbestlik Altındaki Gençler ve Ailelerine İlişkin Araştırma: İhtiyaçlar ve Beklentiler* [A Study on Young People in Probation and their Families: Needs and Expectations], ÖzGe- Der, Ankara.

Ünlü, A & Aksu, G 2018, 'A contemporary evaluation of Turkish drug-control policy', *Drugs: Education, Prevention and Policy*, vol. 25, no. 2, pp. 138–147. https://doi.org/10.1080/09687637.2016.1216946

Wacquant, L 2009, *Punishing the Poor: The Neoliberal Government of Social Security*. Duke University Press, London.

Wacquant, L 2010, 'Crafting the Neoliberal State: Workfare, Prisonfare, and Social Insecurity', *Sociological Forum*, vol. 25, no. 2, pp. 197–220. https://doi.org/10.1111/j.1573-7861.2010.01173.x

Yazıcı, B 2012, 'The Return to the Family: Welfare, State, and Politics of the Family in Turkey', *Anthropological Quarterly*, vol. 85, no. 1, pp. 103–140. https://doi.org/10.1353/anq.2012.0013

Yıldırım, İ & Kuyucu, T 2017, 'Neoliberal Penality and State Legitimacy: Politics of Amnesty in Turkey during the AKP Period', *Law & Society Review*, vol. 51, no. 4, pp. 859–894. https://doi.org/10.1111/lasr.12296

Yonucu, D 2018a, 'The Absent Present Law: An Ethnographic Study of Legal Violence in Turkey', *Social&Legal Studies*, vol. 27, no. 6, pp. 716–733. https://doi.org/10.1177/0964663917738044

Yonucu, D 2018b, 'Urban Vigilantism: A Study of Anti-Terror Law, Politics and Policing in Istanbul', *International Journal of Urban and Regional Research*, vol. 42, no. 3, pp. 408–422. https://doi.org/10.1111/1468-2427.12611

Yörük, E 2012, 'Welfare Provision as Political Containment: The Politics of Social Assistance and the Kurdish Conflict in Turkey', *Politics&Society*, vol. 40, no. 4, pp. 517–547. https://doi.org/10.1177/0032329212461130

Yücel, MT 2009, 'Ceza Siyasetinde Seçenek Yaptırımların Rasyonelliği' [The Rationalization of Alternative Sanctions in the Penal Politics], *Türkiye Barolar Birliği (TBB) Dergisi,* vol. 80, pp. 229–244.