

**THE POLICING OF SOCIAL DISCONTENT AND THE CONSTRUCTION
OF THE SOCIAL BODY: MAPPING THE EXPANSION AND
MILITARIZATION OF THE POLICE ORGANIZATION IN TURKEY IN
THE POST-1980 PERIOD**

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2007

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OF THE SOCIAL BODY: MAPPING THE EXPANSION AND
MILITARIZATION OF THE POLICE ORGANIZATION IN TURKEY IN
THE POST-1980 PERIOD**

**Thesis submitted to the Institute for Graduate Studies in the Social Sciences
in partial fulfillment of the requirements for the degree of**

**Doctor of Philosophy in
Political Science and International Relations**

by

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2007

Thesis Abstract

Biriz Gonca Berksoy, “The Policing of Social Discontent and the Construction of the Social Body: Mapping the Expansion and Militarization of the Police Organization in Turkey in the post-1980 Period”

The police organization in Turkey has gone through a major transformation process after the 1980 coup d'état. Within this period its personnel and budget were significantly enlarged, para-militaristic units were established, police powers were extended etc. The thesis examines the expansion and militarization of the police organization in Turkey in the post-1980 period.

As the thesis puts forward, this process can neither be evaluated as a “modernization” move to advance the public “services”; nor as an isolated case caused by the particular “anti-democratic” methods of the state in Turkey. The grounds of this transformation, whose equivalents had been experienced previously in the bedrocks of neo-liberalism (United States and Britain), must be sought within the legacy of social relations in the country and in the path-dependent neo-liberalization process, through which this legacy have been re-constructed since the beginning of 1980s.

This is accomplished in the thesis by taking into account four clusters of social relations and their re-configuration since 1945, for it is claimed that they constitute the minimum core relations that comprise the capitalist state and their modifications leave a major impact upon its institutions, especially if it is a police organization. These are the relations constituting the accumulation regime, hegemonic discursive relations, relations between state institutions affecting the

political regime and international relations leading to international norm/policy transfers.

Tez Özeti

Biriz Gonca Berksoy, “Toplumsal Hoşnutsuzluğun Denetlenmesi ve Toplumsalın Kurgulanması: 1980 Sonrası Türkiye’de Polis Teşkilatında Genişleme ve Militarizasyon”

1980 darbesi sonrası Türkiye’de polis teşkilatı önemli bir dönüşüm sürecine girmiştir. Bu dönemde personel sayısı ve bütçesi belirgin artış göstermiş, ordunun yardımıyla yarı-militer birimler kurulmuş, polis yetkileri arttırılmıştır. Bu tez, 1980 sonrasında polis teşkilatında yaşanan genişleme ve militarizasyon sürecini incelemektedir.

Teze göre bu dönüşüm vatandaşlara daha iyi hizmet götürmek için gerçekleştirilen bir “modernizasyon” atılımı veya Türkiye’de devletin uyguladığı kendine has “anti demokratik” yöntemlerin bir sonucu olarak değerlendirilemez. Bu dönüşümü açığa çıkaran zemin ve yeni kurulan birimlerin (ki bunların muadilleri daha önce neo-liberalizmin beşiği olan Amerika ve İngiltere’de kullanıma sokulmuştur) belli kullanımlarının arkasındaki sebepler, Türkiye’de ki toplumsal ilişkilerin tarihsel olarak aldığı biçimde ve bunların 1980’lerin başından beri tecrübe edilen özgün neo-liberalleşme sürecindeki dönüşümünde ve tekrar dönüşümünde aranmalıdır.

Tezde bu amaç, dört sosyal ilişki kümesi ve bunların Türkiye’de 1945’den itibaren aldığı biçimlerin incelenmesi üzerinden gerçekleştirilecektir. Çalışmada iddia edilen odur ki asgari olarak bu dört sosyal ilişki biçimi kapitalist devletin merkezinde bulunmaktadır ve bunların geçirdiği dönüşümler devletin kurumları üzerinde, özellikle söz konusu olan polis teşkilatı ise, belirgin etkiler bırakmaktadır.

Bu sosyal iliřki biçimleri řunlardır: birikim biçimini oluřturan iliřkiler, egemen söylemsel iliřkiler, siyasi rejimi etkileyen devlet kurumları arasındaki iliřkiler ve uluslararası norm ve politika transferine yol ačan uluslararası iliřkiler.

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ACKNOWLEDGEMENTS

I am greatly indebted to two professors in my educational life. The first of them is my thesis advisor, Assist. Prof. Zeynep Gambetti. She has an exceptional analytical power and extensive theoretical knowledge. With her help and encouragement, I delved into the complicated alleys of theory and dared to read the hardest theoretical texts. She showed the way to decipher the relation between different theoretical paradigms and thereby enabled me to think about my own perspective. Via her insightful recommendations, she tried to show me, a stubborn Ph.D. student as can be, the tenable ways of developing a subject in a thesis. I owe many thanks to her.

The other professor to whom I feel gratitude is Prof. Dr. Taha Parla. I met him at a point in my life, from where I would either continue my life as a blind-folded person who did not have an idea about the everyday experiences of many people living in my country or see what was actually going on and learn about the most unpleasant realities. I am grateful to him for teaching us, the students, to be critical even about the most “apparent” phenomena, behind of which there may exist a totally different picture.

My thanks also go to two professors at the New York University, David Greenberg and Neil Brenner. Prof. Greenberg made my stay there possible and Prof. Brenner made it a worthwhile and enlightening experience with the course he offered at the time. He is one of the most erudite and skillful instructors I have ever come across, who has also a human touch.

I owe thanks to BÜVAK (Boğaziçi Üniversitesi Vakfı) for providing me a generous scholarship so that I could continue my thesis preparation without being

obliged to work. I am grateful to the librarians of the Boğaziçi University Library as well who never refrained from providing me with the help to facilitate my research.

I also have to thank my friends Aslı Falay Çalkıvık and Didem Süzer. Aslı has not remained being one of my best friends who accompanied me in my hardest times but also, as an endowed scholar, she helped me shape my thoughts and provided me with the most useful material about my thesis. I owe many thanks to her. Didem, as a representative of “reason” and “real world” out there, was always near me to remind that everything would be okay. I appreciated her friendship more than a lot.

The last but not least, I owe special thanks to my family. My sister as an admirable scholar and a caring sister helped me any time when I felt discouraged and unable to continue. I could find the energy to go on with the precious diversified help she provided to me. My father has a special place in this acknowledgement. For, besides being supportive for everything I needed, emotional and material, in my personal and educational life, he also planted in me the stubbornness to go after my principles and value the “human being” more than anything else.

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LIST OF ABBREVIATIONS

ANAP: Anavatan Partisi

AP: Adalet Partisi

CCTV: Closed Circuit Television

CHP: Cumhuriyet Halk Partisi

CMK: Ceza Muhakemesi Kanunu

CMUK: Ceza Muhakemeleri Usulü Kanunu

Dev-Yol: Devrimci Yol

DHKP-C: Devrimci Halk Kurtuluş Partisi-Cephesi

DİSK: Devrimci İşçi Sendikaları Konfederasyonu

DP: Demokrat Parti

EGM: Emniyet Genel Müdürlüğü

EM-REMO Kanunu: Emniyet Reorganizasyon ve Modernizasyon Kanunu

FBI: The Federal Bureau of Investigation

GATT: General Agreement on Tariffs and Trade

HD: Hilafet Devleti

IMF: International Monetary Fund

IPA: International Police Association

Interpol: International Criminal Police Organization

ISI: Import Substitution Industrialization

İBDA-C: İslami Büyük Doğu Akıncılar Cephesi

İHD: İnsan Hakları Derneği

KESK: Kamu Emekçileri Sendikaları Konfederasyonu

KHK: Kürdistan Halk Kongresi

MHP: Milliyetçi Hareket Partisi
MGK: Milli Güvenlik Kurulu
MİT: Milli İstihbarat Teşkilatı
MKP: Maoist Komünist Parti
MLKP: Marksist Leninist Komünist Parti
MP: Member of Parliament
MSP: Milliyetçi Selamet Partisi
MOBESE: Mobil Elektronik Sistem Entegrasyonu
NATO: North Atlantic Treaty Organization
OECD: Organization for Economic Co-operation and Development
PDK/Bakur: Kürdistan Demokrat Partisi/Bakur
PKK: Partiya Karkeren Kurdistan
Pol-Der: Polis Derneği
PŞK: Kürdistan Devrim Partisi
STMA: Sosyalizm ve Toplumsal Mücadeleler Ansiklopedisi
S.W.A.T.: The Special Weapons and Tactics
TDKP: Türkiye Devrimci Komünist Partisi
TCK: Türk Ceza Kanunu
THKP-C: Türkiye Halk Kurtuluş Partisi-Cephesi
TIPS: Turkish Institute for Police Studies
TİP: Türkiye İşçi Partisi
TİHV: Türkiye İnsan Hakları Vakfı
TİKKO: Türkiye İşçi Köylü Kurtuluş Ordusu
TKP: Türkiye Komünist Partisi
TKP-ML: Türkiye Komünist Partisi – Marksist Leninist

TNP: Turkish National Police

UN: United Nations

U.S.: United States

CHAPTER 1

INTRODUCTION

This thesis examines mainly the expansion and militarization of the police organization in Turkey in the post-1980 period. The aim is to provide an explanation as to the reasons of the process by historicizing and locating it within the shifting social relations in Turkey from 1945 onwards. Such a prolonged period of time is taken into account to be able to present the background configuration of social relations out of which such a phenomenon emerged, and furthermore, to provide an explanation for the very first expansive moment in the police organization, which came with the establishment of the Society Police in 1965. While the focus of the thesis is on this process as experienced in Turkey, the study also provides a historical narrative on the emergence of the “criminal justice system” as part of the European modern capitalist states and the English police organization and thereby presents theoretical evaluations on the state, law and the police mandate. It is also demonstrated in the study that the case in Turkey was not an isolated phenomenon and took place during a period in which the core countries of global capitalism, particularly and originally the United States and Britain, had already gone through major re-structuring processes as to their network of social relations that led to similar penal outcomes.

The arguments of the thesis from the most general to the main one can be conveyed as the following: firstly, it is argued that penal apparatuses and policies are embedded within social relations rather than having a progressive nature; secondly, it is claimed that the structural qualities of neo-liberalization processes as observed in

their original lands like the United States and Britain as well as later in Turkey are conducive to the rolling-out of penal states; thirdly and most importantly, it is argued that the specific legacy of social relations as experienced in Turkey in the post-1945 period was combined with a path-dependent neo-liberalization process in the beginning of the 1980s and this opened in the state a strategically selective terrain for the expansion, militarization and strengthening of the police organization in a particular way and its growing usage all throughout the period.

This last argument can be briefly elucidated in the following manner: the shifts in the accumulation regime in Turkey in the post-1945 period, which contributed to the emergence of certain important socio-economic phenomena such as growing internal migration, expansion of the shanty towns on the periphery of big cities, the politicization of their dwellers as well as the emergence of a vibrant, politically active working class, was set from the beginning of the 1980s on a more exploitative and exclusive pattern visibly crystallizing the “others” of the system (such as the working class who refused to be docile, and later the rapidly growing “underclass” that was fed by the forced internal migration waves in the mid-1990s). This process fed and was also enhanced by the shifting hegemonic discursive practices in the social formation, which were becoming more and more of a synthesis of the prevalent nationalist-conservative legacy based on a Kemalist background and the newly devised strictly market-oriented authoritarian-state eulogy. This would replace the “classless homogeneous society” rhetoric of the pre-1980s with a “two nations” project, which expanded the cluster of “others” in the social formation to include the armed and unarmed Kurdish dissidents, the Alevi people, and adherents of political Islam. In this path-dependent neo-liberalization process, the civil and military administration also gained further strength within the state, affecting and

being affected by these above mentioned shifting social relations that were under the influence of the globally hegemonic bloc, especially the United States and Britain. Rather than devising a cause-and-effect equation, it can be claimed that these different forms of social relations left reciprocal effects on each other and created (in Jessop's [1990] terminology) a "strategically selective terrain" within the state to bring the police organization to the forefront for constructing cohesion and achieving stability in the social formation, albeit with coercive measures. This repressive power strategy, which became eligible for the state at a time when the web of social relations was channeled in a way that could (and later did) lead to serious social dislocations, was seized by the ruling elite without delay and it was employed via expanding and militarizing the police organization and through its growing usage throughout the period.

Before revealing the method pursued in the thesis, it will be appropriate first to take a quick look at this expansion and militarization process of the police organization so that the reader can have a sense of what is meant by it, its scope and substantiality. The first major expansion of the organization was realized in 1965 with the establishment of the Society Police (*Toplum Polisi*) squads, which were utilized in public order policing. In the ensuing 15 years while the number of the personnel slowly increased, this unit remained as the only significant addition to the organization. However, following the coup d'état of 1980, the organization entered a major re-organization phase by the initiation of the military junta. In this period, a series of significant modifications came one after another. As understood from the speeches of the high-ranking police officials and MPs of the time (which will be presented in the related chapters), the main objectives behind these modifications were to strengthen and expand the organization with a similar strategy previously

implemented in the military, to increase the powers of the police, and to organize its staff hierarchically, in line with the seniority system which was also used in the armed forces.

During this re-organization process, the budget of the police was enlarged for a ten year period by means of a law enacted for the authorization of the General Directorate of Security to use extra-funds to “re-organize and modernize” the organization (*EM-REMO Kanunu*); new departments were established within the General Directorate of Security (i.e. the Intelligence Department, Aviation Department, Data Processing Department, the Replenishment and Maintenance Department etc.); police powers were significantly extended; new arms and vehicles were supplied and standardized (i.e. high-tech weapons, panzers, helicopters, Robocop garments etc.); the personnel was expanded at a faster pace (the number of the police officers in service, which was around 13,500 in the 1960s and 50,000 in 1980¹, reached approximately 170,000 in 2006 leading to a ratio of one police officer per 265 citizens [Cerrah 2006: 82]); the provinces were divided into four groups according to which the re-organization of the police stations in these provinces were accomplished; and new police schools were opened to enable the increases in the personnel. (EGM 1983: 42-53).

In the mean time, with the help of the military, the Society Police squads were re-structured into enhanced para-militaristic units, strengthened with high-tech weapons, disciplined according to a strict hierarchical order and were re-named as Rapid Action Units (*Çevik Kuvvet*, 1982). Another para-militaristic division, namely the Special Operation Teams (*Özel Harekat Timleri*, 1983), was established beneath the Public Order Department; and an Anti-Terrorism and Operation Department

¹ The data are gathered from the journal *Polis*.

(*Terörle Mücadele ve Harekat Daire Başkanlığı*, 1986) was set up. In the 1990s, these were followed by the enactment of the Anti-Terrorism Act (*Terörle Mücadele Yasası*, 1991), the organization of the Special Operation Teams within a separate department named “Special Operation Department” (*Özel Harekat Daire Başkanlığı*, 1993), the establishment of motorcycled police teams (*Motorsikletli Polis Timleri/Yunuslar*, 1993) and the placement of surveillance camera systems (MOBESE, 2005) on public streets.

Thus, based on these developments, it can be stated that a substantial restructuring process was followed in the 1980s concerning the police organization in Turkey. This thesis aspires to provide a meaningful explanation as to both the establishment of the Society Police in 1965 and to the expansion and militarization process within the police organization in the post-1980 Turkey by a method of locating them within the larger context of shifting social relations. Four clusters of social relations which arguably lie at the core of the state are scrutinized and the modifications these clusters of relations have gone through are laid out to demonstrate the terrain on which the state opted for such a repressive power strategy. As the police institution is an important component of the capitalist state, this method is derived from a certain theoretical orientation as to the conceptualization of the capitalist state. It is claimed here after Sayer (1989), Corrigan et al. (1980), Wood (1996), Poulantzas (2000), Ollman (2003) etc. that the capitalist state is internally related to the relations of production and embedded within the web of social relations, therefore the reasons for the modification in the police organization as *one of the apparatuses of the state* should be searched for in the modification of these clusters of social relations. Although the variety of the clusters can be augmented, it is claimed in the thesis that the minimum necessary ones to provide a full-fledged

explanation for the opening of a “strategically selective terrain” for a modification process within state institutions (particularly the police organization in this case) are these four clusters. The first, which arguably lies at the core of the state, is the one emanating from the accumulation regime of social formation. The second one can be specified as the hegemonic discursive relations. The third one is the relations between the state institutions constituting the prevalent political regime. The fourth one encompasses international relations leading to international policy transfers. These relations are separately mentioned because of analytical reasons; however, it must be noted that it is the web of social relations that causes the whole process at the end.

The organization of the thesis can be briefly presented in the following way. In the second chapter, a historical narrative on the emergence of the “criminal justice systems” in Europe and the police organization in England will be put to use to substantiate the explanatory power of the theoretical framework used in the thesis. The framework is based on a Marxist paradigm utilizing Foucauldian conceptual tools, which capture the inner dynamics of the power relations of modern sovereignty more accurately and vividly than any other conceptual baggage. By demonstrating the changing rationalities behind the penal policies and the historical context of the emergence of the English police (the first modern police organization established in the form it is known today), it will be presented that “punishment as such” does not exist but appears in different forms according to the changing patterns of social relations within social formations. Without focusing on a single formation, it will be put forward that certain common features of the re-configuring web of social relations in Europe led to the emergence of the “criminal justice systems” in the first place and later to the police organizations, in the forms they are known today.

After clarifying the theoretical orientation of the thesis as to the conceptualization of the capitalist state and law, in the last part of the chapter, the analysis will be narrowed down to the theorization of the police in capitalist social formations. Departing from the historical narrative put forward for the English police organization and relying on various secondary sources studying the police organizations of various social formations, it will be argued after Neocleous that “the best way to understand the police is as an activity rather than an institution, a function rather than an entity” (Neocleous 2000: 4, 5). This function can be defined as the “conduct of conduct” by borrowing from Foucault’s terminology devised to define modern sovereignty. This conceptual tool is employed without ignoring the centrality of the capitalist states in constructing the social body and it is argued that the capitalist states, through the police, communicate signs, intervene mildly (through surveillance, warnings etc.) or repress via outright violence and thereby construct the social body.

In the third chapter of the thesis the neo-liberalization process in the heartlands of neo-liberalism, the United States and Britain will be explored. As indicated above, the transformation realized in the police organization in Turkey was not an isolated phenomenon but took place after the core countries of global capitalism (particularly and originally the United States and Britain) had entered a substantial alteration phase concerning their networks of social relations, which led to similar penal outcomes. This alteration phase experienced in the advanced capitalist social formations from the late 1970s was initiated by the stalemate faced within the politico-economic balance constructed within global capitalism by means of the widespread implementation of the Keynesian accumulation regime. The exodus from these impasses was constructed initially in the United States and

Britain, as the heartlands of this process, by the new-right political projects, which led to the dismantling of the welfare states. These led to far-reaching changes within the configuration of social relations prevalent in these social formations in a particular direction. The projects and the changes they cause have common features and they can be classified as incorporating a “neo-liberal” pattern. One of the results of this pattern was the replacement of the social-welfarist modes of governance with more exclusionary and punitive ones (Peck 2003; Tickell and Peck 2003). This was achieved by the expansion of the criminal justice systems and the enhancement of the penal institutions. Besides the “privatization of risk assessment” mechanisms (Rose 2000; Rose 1999; Gill 2003; Haggerty and Ericson 2000: 605), there have also arisen “penal states” within these social formations through the booming of the prison systems and the expansion and the militarization of the police organizations which were utilized in the governing of the social order and of those who pose a threat to this new configuration of social relations (Wacquant 2001; Brewer et al. 1996; Fine and Millar 1985; Kraska and Kappeler 1999; Meeks 2006). Scrutinizing these examples will be helpful to see that there were common dynamics (of a neo-liberal nature) behind the expanding and militarizing police organizations. It will also be beneficial to demonstrate what kinds of policy options are available in these social formations for transferring to others, like Turkey, which reside at a receptive position with respect to them on various issues including those concerning the policing of the social body.

From the fourth chapter onwards the focus will be on Turkey. The following four chapters scrutinize the above mentioned four clusters of social relations and their connection to the specific modifications in the police organization. Accordingly, in the fourth chapter the establishment of the Society Police, Rapid

Action Units, motorcycled police units and the installation of surveillance camera systems will be related to the modifications experienced in the accumulation regime of the social formation since these units are more directly connected to the surfacing of a large working class, its unionization, the rise of the shanty towns in the cities and the emergence and expansion of an “underclass” especially during the neo-liberalization process of the 1980s and 1990s . However, these units are also related to the discursive legacy of Kemalism, especially to the “anti-communist” standpoint of the nationalist-conservative governments of the pre-1980 period and the nationalist/ethnicist/authoritarian tones of the post-1980 period in which a neo-liberal “two nations” project was instigated by the ANAP government (Chapter 5).

Therefore, the relation of the above mentioned units with this dimension of social relations is recognized as well, but since they are discussed in the fourth chapter, the focus in the fifth chapter, concerning the post-1980 period, will be on the close connection that arguably exists between the hegemonic discursive relations and the establishment of other new departments such as the Special Operation Teams/Department, the Anti-Terrorism and Operation Department and the enactment of the Anti-Terrorism Act. It will be argued that these hegemonic discursive practices which incorporate a certain construction of the Kurdish issue have opened the strategically selective terrain within the state’s institutions especially for the formation of these departments.

In the sixth chapter, the role played by the changing political regime of the country in the growing emphasis put on the police organization and in its expanding powers especially from 1980 onwards will be scrutinized. It will be argued that as basic rights and freedoms were curtailed particularly with the 1982 constitution (in relation to the above mentioned changing relations) and administration, mainly the

military component became predominant within the institutional arrangement of the state. Besides the extensively powerful president, the police organization as part of the administration also gained importance and moved to the forefront by acquiring extensive authorities within the consolidating “national security” state.

In the seventh chapter the international aspect of this phenomenon will be taken into account by focusing on the channels of international policy transfers especially from the United States (the hegemonic state of global capitalism) and from its closest ally, Britain with which Turkey has close relations.

Although these clusters of relations are interlaced and inseparable from each other, they have to be analyzed separately for analytical reasons. Each cluster will be related to certain newly established units of the police organization, on which they arguably have a *greater* degree of impact. However, as mentioned above, it must be noted that it is the web of social relations that causes the whole expansion of the organization at the end.

As to the place of this study within the literature on the police, there are two bodies that have to be mentioned. The first one is composed of the theoretical and empirical studies concerning other countries; the second one encompasses those concerning Turkey. Within the first body, there are mainly five categories. As to the first category, which is composed of the works based on accounts of linear/progressive history (liberal/pluralist studies), it can be stated that they reduce the police to an instrument for managing crime and thereby, they can be criticized for missing the critical and “criticizable” place of this organization within the construction process of modern social formations (Lee 1901; Reith 1943; Hart 1951; Critchley 1978; Radzinowicz 1948-1968; Ascoli 1979 etc.). While the studies in the second category, which are based on the sub-culture of the police, reveal useful

information as to the *Weltanschauung* of police organizations at specific locations, they generally miss the big picture which incorporates the modern capitalist state's power dispersing within the social body through the police project to construct it (Westley 1970; Stinchcombe 1963; Banton 1964; Skolnick 1966; Bordua 1967; Wilson 1968; Manning 1977; Bittner 1980). The Foucauldian studies constituting the third category, underline this disciplinary and, thereby constructive process, but this time, "they are stripped of any sense that police has anything to do with violence and thus state power" (Neocleous 2000: x; for this category see Cohen 1985; Ericson and Haggerty 1997; Ericson and Haggerty 2000; Rose 2000). As to the fourth category which is composed of the studies centered on policy proposals, it can be stated that their critical edge is highly limited in scope and they miss the systemic qualities of the police project (Baldwin and Kinsey 1982; Skolnick and Bayley 1986; Lustgarten 1986; Waddington 1987; Wilson and Kelling 1999 etc.). Thus, this thesis draws mainly on the findings of the Marxist/critical studies constituting the fifth category and makes use of the conceptual tools of the Foucauldian paradigm (Davis 1992; Brogden 1987; Jefferson 1990, Jefferson 1993; Brewer et al. 1988; Reiner 1992; Skolnick and Fyfe 1993; Keith 1993; Emsley 1996a; Kraska 1999; Kraska and Kappeler 1999; Chambliss 1999; Harcourt 2001; Storch 1976; Cohen 1979; Hall et al. 1978; Bunyan 1983; Scraton 1985; Fine and Millar 1985; Harring 1993; Spitzer 1993; Chevigny 1995; Parenti 1999; Neocleous 2000)². The main arguments of the thesis are based on the "relational approach/internal relations theory", as mentioned above, and they are in line with the conclusions of Neocleous' work *Fabrication of Social Order* but nevertheless, the method arising from this theoretical orientation does not figure among the police studies in the way it is employed here.

² See Reiner (1994). These examples in each category comprise the most well-known. The list is by no means exhaustive.

As to the studies on Turkey, it can be stated that there exists a highly limited number of studies on the police organization. The strongest analyses are made by Tanıl Bora in his articles “Terör, Devlet ve Türk Sağı” (1992), “Devletin Polisi, Polisin Devleti” (1994) and “Polisin Ayaklanması-Polis Partisi” (2001) on the qualities and structure of the police organization in Turkey, its modifying functions and the discursive practices prevalent within it. These articles constitute the most valuable resources about the recent developments in the organization. For the history of the police organization, one can make use of Ergut’s study *Modern Devlet ve Polis* (2004) and for acquiring general information on the organization with some critical edge one can consult the almanac edited by Cizre, and entitled *Almanak Türkiye 2005: Güvenlik Sektörü ve Demokratik Gözetim* (Cizre 2006). Ahmet Aydın, who has a police background, leans on the bases of legitimate authority in England and Wales and Turkey in his study *Police Organization and Legitimacy* (1997) and evaluates the police practices in the two countries from a Weberian point of view. While his study provides valuable information and appropriate criticisms for the police practices in Turkey, it carries the shortcomings of a Weberian framework. There are also works based on questionnaires administered within the organization such as *Who are the Future Police Elites? Socio-Economic Background of the Students at the Police Academy in Turkey* (Özcan and Çağlar 1994) and *Problems of Nepotism and Favouritism in the Police Organization in Turkey* (Mutlu 2000). An interesting memoir book, titled *Fethullah’ın Cipları* (Kındıra 2001), written by a defrocked police officer, who claims that the Gülen community has attracted numerous supporters from within the organization, has to be mentioned.

There are also “cop-sided” works such as *Türkiye’de Devlet, Toplum ve Polis* (Çevik and Göksu 2002), *Ceza Adalet Sistemi ve Polis Sempozyumu* (1998),

Uluslararası Polislik ve İç Güvenlik (İçli and Karaosmanoğlu 2003); *Crowds and Public Order Policing* (Cerrah 1998). On the legal dimension there exists a comparative study entitled *Arrest and Detention Powers in Turkish and English Law and Practice in the Light of the European Convention on Human Rights* (Eryılmaz 2000) and there are also vocational works such as *Türk Ceza Yargılaması Hukukunda Yakalama ve Gözaltı* (Şahin 2004), *Emniyet Teşkilatı ve Polis Meslek Hukuku* (Sönmez 2005), *Türkiye’de Polis ve Kişi Hakları* (Metin and Eraslan 1994). The last one also carries a critical edge, focusing on individual rights against police practices.

This is not an exhaustive list; however, it can be stated that there is no comprehensive study that examines the police organization in Turkey from the Second World War onwards by locating the major institutional modifications in the organization within the shifting social relations of the country and providing explanations for their emergence. This work aims to fill this vacuum.

The study is based on primary resources such as those published by the General Directorate of Security, the journal *Polis*, and the newspapers of various years. It also draws on secondary resources such as police studies, studies on neo-liberalism, and the works on Turkey from various aspects. For the first two bodies of literature, research was undertaken at the libraries of New York University and Columbia University as well as at the New York Public Library from January to August 2004. Also interviews were carried out within the police organization in Ankara and Istanbul during April and May 2005, the results of which are not presented here but made use of in the analyses. This study will fulfill its aims to the extent that it provides a perspective for further research to be carried out on the police organization of post-1980 Turkey.

PART I

THE MODERN PENAL CHAIN IN THE WESTERN CONTEXT: THE
HISTORICAL AND THEORETICAL DIMENSIONS

CHAPTER 2

THE RISE OF THE MODERN PENAL CHAIN IN EUROPE, THE CAPITALIST STATE AND THE POLICE

The Historical Dimension

Carving the Capitalist Social Body out of Dispersing Social Relations: The Rise of the Modern Penal Chain in Europe as Part of the Capitalist State

The modern penal chain of the capitalist state which emerged as a consequence of a historical process arising in different countries at certain conjunctures with different historical patterns incorporated, in general, mainly three institutions: police organizations, courts, and penitentiaries. The first and the last are civil bureaucracies working under the executive whereas the courts are the judicial bureaucracy working under the judiciary. All of these institutions, together with psychiatrists, probation officers, criminologists etc. compose what is generally called the “criminal justice system”. In the following pages, a very concise account of this system’s emergence in the West will be provided, without refining it according to the specificities of each social formation. The aim here is to present the common features of the re-configuring web of social relations within European social formations since approximately the fifteenth century that led to the emergence of “criminal justice systems”, and thereby to give an idea about the conditions and reasons of their emergence as well as the role that the police institutions acquired later in the nineteenth century as they became a part of this system.

In continental Europe, although each social formation retained its own peculiar historical pattern with respect to penal forms, they also shared certain

commonalities. The main antecedents of the modern penal forms can be specified as the extremely detailed “police regulations”³ which were put together under the banner of *Polizeiwissenschaft* (science of police) and implemented by the absolutist monarchies of the time (Foucault 1991; Pasquino 1991; Gordon 1991). With the dissolution of feudal relations and through the re-configuration of social relations on a capitalistic basis from approximately fifteenth century onwards, the newly emerging administrative apparatuses of the territorial monarchies set out to found “an economy at the level of the entire state, which means exercising towards its inhabitants and the wealth and behavior of each and all, a form of surveillance and control as attentive as that of the head of a family over his household and his goods” (Foucault 1991: 92). As Pasquino (1991: 111) puts forward, from the fifteenth century to the seventeenth, “the idea of an opposition between public and private spheres does not yet exist”. Throughout this period, police regulations to which the treatises of *Polizeiwissenschaft* contributed, were based on detailed statistical information about the population and were utilized in a great effort to re-form social bodies and to give form/order to what went unregulated in the “waning of the Middle Ages” (ibid.).

Within these circumstances, at an early period of modernity, the private settlement of disputes was given up, enabling the monarchies to extract revenues from the administration of criminal justice⁴. Instead of the religious “penance” of the

³ The origins of the word police go back to the Greeks. “The Greek *politeia* meant all matters affecting the survival and well-being of the state (*polis*). The word and the idea were developed by the Romans (the Latin *politia* can be translated as the state), largely disappeared with their empire, but were resurrected in the medieval universities to justify the authority of a prince over his territories. By the early eighteenth century in continental Europe *la police* and *die Politzey* were being used in the sense of the internal administration, welfare, protection, and surveillance of a territory” (Emsley 1996: 3).

⁴ Spierenburg (1998: 45) reveals that at this time in Europe there were varieties of agencies dispensing “justice” such as “regular” courts, ecclesiastical tribunals, seigniorial courts of France. Nevertheless the tendency was towards “the growing centralization of the administration in the hands of a bureaucracy trained in Roman law” (Rusche and Kirchheimer 2005: 16).

previous period, primarily two methods of punishment came forward at the beginning of the period: the enforcement of fines and corporal punishment. As the new relations of production instigated the attribution of absoluteness to private property, forcing the peasants to leave their homes in the country-side and stream to towns (only to join the newly emerging army of vagrants and beggars), the imposition of fines became a penal method used only for the wealthy⁵. The poor and the pauper were exposed, instead, to increasingly cruel corporal punishments (execution, mutilation, flogging). These penal methods together with the harsh vagrancy statutes were based upon *retaliation* and *revenge* as the penal rationality of the time. Cruelty provided the publicity with which it was believed that the punishment had an enhanced deterrent value (Rusche and Kirchheimer 2005: 21). The death penalty, which was previously evaluated as an extreme penalty for serious offenses, attained new significance in this period as a means of putting an allegedly “poisonous flood” of idle vagrants, robbers, in short “villains”, out of the way (Rusche and Kirchheimer 2005: 19).

However, in the mean time, minor punishments (minor relative to corporal punishments) like banishment and penal bondage also became popular. Especially in the sixteenth and seventeenth centuries, “evil conduct” and “disreputable behavior” were constructed as important social problems. The unwillingness of “villains” and able-bodied vagrants to work was labeled as “immoral conduct”. Shortages of labor power experienced due to long wars (like the Thirty Years Wars) led to the relative re-valuing of human life. In consequence penal bondage, which indicates punishment methods like loss of liberty, forced labor (like galley slavery, public

⁵ “...those who had enough money to pay were able to buy exemption from punishment, offenders who were without means (and they made up the great majority in these hard times) were powerless to save themselves from the harsh treatment to which they were liable” (Rusche and Kirchheimer 2005: 17, 18).

works), imprisonment with forced labor and deportation to colonies, started to gain significance (Rusche and Kirchheimer 2005: 53-71). The first prisons were opened in London (1555), Amsterdam (1596) and Bremen (1608) (Spierenburg 1998: 61). Rasping and cloth work were the main trades imposed on the laboring inmates (Spierenburg 1998: 64).

With respect to the English case, it can be argued that although the first prison was opened in London, for a long time British courts and legislators (relying mainly on the “collective responsibility” of local notables rather than the detailed police regulations of a dispersed administration) (Spitzer 1993: 572; Emsley 1984: Ergut 1999: 43-46) remained reluctant to use it for felons and preferred to keep only vagrants and cheating servants in prison (Spierenburg 1998: 68). Just like in continental Europe, in England corporal punishment (decided by the magistrates who were from the class of property) (Emsley 1994: 169, 170; Hay 1975: 17-64) remained as one of the main punishment methods which was directed especially against the poor (Spierenburg 1998: 50, 51). In the eighteenth century the penal code turned into one of the bloodiest codes in Europe (Linebaugh 1992). Regarding the method of penal bondage, it was transportation that occupied a very important place in the English penal system for a very long time, as there was the chance of deporting criminals first to America and then to Australia (Spierenburg 1998: 49-68).

Thus, the penal methods which were used in the pre-eighteenth century European states to get rid of feudal relations and to re-construct the propertyless masses into industrious, sober members of the social body were comprised mainly of corporal punishment and later, of penal bondage as well (Neocleous 2000). It can be argued that as corporal punishment and violence were used in this period to “free” the flourishing bourgeois population of its “burdens”, it was also used to give shape

to social relations by repetitive representations of the sovereign's cruelty, inscribing in people a certain awareness of state power that "not only did not hesitate to exert itself directly on bodies, but was exalted and strengthened by its visible manifestations" (Foucault 1995: 57). The different rationality of "penal bondage" which was applied in the form of loss of liberty and forced labor also contained violence in itself, however it additionally represented a bridge to a new epoch (that started in the late eighteenth century) in which the penal forms went through a radical transformation.

The late eighteenth century was a period in which social relations within European social formations underwent significant transformations. The changes in the social relations of production, the colonial expansion of the seventeenth century, development of international trade, and the creation of financial markets had enabled considerable capital accumulation. As the demographic expansion of the eighteenth century facilitated sharp decreases in wages, anyone with a little capital acquired the ability to establish some sort of business without governmental assistance (Rusche and Kirchheimer 2005: 87). A general increase in wealth and property was enhanced by the construction of the status of "citizenship" which denoted the constitution of subjects as the holders of certain "rights" and "freedoms" and comprised one of the main elements of the notion of "civil society" separate from (but, nevertheless, unavoidably regulated by) the state whose "unnecessary" encroachments would be curtailed with the establishment of the "rule of law". The consolidating bourgeoisie who was no longer in need of the strict regulations of the mercantilist state was demanding a "distance" from the state to acquire the freedom to manufacture and trade (Neocleous 2000: 22-44). At this point, unpredictability and arbitrariness together with privileges and advantages became intolerable for them.

Meanwhile, however, the prevailing penal relations, which were channeled through various uncoordinated courts presided over by judges who literally bought their offices, and were based on the rationality of *revenge-retaliation*, were creating rather contradictory tendencies, as there were occurring numerous protests having the potentiality of rebellion during the physical confrontation between the “sovereign” and the condemned (Foucault 1995: 73). The imprecise procedure of incarceration which was usually utilized to “remove” people who were deemed “undesirable” (Rusche and Kirchheimer 2005: 72) and the random mercies granted by the royalty were rendering the penal process irregular and thus, ineffective (Foucault 1995: 79). Meanwhile, “as this period saw the working class fall into the greatest misery it had ever suffered” (Rusche and Kirchheimer 2005: 88), in England as well as on the Continent, the offences against property rapidly exceeded the number of physical acts of aggression, and soon the direct seizure of goods like theft and swindling performed by professional criminals who were evaluated as the “enemies” of society, came to be regarded as one of the biggest problems of the time (Foucault 1995: 75-77; Emsley 1996a: 16; Emsley 1996b). The bourgeoisie, now in a position of trading through developed ports, owning huge workshops and big warehouses in which commodities were stored, started to engage in campaigns to take severe measures for security and against “illegality”, some of which were previously tolerated and some of which were newly defined as “illegal” due to the recent prohibitions regarding, for example, the collection of wood (Marx 1975: 224-263), the usage of “common lands” and pastures, and (for workers) taking part of the product as payment in kind (Foucault 1995: 85). The hegemonic discursive relations of the time were dominated by the issues related to “security” and the “protection of property rights”.

Consequently, reforms were proposed (by Beccaria, Servan, Bentham etc.) for a clear definition of crimes, previous contemplation of effects for each punishment, and their regular application to render the penal system efficient. This was done in the name of “humanity” but as Foucault puts forward, the main objectives were to achieve calculability, predictability, regularity and effectiveness (Foucault 1995: 92). The foundation of the right to punish would be the “individual will” and it would be based on “representations”, “signs” and “regularity”. However, Foucault draws attention to the fact that the penal systems in the West evolved into something other than the one which was proposed by these reformers (Foucault 1995: 127, 128). Within these shaky circumstances, the capitalist states in Europe re-organized their penal systems (which would be founded upon penitentiary) with the aim of “defending their societies” and social order (making it the basis of the right to punish) against “dangerous personalities” who were non-social and thus, defective (Pasquino 1991: 242, Reiner 1994: 706). They were structured consistently with the emerging society model based on the disciplining of the body in accordance with the needs of the capitalist production through a certain appliance of time (segmentation, seriation, synthesis, and totalization) and space (cellular) (Foucault 1995: 143, 144, 157-162; Thompson 1991: 352-403; Lukacs 1971) within the apparatuses of confinement (factory, school, military). New criminal codes were devised, courts were centralized, penitentiaries, as institutions of confinement, became the main penal alternative and police organizations were founded. As motiveless but serious crimes proliferated, psychiatry joined this *chain* and “the criminal” as a “monster”, “dangerous personality” (Foucault 2000a: 176-200), or just the intruder of the social order became the central issue and thereby replaced the centrality of “crime”. The personality and potentialities of the criminal who was to be treated, rehabilitated and

thus molded, came before the deed (crime). As a result, in the first half of the nineteenth century, the “repressive governmental apparatuses” or as in everyday usage the “criminal justice system”, in the institutional structure it is known today, emerged. V.A.C Gatrell, in his article “Crime, authority and the policeman-state”, quotes a writer of the nineteenth century, J.F. Stephen. Stephen states that “The administration of criminal justice is the commonest, the most striking, and the most interesting shape, in which the sovereign power of the state manifests itself to the great bulk of its subjects” (Gatrell 1990: 259). However, the state would not be contended with only the manifestation in the way Stephen argues. N.H. Julius in his book *Lessons on the Prison* in 1828 was devising the situation in a more appropriate manner by referring to Bentham’s panoptic architectural model: “Now...the appearance of this architectural problem is correlative with the disappearance of a spiritual and religious community and the emergence of a state controlled society. The state presents itself as a certain spatial and social arrangement of individuals in which all are subjected to a single surveillance” (cited in Foucault 2000b: 72).

Thus, it can be stated that “punishment as such does not exist” (Rusche and Kirchheimer 2005: 5) and the objectives of these forms are not simply to “enforce the law” and punish the criminals. In accordance with this argument, it is observed in the West that penal forms acquired different penal rationalities (various combinations of shaming, revenge, retaliation, humanitarianism, treatment, rehabilitation, restorative justice etc.), different punishment methods (fine, corporal punishment, capital punishment, galley slavery, deportation, penal servitude, imprisonment) and different representations of the “criminal” (fools, monsters, enemies of society, villains, sufferers, victims, rebels, terrorists) which must be

evaluated in their specific manifestations at different times as the consequences of the changing social relations within particular social formations.

Even though the English and the Continental social formations (and the United States) retained specificities with respect to their configurations of social relations (especially the class relations), they converged on the path to establish dispersed but also centralized, discursively mild but in everyday practices rather violent (contrary to Foucault's contention), perceptively reactive but also proactive "repressive governmental apparatuses"⁶ as part of their states to sustain coherent capitalist social relations specific to each formation. This brought together the application of stricter methods of surveillance, a tighter partitioning of the population, more efficient techniques of locating/obtaining information and mapping of the social body (Foucault 1995: 77). It can be stated that these apparatuses emerged during the capitalist restructuring process of these social formations, to incessantly construct and reconstruct the social body, constitute the citizens, fashion order and subsume social struggles within a "law and administration continuum" (Neocleous 1996: 162). It can be argued that it is the capitalist state's

⁶ Althusser (1994) and Neocleous (1996) employ analogous concepts for these institutions. Althusser uses the concepts of Repressive and Ideological State Apparatuses placing the police and the army in the former and the Church, family, educational institutions etc. in the latter (Althusser 1994). However, it can be argued that the division of these institutions into repressive and ideological ones implicitly retains an inaccurate distinction of "body" and "mind" and contradicts with the other parts of his theory in which he explicitly defines ideology as having a material existence (Montag 1995). In this way, it also contradicts the theoretical framework used here. In the case of the concept of "political administration" used by Neocleous in his book *Administering Civil Society* (1996), it can be claimed that it remains as a concept inadequate in matching the aims of these apparatuses which are to penetrate and mold individual disposure to create certain subjectivities. Here, the use of the adjective "repressive" to delineate the concept of "governmental apparatus" may cause a similar criticism as put forward above for Althusser. It may imply an ideology/repression distinction in the way he has done; however, in the theoretical framework used in the thesis, it has to be noted that the governmental apparatuses denote apparatuses of modernity in which certain governmental rationalities utilizing particular discursive formations are operationalized through subtly physical modalities such as fragmentation, cellularization, serialization as Foucault has put forward in *Discipline and Punish* (1995) (thus mostly creating ideological effects in the way Purvis and Hunt (1993) argued - that is the reproduction of domination) acting on bodily dispositions. When they are specified as repressive, it indicates the apparatuses in which subtle physical modalities are supplemented by coercion or outright violence and in which presence is involuntary. Hence, avoiding the body/mind distinction, a consistent reference is made to the construction of subjectivities.

“governmental” endeavors that lie at the heart of these penal relations which are to monitor, intervene, classify, fragment and (coercively) penetrate each and all in order to mold their bodily/mental dispositions and potentialities within the social relations they are engaging in, in such a way as to perform the ubiquitous re-construction of a *coherent* order composed of a certain configuration of social relations.

The Emergence of the English Police Organization: A Clue for the Social Role of the Police in Capitalist Social Formations

The police organizations in the West were established as part of these repressive governmental apparatuses of modern states. While the explanation given above with respect to the emergence of the repressive governmental apparatuses provides the big picture, nevertheless, the police have specificities with respect to the social roles they perform within capitalist social formations. To gain an understanding of these specific ways of functioning and later to analyze the transformations they went through especially from the late 1970s onwards in Western social formations (the United States and Britain) and in Turkey throughout the neo-liberal process, it will be appropriate first to zoom into one exemplary social formation, England, and to examine the conditions of the police organization’s emergence there. It can be argued that to examine its emergence reveals what the organization is and what kind of social relations it is embedded in. It is beneficial to opt for England in this account because England is the heartland of capitalism and the first modern police organization in the form known today was initially established in England. Hence, lacking an absolutist state but creating the first example of one of the most important apparatuses of the modern capitalist state, the English case demonstrates and indicates the need for a perspective other than “autonomous state” theories (which

are usually opted for the absolutist monarchies of early modernity like France) to evaluate the emergence of the police project, a perspective which engages with the dynamics of capitalism.

In England the “new police” was established in 1829. For about six hundred years before that date, the social order was maintained and held in check by a mechanism called “collective responsibility” necessitating each town and hamlet to bear the responsibility of apprehending and punishing an offender, the neglect of which led to the payment of a fine. In every locality one person (“parish constable” in small districts, “high constable” in hundreds) was elected to be in charge of organizing the “hue and cry” in which everybody in the area had to take part to find the criminal (Bunyan 1983: 59, Emsley 1996a: 8-23, Emsley 1994: 157-160). The constables were chosen from the notable members of local communities who would still conduct their full-time trade or profession while they served (they served generally for one year). Besides, there were “town watchmen” recruited by the local authorities and paid to patrol the streets after dark and there were thief-takers, who were themselves felons and were recruited to find criminals (Emsley 1994: 158). As in the other social formations of Europe, the courts held a key position within the penal apparatus, presided over originally by knights (appointed first at the time of Richard I) and later from the fourteenth century onwards by members of the feudal aristocracy appointed by the crown and named “Justices of the Peace” (Bunyan 1983: 59). “The constables, who were originally chosen by the local community ... began to lose the initiative and became ‘the mere subordinates of local ministers of the Crown’” (ibid.) and the magistrates (JPs), having the upper hand, performed three functions: “They were responsible for law and order, the judicial and administrative

authority in the locality, and they were charged for maintaining the peace of the crown, whence they derived their authority” (ibid.).

While the general framework of this penal form lasted more or less unchanged until the nineteenth century, the English social order was going through a phase of serious reconstruction from approximately the sixteenth century onwards, gradually leaving its impact upon the penal mechanisms that culminated in the “new police” of 1829. England had been a more or less unified country since the Normans had established their rule in the country in the eleventh century, and from the sixteenth century the remaining fragmentation from the feudal times was gradually overcome, leaving its place to a centralized state (Wood 1999: 74). The material foundation of this centralization was in agriculture. Large land-owners (the aristocracy) were demilitarized and lacked the “extra-economic” powers; that is why they were pressing their tenants not with coercive means like the feudal lords in continental Europe but with demands of *rent*, the amount of which was steadily adapted to market imperatives (Wood 1999: 76; Moore 1993: 9). The dependence on the market which became more competitive and assertive through time eventually led to a tripartite division of the social formation which was composed of large-landowners, capitalist tenants and wage-laborers, and to the polarization of English rural society between large land-owners and a growing propertyless multitude (Wood 1999: 78; Moore 1993: 3-39). In *Capital*, Marx depicts this period in England as:

The prelude to the revolution that laid the foundation of the capitalist mode of production was played out in the last third of the fifteenth century and the first few decades of the sixteenth. A mass of ‘free’ and unattached proletarians was hurled onto the labour-market by the dissolution of the bands of feudal retainers... (T)he great feudal lords, in their defiant opposition to the king and Parliament, created an incomparably larger proletariat by forcibly driving the peasantry from the land, to which the latter had the same feudal title as the lords themselves, and by usurpation of the common lands (Marx 1977: 878, 879).

As a result of this process, customary rights that interfered with capitalist accumulation were gradually extinguished and traditional conceptions of property had to be replaced by new capitalist conceptions of property which were not only *private* but *exclusive* as well (Marx 1975: 224-263; Thompson 1991: 97-184). This meant the extinction of certain use-rights on which many people depended for their livelihood. The process reached its completion after the Glorious Revolution of 1688, with which the resistance of the Crown to the landed gentry was broken. Thereby the way to a second wave of enclosures in the eighteenth century was opened, this time through the acts of the Parliament to get rid of the remaining troublesome property rights that interfered with some landlords' powers of accumulation (Wood 1999: 82-84).

The most severe effects of this major transformation in social relations were laid on the unattached multitude, which was, from then on, mobile, pauperized and alienated (Rawlings 1995: 130). The disruption of the existing social networks, the destruction of moral communities and the dissolution of personal bonds into a cash nexus compelled a large amount of the population to flow from one parish to another and eventually to towns as vagrants, beggars and paupers (Reiner 1992: 30). The deprivation and demoralization of the propertyless led to numerous riots whose suppression created major problems for the local authorities of Tudor and Stuart England (Emsley 1996a: 13). Food riots gained momentum in the Georgian period (1714-1830) due to bad harvests, high prices, bread shortages and high rates of unemployment, the most serious ones being experienced in 1766-67, 1795-6 and 1799-1801 (Emsley 1996a: 16; Thompson 1991: 259-351). The moral values of the countryside which could be summarized as the elevation of social hierarchy, good order, sobriety, being hard-working, rooted and immobile, were now challenged by

an army of unemployed wanderers who were in fact the victims of this social upheaval (Rawlings 1995: 130, 135).

While social relations in the broadest sense were going through such a qualifying modification, the monarchical state, experiencing transformation in its own structure and affecting the changing social relations at the same time, acquired the bureaucratic procedures and mechanisms necessary for the re-construction of the social formation and opened new channels to achieve coherence in the specific contextual relations of the time⁷. “Elizabethan Poor Laws” (1536 to 1601), “The Statute of Artificers” (1563), “The Act of Settlement” (1662), “Vagrancy Act” (1744, 1844), “The Factory Legislations” (1833-1864), and “The New Poor Law” (1834) can be counted among the many significant legislations designed for the constitution, regularization and the disciplining of a labor force out of the wandering multitudes. These legislations, which aimed at governing the propertyless through the treatment of the able-bodied poor in workhouses, the prohibition of vagrancy and beggary, the opening of poorhouses for the aged, infirm and orphans, the blocking of the flow of migration caused by the practices of enclosure and the regularization of the working hours in the factories were important milestones designed for the creation of a labor force, and for its categorical separation through time from idle paupers and the incapable poor and thus, for the re-construction of the social formation on a capitalistic basis (Polanyi 2001: 35-135; Neocleous 2000: 79). Meanwhile, besides the state’s efforts in restraining and disciplining the dislocated masses, since the seventeenth century there were the efforts of the petty middle classes and later the aristocracy and bishops who had started to form societies such as the “Society for the Reform of Manners”, the “Society for the Promotion of

⁷ Polanyi’s phrase “double movement” is not preferred here, because rather than taking temporary measures and then pulling them back, it is claimed here that the modern state takes a permanent active role in constituting the social body, while it is also transformed with modifying social relations.

Christian Knowledge”, the “Proclamation Society”, the “Society for the Suppression of Vice”, etc. (Foucault 2000b: 60-64; Rawlings 1995: 130, 131) with which the moral values to be disseminated to the masses were combined to form a powerful discursive weapon giving direction to the capitalist re-constitution of the social body. The effects of these were strengthened with the institutions founded upon charity like “Marine Society” (sending poor boys to sea) “The Female Orphans Asylum” (1758), “The Magdalen Hospital” (1758), and the “Employment Agency” (1749) (Rawlings 1995: 142).

Despite these efforts, the concerns over the issues of crime and immorality became more serious each day. “From about the middle of the eighteenth century what had been accepted more or less as social phenomena - a degree of social disorder and a degree of crime – began increasingly to be perceived as a serious threat to the social order and a growing problem which required a solution” (Emsley 1996a: 16). As Marx argued in “The Jewish Question” security was the highest concept of civil society and the whole of society existed only in order to guarantee to each of its members the preservation of his person, his rights, and his property (Marx 1994: 46), however, the class of property was feeling more and more insecure from day to day. “It was not just that there appeared to be more crime, the crime was also perceived as being of a particularly frightening type – unpredictable, violent and committed by gangs who preyed on all social classes” (Rawlings 1995: 135).

Within these circumstances, the solution was sought, first of all, in augmenting the number of capital statutes from 50 to over 200, almost all of which concerned offences against property. Magistrates whose origins were in the gentry tried to mould the social order and keep it under control through the balance of *terror* and *mercy* (Hay 1975: 18). As the landed gentry was skeptical of central authority

and of the influence of the absolutist French monarchy, they did not favor a national force (such as a police force) (Hay 1975: 18) so the home-based army was supplemented with the militia and the yeomanry against the “mob” in London and the provinces (Bunyan 1983: 60). However, the magnitude and the perceptions of the crime were aggravating and there were also an increasing number of labor conflicts (movements of Luddism –machine breaking and arson-, Captain Swing -the protection of the customary rights of the agrarian poor-, and Chartism –workers’ rights under emerging industrial capitalism) (Scruton 1985: 14, 15) as new machines and work practices were fought over and as old industries disintegrated; and the army interfered by leaving many dead bodies behind, as was the case in the Peterloo massacre of 1819. In the mean time, there also occurred self-defense groups like the Military Infantry of London, the Company of Artillery or private police forces of big commercial firms (Foucault 2000b: 61, 62), but the bourgeoisie compared to the landed gentry in the parishes was basically reluctant to interfere in “disorders”, arising in the cities, especially in London, and was more concerned about the inverse impact of instability on the market, hence demanded a shield between itself and the militant sections of the working class (Bunyan 1983: 65; Neocleous 2000: 78; Silver 1967).

London was the most important city at the time because it was the center of industry and commerce. Thus, it was here first of all in the mid-eighteenth century that two magistrates of peace, Henry and John Fielding brothers established a full-time police force of half a dozen constables under the name of “Bow Street Runners” to help the magistrate’s office. Henry Fielding’s opinion on the condition of the city illuminates the mentality behind the project:

Whoever indeed considers the Cities of *London* and *Westminster*, with the late vast Addition of their Suburbs; the great Irregularity of their

Buildings, the immense Number of Lanes, Alleys, Courts and Bye-places; must think, that, had they been intended for the very Purposes of Concealment, they could scarce have been better contrived. Upon such a view, the whole appears a vast Wood or Forest, in which a Thief may harbour with as great Security, as wild Beasts do in the Deserts of *Africa* or *Arabia*. For by *wandering* from one Part to another, and often shifting his quarters, he may almost avoid the Possibility of being discovered (cited in Emsley 1996a: 17)⁸.

The criminal who had been, for a considerable time until then, associated with the poor and pauper, was finally degraded almost to the level of a beast that raided the city, just like beasts do in the deserts of “uncivilized” societies⁹. Hence, the rest was a more or less spill over. In the late eighteenth century seven police offices similar to the one in Bow Street was opened in London. It was followed by Thames River Police (1800) advocated by a magistrate, Patrick Colquhoun, to protect West India merchants and their stores, wares and products on the docks of Thames River especially from laborers who did not want to give up their customary rights in taking possession of product leftovers. This practice was criminalized as “pilferage” in the late eighteenth century (Neocleous 2000: 72). And in 1829, Home Secretary Robert Peel, possessing the personal skills to overcome opposition in the Parliament, initiated the first modern police organization in London, having benefited a lot from his experience of establishing a similar force years before in Ireland¹⁰. The demand for a new threshold of order, the lurking fears of crowd action and radical agitation,

⁸ It is interesting to note how political philosophy contributed to the hegemonic discursive relations of the time. Hegel writes these words in 1821 in his work *Elements of the Philosophy of Right*: “When a large mass of people sinks below the level of a certain standard of living...that feeling of right, integrity, and honor which comes from supporting oneself by one’s own activity and work is lost. This leads to the creation of rabble... a rabble is created only by the disposition associated with poverty, by inward rebellion against the rich, against society, the government, etc.” (cited in Neocleous 2000: 48). It is significant how the two persons’ thoughts converge on bringing together the symbolic meanings of criminality and poverty and subsequently equate them with being an outcast, being the enemy of society, being as low as a beast and therefore dangerous and even deserving of elimination.

⁹ Another significant example is Le Trosne’s depiction of thieves and murderers as people living in the midst of society without being members of it and waging a veritable war on all citizens. He warns that: “A reward of 10 pounds is given for anyone who kills a wolf. A vagabond is infinitely more dangerous for society” (cited in Foucault 1995: 88).

¹⁰ For the colonial dimension of the emergence of the modern police organization in England see Brogden (1987).

supplemented with figures allegedly demonstrating that there was a population increase of 19 percent and a crime increase of 55 percent all helped him to install a public institution, first in London, and later in the provinces (County Police Act, 1839) where it became compulsory to establish police organizations from 1856 onwards (County and Borough Act). The new force, which was headed for a hundred years by commissioners of *military* or *colonial* background, placed emphasis on patrolling the beat and offering insulation to middle class areas from vagabonds, footpads and gangs. It interfered with political meetings and gathered information about working-class movements (Bunyan 1983: 62, 63). The working-class communities were routinely patrolled and the police intruded in the everyday life of the “criminal class”.

In the following years the institution expanded. The organization’s internal demands for extension were also influential in this process. Some of the cornerstones are the following: the Metropolitan Police Act of 1839 gave the London police extensive legal powers over street activities with broad stop-and-search powers (Neocleous 2000: 75); in the 1870s, the record center was opened where information on committed and reported crimes were gathered and assessed; it led to the establishment of the plain clothed and specialized Criminal Investigation Department (1878); in 1883 the Special Branch (which was first established as the Irish Special Branch in Ireland) was established for political opposition groups; later, the First World War constituted a good opportunity to extend the police duties under emergency regulations that were later retained via the Emergency Powers Act of 1920, which was a key element in these extensions (Bunyan 1983: 70; Emsley 1994: 164) that consolidated the powers to assume a nationwide responsibility for internal security besides the duties of prevention/detection of crime and the maintenance of

public order (Bunyan 1983: 70). Scientific and technological advancement followed and the Home Office and Scotland Yard became influential in other parts of the country; the Police Act of 1964 provided some firmness to the general structure, as it is known today. The changes which were experienced after the late 1970s will be the topic of another section.

It can be argued that from its inception onwards, the police in England held a key position as a repressive governmental apparatus, in representing the power of the state on the street, and in coercively repressing and mildly disciplining the population, especially the emerging industrial working class. As Cohen (1979) and Storch (1976) have both vividly demonstrated in their articles, "...the police were placed at the point of a larger attempt to transform popular culture" (Storch 1976: 484) as "domestic missionaries" of official morality. The recreational activities of the unemployed and the working class such as assembling in the street, street trading, street betting, cock fighting, dog fighting etc. were restrained. "The imagery of the 'criminal class', the 'rough' and the 'dangerous' became the excuse for concentrating police resources within certain areas" (Scruton 1985: 29). The police had both an ideological and a repressive function to protect the institutions of private property and to enforce the statutory norms of public order (Cohen 1979: 120; Silver 1967: 13-15). It also took an important role in industrial disputes as "the first line of defense of the established order" (Scruton 1985: 21), especially after being supplemented by the Special Branch. Political groups which threatened the public order were infiltrated and strikes were repressed firmly. For the latter, the repressive legislation of "Trade Unions and Trade Disputes Act" which was enacted in 1927 became a strong substratum.

Thus, this was the brief story of the emergence and specialization of the modern police force in England. It was, in fact, part of the history of the English state acquiring the necessary apparatuses to intervene in the social formation which was experiencing a modification as to the configuration of social relations. The police did and still constitute one of the most important apparatuses of this intervention because it is the representation of state power on the street, conducting “the conduct” of its members. It aims everyday to establish once again the borders of the social order, the trespassing of which necessitates violence.

The Theoretical Dimension

In the previous section the emergence of the penal chain in Europe and the police organization in England were elaborated by locating these phenomena within the radically transforming web of social relations. This historical narrative, which demonstrates that “punishment as such” does not exist and that penal apparatuses and rationalities are socially embedded and historically contingent phenomena, is devised as a departing point from which an engagement with the theorization of the capitalist state, law and the police will be held. The narrative supports the tenability of the theoretical inclination which will be put forward in the following pages.

The aim in specifying the theoretical framework is to clarify how the capitalist state and its juridical forms are evaluated in the thesis and to reveal how the dynamics of the “qualitative” transformations any single institution of a capitalist state undergoes are theorized. It must be noted, at this point, that as history (relations) is incessantly in the process of construction (formation and transformation), it is unjustifiable to try to find a general static theory that is

adaptable to every social formation at any time; however, as Derek Sayer (1989: 10, 11) argues after Engels, one can make use of a “guiding thread” with which analytical categories are formed to attribute meaning to experiences/relations in existing social formations within their own historical patterns.

The State

The guiding thread of the thesis is *historical materialism*. However, there are various interpretations of historical materialism. The interpretation adopted here can be counted under the heading of *relational approach/internal relations theory*. This approach is founded upon a certain *reading* of Marx’s ideas by drawing attention to the use of dialectics in his works and the Hegelian foundations of his method. It is endorsed mainly by scholars like Derek Sayer (1989), Philip Corrigan et al. (1980), Ellen Meiksins Wood (1996), Poulantzas (2000), Alan Hunt (1993), Bertell Ollman (2003) etc.

Dialectics, as Ollman (2003: 12, 13) underlines,

is a way of thinking that brings into focus the full range of changes and interactions that occur in the world... [it] restructures our thinking about reality by replacing the common sense notion of “thing” (as something that has a history and has external connections with other things) with notions of “process” (which contains its history and possible features) and “relation” (which contains as part of what it is its ties with other relations).

Thus, the dialectical perspective negates the existence of static and independent things, in a social body, which have their isolated histories and external connections with other things. What one views as “things” are in fact abstracted parts which, as Marx (cited in Ollman 2003: 23, 24) puts forward, are just forms, manifestations and aspects of an already *given concrete and living aggregate*. Therefore this perspective

brings into focus both the historical dimension as well as the relational/systemic qualities of any part of this aggregate (Ollman 2003. 23, 24). From within this perspective, it has been argued that *the state is a social relation* (Ollman 2003; Corrigan 1980; Sayer 1989; Wood 1996, Bonefeld 1992) and it is this standpoint that is endorsed here as against other interpretations of historical materialisms such as technological determinism (G.A. Cohen), structuralism based on the base-superstructure dichotomy (Althusser), or instrumentalism (Miliband).

To open up this standpoint, it is beneficial to reveal the basic assumption at the root of this conceptualization: man has to engage in production in order to be able to produce and reproduce life itself. In other words, production is the most primordial and elementary act of sustaining life. However, as Corrigan et al. (1980: 2) assert “Things are not made in abstraction, they are fashioned and fabricated in definite, concrete ways and those entail particular relations among the people who are engaged in that production or in making it possible for others to engage directly”. It can be claimed that this is a “conception of the material as constituted by social relations and practices” (Wood 1996: 61). Therefore, from this perspective a social formation, does not imply the sum of isolated individuals, but, as Marx (1973: 265; cited in Hunt 1993: 251) puts it concisely, “...the sum of interrelations, the relations within which these individuals stand...”¹¹, which are basically the relations of production in their *totality* (Sayer 1989: 77).

These definite and concrete ways of production with which people relate to each other (social relations of production) create certain limits or impose presupposed circumstances which are independent from individuals’ will (Marx 1994: 124) and they consist of certain political, legal, cultural, and other social

¹¹ “To be a slave, to be a citizen are social characteristics, relations between human beings A and B. Human being A, as such, is not a slave. He is a slave in and through society” (Marx 1973: 265; cited in Hunt 1993: 251).

relations which make that kind of production possible (Corrigan et al. 1980: 3). This is not to claim that these “super-structural relations” are a mere effect of the “economic basis” like in structuralist assertions, rather as Wood (1996: 58) argues, it is to stress that “there is a unifying logic in the relations of production which imposes itself throughout a society, in the complex variety of its empirical reality in a way that entitles us to speak of a ‘feudal order’ or ‘capitalist society’ but without depriving individual feudal or capitalist societies of their ‘intricate fabric of social, political, cultural and moral life’”.

The interaction among these “supposedly super-structural relations” and the material relations and the reciprocal effects they leave on each other create numerous political, legal, ideological/cultural variations, however these combinations cannot exceed the potentialities present in the relations of the social totality unless a transformation in the configuration pertaining to the relations of productions is experienced. For instance, in a feudal social formation where coercive power is exercised directly by the appropriator there can be no talk of commodified labor-power, just like in a capitalist social formation one cannot dispense with the contractual form which constructs production relations as well as other social relations, like the family. Thus, the juridico-political, cultural relations are certain social forms which are also productive forces as is argued by Marx (Corrigan et al. 1980: 2) and their core relations must be sought in the social relations of production. Poulantzas (2000: 14-17) formulates this understanding in his last book in the following way: “A mode of production does not arise out of the combination of various instances, all of which possess an inalterable structure before they come into relation with one another. ... They are from the very beginning constituted by their

mutual relation and articulation – a process that is affected in each mode of production through the determining role of the relations of production”.

When the level of generality is narrowed down to capitalist social formations where the capitalist mode of production is *dominant*, it can be stated that the fundamental constitutive relation is the process through which both the transformation of the social means of subsistence and production into capital *and* the transformation of the immediate producers into wage-laborers as a result of being divorced from the ownership of the conditions of their own labor are achieved (Marx 1977: 874, 875). At the root of the social division of labor, the surplus value and the rise of absolute private property, there lies this basic relation between the owner of the means of production and the owner of labor-power which becomes a mere commodity. Furthermore, “the disposition of power between the individual capitalist and worker has as its condition the political configuration of society as a whole” including the “balance of class forces and the powers of the state which permit the expropriation of the direct producer, the maintenance of absolute private property for the capitalist and his control over production and appropriation”¹² (Wood 1996: 20). In other words, the capitalist state as “a concentration of capitalist power” (Wood 2003: 62) is internally related to relations of production and the subsequent class struggle, rather than externally as a coercive set of relations as it is in the Weberian paradigm (Corrigan et al. 1980: 19), and it is a relation that secures *cohesion* in the social formation. In return, the productive relations also exist in the shape of specific social processes and relations and particular juridical and political forms (Wood 1996: 22) like absolute private property rights, contractual relations etc.

¹² For a precise and explicit account of critical regulations undertaken by the English state to sustain the contentious emergence of industrial capitalism see Karl Polanyi (2001).

Having endorsed the theorization of the capitalist state as a social relation rather than an external entity acting upon society, it can be argued that a transformation in an institution of the capitalist state can be explained by scrutinizing the modification of the web of social relations at the time of the social formation in question. Without any claim of being exhaustive, four clusters of social relations are specified in the thesis as core relations having a transformative effect on the state's institutions, especially if the institution in question is the police organization: social relations constituting the accumulation regime, hegemonic discursive relations, relations between the state institutions determining the prevalent political regime, and the international relations which may lead to international policy transfers. The explanatory power of this theoretical perspective can be questioned over the case of Turkey, which will be explained in the third chapter of the thesis.

When the first set of relations, which are comprised of the relations emanating from the *regime of accumulation* and *the reproduction process of capital*, are taken into account, it has to be immediately noted that the modern capitalist state has an *apparent* quality of being separate from the economy/civil society in immediate experience (Corrigan et al. 1980: 5,6). Although this division is “apparent” or “phenomenal”, nevertheless it also has a reality because of the fact that the “moment” of coercion is separate from the “moment” of appropriation as a result of the division of labor between the state institutions and the private appropriating class (Wood 1996: 29, 30)¹³. Thus, the internally related interaction takes the apparent form of “state intervention” and as Poulantzas (2000: 167) underscores “the

¹³ This “isolation effect” in Poulantzas’ words, is founded upon the appearances of “bareness”, “liberation”, “individualization” and a formal equality and freedom (free individuals exchanging commodities including labor power) which blur the fact that the social formation is constituted of social classes (Poulantzas 1973: 130). In this kind of a social formation labor faces authority as the “personification of the conditions of labor...and not as political or theocratic rulers as under earlier modes of production” (Marx 1993: cited in Wood 1996: 34).

State's present role with regard to the accumulation and reproduction of capital is inscribed in the very modification of the respective spaces of State and economy". It is the relations between classes and the "transformation of the economic space-process which shift(s) the targets of state activity and brings the State increasingly to bear on the heart of the reproduction of capital" (Poulantzas 2000: 167). These relations lead to different forms as the "liberal state", "Keynesian-welfare state" or the "neo-liberal state" of the late 1970s. But Poulantzas (2000: 168) warns against the idea which depicts such activities as "merely grafted from outside on to an immutable state reality"; on the contrary, it can be argued that these activities related to the relations of accumulation are part of the relations that constitute the core relations of the state. "Be they repressive, ideological or of another kind, the functions of the state cannot be considered in isolation from its newly-defined economic role" (ibid.).

The second set of relations which arguably take part among the core relations of the state can be specified as hegemonic discursive relations, which have the potential of causing ideological effects¹⁴. They are mainly based on political struggles over values and norms, which include different political imageries as to the theorization of social formations, moral and religious relations, ethnic relations, gender relations etc., constructed over the intertwined relations of classes (i.e. alliances, struggles between classes that are fed basically by relations of production and then the relations/regime of capital accumulation), relations pertaining to the political regime (involving legal relations like the legal channels available for classes

¹⁴ This is a theory of Purvis and Hunt (1993: 486). They unite the concepts of discourse and ideology so as "to go beyond charting the shifting discursive deployments and to move towards a causal account of the shifting balance of forces in order to explain the ideological *effects* of these ever-present and often subterranean discursive struggles". The effects are ideological in that they pertain to relations of domination/subordination (Purvis and Hunt 1993: 497). As the discursive formations are not closed, structured formations, having contradictions and cracks, they are open to challenges in the form of resistance/revolutionary action against their ideological effects.

to voice their demands), and international relations, aiming to mobilize the majority of the social formation. Relying on Gramsci's conception of "cultural front" it can be argued that a hegemonic discursive position is a *normative* front, a *Weltanschauung* generating unifying, organizing, and inspirational principles which lead to habitual experiences, a certain perception of the world, a way of thinking and acting in everyday life that cement together a social formation¹⁵ (Eagleton 1998: 120).

Poulantzas (1973) notes that this normative front does not depend only on a passive achievement of consent but also on coercion; however, it can be better formulated with respect to the problematiques of the thesis as follows: this normative front, having ideological effects of subordination, does not depend solely on a subtly physical modality through fragmentation, cellularization, serialization etc. in the way Foucault accounts, but also on a repressive modality through legal relations, or as it will be put forward in the rest of the thesis, through the police organizations which include the transfer of dominant norms.

As the state apparatus is composed of multi-functional institutions and organizations, the third set of core relations is arguably based on the quality of the division of powers that these institutions sustain among themselves and basically of the division of power between the executive (government as well as the civil and military administration), legislative and the judiciary. It can be asserted that the

¹⁵ As Stuart Hall (1988: 55; cited in Purvis and Hunt 1993: 494) observes: "Gramsci uses the term 'ideology'... in what may now seem a classical sense, as systems of ideas, but in a broad context: 'on condition that the word is used in its highest sense as a conception of the world that is implicitly manifest in art, in law, in economic activity and in all manifestations of individual and collective life.' He sees it also in terms of historical functions: its role in 'preserving the ideological unity of an entire social block'; of providing individuals and groups with their various 'conceptions of the world', that influence and modify their actions; and, above all, as a means to 'organize human masses and create the terrain on which men move, acquire consciousness of their position, struggle, etc.'" This conception of ideology is opposed to the understanding which is depicted by Foucault in the following manner: "Because what troubles me with these analyses which prioritize ideology is that there is always a presupposed human subject on the lines of the model provided by classical philosophy, endowed with a consciousness which power is then thought to seize upon" (Foucault 1980a: 102; cited in Purvis and Hunt 1993: 488). Thus, it is a displacement of ideas/being distinction. It is also in line with Althusser's depiction of ideology as having a material existence which, in his account, operates through interpellation (Althusser 1994: 125).

relations of power between them and the identity of the dominant institutions reveal the nature of the *political regime*. The projects or policies which are pursued by any of the state institutions can be claimed to be partly articulated as a result of this regime, [political configuration or “internal organization and mode(s) of political calculation” (Jessop 1990: 343)] which is the overall articulation of this institutional ensemble founded upon the relations of production, class relations/struggles, and subsequently the regime of capital accumulation, constitutional relations, hegemonic discursive relations etc. At certain conjunctures, the relations between specific individuals and the predilection of certain individuals at certain key offices can also be said to matter in policy outcomes.

The fourth set of core relations of the capitalist state can be identified as the ones taking place in the broader interactive context in which the hegemonic bloc of global capitalism comes into relation with the state in question. It can be argued that the emergence as well as the evolution of these relations affects the apparatuses of the state. These relations involve primarily the exportation of commodity/capital, technology, and information (within an integrated global capitalism) (Petras, Veltmeyer 2001: 11) to dominated social formations as a result of the need to expand and reproduce capital mainly in the core social formations. They are largely based on the productive relations between the states (foreign investments, multinational corporations, subcontracting relations etc.), class relations/struggles in the core and dominated social formations, the nature of the relations/regimes of capital accumulation that is present in each social formation (Fordist/welfare regimes of accumulation (roa), import substitution industrialization (roa), neoliberal (roa) etc.), coercive/militaristic relations etc. These relations between the hegemonic bloc and the dominated states within the world economy which recurrently lead to policy and

norm transfers mostly emanating from the hegemonic bloc may cause institutional changes in the dominated states.

Thus, without claiming to be exhaustive, four main sets of social relations are specified here. They arguably form part of the core relations of the capitalist state and the radical changes they go through create “strategically selective terrain” (borrowing Jessop’s concept [Jessop 1990: 342]) in the state institutions for certain policies to be arranged and pursued. These policies also re-construct the same clusters of social relations. These four sets of social relations, which are internally related to each other, retain class relations as one of their basic relations as the state is internally related to the capitalist mode of production. Thus, the “strategically selective terrain” which leads to various kinds of open ended policies is nevertheless prone (although not bounded) to realize policies that are in the interest of the hegemonic class fractions in the long or short term. It should also be noted again that the individual attempts and the predilection of certain individuals at certain key offices can also be said to affect, at particular times, this “strategically selective terrain”. Therefore, within this framework, by *avoiding* the depiction of relations/processes as structurally closed systems and by *abstracting* the agency (as classes or even as individuals) from within these relations to examine the impact they leave on particular relations, the tension created by the “structure vs. strategy/struggle” dichotomy which is present in most of the Marxist state theories is arguably by-passed. As Neocleous puts forward “the theoretical ‘problem’ over the relationship between struggle and structure only arises by separating them and thus being faced with the necessity of syncretically drawing them together again, or at least positing a causal relationship” (Neocleous 1996: 106). Thus, if the voluntary actions of the organized classes as well as individuals are taken as part of what

constitutes the conditioning relational circumstances, then there ceases to be any problem which arises when an erroneous differentiation between the conceptions of “structure” and “struggle” is constructed. In the following sections, in which the law and the police will be evaluated, this framework will be the guiding thread.

Law

When examined from this perspective, law ceases to be a separate entity having a logic solely of its own and based on discrete *norms* in the way argued by classical jurisprudence. As Pashukanis (1983: 57) asserts the fundamental juridical abstractions reflect social relations. The rise of current juridical relations based on “mutuality” coincide with the rise of the commodification of labor power and commodity exchange as the dominant form of relation between producers via which man came to be seen as a legal personality/subject bearing rights¹⁶ (Pashukanis 1983: 111, 112). This is the time when “private property” attained its quality of absoluteness as well as the quality of representing the will of the *subject* who owns it. Thus, legal relations became *one facet* of a “concrete relational aggregate”. Private law based on the form of transaction in the relations of production as well as the subsequently fashioned public law¹⁷ are put to use in a stable and permanent way with the help of legal apparatus (i.e. courts) which is backed by state authority (i.e. the police organization) (Pashukanis 1983: 115).

¹⁶ See Marx (1994).

¹⁷ It is worth noting here that in Pashukanis’ (1983: 136) opinion private law provides a center of gravity for public law although there seems to be tension between them, and he “in this way perceives public law as merely a *reflection* of the private law form in the political sphere” (Neocleous 1996: 155). However, Neocleous (ibid.) accurately draws attention to the fact that it is unjustifiable to subsume all law into private contractual law and points out to the active constitutive role of the state in the formation of public and administrative law.

As indicated above the “internal relations” approach stresses the reciprocal effect social relations leave on each other, so it should also be noted that as legal abstractions are founded upon social relations they also internally affect “the terms, conditions, and limits under which the relationship is lived out and struggled around” and thus “legal interpellation is constitutive of the social relation(s)” (Hunt 1993: 255). In capitalist social formations, it can be argued, by bringing the law into Foucault’s narrative of disciplinary power and by adjusting it ontologically, that legal relations mould individuals into certain subject positions with respect to time, everyday gestures and activities, in a regular, effective, and constant way. They, for example, inhibit vagabondage, carve out of a mass an army of diligent labor force of separated individualities, provide the individualizing fragmentation of labor power, condition the channels of labor’s struggle against capital, realize the seriation of successive activities based on the unit of rank and, therefore, enforce hierarchical relations, and construct a discursive terrain feeding the moral/ideological relations at a particular place at a particular time.

As Poulantzas (2000: 83) argues, law both obscures inequalities behind a screen of universal formalism via abstract, general, and formal norms to achieve formal cohesion, and also constructs individual and class differences in its own structure leaving an *effect* on every corner of the social formation. Very in line with this idea, E.P. Thompson confirms (reminding Gramsci’s emphasis on hegemony) that these values, norms and cultural forms are no less real than the specifically economic forms in which the mode of production is expressed (cited in Wood 1996: 62). What Thompson depicts as “real” is straight forwardly depicted by Marx (cited in Corrigan et al. 1980: 2) as “forces of production”. E.P. Thompson offers a vivid picture of this reciprocal effect in the following way:

For I found that law did not keep politely to a “level” but was at *every* bloody level; it was imbricated within the mode of production and production relations themselves (as property-rights, definitions of agrarian practice) and it was simultaneously present in the philosophy of Locke; it intruded brusquely within alien categories, re-appearing be-wigged and gowned in the guise of ideology; it danced a cotillion with religion moralizing over the theatre at Tyburn; it was an arm of politics and politics was one of its arms; it was an academic discipline, subjected to the rigours of its own autonomous logic; it contributed to the definition of the self-identity both of rulers and ruled; above all, it afforded an arena for class struggle, within which alternative notions of law were fought out (Thompson 1978: 288; also cited in Sayer 1989: 51).

The last points on law to be made here are raised powerfully by Poulantzas (2000: 77) in his rejection of depicting law as providing pacification to modern societies.

The law is in general *the code of organized public violence* and it is an integral part of the repressive order and he correctly draws attention to the fact that the state through law constructs injunctions, prohibitions and thereby points to an object of violence while providing the terrain of its execution. Therefore, law both helps to organize consent and submission and also creates the ground for the execution of violence whenever necessary. It involves both authority-coercion and manipulation-persuasion at the same time (Poulantzas 2000: 77-81).

Besides, the application of coercion does not encompass two separate spheres, namely legality and illegality; on the contrary, as Poulantzas (2000: 84, 85) points out, *the higher interests of the state* entail that “legality is always compensated by illegalities ‘on the side’, and that state illegality is always inscribed in the legality which it institutes”¹⁸. It is also important at this point to draw attention to the fact that there is a conjunction point between the law as script and its materialization which is realized by the state officials who retain considerable discretionary powers at hand. Thus, either the state officials at the central positions who interpret law in the most

¹⁸ Marx (1987) also draws attention to a similar point.

suitable way to protect “higher state interests” against its “enemies” or the officials at the most remote end of the bureaucracy decide on a lenient or brutal response on behalf of the state.

The Visualized State Power on the Street: Thoughts on the Social Role of the
Police in Modern Capitalist Formations

Having examined the rise of the penal chain in Europe and the police organization in England and having taken into account the above specified qualities of the law, it can be stated that the generally established image of the police as “enforcers of the law”, “fighters against crime” and “protectors of the rule of law” which is propagated by the police, politicians and the media (Neocleous 2000: 92) does not capture the rationality behind the overwhelming intervention of the police in everyday life. As Bittner has asserted: “no human problem exists, or is imaginable about which it would be said with finality that this certainly could not become the proper business of police” (Bittner 1980; cited in Neocleous 2000: 93). Apart from the actions defined as “crime” in criminal law, the police are also involved in a miscellany of tasks from organizing the traffic, intervening in fights between spouses and disputes between landlords and tenants, looking for missing persons, arranging driving licenses and passports, maintaining order in football matches, transporting certain personalities, enabling curfews, getting involved in fires and other accidents. Neocleous notes that “All institutions [from institutions of social security to the institutions of mental health and so on] concerned with the order and behavior of citizens have a close relationship with the police and frequently operate in tandem with the police as part of a more generalized police project” (Neocleous 2000: 93).

Hence, viewed from a broader perspective, taking into account the indispensable network of social relations in capitalist social formations, the social role of the police organization that resides at the first step of penal ritual, can be specified as “the conduct of conduct”, which is, in fact, the basis of what Foucault designates as “governmentality” (Foucault 1991: 102-104; Foucault 2000c: 326-348; see also Dean 2001). This rationality is part of a form of modern political sovereignty which would be a government of *all* and of *each*, and whose concerns would be at once to *totalize* and to *individualize* (Gordon 1991: 1-8). It is an action structuring the potential field of action and acting upon the possibilities of the actions of other people’s action (Foucault 2000c: 341; similar idea in Skolnick 1966: 56). It is based upon, in Althusser’s terminology, “interpellation”. It can be either in the form of “fighting with crime”¹⁹ or “maintaining public order”, but what the police basically implement is the designation of the threshold (that is, in fact, re-established according to the *identity*²⁰ of each individual rather than the deed) stepping out of which invokes “intervention” (repressive or mild) and “correction” (the attempt of “adjustment”). Neocleous has appropriately argued that the police from its origins has been a form of “governing” rather than the exercise of law, the science of governing men. According to him, the best way to understand the police is as an activity rather than an institution, a function rather than an entity. And the function does not amount solely to the maintenance or reproduction of order but moreover to its fabrication (Neocleous 2000: 4, 5). In fact, the police organization is only one of the

¹⁹ Crime is, in fact, a challenge to authority; it is a counter-action. As Foucault (1995: 93) argues, the “influence of a crime is not necessarily in direct proportion to its horror; a crime that horrifies the conscience is often of less effect than an offence that everyone tolerates and feels ready to imitate. There is a scarcity of great crimes; on the other hand, there is the danger that everyday offences may multiply”. Thus, the social body has to be incessantly constructed to avoid these everyday offences and the police is the agent on the street to act on the attitude of recalcitrant members.

²⁰ As explained in the previous section, in the nineteenth century the “identity” of the individual came to the forefront, replacing the “deed” as a focal point and the criminal justice system incorporated criminologists, psychoanalysts etc., aiming to act over and also according to the identity of the criminal.

governmental apparatuses of the modern state aiming to construct docile bodies congruent with the social formation they are a part of. The institutions of education, social security services etc. all form parts of a dispersed network of power, originating from within certain configurations of social relations in specific social formations and dissipating from the modern states (to revise Foucault), and from their will to mold individuals by *subjectifying* them and placing “the subjects” in a *coherent* “totality” (Foucault 1991).

However, the police organization as part of the repressive governmental apparatuses differs from other apparatuses (even the repressive ones) in one important aspect. The distinctiveness of the police (together with other policing institutions of the state - like the gendarmerie in some social formations) lies in their being the specialist repositories for the state’s monopolization of violence on its own territory (Reiner 1994: 721). “The policeman and only the policeman alone [i.e. ‘the police mandate’], is equipped, entitled and required to deal with every exigency in which force may have to be used” (Bittner 1974: 35; cited in Reiner 1994: 721)²¹ all through the entire social formation. Hence, although other institutions also utilize violence, (i.e. especially penitentiaries or courts as parts of the repressive apparatuses) the entitlement and the possibility of the “use of violence” constitutes the *core* of the “police mandate” and it is reserved to the police mainly for monitoring, classifying, intervening and constructing the social relations of the formation on an *everyday* and *visualized* basis.

It can be argued that the police organization conducts others’ conduct through three modalities: a) representation and the communication of signs, b) intervention in everyday practices in the form of monitoring, classifying, stopping and searching,

²¹ The army also frequently intervenes against the oppositional movements on its own territory; however in modern capitalist social formations they are not entitled to intervene in *every* exigency on a daily basis except under martial law.

warning, arresting, interrogating (even its personnel) and at a higher level making proposals for modifications in law etc., and c) repression through sheer violence. At the core of each modality lies the possibility of violence: it may surface and turn the modality into the third one or not surface and remain as a possibility, solely depending on the decision of the officer.

As to the first modality, Foucault's formulation puts the issue in perspective: "Power relations are exercised, to an exceedingly important sense, through the production and exchange of signs; and they are scarcely separable from goal-directed activities that permit the exercise of a power (such as training techniques, processes of domination, the means by which obedience is obtained), or that, to enable them to operate, call on relations of power (the division of labor and the hierarchy of tasks)" (Foucault 2000c: 338). Viewed from this perspective, it can be argued that the police officer operates through "the production and exchange of signs" which are scarcely separable from goal-directed activities like "patrolling the streets", "apprehending criminals" or "dispersing crowds" that permit the exercise of a power through which different techniques of intervention create the possibility of molding individual behavior and obtaining obedience. The basic sign that the police officer on the street conveys to his/her interlocutor is that he/she is the "visualized state power", or in Manning's words "The police symbolize the capacity of the state to intervene and the concern of the state for the affairs of its citizenry... -they are Leviathan enacted" (Manning 1997: 20). The officer is the state personified that makes a claim upon its people for deference to rules, laws and norms by conveying a sense of having a sacred or awesome power that supposedly lies at the root of the political order and authority (Manning 1997: 21). With their uniforms, they "transmit messages about their mutual identification with the corporate body of police" (Manning 1997: 21)

and also suggest a resemblance to the army. These features, when combined with the sights of truncheons and guns, give the onlooker a sense of the proximity of the ultimate sanction, violence, the avoidance of which is best achieved through the interiorization of the limits whose trespassing brings that violence within an armor of legality. Thus, as the arm of the state, the policeman reminds the spectator on the street of the centrality and the capabilities of power in the social formation which is vigorous and attentive and, thereby, which shapes each individual and generates, as Bittner argues, the feelings of fear, contempt and, for some, fascination (Bittner 1980: 6)²².

The second modality is composed of the police officer's interventions in everyday practices and it is better if it is evaluated with the third one, the appliance of violence, because the possibility of using force in all the practices of the police is present at all times. First of all, it must be stated that the police officer "...is the eye of the government ceaselessly open and watching without distinction over all citizens" (Foucault 1995: 279). Surveillance as a specific mechanism of disciplinary power dispersing from the capitalist state finds its embodiment in the police officer. And secondly, it has to be noted that the police organization resides on a continuum of law and administration (Neocleous 2000: 104), which means that it is a quasi-legislative and quasi-judicial institution. The culmination point of this position of the police officer is his/her discretionary power. The discretionary power entails both rule-making over the situation in question and also the invocation of the judicial

²² Foucault (1995: 128) in *Discipline and Punish* argues that: "The apparatus of corrective penalty acts in a quite different way. The point of application of the penalty is not the representation, but the body, time, everyday gestures and activities; the soul, too, in so far as it is the seat of habits". While Foucault accurately captures the underflowing objective of penalty which is the penetration of everyday gestures and activities, it can be argued that he undermines the role of representation in achieving this end. It can be argued that the scene of a policeman patrolling the street, apprehending a criminal or exercising violence *continue* to create a spectacle, leaving an intimidating effect on the viewers to "behave themselves".

process. Agamben appropriately describes this quality, which always retains the potentiality of violence, in the following way:

The point is that the police- contrary to public opinion- are not merely an administrative function of law enforcement; rather, the police are perhaps the place where the proximity and the almost constitutive exchange between violence and right that characterizes the figure of the sovereign is shown more nakedly and clearly than anywhere else... If the sovereign, in fact, is the one who marks the point of indistinction between violence and right by proclaiming the state of exception and suspending the validity of law, the police are always operating within a similar state of exception. The rationales of 'public order' and "security" on which the police have to decide on a case-by-case basis define an area of indistinction between violence and right that is exactly symmetrical to that of sovereignty (Agamben 2000: 104)²³.

Thus, the police are involved in a decision/rule-making point in every case, to which they attend by interpreting the judicial framework. The decision may incorporate either the application of mild intervention via monitoring, classifying, stopping, searching etc., or the "distribution of non-negotiable coercive force employed in accordance with the dictates of an intuitive grasp of situational exigencies" (Bittner 1980: 46).

In police literature, there is a repeated emphasis put on the organizational sub-culture of the police which is claimed to be affected by the "danger" factor. According to them the sub-culture is usually shaped by the necessity to back the partner (leading to an identification with the organization), the necessity of being suspicious, acting from an authority position and the necessity of being efficient (Skolnick 1966; Reiner 1992: 107-137). It is argued that these qualities affect the

²³ Oliver Cromwell expressed this proximity very vividly during his explanation to a parliamentary committee on how he understood his office of Lord Protector: "So far as I can, I am ready to serve you not as a King, but as a Constable...for truly I have, as before God, often thought that I could not tell what my business was, nor what I was in the place I stood in, save comparing myself to a good Constable set to keep the peace of the parish" (cited in Emsley 1996a: 10).

decision of the police officer at the crime/incident scene. However, Reiner (1992: 137) appropriately draws attention to the point that “the police culture and its variations are reflections of the power structures of the societies policed. The social map of the police is differentiated according to the power of particular groups to cause problems for the police, with the least powerful elements in society becoming police ‘property’”. To this point, it can be added that the factors that are counted above as part of the police sub-culture, in fact, sharpen this social map of the police.

In consequence, it can be stated that the police incessantly constructs the social order on behalf of the state to preserve the “security”. As security originally means “sine cura”, that is without troubling, attention, pains, anxiety, grief, sorrow (Neocleous 2000: 82), the police either through mild or coercive intervention engage in the interpellation of each and all, molding these troubling elements and thereby keeping the social body under control.

CHAPTER 3

THE NEO-LIBERAL RE-STRUCTURING OF THE STATE IN THE UNITED STATES AND BRITAIN SINCE THE LATE 1970S AND THE RISE OF THE SURVEILLANCE-REPRESSION AMALGAMATION

In this section the focus will be on the United States and Britain to elaborate the restructuring processes of their states (from the late 1970s onwards) and the rise of the “surveillance-repression amalgamation” within them, putting special emphasis on the expansion and militarization of their police organizations. These processes within these social formations will be examined for three reasons. Firstly, scrutinizing them will help us to see that what took place in Turkey was not an isolated phenomenon and there were common dynamics behind the expanding and militarizing police organizations. The United States and Britain are the heartlands of neo-liberalism. Neo-liberal policies have been implemented in these countries following the fiscal and legitimacy crises which emerged in the late 1970s in relation to the Keynesian-welfare policies and were caused by the slowdowns in economic growth, productivity and profitability, the perforation of domestic markets and the rise of mass unemployment. The fact that these social formations originally experienced the expansion and militarization processes within their police organizations brings the common features of this neo-liberal phase to the forefront as the reasons of these developments. Secondly, both the United States and Britain are the leading countries of the globally hegemonic bloc with which Turkey has close relations. This means that they are in such a position that policy transfers from them to Turkey may occur. Examining these processes within their police may reveal part of the contributing

factors in the emergence of a similar process within the police organization of Turkey. Thirdly, they also provide grounds, on which the explanatory power of the thesis's theoretical framework can be evaluated.

Thus, in the following pages, initially the transformation of the penal policies/practices in these countries will be evaluated by highlighting the changes executed in their police organizations. Then, the re-configuring social relations will be presented to provide an explanatory basis for these processes. Finally, the changes in the penal policies and institutions will be located within the simultaneously re-configuring social relations and an overall analysis will be put forward.

The Rise of the Surveillance-Repression Amalgamation in the United States and Britain in the Post-Keynesian Period and the Expansion and Militarization of their Police Organizations

Among the leading scholars working on the “criminal justice system” it has been widely accepted that a *new* period has started from the late 1970s onwards, particularly in the Anglo-American world. This new period, as O’Malley (1999: 176) puts forward, incorporated contradictory penal rationalities and practices that began to exist side by side- the disciplinary obedience (i.e. programs of strict discipline for young offenders) versus enterprising autonomy (creating innovative and enterprising subjects out of prisoners); incapacitation and warehousing (imprisonment for long periods without the objective of “reforming”) versus correctional reform; punishment and stigmatization (i.e. publicizing the names of the offenders) versus re-integration of the offenders into the social formation; formal criminalization versus informal victim/offender settlements (i.e. the frequent usage of punishment of fine). Although

these different penal rationalities (reformative, compensatory, punitive etc.) emerged in this period to exist side by side and gave rise to different and sometimes contradictory punishment practices, nevertheless, it can be argued that there is one particular rationality that has been dominating the whole era and whose dominance is more or less accepted by many scholars: it is the surge of *punitiveness* or the promotion of being “tough on crime” which is materialized in these particular locations via diverse penal measures.

This “punitive” era is differently theorized by various scholars according to the different theoretical frameworks they employ. Jonathan Simon (1993) draws attention to the rise of a “new penology” pointing to the frequent use of incapacitation as a logic of “risk management” through “actuarial” techniques rather than individualized discipline. Jock Young (1999) names the emergent society the “exclusive society”, pointing to a change in the “tolerance” level in parallel to a transformation from a society that *abhors* difference and attempts to *reform* difficulty to one which *celebrates* difference and attempts to *exclude* the difficult through “actuarial” and “demonizing” techniques. David Garland (2001) calls the period “late modernity”, during which, according to him, the sovereign states have been facing their limits even in controlling their crime rates. Frank Zimring et.al. (2001) explains the process as the result of “legal occasionalism” attributing a contingent character, for example, to the implementation of severely increased imprisonment durations in the United States (i.e. “Three Strikes Law”). John Pratt (2000) names it “post-modernity”, with which he points to a transformation in penal policies from a “grand narrative” of reform, progress, and humanitarianism to an earlier modality of punishing through shaming, the visibility of punishments, brutal penal policies, punishments directed at human bodies etc. Lastly, Loic Wacquant (2001) relates it to

the rise of “neo-liberalism” as a result of which the poverty, with a racial tone in the United States as well as in Western Europe, is penalized. In spite of these different theorizations which problematize different aspects of the penal practices that are employed, they, nevertheless, all recognize the punitive character of the period.

The punitiveness of this period which ensued the dismantling of the welfare state in the United States and Britain that was based mainly on disciplining through “reformation” was erected upon particular penal phenomena whose steady growth and stability no one can eschew. One of them is the rise of a substantially robust penal state in the United States and Britain from the late 1970s onwards, which can be observed in the booming prison systems and the expansion and militarization of their police organizations; the other is the significant increases in the provision and employment of private security services; and the last one to be mentioned here is the establishment of a “surveillant assemblage” (Haggerty and Ericson 2000), part of which is constituted by the increasing surveillance cameras in public streets, shopping malls, residence sites etc. In the following pages these penal phenomena in the specified social formations will be touched upon and the issue of the expansion and militarization of police organizations will be reserved to the last.

As noted above, one of the features of the new period is the growing importance of the prisons that constitute an important part of the newly emerging robust penal states in the United States and Britain. Their population in both countries boomed substantially throughout the era. Wacquant (2005: 5) documents this process for the United States in the following way: “Starting in 1973, American penal evolution abruptly reversed course and the population behind bars underwent exponential growth, on a scale without precedent in the history of democratic societies...During the period 1985–1995, the United States amassed nearly one

million more inmates at a pace of an additional 1,631 bodies per week, equivalent to incorporating the confined population of France every six months”. In Britain a correlating process can be detected. Garland (2001: 168) underlines that since the 1980s, in both the United States and Britain, sentences of imprisonment have increased in length, the average time served has increased, custodial sentences have been used in a larger proportion of cases, and the likelihood of being returned to custody from parole has greatly increased. According to him, “[t]here has thus been a shift- more pronounced in the USA than the UK, but present in both countries- towards a much greater and more intensive use of custody” (ibid.). Thus, in this period, it can be argued after Bauman (2000: 33) that there has occurred a sharp increase in punishment by incarceration and it means that large sections of the population are targeted as threats to the social formation. Imprisonment has become a way to neutralize them and calm the public anxiety which that threat evokes. He points to the Pelican Bay prison in the United States in which no training or productive work is done as the paradigmatic example of this trend. He describes it as the “factory of exclusion” and the perfection of the “technique of immobilization” (Bauman 2000: 32).

Another important development of the period is the steep increase in the provision and employment of private security services and their growing visibility in the last two decades²⁴. This is in general an urban phenomenon and the core location of its expansion can be specified as the United States. However, in Britain too its growth has reached such a level that it has become an easily visible phenomenon (see

²⁴ Newburn (2001) warns those who overlook the continuity in this modality of policing arguing that private security has always existed in the United States and Britain. According to him, it has even recorded a huge increase in the 1960s. But in the last few decades while the number of private firms providing security services has continued to amplify, more importantly their visibility as well as pervasiveness have increased. This is, as noted above, due to the corporations’ growing preference to contract in security services from specialist providers and the significant expansion of the “mass private properties”.

South 1988). This process is, by and large, linked to the “privatization” of public spaces, the rise of “mass private property” (in the form of shopping malls, leisure facilities, gated communities/ residential enclaves, etc.) and the development of “zones of private governance” (Newburn 2001: 829). In these hybrid spaces which blurred the distinction between public and private places “the landowner enjoys an unqualified prerogative to determine -no matter how arbitrarily, selectively, or capriciously- who may have access and on what terms, to ‘his’ or ‘her’ land. As a general principle, the landowner is possessed of an uncontrolled discretion to exclude any person from trespassing on private property” (Gray and Gray 1999: 14; cited in Button 2003: 229). Thus, the private security employees have become the gate keepers of these quasi-public places. This development can be located in a broader transformation through which urban spaces have been going in the United States and Britain since the 1980s. This transformation incorporates the destruction of traditional working-class neighborhoods in order to make way for speculative re-development projects, the retreat from community-oriented planning initiatives, the creation of new privatized spaces of elite/corporate consumption, the “rolling forward” of the gentrification frontiers and the intensification of socio-spatial polarization (Brenner and Theodore 2004: 24). The “creation of gated communities, urban enclaves and other ‘purified’ spaces of social reproduction” (ibid.) is an important part of this transformation which has caused the proliferation of these private security firms as the guards of these enclaves.

The third development to be mentioned here is the expansion of the surveillance capacities leading to an almost “electronic panopticon”, part of which is constituted by the increasing surveillance cameras and CCTVs installed in public places like streets and mass private properties like shopping malls. In Britain, the

first CCTV systems which were located at city-centers were introduced as part of the “Safer Cities” initiative in the 1980s. Initially, the cameras were installed in the public spaces of a few towns, but in 1999 there were over 530 towns and city-centers where CCTV systems were in operation and further funding has been amounted since then (Newburn 2001: 833). It is estimated that there are four million cameras in Britain. The use of CCTVs in the United States is less than in Britain but it rapidly increases as well and there are three thousand cameras only in New York City. In accordance with the conceptualization of Haggerty and Ericson (2000) it can be argued that these cameras constitute part of a “surveillant assemblage” that has emerged in these social formations. The concept indicates a convergence of once discreet surveillance systems. According to them “[T]he resultant “surveillant assemblage” operates by abstracting human bodies from their territorial settings and separating them into a series of discrete flows. These flows are then reassembled in different locations as discrete and virtual ‘data doubles’” (Haggerty and Ericson 2000: 605). They as well as Rose (2000: 325) point out to the fact that the credentials, activities, and qualifications of people are entered into a network which is shared by multiple agencies like state and non-state institutions, which have the potentiality to be, or, as a matter of fact, are involved in massive efforts to monitor different populations (Haggerty and Ericson 2000: 608) .

Although these penal phenomena seem to point to an emergence of mild but extensive social control mechanisms in these social formations which work either through incapacitation in high technology prisons or a wide scale monitoring/surveillance system, nevertheless, it must be underlined that the advanced capitalist states of these social formations did not cease to be repressive; on the contrary they continue to exercise repression which depends, more and more, on

outright violence. This sort of power strategy is exerted by these states mainly through their police organizations. Both in Britain and the United States, the police organizations entered, in this era, an expansion and militarization phase.

In Britain, as Brewer et al. (1996: 6) put forward,

The popular image of the British police as avuncular figures endowed with common sense and guided by the doctrine of minimum force now appears less persuasive. In the 1980s, police tactics during industrial disputes, at political demonstrations and during the course of the violent street disorders in certain inner city areas, have damaged this sanguine portrait. Armed with new powers, possessing new equipments and coordinated on a national basis to combat disorder, they appear unfamiliar and discomfiting: less a part of this society, more apart from it.

The causes of this modified appearance were the changes executed on public order legislations, the centralization of the organization, the militarization of its capability and equipment via the employment of plastic bullets and the CS gas²⁵, and the racial prejudice which was evidenced among its cadres. These components crystallized at certain critical moments like the 1981 London riots (see Keith 1993) or during significant labor acts such as the Brixton and Toxteth riots in 1981 and the 1984-85 miners' strike (see Cowell et al. 1982; Fine and Millar 1985) as the manifestations of violence (Brewer et al. 1996: 7; see in Mukhopadhyay 1998; 262).

According to Brewer et al. (1996: 22), these para-militaristic methods of public order policing in Britain were partly made up of tactics formerly tried and tested in the colonies. For example, after the 1981 riots, senior officers from the Hong Kong police had come to Britain to lecture on crowd control techniques in the Police Staff College. Also, the Royal Ulster Constabulary in Northern Ireland had turned into an example in riot control for the police in Britain with their rubber and

²⁵ Brewer et al. (1996: 21) suggest that "The Home Secretary's decision on plastic bullets and CS gas is one instance of the process of militarizing the British police to deal with public disorder". The changing nature of the riot equipment, training and tactics are rationalized as the outcome of an escalating scale of violence on the part of marchers, demonstrators or strikers (ibid.).

plastic bullets and armored vehicles (see also Jefferson 1990; Jefferson 1993; Mukhopadhyay 1998; 261).

Throughout this process of expansion and militarization within the police organization, the number of police officers significantly rose and Britain become heavily policed. The police expenditure drastically increased (Brewer et al. 1996: 7-12). Throughout the period, the Police Support Units (PSUs) and Special Patrol Groups made a reputation for their violent public order policing, while the police and military closely cooperated in the planning and implementation of security arrangements (Brewer et al. 1996: 25). Police records were computerized; regional crime squads were established; the National Criminal Intelligence Service (NCIS) and National Drug Intelligence Unit were set up (Mukhopadhyay 1998; 262). An emergency legislation, named the Prevention of Terrorism Act, which had been a feature of Northern Ireland, was issued in 1974. This act, together with the modifying police act and public order law, created a major expansion in police powers (Brewer et al. 1996: 30, 31). In consequence “[P]rotest and dissent is criminalized...while those who fight back- like the striking miners- are labeled by the prime minister as the ‘enemy within’” (Brewer et al. 1996: 43).

Thus, during the 1970s, but more markedly in the 1980s, the growing political dissent in Britain was subject to progressively coercive and repressive measures. The dissenters were composed of students, black youth, striking trade unionists etc. and this orientation towards repressive measures on the part of the police led to the emergence of critical moments of violence and human rights exploitations regarding these groups (see Jefferson 1990; cited in Waddington 1996: 8).

The police organization in Britain was not the only example in this expansion and militarization phase and it emulated much from the police organizations in the United States. For example, it can be argued that the idea to set up units in Britain (in 1982) under the rubric of District Information Officers (DIO) was drawn from the police practices in the United States where emphasis had been given to the development of “race sentiments barometers” that function as indicators of community tension (Brewer et al. 1996: 22). Also, the policing practices, which were gathered under the banner of “Zero Tolerance Policing” and has become the symbol of the police tactics pursued especially in New York City, was also starting to be practiced in various parts of Britain in this period. These tactics are based on a vigorous campaign against both “crime” and “disorder” (Jones and Newburn 2002: 99).

Thus, as indicated above, it can be stated that the police organizations in most states of the USA have also gone through an expansion and militarization period since the late 1970s and moreover, they, in fact, constitute one of the paradigmatic examples of this process. An important component of this phase is the frequent usage of the “war” metaphor like “war on crime” or “war on drugs” etc. As two of the few scholars who problematize this process, Kraska and Kappeler (1999: 463, 464) evaluate this choice of concept as indicative of the ascendancy of militarism within the criminal justice apparatus:

The ideological filter encased within the war metaphor is ‘militarism’ defined as a set of beliefs and values that stress the use of force and domination as appropriate means to solve problems and gain political power, while glorifying the tools to accomplish this- military power, hardware and technology... Recent developments illustrate the profound impact the war metaphor has on a critical dimension of governmental activity external to the armed services- the criminal justice apparatus.

The police departments in various states of the USA had already entered an expansion phase in the late 1960s due to the “war on drugs” (which also had a racial component), the struggle against the mafia, rising crime rates, protests, riots and cultural upheavals. The para-military police units [the Special Weapons and Tactics (SWAT)], were established in 1966 to intervene in sniper and hostage situations. However, as Andreas and Price (2001: 35) have put forward, the blurring of the distinction between the military and police units and thereby the militarization and further expansion of the police departments were realized towards the end of the 1980s when the waning of the Cold War led to the redefinition of the security issues and brought policing objectives to the forefront of the United States’ national interest (see also Kraska and Kappeler 1999). Within this process a “crimefare state” emerged; the Department of Justice enormously expanded; the U.S. federal law enforcement agencies were internationalized; the separation between the law enforcement and intelligence communities began to break down; the Executive Office for National Security was set up; and the Intelligence-Law Enforcement Policy Board was established (Andreas and Price 2001: 36-41). Accompanying these developments, the military started to be deployed in internal and external police operations broadly categorized as “Military Operations other than War” or “Low Intensity Conflict” rather than outright war campaigns (see Kraska 1999)²⁶.

Thus, while the national security parameters were changing, the issues on internal security were being prioritized and the soldiers were becoming domesticated, the police were also becoming militarized (see Diane Cecilia Weber 1999). This was partly realized through the increasing deployment and normalization of police para-

²⁶ Kraska and Kappeler (1999: 464) note that “The Clinton administration and congressional supporters extended the police/military connection by mandating that the Department of Defense and its associated private industries form a ‘partnership’ with the Department of Justice to ‘engage the crime war with the same resolve they fought the Cold War’”.

military units (SWAT teams) in most of the police departments (see Parenti 2000: 111-138). Their number was on a constant increase from 1970 onwards, but especially in the 1980s they came visibly to the forefront. The level of their activity more than doubled by 1986, almost tripled by 1989 and quadrupled by 1995 (Kraska and Kappeler 1999: 467). Although they were originally set up to respond to civil riots, terrorism, etc., especially from the 1980s they started to acquire the new function of executing large numbers of warrants like “no-knock entries” or “dynamic entries” which were defined as “high-risk situations”. They also started to engage, on an increasing scale, in everyday proactive patrols and routine police work (Kraska and Kappeler 1999: 467-471).

These units are para-militaristic due to various reasons. First of all, they are equipped with a range of militaristic equipment and technology. They call themselves “heavy weapon units” and use the submachine guns of military “special operation” teams, semi-automatic shot-guns, sniper rifles etc. During the “dynamic entries” they use explosive devices like C4 explosives, CS and OC gas grenades, stinger grenades. Their organizational structure is also composed after the military and they train and operate under military command structure and discipline. There are cross-trainings between the military and these teams. Their garments include black or urban camouflage “battle dress uniforms”, combat boots, full body armor, “ninja” style hoods etc. (Kraska and Kappeler 1999: 466, 470). It can be argued that the raids executed by these teams using these gears are highly dangerous; they have the high potentiality of leading to violence and “denials of citizenship rights”, even if the police do not randomly execute the occupants (Kraska 1999: 150).

Besides the deployment of these para-military police units in an escalating manner in mainstream police work, the police departments of certain states have also

gone through significant modifications as to their overall strategies. Paradigmatic examples of these modifications have been initially experienced in the United States, in the cities of New York and San Francisco, under the banner of “Zero Tolerance Policing”²⁷. This strategy was adopted in the 1990s because of the rising anxiety about the allegedly rising crime rates and it was based on a will to concentrate upon low-level public disorder offences such as graffiti, vandalism, public drunkenness and so forth. The rationality behind it was that strong and authoritative use of coercive police powers to prevent these kinds of low-level disorders would lead to the prevention of more serious disorder and crime. Thus, rather than being veiled, the violence-ridden coercive nature of police activity would become more and more visible (“the iron fist in a velvet glove” was turning into “an iron fist in an iron glove”) (Innes 1999: 398).

This policing strategy was based on a theory developed by Wilson and Kelling (1999), in 1982, under the rubric of “Broken Windows Theory”. According to this theory, particular areas become criminogenic (attractive locations for committing crime) if the conditioning factors of small “quality of life” disorders/offenses are not repaired/intervened. As these factors are neglected, they create fear among the law-abiding citizens and these people cease to engage in public interactions leading to the weakening of informal control mechanisms. Therefore, criminal and disorderly activities rapidly increase (ibid; Parenti 2000: 71) .

As a result of this orientation, an aggressive policing style was adopted against panhandlers, drunks, addicts, vagrants, young men loitering on the streets and the homeless who began to constitute legitimate targets for authoritative police intervention. The police prepared maps, for example in New York City, to specify

²⁷ This strategy, as noted above, started to be implemented in Britain too, especially in Cleveland and London.

certain places and the people within it as appropriate areas for police interventions. This affected the nature of police interaction with the people living in these areas and the amount of police aggression used while patrolling. An increased level of violence was registered as a result of these aggressive encounters between the police and residents of these certain neighborhoods (Innes 1999: 404). The victims of this strategy were mostly the people of color, youth, and the poor (Parenti 2000: 72).

It can be stated that both the strategy of “Zero Tolerance Policing” and the escalating employment of para-military police units in the “war on crime” as well as the “war on drugs” have led to the targeting of the inner-city urban underclass. The members of this class suffered from under-employment, lack of affordable decent housing and medical care, especially from the late 1970s onwards (Meeks 2006: 33). Under these conditions of joblessness and lack of necessities, these people were either dragged to the streets or to be criminals and became involved in drug dealing. Either way, they became the “enemy”, within the “war zone”, facing increasing police aggression within these circumstances (Meeks 2006: 37).

This was a brief sketch of the developments in the penal systems of the United States and Britain in the post-Keynesian period. To be able to grasp the causes and significance of these developments it will be appropriate to turn now to the changing configuration of social relations within these social formations and to locate them within these modifying relations. It can be argued that the accompanying changes in the social relations network can give an idea as to the reasons of the mentioned expanding surveillance/monitoring systems as well as the repressive/coercive power strategies of these states.

The Modifying Network of Social Relations on a Neo-Liberal Pattern in the United States and Britain

In the post-World War II period, the advanced capitalist states went through a “golden age” characterized by a Keynesian consensus whose main tenets were full (male) employment, the maintenance and extension of a welfare safety net, extensive industrial and labor-market intervention, social and spatial redistribution and demand-side macro-economic management (Tickell and Peck 2003: 169, 170).

The basic regulatory framework of this regime as it was experienced in the North Atlantic social formations incorporated the following highly generalized components: The wages were kept high through corporatist accommodations between capital, labor and the state to boost mass consumption. Monopolistic forms of regulation created fertile ground for corporate concentration and centralization within major national industrial sectors as a result of which the national states could bolster the world-market positions of their largest firms as national champions (Brenner and Theodore 2004: 10, 11). The United States-dominated Bretton Woods system fixed the exchange rates and controlled the money supply while the credit distribution and long-term investments of capital within social formations were adjusted by the states according to patterns of macroeconomic growth. The states were also involved in regulating aggregate demand, compensating for ups and downs in business cycles, increasing and expanding mass consumption, redistributing the social product through welfare policies and thereby mediating social unrest. Socio-spatial polarizations within national territories were to be prevented by compensatory regional policies and spatial planning initiatives. Within this process, the United States ascended to the status of a hegemonic global power and policed the world

economy which was divided among the national economies (Brenner and Theodore 2004: 11).

Thus, the Keynesian/Fordist accumulation regime was based on a social consensus maintained by high real incomes, enduring work compliance and strong domestic markets which enabled the realization of productivity, consumption, and profit growth (Tickell and Peck 2003: 170).

This regime was perpetuated successfully for approximately three decades; however, from the mid-1970s cracks started to surface within the balance constructed among the advanced capitalist states. As the European corporations increasingly challenged the U.S. firms by expanding their shares of the market, there emerged in the Atlantic Fordist zone a reduction in productivity growth and profits. This development was accompanied by oil shocks, the internationalization of capital flows, rising inflation, as well as unemployment rates and growing labor-union militancy (Tickell and Peck 2003: 170). Thus, economic growth slowed down; corporatist institutions publicly failed and financial strains led to the questioning of the sustainability of the Keynesian resolution (*ibid.*).

These general contours of the crisis were experienced on a similar pattern in both the United States and Britain, although the crisis retained its path-dependent features in every social formation it surfaced. The outcome of the crisis, although opposed by labor, was politically constructed in line with the hegemonic class fractions (especially the financial fraction of the ruling classes) (Duménil and Levy 2001: 578) by retaining the particularities belonging to each social formation's path but nevertheless having similar features in accordance with the so-called "Washington consensus". According to this consensus the government budgets would be financially disciplined to reduce budget deficits. Public expenditures would

be channeled to supply-side investments rather than welfare programs of progressive redistribution. The rights and roles of labor unions would be dramatically curtailed while the wages and employment terms would be rendered flexible. Taxes, which were the sources of public expenditure, would be kept low to create incentives for investments and interest rates and capital flows would be stripped of restraints and would be subjected to market discipline. Restrictions on imports and barriers to the entry of foreign firms would be abolished to enable the free floating of multinationals in search of cheap labor. State enterprises would be privatized and governments would eliminate regulations restricting competition (Peet and Hartwick 1999: 52; cited in Peck 2001:448). As the public expenditures and provisions of the welfare state, which supported huge portions of the population, were cut and labor was exposed to market oriented rules, these imperatives caused high rates of unemployment and decreases in wages leading to significant poverty levels initially in the United States and Britain, to be followed by others and a huge jobless underclass being forced to live in severe conditions. The socialized risk of the previous phase left its place to privatized and individualized risk assessments that could only be appropriately bared by a certain part of the population (Gill 2003).

Despite these major drawbacks with respect to the welfare of extensive parts of the social bodies, the imperatives of this consensus were either rendered hegemonic within social formations by their own governments (i.e. the United States, Britain etc.) or they were imposed on others (Third World countries, e.g. Turkey) via “structural adjustment programs” by the international organizations like the World Bank and IMF which were under the hegemony of the United States. They were elevated to a level of unquestionable priorities through the construction of “common

sense”²⁸ assumptions by means of which individuals appropriated and interpreted their various lived experiences. Thatcher and Reagan were the leaders of the time to succeed in creating such hegemonic discursive formations in Britain and the United States by attributing a quasi-natural status to these newly constructed policies.

In Britain, Thatcher’s and thereby the Conservative Party’s hegemonic new right discourse was constituted of an amalgamation of neo-liberalism and neo-conservatism. Its neo-liberal part was based on the discursive precepts of the supremacy of the free market and individual autonomy/liberty. It constructed the market as a moral and sacred entity and valued entrepreneurialism, even on the individual level. Its neo-conservative part prioritized moral authoritarianism and traditional values; it gave precedence to social hierarchy, discipline and moral decency as well as promoting repressive/deterrent policing of deviance; its basic tenets were patriotism and nationalism (Hay 1996: 133, 134). As Hay (1996: 135) puts forward, policies were pursued as part of a neo-liberal project but were often legitimated through the populist ideology of moral authoritarianism and a nostalgic re-imagination of “tradition” which were characteristic themes of neo-conservatism. According to Hall (1985; cited in Hay 1996: 138), the discursive orientation of Thatcherism could be labeled as “authoritarian populism” which pointed to the fact that a drift to the “law and order society” was complemented by a strengthening consent among large sections of the population. It constituted subject positions from which the world made sense to people in a range of different social positions (Hall 1988; cited in Larner 2000: 9).

In the United States, Reagan was also pursuing similar strategies in constructing discursive hegemony over large parts of the population. According to

²⁸ Thatcher’s well known “There is no Alternative” rhetoric (which was abbreviated as TINA) can be recalled.

Reagan, the private sector was always the guardian of individual liberty and entrepreneurial flair which he never ceased to promote, while the government was always an impediment or an outright threat. As Wills (1987: 459) has argued, Reagan aimed to invent a nostalgic past out of which his capitalist conservatism evolved. He, though never abandoning his pragmatic stance, supported the agenda of the religious right (Jones and Rawland 2005: 157, 158). He, for both political/chauvinist and economic reasons, initiated a huge military build up for which an enormous amount of public spending was reserved.

Thus, in this period, in which a new right hegemony was constructed both in Britain and the United States, certain institutions of the state were dismantled and others were “rolled forward” to have a more privileged place among other institutions of the state. As Peck (2003: 223) puts forward, the realities of state restructuring were more complex than the processes indicated by concepts like, “deregulation”, “privatization”, and “hollowing out”. He asserts that,

...the neo-liberal project has been about more than merely ‘liberating’ market force; it has been concerned, among other things, with the construction of new institutional forms and regulatory conventions, designed to secure the extension, maintenance and reproduction of ‘market rule’...[i]t has involved the development of new forms of statecraft and governmental practice- some concerned with extensions of the neo-liberal market-building project itself (in areas like trade policy and financial regulation) and some concerned with managing the consequences and contradictions of marketization (in areas like penal and social policy...) (Peck 2003: 224).

Hence, part of the states’ restructuring processes incorporated the expansion of the criminal justice systems and the enhancement of the penal institutions like the enlargement of the prison systems or expansion of the police organizations.

Wacquant (2001: 402) portrays this process in the following way:

Social deregulation, the rise of precarious wage work (against a backdrop of continued mass unemployment in Europe and steadily rising “working poverty” in the United States) and the return of an

old-style punitive state to go hand in hand: the ‘invisible hand’ of the casualised labor market finds its institutional complement and counterpart in the ‘iron fist’ of the state which is being redeployed so as *to check the disorders generated by the diffusion of social insecurity*.

In short, the left hand of the state (indicating to the provisions of education, public health care, social security etc.) has been superseded by its right hand, as Bourdieu (1998) puts it. This right hand is composed of the police, the courts, and the prison system which have become increasingly active and intrusive in the lower regions of social space (Wacquant 2001: 402); see also Brenner and Theodore 2004: 18).

While these processes rolled out in Britain and the United States, it can be stated that they were not experienced as if they were in isolated spheres. On the contrary, a significant amount of policy transfers have been experienced between these social formations, especially from the United States to Britain. As Peck puts forward, the United States can be depicted as the ideological “home” of labor market deregulation, workfare programs, trade liberalization as well as mass incarceration and zero tolerance policing (Peck 2003: 228). These policies which have been initially tested and implemented in the United States have been evaluated as viable policy options and emulated in other social formations. Britain²⁹ has been one of the paradigmatic examples of these social formations which constitute a zone of serial emulation and experimentation (ibid.). Wacquant (1999: 327) evaluates Britain as “the land of welcome and acclimation chamber for these policies on their way to the conquest of Europe” (see also Peck 2004). According to him, the transference of the “penal common sense”, which has materialized within the neo-liberalization process, originates in Washington and New York City, crosses the Atlantic to lash itself down in London, and stretches from there to the Continent. This mechanism works not

²⁹ According to Peet (2002; cited in Peck 2003: 228) London represents a sub-hegemonic “center of persuasion” in the process of neo-liberal expansion.

only through state institutions like the Department of Justice, the State Department and so on, but also through neo-conservative think tanks which have played an important part in the constitution and internationalization of the new punitive doxa (Wacquant 1999: 322, 323).

Locating the Rise of the Surveillance-Repression Amalgamation within the Changing Network of Social Relations

Thus, there have emerged, both in Britain and the United States, an inflating surveillance mechanism creating nearly a “surveillant assemblage” (in Haggerty and Ericson’s conceptualization), a rise in incapacitating prison systems in which an increasing number of inmates are locked up, a mounting private sector policing as well as an expanding and militarizing police organization. These phenomena have taken place amidst radical re-configuration processes of social relations as have been briefly presented above. It can be argued that the assessment of the grounds leading to these penal phenomena has to be made by taking into account these radical re-structuring processes which have been experienced in both of these social formations.

As has been noted above, this post-Keynesian period has been characterized by certain features which can be reiterated as the following: full employment ceased to be one of the ultimate goals; flexible employment terms, which enable the termination of employment any time according to the needs of the employer, have been encouraged; wages have significantly decreased; and the state pulled back its supportive provisions which sustained a large part of the population through health care programs, public housing funding, unemployment insurance etc.

and replaced them with an individual risk assessment (Rose 2000) and workfare system (Peck 1998) that put the full responsibility of supporting him/herself and the minimization of risks on the individual. As Garland (2001: 99) has put forward “The result was a widening of inequalities and a skewed structure of incentives that encouraged the rich to work by making them richer and compelled the poor to work by making them poorer”. There emerged an urban underclass living in zones of hardened poverty and made up primarily of minorities (Simon 1993: 5). As the visibility of growing poverty has increased as a result of the escalating number of homeless people, unemployed youth (mainly minorities) and beggars who started to wander on the streets, “there was a dim but widespread awareness that the costs of the new market freedoms were largely being born by the poorest most vulnerable groups” (Garland 2001: 100). Although these phenomena were to be rationalized with the claims of individual failures, “it was hard to forget the implicit dangers involved in amassing a sizeable population of dispossessed youths and disaffected minorities” (ibid.).

Along with the rising poverty, crime rates have also been increasing, and have reached levels ten times the rates of the 1950s. Although the increase was constant for nearly five decades, the fear and anxiety it created in the 1990s were of a pathetic nature because of the economic insecurities created by the changing capital accumulation regime. Bauman (2000: 34, 35) rightly asserts that “today...[there is] the inclination to trade off a lot of security in exchange for removing more and more constraints cramping the exercise of free choice, which generates the widespread sentiments of fear and anxiety. It is these sentiments which seek their outlet (or are being channeled) in the concerns with law and order”. An obsession for control (Garland 2001) and risk minimization has arisen.

Besides drawing attention to the current pervasiveness of “fear” and “anxiety” and their causes especially in the advanced capitalist countries, it can be stated that Bauman (2000) appropriately draws attention to another important point by adding that these sentiments are also being “channeled”. For, while the new right’s discursive ascendancy called for the promotion of tradition, order, hierarchy, authority and individual responsibility for attaining welfare, in accordance with these it also called for tighter control mechanisms and a “law and order” state which would be useful to contain labor whose rights were undermined as well as the increasing number of poor people who, more and more, constituted a “threat” to the social body. The labor fighting back has been degraded to the level of the “enemy within”, as has been mentioned above, and poverty has increasingly been criminalized via the accusations of not taking the necessary responsibilities to level themselves up and of not being morally upright. As social problems such as violence, street crime, and drug abuse got worse especially in economically and socially disadvantaged areas, it became easy for the conservative governments to create a connection between poverty and crime and to construct crime, together with other “underclass” associated behaviors such as drug abuse, teenage pregnancy, single parenthood and welfare dependency, as legitimate grounds to build up apparatuses to contain (and repress where necessary) the poor neighborhoods and to develop strong repressive/disciplinary states (Garland 2001: 102).

These discursive practices were also enhanced by the transformations experienced in urban spaces throughout this reconfiguration phase, which created the need for an extra secure environment. Parenti (2000: 91) explains this process in the following way:

The story of the new security-conscious city is in many ways the flipside narrative of the ‘jobless ghetto’. The natural decline and

intentional decimation of manufacturing and transportation as central components in many urban economies have given rise to a business ecology dominated by finance, insurance, and real estate (FIRE), along with high tech, design, cultural production, and tourism. This mix of industries requires and creates both spaces and populations that are particularly threatened by violence and poverty that wracks much of urban America.

Thus, as the neo-liberal process unfolded and multi-nationals, in accordance with the new regime of accumulation, migrated to other countries which provide cheap labor, the inner city space became occupied by other sectors. While these sectors are, by nature, unable to provide work for the urban poor who have been left jobless, they furthermore create citadels around these spaces to acquire a sterile/secure environment. As a result there have arisen gentrification waves, theme-parks, gated communities, mass private properties which are policed by private firms segregating the poor from the business/residence districts³⁰ (see Swyngedouw et al 2004; Smith 2004; Davis 2004). In this way, as Wacquant puts forward, ghettos have been turned into prisons (Wacquant 2000).

Thus, as a result of these changing social relations in which the growing inequalities and social dislocations have occupied an important place, the institutions of the state have also gone through a restructuring phase. A social-welfarist mode of governance left its place to a more exclusionary and punitive one. Maintenance of social discipline, through either mild or repressive modes in a context of loose labor markets, fracturing political collectivities and privatized urban spaces has become a major part of the states' functions (Peck 2003: 225). Hence, there have arisen diverse penal phenomena such as incapacitation through imprisonment, mild surveillance,

³⁰ Peck (2003: 225) evaluates this process more vividly, in the following way: "Here, a new 'urban policy' configuration is emerging, based on social and racial containment, the purification of public spaces, the subsidization of elite consumption, the privatization of social reproduction, the normalization of economic insecurity, and preemptive 'crime control', with enormous implications for groups like women and minorities, contingent workers and welfare recipients, and the homeless and the jobless. Consequently, issues of state restructuring are deeply entangled with questions of spatial and social (in)justice".

private provision of security and repressive police practices. The neo-liberal trend of “privatization of risk assessment/insurance system and the responsabilization of the individual” plus the need to maintain social control have materialized in the privatization of policing and the surveillance mechanisms’ logic which forces everybody to remain as “reliable” data within the information web to be able to benefit from credit advantages, service provisions, commercial gains etc. (Rose 2000; Rose 1999; Gill 2003). Also a the penal state has emerged through the booming of the prison systems and the expansion and the militarization of the police organizations to either incapacitate “threats” or repress them through violence³¹. The expanded and militarized police have become an important apparatus in re-constructing order either in the underclass neighborhoods or in labor strikes. These penal phenomena altogether have created a surveillance-repression amalgamation in the neo-liberal era, which is utilized everyday in re-constructing and governing the social order and which can be activated any time against those who pose a threat to this new configuration of social relations.

³¹ Despite the emphasis put on the “individual” in the first trend, it must be noted that the state as a restructuring entity and its power practices occupy a central position in both of these trends. Through these mechanisms, the state enables information sharing, engages in proactive or reactive responses against certain people, incapacitates an increasing number of people each day, or practices repression.

PART II

THE EXPANSION AND MILITARIZATION OF THE POLICE ORGANIZATION
IN THE POST-1980 TURKEY FROM A HISTORICAL PERSPECTIVE:
LOCATING THE POLICE ORGANIZATION WITHIN THE TRANSFORMING
SOCIAL RELATIONS SINCE 1945 AND EXPLORING ITS ROLE IN THE
CONSTRUCTION OF THE SOCIAL BODY

The police organization in Turkey was originally founded in 1845 during the Ottoman Period (see Ergut 2004). Through time, it was dissociated from the gendarmerie (1879), organized under the Ministry of Internal Affairs (1909) and persisted into the Republican period to take its final form with the enactment of the Police Duties and Powers Act (*Polis Vazife ve Salahiyetleri Kanunu*, No: 2559) in 1934 and the Law on the General Directorate of Security (*Emniyet Teşkilatı Kanunu*, No: 3201) in 1937 (Metin and Eraslan 1994: 10-12). It is a centralized organization in line with the administrative system of the country, having its headquarter in Ankara. In the provinces, the provincial directorates of security (*il emniyet müdürlükleri*) are accountable to governors and in the districts to head officials of districts (*kaymakam*) (Cerrah 2006). Throughout the consolidation period the police came to perform three types of duties, judicial (*adli*) policing, administrative (proactive, *idari*) policing and political (*siyasi*) policing duties.

For a considerable period, the organization was organized at a modest level, incorporating the police cavalry division (*süvari polisi*) (including rudimentary “rapid action units” [*çevik kuvvetler*] ready to intervene rapidly), motorcycled police, and the motorized teams (*motorlu ekipler*). At the beginning of the 1960s, there were approximately 13,500³² police officers in service and the ratio of the police officers to the population was around one to 711. The first major expansion of the organization was realized in 1965 with the establishment of the Society Police (*Toplum Polisi*). The unit was established with a separate law to be utilized in public order policing.

However, the most significant series of modifications in the organization were realized following the 1980 coup d'état, after which the military took hold of

³² The personel of the police organization increased to approximately 20,000 in 1970, 40,000 in 1975 and 50,000 in 1980. These data are gathered from the journal *Polis*.

the state apparatus. In July 1981, the Director-General of the police organization, Fahri Grgl announced that both the headquarters of the organization and its provincial branches were going through an evaluation process with regard to their “structure, equipment and staff”. The staff was to be re-organized hierarchically in line with the seniority system which was also used in the armed forces (*Polis* 1981 [349]: 33). The-then-Minister of Internal Affairs, Selahattin etiner, confirmed this process by stating that feasibility analyses were being carried out to create a staff structure within the organization similar to that of the military (*Polis* 1981 [353]: 27). The main aims were to strengthen, expand and re-structure the organization by taking the militaristic discipline as an example.

This planning and evaluation process finally materialized, in August 1983, with the approval of a law on the authorization of the General Directorate of Security to use extra-funds to reorganize and modernize the organization (*EM-REMO Kanunu*). The reasons of this reorganization-modernization process, which were pronounced in the Consultative Assembly (*Danışma Meclisi*) during the discussions over the law draft, were: to expand the organization by increasing the personnel of the organization and to provide it with enough educated personnel; to supply high-technology modern weapons and apparels (like helicopters, guns/rifles, communication apparels etc.); and to provide housing to the personnel to support them economically. It was underlined during these discussions that this kind of a reorganization strategy was previously carried out both in the armed forces and the gendarmerie (*Danışma Meclisi Tutanak Dergisi*, 18.8.1983, [148/1]).

Along with this law, the budget of the organization was enlarged for a ten year period³³; new departments were established within the General Directorate of

³³ The ratio of the budget of the General Directorate of Security to the general budget from 1980 on is as the following: 1980: 2.55%, 1981: 2.87%, 1982: 3.25%, 1983: 3.57%, 1984: 3.49%, 1985: 2.94%,

Security (like the Intelligence Department, Aviation Department, Data Processing Department, the Replenishment and Maintenance Department etc.)³⁴; police powers were extended; new arms and vehicles were supplied and standardized and the personnel was expanded (the number of the police officers in service reached approximately 170,000 in 2006 leading to a ratio of one police officer to 265 citizens [Cerrah 2006: 82]). In addition, the provinces were divided into four groups according to which the organization of the police stations in these provinces were made; new police schools were opened to increase the personnel³⁵; the education period in police schools was extended from six months to nine months and in the Police Institute from three years to four years (EGM 1983: 42-53).

In the mean time, as will be explained below, the Society Police squads were restructured with the help of the military, strengthened with high-tech weapons, disciplined according to a strict hierarchical order and re-named as Rapid Action Units (*Çevik Kuvvet*). Special Operation Teams were established under the Public Order Department; an Anti-Terrorism and Operation Department was set up. In the 1990s, these were followed by the enactment of the Anti-Terrorism Act, the organization of the Special Operation Teams in a separate department named “Special Operation Department”, the establishment of motorcycled teams and the placement of surveillance camera systems (CCTVs) on public streets.

1986: 2.80%, 1987: 2.87%, 1988: 2.43%, 1989: 2.43%, 1991: 3.69%, 1992: 3.40%, 1993: 2.90%, 1994: 2.80% (listed in Bora 1997: 117) 1995: 2.91%, 1996: 2.60%, 1997: 2.84%, 1998: 2.63%, 1999: 2.51%, 2000: 2.28%, 2001: 2.1%, 2002: 2.28%, 2003: 2.36% (see <http://www.muhasabat.gov.tr/mbulten/T4-1-3.htm>). Thus, it can be stated that in the mid-1980s and the beginning of the 1990s there are significant increases in the budget of the General Directorate of Security which rarely falls below the ratio of 2.5% while as Bora (1997: 117) argues other public institutions' budgets like those of health and education, constantly decrease in the same period.

³⁴ In 1975, there exist 12 departments within the department; Their number rose to 18 in 1983 and currently (in 2006) there are 30 departments (see EGM [1983] and the official website of the General Directorate of Security, www.egm.gov.tr).

³⁵ There were four police schools in 1975. Their number reached 28 in 2001.

In the following pages, this expansion and militarization process of the police organization in the post-1980 period will be located within the re-configuring social relations of Turkey. It will be realized by taking the whole post-World War II period into account. Such a prolonged period of time is taken into account to be able to present the background configuration of social relations, out of which such a phenomenon emerged, and furthermore, to provide an explanation for the very first expansive moment in the police organization, which came with the establishment of the Society Police in 1965.

For the whole period, the shifting configuration of social relations in Turkey will be examined with regard to *four dimensions*, in accordance with the theoretical framework of the thesis. As mentioned several times above, the study argues that to be able to understand a re-structuring process within one of the institutions (in this case the police organization) of the capitalist state, one has to take into account these four dimensions. They are, (1) the relations arising mainly from the capital accumulation regime, (2) hegemonic discursive relations, (3) the relations between the state institutions resulting from the political regime of the social formation, and (4) the international relations leading to international policy transfers. In the following four chapters, the connection between the re-configuring social relations in Turkey and the process of modification within the police organization will be demonstrated. Although these relations are interlaced and inseparable from each other, they have to be analyzed here separately for analytical reasons. Each will be discussed with certain newly established units of the police organization, on which they arguably have a *greater* degree of impact. However, it must be noted that it is the web of social relations that causes the whole expansion in the organization at the end.

Documenting all these processes will also reveal the common attributes of the developments experienced in the heartlands of neo-liberalism, the United States, Britain, with respect to their police organizations, and Turkey during the neo-liberal period after 1980. However, it must be underlined that although there are enough shared experiences to gather them under the umbrella of “neo-liberalism” and to elaborate on its common effects, there are also specificities to each social formation which prevent any attempt to equalize them. For instance, the Kurdish issue in Turkey posits such specificity.

CHAPTER 4

THE CAPITAL ACCUMULATION REGIME, THE LIMITS OF THE LABOR MOVEMENT AND CONDUCTING THE CONDUCT OF THE “UNDERCLASS”

In this chapter, the modifications in the capital accumulation regime since the Second World War will be presented to illustrate how a certain pattern of change in these social relations partly affected the specific nature of the emerging working class (enabled by the vast immigration wave from villages to towns), its unionization and the course of the labor movement which was supported in the pre-1980 period by the politicized shanty town dwellers and the youth movement. Also the rise of a new “underclass” in the cities (especially in the post-1980 period) will be touched upon. The aim is to demonstrate the role played by these social relations and their modifications (which were coupled with other sets of social relations that are to be examined in the following chapters) in the creation of a strategically selective terrain in the state institutions for certain adjustments in the field of public order policing. The focus will be mainly on the establishment of two major units (the second one replacing the first), the Society Police (*Toplum Polisi*, 1965) and the Rapid Action Units (*Çevik Kuvvet*, 1982), and their role in the re-construction and re-production of the social body. The establishment of motorcycled police units, the Dolphins, (*motorize polis timleri*, *Yunuslar*, 1993) as a new unit of the public order (*asayiş*) police and the deployment of the electronic surveillance systems (MOBESE) on public streets will be evaluated with respect to the rise of an acute poverty in the inner cities.

The Pre-1980 Period

The Determinants of the Accumulation Regime between the Years 1945 and 1980 and their Consequences

The years following the end of the Second World War represent a turning point in the accumulation regime of Turkey since they gave start to a liberalization movement in the economy (initiated by the Republican People's Party [*Cumhuriyet Halk Partisi*, CHP] and maintained by the Democrat Party [*Demokrat Parti*] from 1950 onwards) with which the protectionist policies depending on the balance of trade that had lasted for sixteen years without interruption were dropped for a free foreign trade. This development was significant because the abandoned protective measures (all but customs tariffs) led to a significant increase in imports which caused a gradual dependence on external aids, money credits and foreign investments (that were encouraged with the laws enacted from 1947 to 1954). This eventually created a huge external debt that would be one of the main axes tying the Turkish economy to the influence of the centers of global capitalism. In the mean time, exports also increased but they were mainly in the form of agricultural products vulnerable to international price fluctuations. The specialization in agricultural products in exportation was partly necessitated by the underdeveloped nature of the newly emerging industries but it was also partly induced by the hegemonic capitalist countries of the time, especially by the USA. According to the "liberal trade doctrine" of these hegemonic capitalist formations each country had to specialize in the fields in which they had a comparative advantage (Boratav 1995: p. 76-80). In Turkey, this doctrine was advocated in the 1950s by American experts (within the

scope of the Marshall Plan and Truman doctrine) working to re-organize the domestic economy (Keyder 2003: p. 310)³⁶ and it appealed both to the commercial and agrarian fractions of the bourgeoisie and to the peasantry at large (Savran 2002: 10). In accordance with the advice of these experts in favor of capital investment in agriculture, thousands of tractors were imported which were immediately adopted by the peasants at the beginning of the 1950s. This development was to contribute to a huge demographic movement from the countryside to the cities, an issue which will be touched upon in the following pages.

It can be stated that the first ten years constituted a period of economic growth fed by the Korean War and the demand it created for agricultural products. Besides the peasants who were encouraged by support programs, commercial capital turned out to be the main beneficiary of the period due to the liberalization of foreign trade (Boratav 1995: 84). Thus, a certain extent of capital accumulation was more or less achieved together with an expanding domestic market, opening a fertile ground for the newly emerging industries (Keyder 2003: 312).

In the second half of the 1950s, the vulnerable Turkish economy faced a severe crisis of foreign payments due to the diminishing foreign exports which culminated in the devaluation and stabilization program of 1958 (Savran 2002: 10; Keyder 2003: 315). In the meantime, the possibility of expanding agricultural production through opening new fields to cultivation was also approaching its limits (Gülalp 1993: 33). This period was marked by the re-introduction of protectionist measures in 1954. These protectionist measures, together with the accomplished capital accumulation during the Second World War as a result of the state bids, the importation of war equipments and black markets, stimulated the Turkish

³⁶ In those years American experts were frequently visiting Turkey to advise on the economic policies to be pursued. Turkey also became a member of the IMF and World Bank in 1947 and NATO in 1952 (Boratav 1995: 79).

bourgeoisie to turn to the manufacturing sector after the mid-1950s. Yet, the Democrat Party government was disappointing the foreign capital institutions and marginalizing the bourgeoisie that had entered the manufacturing sector by insisting on putting emphasis on the agricultural fractions. Eventually, these political preferences which were in contradiction with the growing manufacturing sector led to an alliance between the bourgeoisie and bureaucrats that was supported by the international monetary funds and it contributed to the realization of a coup d'état in 1960. The decisive development was the formulation of a new constitution a year later. The 1961 Constitution legalized the Import Substitution Industrialization (ISI) model with the establishment of the State Planning Organization. This was the beginning of a new period in which the accumulation mode founded upon the expansion of agricultural production and the accumulation of commercial capital shifted into a new one. With the new accumulation regime, the emphasis would be on industrial capital and industrial production which would be oriented towards the domestic market (Savran 2002; Keyder 2003; Sönmez 2001; Owen and Pamuk 1998: 106-110).

After the coup, big family holding companies, large conglomerates, banks and other service firms gradually emerged, and the industrial wing of the bourgeoisie specializing on food processing, textiles, and durable consumer goods dominated the domestic market by collaborating with foreign capital, largely through license agreements to substitute for the imported goods which were halted as a result of the restrictive trade regime. The ISI process was made possible by the importation of capital goods like technology, investment products and intermediate products which were essential for the finalization of products in the country (Owen and Pamuk 1998: 111; Güllalp 1993).

From the 1960s (in fact starting unofficially from the mid-1950s), despite slight deviations, this model of development would be retained until the end of the 1970s. The model of capital accumulation and industrialization was based on an alliance between the bureaucratic elites, industrial capitalists and the rapidly expanding industrial workers. It operated on four main pillars: strong non-tariff barriers to capture oligopolistic profits and rents in the well-protected domestic market; the public enterprise system, which enabled the private industrial enterprises to minimize costs on material input; the overvalued currency which provided cheap finance for investments in the manufacturing sector; and finally the subsidized credits, and tax exemptions. In return, the industrial bourgeoisie was “willing” to allow a general rise in manufacturing wages to expand the domestic market. At the same time, the new rights granted to workers under the 1961 Constitution concerning labor unions and strikes supported the workers at the bargaining table (Boratav 1995: 73-94; Boratav 1997: 265-354; Owen and Pamuk 1998: 110-114).

The domestic market was kept alive with government price support programs and the manipulation of the domestic terms of trade in favor of agriculture. The remittances from the workers in Europe helped to expand the home market and also to finance the import of capital goods. However, the terms started to change towards the end of the 1960s, especially with the changes in the oil prices in 1973. The balance of payments which was essential in making the system work was affected adversely with the sharp rise in prices. For a period the deterioration of payment balances was met by external borrowing and the remittances but the crisis could not be eliminated, especially after a second round of oil price increases. The serious crop failure in 1977 coupled with weak foreign markets for Turkish agricultural exports, resulted in the country’s inability to repay its debt in the autumn of 1977

(Utkulu 2001: 18). After negotiations with the IMF and the OECD consortium, a stabilization program was adopted in early 1978 (Utkulu 2001: 18), but the IMF pressed for a major structural change in the accumulation mode from ISI to export-oriented industrialization. Huge amounts of external debt, high inflation, shortages of even the basic items along with power cuts coupled with political crisis brought Turkey to the threshold of a major structural transformation with respect to the most essential aspects of political economy (Owen and Pamuk 1998: 114, 115). This would be achieved through a coup d'état in September 1980 which created a suitable ground for the demands of the United States, the IMF and other influential international finance centers (Ercan 2002).

In the period between 1945 and 1980, two significant socio-economic developments came to the forefront within the context of these changes in accumulation relations. These developments can be evaluated as the connection between the modifications in the capital reproduction regime and the adjustments (i.e. the establishment of the Society Police) carried out in the police organization.

One of them was the dramatic acceleration of rural-to-urban migration in Turkey in the 1950s (Owen and Pamuk 1998: 110). The growing migration from the countryside to cities starting in the 1950s can be explained by the dissolution of traditional production relations in the countryside due to the efforts to expand agricultural production (Işık and Pınarcıoğlu 2003: 101). The latter was necessitated by the changing accumulation relations of the time and was accomplished mainly by the mechanization of agriculture, as has been explained above (Keyder 2001: 188). The process left a considerable amount of peasant population, especially sharecroppers, redundant, as the limit of land expansion for cultivation was reached. A certain portion of these peasants had to migrate to the cities. Between 1950 and 1960

the population of the biggest four cities (Istanbul, Ankara, Izmir, Adana) increased by 75 percent because these cities attracted nearly half of the 1,500,000 immigrants (ibid.). The flourishing economy of the cities, from construction to the industrial sector, which created a need for a high number of workers, constituted the pull factor in this migratory wave. These immigrants who would compose the proletariat of the emerging industrial sector settled in the shanty-towns of large cities (Keyder 2001: 188, 189) mostly around the factories. This was a way of self-help, filling the space which could not be filled by the state or market terms. The initial shanty-towns were built on the lands of the treasury and their dwellers had a chance to relatively improve their conditions as a result of employment opportunities. Until the 1960s they remained timid enough not to interfere with the upper class culture of the city centers (Keyder 2001: 190), and the state remained silent about these unofficial possessions as a mechanism of redistribution within the ISI regime of accumulation (Işık and Pınarcıoğlu 2003: 116). However, with the second generation, the circumstances changed, and as the living conditions deteriorated due to rising unemployment rates, the inhabitants became politicized, organized on a class basis and some of them allied with the leftist organizations which were declared to be “illegal” by the state. The aims pursued in these social movements were partly about the infrastructural problems of these neighborhoods and were partly about providing homes for the homeless people. But mostly they saw the problem within the mechanisms of the system as a whole (Aslan 2004: 77-82).

Thus, as the migration from the villages to the cities fed the labor need of the consolidating manufacturing sector, as the second significant socio-economic development there came into being a propertyless mass gradually turning into a wage labor. To give an idea about the extent of the working class expansion the number of

workers can be put forward as one million in 1950, 1.6 million in 1955, 2.4 million in 1960 and around four million in 1971 (STMA³⁷ 1988: 1963, 2146). A big portion of the labor population was working in the manufacturing and service sectors and was residing in Istanbul, Ankara, Izmir, Bursa, Balıkesir, Aydın, Adana and Zonguldak (STMA 1988: 1963).

In the late 1940s, there could be no talk of a working class movement because the working class was small in size and it had no rights, not even the right to have labor unions or to strike. In the suitable international conjuncture of the late 1940s, in which the CHP government opted to take place within the North Atlantic Alliance led by the United States, the government provided the working class with the right to establish labor unions in 1947, in accordance with the rules of membership of the International Labor Organization (an agency of the United Nations) (Işıklı 2003: 332). All through the 1950s labor activity remained low because of the repression and surveillance that the Democrat Party government established over the labor unions (Sülker 1968: 35). In 1952, a pro-state labor union confederation, The Confederation of the Labor Unions of Turkey (*Türkiye İşçi Sendikaları Konfederasyonu*, Türk-İş) was formed to guide the workers into a docile organization and to integrate them into the system. It was established with the help of the International Confederation of Free Trade Unions and would be financially strengthened between 1960 and 1970 with the resources provided by the Agency for International Development (AID) (an United States based agency), while its leaders would be educated in America for a wage-based struggle in collaboration with the AFL-CIO (American Federation of Labor and Congress of Industrial Organizations) (Işıklı 2003: 338).

³⁷ STMA is used here as an abbreviation for the encyclopedia titled *Sosyalizm ve Toplumsal Mücadeleler Ansiklopedisi* (1988).

After the 1961 constitution came into effect and provided the public employees with the right to establish labor unions and the workers with the right to strike and engage in collective bargaining, the “Law of Labor Unions” was enacted in 1963 together with the “Law of Collective Contract, Strike and Lock Out”, as a result of which the labor unions gained a limited right to strike (excluding the right of general strike) and were recognized as a pressure group engaging in political activities (STMA 1988: 2009, 2012). These regulations were partly made possible by the new regime of accumulation which depended on the endorsement of the workers and the public employees, together with their wage demands, to expand the domestic market. In the meantime, twelve labor unionists established a party under the name of the Workers Party of Turkey (*Türkiye İşçi Partisi*, 1961) which would enhance the workers movement that was to flourish in the coming decade. This movement against the Türk-İş administration whose aim was by and large to stay above political parties and remain outside politics culminated in the reaction of some of the labor unions to Türk-iş leaders for the same reasons, and led to the formation of another confederation of labor unions in 1967 under the name of the Confederation of Revolutionary Labor Unions (*Devrimci İşçi Sendikaları Konfederasyonu*, DİSK).

But soon, measures were devised to be taken against this new confederation which did not intend to be docile and tolerate the whimsical treatment of workers. The Justice Party (*Adalet Partisi*, AP) government, supported by the big bourgeoisie and with the tacit agreement of CHP, tried to pass a law (no: 1317) in 1970 that intended to hinder the activity of DİSK. In the demonstrations against the law (Incidents of July 15-16), several workers were killed and hundreds were injured in clashes with the police and gendarmerie (Arınır and Öztürk 1976). Although the law was cancelled by the Constitutional Court in 1972, the attempt to enact this law

together with the declaration of martial law after the demonstrations in 1970 can be evaluated as significant occurrences revealing the attitude of the political power against the labor movement. The working class movement would be tolerated as a component of the accumulation regime as long as it remained within certain limits, the surpassing of which would damage the balance constructed within the system. With the help of the “interim regime” which was set up following the military intervention of 1971, the social awakening that had surpassed economic development, in the words of Nihat Erim, (the first prime minister after the intervention) was repressed with the curtailment of basic rights and freedoms, the acceptance of new regulations concerning the labor unions and the prohibition of the right to establish labor unions for the public employees. The Workers Party of Turkey was also banned under the military regime (Savran 2002: 12, 13).

The Society Police (*Toplum Polisi*)

During this period, the state, within which the administration was constitutionally strengthened after the 1960 coup d'état³⁸, took the significant step of establishing a new unit, a public order/riot police, which can be evaluated as a strategic measure for the governance of the newly emerging shanty towns, the consolidating vibrant working class (mostly the residents of these gradually politicized slum areas), and the leftist politicization in the country³⁹, either through mild intervention or through repression practiced in the demonstrations, strikes and factory invasions that became the mark of this period. The first declaration of the establishment of a new unit called

³⁸ The impact created by the changing power balance among the state institutions on the formation of new units in the police organization will be dealt with in the sixth chapter.

³⁹ The impact of the hegemonic discursive formations of the time on the formation of new units in the police organization and the challenge posed by the leftist movements will be assessed in the fifth chapter.

the Society Police was made in December 1963, in the program of the Third Coalition Government headed by İsmet İnönü (Arar 1968: 393).

As a verification of the argument stated above, it would be beneficial to take a look at the Assembly minutes to grasp how the members of the parliament assessed the circumstances and reasoned the establishment of such an additional unit. The then member of parliament (MP from now on) Şevket Asbuzoğlu made the following remark in 1964 during his speech on behalf of the CHP group in the parliament, giving a clue about the concerns of the political power:

Besides being pleased upon the declaration concerning the establishment of the Society Police in the Third Coalition Government program, which concentrates on the avoidance of social movements enabled by various laws aiming at the development of the country in a democratic and free regime...especially the laws on strikes, collective bargaining, freedom of meetings and demonstrations and the movements caused by natural disasters like fires, flood and earthquake..." (*Millet Meclisi Tutanak Dergisi* 1964 [59/2]: 491).

In May 1965, two months before the establishment of the Society Police, while the budget of the Ministry of Internal Affairs was discussed, these concerns were emphasized by the MPs of different parties in more diversified ways. For example, the CHP MP, Osman Sabri Adal, in his talk on behalf of his party's group, underlined the worries of his party in the following way:

The ever increasing population flow from the villages to the cities under the economic and social pressures has led the provincial administrations to encounter problems that are very difficult to solve. Especially in the cities like Istanbul, Ankara, Izmir and other city centers this issue has ceased to be a local matter but requires handling on a state policy-making level... It should not be forgotten that besides its economic and social basis the problem also has a security, public order and ideological dimension... [w]e believe that the [police] organization will not be deprived from the necessary means and facilities in accordance with the needs of modern police techniques, when the seriousness of the social problems caused by the ever increasing population and the social, political and economic developments are considered (*Millet Meclisi Tutanak Dergisi* 1965 [111/2]: 132, 133).

An MP, Oğuz Demirtüzün, talking on behalf of the Nation Party (*Millet Partisi*) in the parliament also made such a warning:

It is one of the primary requirements of our democratic development to enhance the police organization with respect to technical facilities and their duties because of the justifiable reasons of the development of work life, the expansion of the cities, the ratification of the “Law on Strikes and Lockouts”, the surveillance and control of various ideological trends and the development of tourism (*Millet Meclisi Tutanak Dergisi* 1965 [111/2]: 140, 141).

The MP Ethem Kılıçoğlu, talking on behalf of the AP in the parliament declared that:

It is a necessity to establish the Society Police as soon as possible. Collective mobile police units, equipped with suitable means to prevent collective movements and, when necessary, to repress them, have to be established. It is to our contention that it will be beneficial if the Society Police is established throughout Turkey by taking into consideration the geographical particularities of the country (*Millet Meclisi Tutanak Dergisi* 1965 [111/2]: 136, 137).

The Tokat MP Ali Dizman, while criticizing the low budget allocated for this unit, mentioned that this unit would deal with the workers and the university students and it had to be educated like the guerilla⁴⁰ (*Millet Meclisi Tutanak Dergisi* 1965 [133/2]: 424).

To take a look at the police organization’s only vocational journal at the time, *Polis*, which was published by the Association of Retired Police Officers (*Polis Emeklileri Derneği*), will give an idea on the “cop-side” of the expansion. The editor of the journal evaluated the establishment of the new unit in this way:

As there is a significant increase in strikes, lockouts, sitting-acts in countries that have a multi-party system, we could not wait any longer to establish this unit. The meetings of the students, the challenge posed by the worker gatherings, the raids of rebellious youth are

⁴⁰ In a similar fashion, the editor of the journal *Polis* was complaining in 1979 about the lack of a school for commando training within the Police Organization. According to him, “[T]he education which is made available at the Gendarmerie Commando Training Battalion at Foça is provided to a few cadre. It is a must that each and every member of the Society Police forces, which exist in most of the big cities, has that commando training” (*Polis* 1979 [325]: 24). The editor evaluated this issue as essential for the education of sniper teams which would be part of the Society Police as an exemplary unit. It can be argued that this line of argument found its reflection in the formation of a separate team after the 1980 coup d’état, under the name of “Special Operation Teams” (this unit will be evaluated in the next chapter).

unsettling the social order and it is necessary to make the Society Police strong enough to pacify them through the enforcement of law. We must take our place among countries like Italy, Switzerland, Germany, and England where the society police units have armament strength close to army power, motorized vehicles, helicopters, sea vehicles and the means of intelligence which are the latest discoveries of the century (Örge 1965: 19).

In another article written in 1970 on the Society Police of Istanbul, it was stated that:

“While our Society Police is working as a proactive police concerned with the strikes, lockouts, other resistance meetings and boycotts that have become trendy again, it also confronts like a legal shield the ambitious drifters who want to practice jungle rules” (*Polis* 1970 [214]: 47).

The Society Police was established with a separate law (no: 654) (separate from the Law on the General Directorate of Security [no: 3201] and the Police Duties and Powers Act [no: 2559]) which was enacted on July 14, 1965. According to the law, units of Society Police, which would be specially trained and equipped with the necessary arms, equipment (including the soldier helmet) and vehicles were to be established in Adana, Ankara, Istanbul, Izmir, Zonguldak and at the places the Minister of Internal Affairs deemed necessary, to protect the republican and liberal regime with democratic methods, to prevent the illegal movements on the streets and public squares, to avoid the partial or total destruction of the material and moral properties of society or persons through illegal strikes and lockouts, to prevent any illegal social incidents which could have a bad influence on a large scale, on society and its fate, or to pacify them by using force whenever necessary (Akyüz 1993: 63; *Polis* 1966 [172]: 33). In the regulations of the unit published in the *Official Gazette* (*Resmi Gazete*) in 1971⁴¹, it was specified that its duties encompassed the surveillance of legal meetings, marches, acts of strikes and lockouts; the prevention

⁴¹ *Resmi Gazete*, 07.08.1971, no:13919.

of revolts, lootings and pillages; the protection of constitutional democratic institutions of the Republic and their representatives and foreign state officials against any danger or assaults; as well as taking measures to secure life and property; taking part in rescue activities in cases of disasters and fires endangering public life; taking precautions in celebrations and demonstrations; and avoiding possible destructive illegal incidents while enhancing other proactive policing services (Eser 1984: 41). Ready forces would be kept waiting to intervene within the scope of these above stated duties. Among the permanent complimentary proactive duties there existed the guarding of sensitive areas, and patrolling with motorized vehicles or on foot in regions, public squares or streets where social incidents might take place, aiming to prevent the events before they happened (Eser 1984: 51). Their education would encompass the courses on the technicalities of other police units, since they could be temporarily allocated to other units (Eser 1984: 53), though, only with the request of the governor and the permission of the Minister of Internal Affairs. They would also attend the courses, internships and educational activities of the military units and the exercises of intelligence and proactive policing in neighborhoods where illegal meetings were probably held (Akyüz 1993: 64). The officers of this unit would work under the authority of the Directors of Provincial Directorates of Security⁴² and use the legal powers and responsibilities recognized for other officers of the organization, although it was established with a separate law.

The Society Police squads could also be deployed in cities other than their original locations where they permanently worked. This could be realized with the request of a city governor and the permission of the Minister of Internal Affairs.

⁴² The Society Police of a province is composed of at least one unit (which is three groups amounting to twelve teams each of which is composed of twelve officers) (Eser 1984: 42).

After consulting the Director-General of Security in Ankara, the Minister of Internal Affairs had to decide on the number of units to be transferred and its time.

Although the Society Police was an administrative unit with respect to its core duties, “making those, who have lost their way, shape up” in the words of the Governor of Istanbul, Vefa Poyraz, in 1971 (*Polis* 1971 [227]: 19), it nevertheless shared the same duties and powers with other regular units and whenever the officers working in this unit came across situations concerning the judicial and political functions of the police and in which delay was deemed prejudicial they had to intervene like regular police officers (Eser 1984: 56).

At this point, it is worthy to note that the second article of the Police Duties and Powers Act was amended two days after the ratification of the Society Police Act. To the second section of the article it was added that in the case of thirteen exceptional situations the legality of the superior’s orders should not be questioned and they should be obeyed immediately without the request of any written document validating the order. Some of the significant exceptional cases, which are also valid today, are as follows: to arrest the instigator of crimes against the state and to gather their evidences; to arrest those who personally or collectively attack or resist state forces and to repel their attacks; to arrest those who use force against the government or resist it or to repel their attacks or resistance; to fend off the single or collective assaults to persons, buildings or facilities and the inhabited or uninhabited places that are protected by security forces; to disperse illegal meetings and marches and to arrest the offenders; to establish the damaged order during any meeting and march in public places (*Millet Meclisi Tutanak Dergisi* 1965 [41/1]: 889). It is significant that the vague expressions (to attack and resist the state or the government can be interpreted in diverse ways) which still exist in the Act highly increased the

discretionary powers of the police authorities working in the Society Police squads and regular units, who were, nevertheless, responsible for their own orders. As one of the MPs stated, this addition to the article recognized the possibility of exceptions which would take place to prevent the state's temporary abolition in cases endangering the life, property and honor (*ırz*) constituting the foundations of the state (*Millet Meclisi Tutanak Dergisi* 1965 [41/1]: 895).

The Society Police officers had to be younger than thirty-five⁴³ and had to work in these units for five years before being appointed to other units⁴⁴ (*Polis* 1975 [282]: 3). The unit was supplied in 1971 with light armored-water spurting panzers which were bought from West Germany⁴⁵ (*Polis* 1971 [223]: 39; Metin 1983: 1647). In the regulations concerning the Society Police which were accepted within the same year, the necessary arms, means and equipment were listed as the following: truncheons, smog and gas bombs, revolvers, machine guns and similar devices (to shoot, forestall and leave ineffectual), armored vehicles to carry the personnel and spurt dyed or un-dyed water, helicopters and airplanes (*Resmi Gazete* 7.8.1971, no: 13919; Akyüz 1993: 67).

At first the Society Police units were composed of 250 officers (1965), but four years later the number rose to 9,263 (1969) and to 11,667 in 1982 (Ar 1999: 24). In 1971 the establishment of these squads was accomplished in eighteen cities and in 1982, (just before they were converted to Rapid Action Units), they were present in thirty-six cities. With respect to the laws concerning the Society Police, certain changes were realized during the period in which the unit was active. Strikes and

⁴³ The Society Police officers had to be young and at least 1.70 cm. tall at least to have a preventive impact with their outlook (Akyüz 1993: 66).

⁴⁴ However the time limit was not met most of the time (Ar 1999).

⁴⁵ In 1970, there were plans to invite English educators to the police schools in accordance with the directives of the then prime minister (*Polis* 1971 [230]: 23).

lockouts⁴⁶ were banned between 1971 and 1973, were subjected to permission in May 1975 and they were totally prohibited in 1979 by the commander of marshal law in Istanbul (*Polis* 1975 [275]: 35; *Polis* 1979 [324]: 29). A new University Law was enacted in 1973. It retained the amendments which were made to the previous law in 1971 and enabled the police to enter the university on their own decision by reducing the university's autonomy. According to this new law, the university administration could demand help from the police and the police, by informing the administration, could always get access to the university to pursue criminals, without waiting for an invitation (Eser 1984: 132).

The Encounters between the Police and the Working Class

The period from 1961 to 1980 turned out to be a very significant period in Turkey's history because of the vibrant and challenging working class resistance that was organized in the form of numerous rallies, strikes and demonstrations⁴⁷ against which the Society Police squads were devised to intervene proactively and reactively/repressively. Most of the strikes were realized in the private sector and in its manufacturing fraction followed by the services and the mining sector. Although the number of strikes was low when compared to other European countries, the number of work days lost was rather high (Güzel 1983: 1873, 1865). The demands of the workers concentrated around the amount of wages, seniority pay, problems in the finalization of contracts or unsettled contracts and job security (Savran 2002: 12).

⁴⁶ Two attempts to make amendments on the "Law on Meetings and Demonstrations", in 1973 and 1976, were prevented by the Constitutional Court.

⁴⁷ The numbers of strikes for the years between 1963 (the year the right to strike was provided to the workers) and 1980 were as the following: 1963: 7, 1964: 75, 1965: 40, 1966: 36, 1967: 52, 1968: 45, 1969: 67, 1970: 46, 1971: 54, 1972:0, 1973: 15, 1974: 23, 1975: 77, 1976: 83, 1977: 138, 1978: 148, 1979: 144, 1980: 197 (source: Işıklı 2003: 353).

Especially the last issue was abused by the employers against the workers who were members or leaders of the labor unions to deter membership in these organizations. Significant acts of the period can give an idea about the predominant nature of the encounter between the workers and the new police squads.

One of the earliest major actions of this period was the rally organized in 1961 in Saraçhane to achieve the right to organize at the workplace and the right to strike in which 150,000 workers participated. It was significant in that it demonstrated the workers' determination to have a say in the politics of the country (STMA 1988: 2009; Güzel 1983: 1869). The strike which was organized in the cable factory, *Kavel*, at the beginning of 1963, against the capricious treatment of the employee concerning wages, labor union memberships and job security, was noteworthy in that it had an impact upon the attainment of the right to strike a few months later (STMA 1988: 2000). In this strike, as in most of the following ones which occurred frequently from 1964 throughout Turkey (especially in Istanbul, Izmir, Adana, Ankara, Adapazarı, Bandırma, Balıkesir, Batman, Kayseri, and Iskenderun, including the military bases of the United States in Sinop and Samsun) the workers who refused to leave the factory as a strategy of resistance were attacked by the police. Several clashes occurred between the police and the workers in which people were seriously injured. There were also occasions in which workers died as a result of the gunfire by the police and the gendarmerie as in the strike which was carried out by the workers in the Zonguldak Coal Administration in 1965 against employers' differential handling of wage raises. It resulted in the death of two workers (STMA 1988: 2015).

Towards the end of the 1960s, as the economy of the United States started to lose ground, the Turkish economy which was partly dependent upon American

capital was also badly affected with respect to the provision of funds and monetary resources (STMA 1988: 2153; Işık 1995: 195). Some of the primary measures taken against these deteriorating conditions were related to the base prices of agricultural products which were tried to be kept low to be competitive in the international markets (STMA 1988: 2134), and to the amount of wages which created problems for the employers (STMA 1988: 2147). Thus, towards the end of the 1960s the struggle between labor and the big bourgeoisie heated up while the percentage of the workers who were members of the labor unions rose from around 10 percent to around 30 percent (STMA 1988: 2146). Factory invasions became one of the main methods of resistance. The significant acts of resistance were realized with the invasion of the Demir Döküm factory in 1969, which was supported by the neighboring shanty-town dwellers and the university students against the police who broke into the factory by force; with the invasion of the Marine Bank and the General Directorate of Marine Transportation in the same year; as well as with the invasion of the Singer factory which was carried out on behalf of the workers who were fired for their activities as labor unionists and in which the police intervened to evacuate the factory by throwing gas bombs, injuring numerous people. In addition, the workers invaded the Gislaved tier factory in 1970, to protest the wage cuts as a method of punishment, and the police intervened by destroying the walls of the factory with a bulldozer, causing the death of a worker in the clashes (STMA 1988: 2146, 2147, 2161). Starting from 1969, the police started to be coercive rather than preventive (STMA 1988: 2147, 2148).

With the military intervention of March 1971, the strikes, demonstrations and rallies were banned until 1973. However after 1973, the number of strikes doubled, the strikers tripled, and the days on strike increased by seven times (Güzel 1983:

1873). In this period, due to the conjunctural crisis of global capitalism and its repercussions in Turkey, as well as the oligopolistic structure of the Turkish economy, poverty became severe, the unemployment rate increased, deproletarianization continued and the inflation rate augmented. Meanwhile, the repressive power strategies of the state intensified to mold the social response towards the economic hardships (STMA 1988: 2282). The main methods of resistance in this decade were legal strikes, diminishing productivity, demonstrations, rallies, being on leave for rest, growing beards, factory invasions, hunger strikes, and death strikes. The main resistance acts of the period were the factory invasion in Ülker plant realized in 1974 on behalf of the workers who were forced to resign, terminated by the police who broke into the factory with panzers; the rally of the workers of Beko Teknik in 1975 for the right to change their labor unions, which was intervened in by the police; the refusal of ninety workers in Berec cell factory in the same year to work, for the sake of their three fired friends, which was also ended by the police who forced the workers to go to the plant and work, leading to an armed conflict. There was also the mass rally organized by DİSK for the first time after fifty years in 1976 on May 1, labor day, which was not recognized by the government as a labor day but was labeled “spring and flower day”; the refusal to work, organized by DİSK and realized by workers throughout Turkey for the abolition of State Security Courts; the factory invasion in Profilo plant in 1976 for the same reason, leading to the death of a worker and the arrest and detention of many others. In addition, the mass rally organized by DİSK again on May 1, 1977, in which, as a result of a provocation (allegedly performed by state officials), panic started and thirty-six people died while trying to leave the meeting ground; the mass rally organized in 1978 under the name “Warning to Fascism”, to which one million people contributed to protest the killing

of seven students by fascist groups; the factory invasion in TARİŞ in 1979, supported by the nearby shanty-town dwellers (Çimentepe and Gültepe) to protest the worker layoffs in which the police intervened with two operations and the help of the gendarmerie and detained hundreds of workers were among the resistance acts of the period (STMA 1988: 2286-2301).

Towards the end of the 1960s, peasants also increasingly participated in collective actions by invading the lands of treasury that were previously invaded by “aghas” (owners of villages) and by protesting the base prices the state set for agricultural products (STMA 1988: 2136). The collective actions of the workers and the peasants were supported and enhanced by the youth movement in the universities which started in the name of demands for university reform but which turned out to be a channel for criticism that was most of the time directed towards the hegemonic block in Turkey and the policies that caused Turkey to come increasingly under the influence of the USA. (The youth movements will be elaborated in the next chapter with respect to the hegemonic discursive formations of the time.) Thus, in the pre-1980 conjunction of social relations, the relations pertaining to the accumulation regime played a significant role in opening a space for collective actions by leading to an expansion of the working class, partly composed of migrants from the rural areas who had to settle down in shanty towns stricken with poverty, and by the newly introduced laws which were made possible partially due to the nature of this regime. These collective actions gained ascendancy especially from the mid-1960s. The masses became increasingly visible and pressed for their economic, political and social rights. However, this acquired space which was partly permitted could not be left un-constructed by the state institutions because it posed a danger to these relations of the accumulation regime. Thus, these circumstances opened a terrain on

which the state devised power strategies for the constitution of patterns in social relations and for certain thresholds which were also shaped by other sets of social relations (discursive, intra-state and international relations) that will be elaborated in the following chapters.

The Post-1980 Period

The Determinants of the Accumulation Regime after 1980 and Their Consequences

When the relations within the dynamics of the inward-oriented developmentalist economy faced a deadlock as a result of the crises experienced in the 1970s, the state acted on them by opening a new terrain on which the strategy of export-oriented capital accumulation (that was induced by the IMF and the World Bank for a structural adjustment to the trends in global capitalism) was adopted together with the hegemonic projects consonant with it (Ercan 2002: 22). These were put into action by the Justice Party (*Adalet Partisi*, AP) government as the January 24th Decisions⁴⁸, and when the political and social crises limited the maneuvering ground of the state, there arose the need of constructing the channels of social opposition and the overall re-structuring of the accumulation and distribution regime which would be implemented by the military through a violent coup d'état in September 1980 (Akkaya 2002: 136; Özar and Ercan 2002: 167; Akkaya 2000: 212). The coup would

⁴⁸ It is interesting to note that an MP from AP (Ramazan Çalışkan) was uttering these words in parliament about one of the most influential economists who promotes neo-liberal policies, less than a month after the January 24th decisions: "It does not interest us or make us feel guilty that the dictator Pinochet in Chile is taking advice from Professor Friedman who is evaluated to be on the right-wing because of his materialism. He is a serious scientist who explains inflation with the money supply and everybody knows that he believes in the necessity of political freedoms as well as the economic ones; he is an intellectual who has received the Nobel prize. Furthermore, the government of our Republic has taken the latest measures with the help of its own knowledge, expertise and experience; it did not feel the necessity to invite Mr. Friedman and his friends from Chicago; however, if there was any need, we could also invite them" (*Millet Meclisi Tutanak Dergisi* 22.2.1980, [50/1]: 567).

be realized via a triple alliance with large scale capital, state institutions and pro-military politicians, and the financial organizations promoting market oriented restructuring on a world scale (the IMF and the World Bank) (Ercan 2002: 25).

The main components of this major transformation in the accumulation regime, with which domestic capital was connected to the capital accumulation process at the international level, were the following: a) the transfer of the resources owned by the state to the big capital either through low price policies for the products of public enterprises or through the privatization movement; b) liberation of the interest rates and the credit provisions to facilitate the attainment of capital adequacy for the big capital through their newly emerging banking activities as a measure for survival in crisis conditions; c) the establishment of an Export Promotion and Implementation Department to promote exports through credits and tax rebates; d) increasing public borrowing at the domestic market to meet these expenses, leading to the transfer of large amounts of capital to the key creditors, which were the banks of holding companies e) reduction of the wage costs and the narrowing down of the domestic market (Ercan 2002: 26,27; Yeldan 2002).

Within this new regime of accumulation the state played a significant regulatory role within the mechanism of resource transfers to the private sector which retained its oligopolistic feature (Yeldan 2002: 25-29; Ercan 2002: 31). In accordance with this regime the domestic consumption ability decreased and the profit margins increased. While export-orientation was attained, the expansion of investments remained meager due to high interest rates (and later financial liberation) and continued to be unable to generate new employment opportunities (Özar and Ercan 2002: 166, 167). Thus, in this period the wages and agricultural revenues decreased sharply while the profits, interests and the rents, part of which were

realized by public debts, increased to a significant level (Boratav 1999; Sönmez 2001; Ercan 2002; Yeldan 2002).

The economic and political threshold in this new distribution regime came in the late 1980s, as the export rates tended to fall creating a need to revitalize the domestic market. As will be examined below, these were the years in which the labor movement gained a momentum after so many years of silence (Yeldan 2002: 79-104; Çetik and Akkaya 1999: 223-239). As a result of these circumstances the real wages were increased both in the public and the private sector. The financial load of these new costs was overtaken by the state through taxation policies and public sector deficits. However, this process led to significant increases in inflation, reductions in the GNP and export revenues (Yeldan 2002: 27).

These financial costs were tried to be met by a financial liberation via the recognition of the full convertibility of the Turkish *lira* in 1989. The international hot money, which flowed into the country with this liberation movement, supplied the state with new debts. However the volatility of this money also created instability in the financial mechanisms of the state. The 1994, 2000 and the 2001 crises can be counted among the effects of this instability which was created by the dependence of the state on international volatile capital (Yeldan 2002: 54-63; Sönmez 2002). The consequences of these crises can be articulated as decreases in imports, downsizing in the industrial sector, decreases in investments and increasing inflation. Tight money policies and reductions in wages in order to decrease domestic demand were combined with decreases in formal employment capacities. High unemployment rates and huge devaluations marked the period.

Within this period, in accordance with the international division of labor, the export-oriented domestic production (part of which was performed by holdings

comprised of all three types of capital - money-capital [banking], production capital [large scale factories] and commercial capital [retailing]) concentrated on labor intensive goods such as textiles, ready-made garments, consumer electronics etc. in compliance with the international demand (Ercan 2002: 30-33). As the price of the money capital was high due to the high interest rates and as the domestic market lost its significance for the most part of the period, the augmentation of the surplus value, at the expense of any other remaining issue, became the most crucial objective of large scale enterprises. New technologies were put to use by the enterprises. But more importantly, measures were taken to make workers in large scale production units work in a more intensive fashion with the *lowest possible wage* to produce these labor intensive goods. Sub-contracting was another method for increasing the surplus value, which was based on leaving part of the production process to other companies which used unorganized, cheap and marginalized labor. This method culminated in the rise of an informal sector, in which numerous micro-enterprises engaged in production with few workers (Özar and Ercan 2002: 168,169; Köse et al. 2003).

Thus, this new mode of accumulation and its requisites were devised in such a way that the burden would be put mostly on labor, via the depreciation of their wages and flexible employment terms, as well as on the public sector which would indirectly place the cost back on the working population through taxes. In such a delicate environment, “[F]or the new orientation to be successful”, as Akkaya has put forward, “the removal of certain barriers to capital accumulation was required. At the forefront of these barriers was the highly politicized labor movement. The January 24 measures in the economic sphere were complemented by the September 12 coup” (Akkaya 2002: 136). In one of the early communiqués of the military administration

strikes and lockouts were banned for an undetermined time and this measure was followed by the suspension of the activities of DİSK whose leaders were tried until 1991⁴⁹. New laws regulating industrial relations were arranged in 1983 to ensure that the pre-1980 situation would never arise again and that the working class would be under strict control. According to these laws, labor unions had the right to engage in collective bargaining if they represented 10 percent of the workers in the particular industry where they were organized and one more than half the workers at the work place. With this regulation, thousands of workers were left unrepresented and thereby without the right to strike. The right to strike was recognized only for the issues related to collective bargaining (which were carried out once in two years) and strikes as political intervention, general strikes, solidarity strikes, actions of lowering productivity, invasion of the workplace, in short, most kinds of organized activity were banned (Akkaya 2000: 214-216). Thus, “the measures taken after the military coup facilitated the implementation of structural adjustment policies and shaped the infrastructure of the form to be assumed by the capital-labor relations in the coming period” (Özar and Ercan 2002: 167). In the following pages we will touch upon two measures which helped the state to constitute the channels of social opposition as well as the everyday life of the expanding “underclass”: The Rapid Action Units and the motorcycled police teams.

The Rapid Action Units (*Çevik Kuvvet*)

Among the above stated measures, there was also the strategy of restructuring the Society Police squads. As has been touched upon before, previous to the 1980 coup,

⁴⁹ In the following years when DİSK was re-activated, it could not reach its former militancy and it gradually adopted a similar line with Türk-İş (Akkaya 2002: 140).

the state was going through an organic crisis, in the Gramscian sense. According to an MP from the Nationalist Action Party (*Milliyetçi Hareket Partisi*, MHP) speaking in the parliament a couple of months before the coup, the state had to protect its existence, to present its will clearly to the public at any cost, and to make the public believe itself (*Millet Meclisi Tutanak Dergisi* 22.2.1980 [50/1]: 563). The signs of the period had become “anarchy”, “traitors”, “treason” etc.⁵⁰ signifying the criminalization of the leftist politicization in the country to which the youth movement highly contributed, and the vibrant labor actions which were taking place mostly in the form of factory invasions⁵¹. This was most clearly reflected in the words of the Minister of Internal Affairs in February 1980:

The provoked masses have attacked the state forces with arms, bombs and other explosives. The factories which were built by our nation by means of spending billions of *liras* were invaded by the incited workers and from these places, that became storerooms of arms, fire was opened mercilessly upon the security forces with long barreled guns. A bunch of militants who did not want to surrender these factories to the security forces damaged the work places...The Marxist and Leninist organizations and their various fractions are in an effort to get organized, starting from the universities and higher education schools going down even to junior schools (*Millet Meclisi Tutanak Dergisi* 22.2.1980 [50/1]: 572, 574).

The coup realized on September 12, 1980 was the moment of the emergence of the sovereign intrinsic to the existent capitalist state⁵², blurring the line between legality

⁵⁰ The elements of the hegemonic discursive formation will be touched upon in the following chapter.

⁵¹ According to the governor of Istanbul Nevzat Ayaz and his vice governor Utku Acun, who made evaluations on the “state of security in Istanbul and the problems of the security forces” in July 1980: “The huge migration headed for Istanbul is in fact the origin of all the problems in Istanbul. A big percentage of the people migrating from rural Anatolia are gathering in the areas defined as shanty towns expanding like cancer cells. It is observed that the 80 percent of the migrants get settled in these shanty town areas. The big migration, the rapidly expanding population and the economic crises result in the great army of unemployed people in our city...The biggest worker army is in Istanbul...” (*Polis* 1980 [337]: 13-14). In their opinion the population expansion, unemployment and poor sheltering conditions created a fertile ground for the exploitative political groups who were also organized in the universities and other educational institutions. Some trade unions were under the impact of externally originated ideological movements. Thus, as part of the measures taken against these, inspectors were recruited to increase the surveillance both in schools and factories (ibid.).

⁵² Giorgio Agamben depicts this nature of sovereignty as inherent in Western politics since ancient times (Agamben 1998). Contrary to this depiction, it can be argued that there is specificity in the sovereignty structure of the modern capitalist state, differentiating it from the earlier practices.

and illegality, rendering the country to the will of the higher echelon of military cadres who had placed themselves at the critical points of “decision-making”. The decisions taken at this critical juncture further strengthened the military administration among the state institutions and ended the legitimacy crisis of the state with a new articulation of a hegemonic militaristic discourse. As the labor-capital relations were strictly regulated and the acts of the working class were restricted solely to wage claims (even in that in a limited manner) the military junta also took another important measure which was the conversion of the Society Police squads into new ones.

The name of these units would be *Çevik Kuvvet* which was a militaristic term depicting huge forces⁵³ (*Danışma Meclisi Tutanak Dergisi* 7.7.1982 [117/1]: 549). It was significant how one of the members of the Consultative Assembly (*Danışma Meclisi*) evaluated the name during the discussions on its establishment: “It gives me the impression of a machine gun, with its effectiveness and its quality of being more agile than the pistols shot by thousands of people, one at a time, through days. This name makes one feel confident; expect good things, successful results” (*Danışma Meclisi Tutanak Dergisi* 7.7.1982 [117/1]: 550). This unit was organized with the help of the military; strengthened with high-technology militaristic weapons (this time realized as opposed to the unaccomplished plans for the Society Police) and strictly disciplined with respect to a hierarchical order in a militaristic sense⁵⁴.

However, the task of presenting this argumentation surpasses the limits of this work, necessitating the preparation of another detailed one.

⁵³ It was the name of the modest ready forces of the police organization in Istanbul in the 1960s, which were part of the police cavalry regiments (*Polis* 1963 [128]).

⁵⁴ According to the commission which was headed by the vice Director of the General Directorate of Security, Rafet Erdoğan and which was commissioned to plan the re-organization of the Police Organization: “It has to be legally proved that the hierarchic order and the basis of the promotion system in the police organization, within the scope of this plan, is legally limited in accordance with seniority rules, just as practised in the army” (*Polis* 1980 [339]: 3).

As has been touched upon above, this conversion has to be evaluated within the “Re-organization and Modernization Project of the General Directorate of Security” (EM-REMO) devised by the General Directorate of Security and supported by the military junta to expand, militarize, specialize and strengthen the police (Aydın 1997: 17). Having learned from the past experiences of the Society Police and estimating the possibility of sharper class tensions as a result of the newly established accumulation regime, the military gave special importance to the police organization. A couple of months before the establishment of the Rapid Action Units one member of the Consultative Assembly evaluated these developments in the following way:

The Police Organization which attained huge success with the multi-dimensional support of the Turkish Armed Forces has launched a re-organization project to effectually carryout *its duties that would become heavier after the termination of marshal law*; it has determined its primary needs concerning its organization, equipment and personnel to put an end to unplanned supplies and has prepared short term and long term plans according to these needs (*Danışma Meclisi Tutanak Dergisi* 21.1.1982 [40/1]: 409; *italics added*).

In the official statement of the reasons for the re-constitution of these squads as Rapid Action Units, which was presented to the Consultative Assembly in 1982, the shortcomings of the Society Police were specified and it was concluded that although the units had worked as a beneficial entity in instituting order and security in collective movements, through time they had turned out to be redundant due to general and particular negative factors. According to this statement, these factors were as the following: wrong places were chosen to establish these units; some of them were founded in cities where there was no social incidence (like Denizli, Afyon, Isparta, Bolu, Ağrı, Edirne); they were set up in large segments that hindered their ability of movement; it was observed that the police working in these units could not be educated and had plenty of time to spare, leading to resentments,

violations of discipline, abuses of hierarchy, and the creation of divisions among the units⁵⁵; the administration increasingly used them for other tasks (like traffic, patrolling etc.); the limits of age and work duration were not followed; the units lost their psychological impact on the people as they were used for other tasks; there was a need to establish these units in some other districts etc. (*Danışma Meclisi Tutanak Dergisi* 7.7.1982 [117/2]: 146).

Thus, the units of the Society Police were evaluated to be inefficient and ineffectual with respect to these factors. By means of the new articles (law no: 2696, August 11, 1982) which were added to the Law on the General Directorate of Security (no: 3201) (rather than being devised in a separate law like the Society Police Act) and by the subsequently formulated regulations (to be executed from January 1, 1983), these problems would allegedly be fixed.

According to these added articles (additional Article 12), the Rapid Action Units were to be established in provinces within the Directorates of Security (*Emniyet Müdürlükleri*) and in towns within District Security Authorities (*İlçe Emniyet Amirliği*) in accordance with the assessments of the Minister of Internal Affairs as to their necessity (EGM 2001a: 109). The duties of the units were specified in the additional Article 13 as: “a) the establishment of order and security in legal meetings and demonstrations, b) taking proactive measures and patrolling the places where social movements that can impair the public order may breakout, c) the prevention of the damages that may be inflicted on workplaces, and their invasion during strikes and lockouts, d) the prevention of illegal acts on streets or public squares, e) the protection of society’s and persons’ material property or moral values from assaults that may be caused by social incidents, strikes and lockouts and illegal

⁵⁵ “Division” in this statement is most probably used to refer to the unionization efforts in the organization under the name “Pol-Der”.

acts on streets and public squares, f) the establishment of order and security in celebrations and demonstrations if other police forces are insufficient, g) the conduct of other operations, in which the Special Teams of the Rapid Action Units have to take place, h) the pacification of illegal incidents mentioned above by using force, whenever necessary” (EGM 2001a: 109). In the following articles, it was declared that in accordance with the provincial groupings⁵⁶ the Rapid Action Units would be established in provinces either as Rapid Action Branch Directorates (*Çevik Kuvvet Şube Müdürlüğü*) or Rapid Action Group Authorities (*Çevik Kuvvet Grup Amirliği*) and in districts as Rapid Action Group Authorities. The time limit to be transferred to other units of the organization was three years, which could be extended by an additional three years at the most, and the simultaneous utilization of the personnel in other units was prohibited. These units could be temporarily sent to other provinces only with the request of the related governor and with the permission of the Minister of Internal Affairs who would consult the Director-General of Security.

According to the regulations concerning the Rapid Action Units⁵⁷ the high-tech arms and equipments to be used were the following: truncheons (normal or electrified), fog and gas bombs, revolvers, machine guns and rifles, gas and bomb rifles, rifles with binoculars and similar shooters as well as preventive and inactivating apparatuses, gas/water spurting armored or unarmored vehicles which were also used to transport the personnel, helicopters and airplanes (EGM 2001a: 111). The clothing involved the kind known as the “Robocop” garments (Gökçe and Semiz 2000: 77, 78).

⁵⁶ After the 1980 coup, as part of Organization-Equipment-Staff Plan (*Teşkilat-Malzeme-Kadro Planı*) newly devised by the military junta for the Police Organization, the provinces were divided into 4 groups in accordance with their size, the “problems” they encompass etc. For example, Istanbul, Ankara and Izmir constituted “the provinces with special status”.

⁵⁷ Each unit of the Rapid Action personnel is composed of two groups, each group of four teams and each team of ten people. Rapid Action Departmental Directorates encompass at least one unit and Rapid Action Group Authorities encompass four teams.

The Special Teams (*Özel Timler*), which were to be established within the Rapid Action Units, would be organized as two teams in the Rapid Action Branch Directorates of the provinces with special status (Istanbul, Ankara, Izmir) and as one team in other Provincial Directorates and Provincial and District Group Authorities (EGM 2001a: 113).

The education of the units was mostly based on practical training and included tactics of agility, the strategies to disperse and inactivate meetings and demonstrations, commando training, the techniques of using arms, equipment and the armored vehicles as well as the methods of inactivating explosives. It also included the introduction of legislation and regulations concerning the duties and powers of the police, the methods and tactics of “marginal trends” and “destructive activities”, and the history of the Turkish revolution. (EGM 2001a: 122, 123).

The establishment of the Rapid Action Units in such a militarized and specialized manner should be evaluated together with the “Law on Meetings and Demonstrations” (no: 2911) which was devised all over again in 1983 to replace the older one, as the duties of the units mainly encompassed this issue. In the new law, contrary to the previous one, heavy responsibilities were put on the organizing committee, keeping them accountable for anything that happened on the meeting ground. Issues like the protection of national security, public order, general health and morality were counted among the reasons enabling the prohibition of the meetings. Vague expressions were used concerning illegal situations like: “Going astray from the specified aims, rules or limits” in the meetings which in fact were not regulated by this law (like the meetings organized in interior places by political parties, labor unions, or associations etc.); the meetings or demonstrations gathered “for the aims evaluated by the law as crime”, the meetings or demonstrations which

“surpass the objectives specified in their announcement” or “in the cases where the government commissioner decides that the meeting should be ended” (the government commissioner decides on that if there are any verbal or bodily assaults that turn out to be crimes impairing public order and peace). Thus, the new law aimed to allow as few meetings and demonstrations as possible, by keeping the threshold of legality high and, by deterring the would-be organizers.

With respect to illegal gatherings, it was specified in the regulations that an announcement would be made by the civil administrator of the district or by a police chief to call the crowd to disperse. If the crowd would not disperse, bodily force or arms would be used, if necessary in an increasing manner, under the supervision of the police chief in charge, and in accordance with “the quality of the collective action, or the force, violence, threat or the degree of resistance” the crowd posed at the time of disbanding (EGM 2001a: 117). During strikes and lockouts, gatherings would be prevented; the onlookers would be dispersed; and the attitudes and behaviors of the leaders of these acts would be observed in accordance with the necessary procedure (EGM 2001a: 118). In every Rapid Action Unit there had to be forces ready for immediate intervention in case of necessity.

The Rapid Action Units were established in twenty-one provinces and two districts in 1983 (EGM 1983: 77). The amount of the personnel was approximately eleven thousand (*Danışma Meclisi Tutanak Dergisi* 7.71982 [117/1]: 553). In the mid-1990s the number of the provinces rose to sixty-three and the districts to thirty-eight; while the number of the personnel became fifteen thousand (Aydın 1997: 98). In 2002 it was set up in seventy-six provinces⁵⁸ (*Radikal*, 10.05.2002). However,

⁵⁸ It is interesting to note that a research was commissioned by the General Directorate of Security in 2002 to be executed among the Rapid Action Units to understand the reasons behind the violence they frequently employ. Its results were consequently forbidden to be published by the Director-General of Security. In that research it was revealed that the police officers were willing to use truncheons even

after a vast and threatening demonstration of the Rapid Action Units in seven provinces in 2000, protesting the shooting of their police officer friends, units in forty-six provinces were closed down in 2002 with the aim of downsizing the units to thirty provinces⁵⁹. According to the officials, the large amount of young officers waiting to be called to work created problems, that is why the units were gathered under Proactive Services Branch Directorates (*Önleyici Hizmetler Şube Müdürlüğü*) which were newly established to encompass the Public Order Teams Authority (*Asayiş Ekipler Amirliği*), police stations and patrolling teams as well as the motorcycled police teams known as the “Dolphins” (*Radikal*, 10.05.2002; *Sabah*, 19.11.2005). Interestingly, the units in some of the Southeastern provinces were closed down too⁶⁰ and there, Special Operation Teams were used instead. But as their formation was different from the Rapid Action Units, incidents broke out in those provinces⁶¹. Thus, three years later in 2005 at least eleven governors decided to submit an application to the Director-General of Security to have these units back in their provinces (*Sabah*, 19.11.2005). At the moment (in 2006), the units are active in thirty-three provinces⁶².

Another alteration concerning these units is related to the department they work under at the General Directorate. In 2003, they were separated from the Public Order Department (*Asayiş Daire Başkanlığı*) and were tied to the Security

in their private life because of the stress caused by work and long working hours; they evaluated citizens as potential criminals; they were sometimes ordered, in the demonstrations, to bring everyone down to the ground; they were sent in large numbers even to the press conference of a few people; there were political interests at work in the decisions of intervention and on the procedure of appointments. For the details see: <http://Istanbul.indymedia.org/mail.php?id=22274>

⁵⁹ Some of these provinces were Hakkari, Siirt, Tunceli and Bingöl (*Sabah*, 19.11.2005).

⁶⁰ Most probably it was assumed that the Special Operation Teams which were educated to cooperate with the military, especially in these provinces, could take the place of these units.

⁶¹ The Former Director of the Department of Intelligence at the General Directorate of Security, Bülent Orakoğlu (after underlining the fact that the Special Operation Teams were trained to struggle against terrorism) evaluated the situation in the following way: “You cannot push the Special Operation Teams on to the citizens”. For the news see <http://www.memurlar.net/haber/807/>

⁶² For further information see the website www.egm.gov.tr

Department (*Güvenlik Daire Başkanlığı*). Among the duties of the Security Department (formerly the First Branch until 1971 and General Security Department until 1974) is the identification of the persons or organizations who engage in destructive activities against the state's constitutional order, its internal and external security, its indivisible unity with its country and nation, and against the public order. The department deals with political parties, labor unions, strikes and lockouts, the foundations of minorities, the surveillance of publications and broadcasting, and "the prevention of university students' inclinations towards destructive, divisive and reactionary (*irticai*) activities"⁶³.

Thus, having given this brief data on the circumstances of the establishment of the Rapid Action Units, their organization, duties and expansion, it can be argued that while encompassing the *raison d'être* of the Society Police squads, nevertheless, the new units had a particularity: they were encouraged in every way not to shy away from intervening in any incident⁶⁴. They were legally strengthened with the enactment of new laws like the laws on labor unions, collective bargaining, strikes, lockouts and on meetings and demonstrations which contained heavier punishments and more vague expressions, increasing the discretionary power of both the police chiefs and civil administrators. They were also strengthened by being expanded, heavily armed, and trained more strictly in a militaristic manner. Hence, the new units were made ready for governing, disciplining and controlling the dissidents of the new period, for keeping them under an "acceptable" threshold.

⁶³ See the website of the department: <http://www.egm.gov.tr/daire.guvenlik.asp>

⁶⁴ In an interview (realized in July 2006) with a former labor unionist who had worked in Eğitim-Sen (a union within KESK), he argued that before 1980 the Society Police was shying away from intervening in collective actions. According to him it was because labor was strongly organized. In the Assembly minutes the MPs reasoned this "shyness" to be due to the responsibility put on the police as to what happened during the Democrat Party governments (*Millet Meclisi Tutanak Dergisi* 19.1.1965 [41/1]: 888).

In the new period, while the accumulation regime was drastically modified in a way that could create severe poverty and tense class relations, the hegemonic discursive formations of the period and the balance between state institutions were also shifting. The impact of these relations as well as of those conducted on the international level (concerning the policing matters) on the establishment of these units will be touched upon in the following chapters; however it can be stated beforehand that the modifications in the accumulation regime affected the mentioned changes in the police organization slightly more than the others due to the reasons demonstrated above.

The Encounters between the Rapid Action Units, the Working Class, and the Newly Emerging “Underclass”

Despite all the restrictions put on the social opposition channels, after a period of silence that lasted until 1986, the working class movement gained some momentum, although a limited one. It was enhanced by the formation of the Confederation of Public Employee Unions (KESK) (1995) which could be realized thanks to the vagueness in the laws concerning the labor unions and the right to strike for the public employees. As Akkaya has put forward “The public employees movement has had a more class-oriented, political character relative to the unions of workers and has put forward demands across a wide spectrum, ranging from wage raises to democratization and the Kurdish question” (Akkaya 2002: 142).

The most significant labor actions of the period were realized in relation to the issues of low wages, worker layoffs, insurance rights, new regulations on seniority payments, unionization rights for public employees which were mostly

performed by the public workers. One of the earliest of these collective actions was the strike realized in the telecommunication factory Netaş in 1986. There also occurred strikes in the leather ateliers and barns in 1987, in the cellulose factory SEKA in 1988. The 1989 Spring Actions that lasted from March 1989 to May 1989 during when several strikes were realized by public workers from diverse industries such as iron and steel, the dockyards, the state monopoly of alcoholic beverages and cigarette production (TEKEL), public road construction, and electricity,⁶⁵ occupied a significant place. The first “illegal” May 1 celebrations in 1989 (Istanbul) after the coup d’état of 1980⁶⁶, the miners’ strike in Zonguldak in 1990, which turned out to be a march to Ankara in December 1990 by 100,000 workers (Oğuz 1995) and the strike in the bottle and glass factory Paşabahçe, in 1991⁶⁷ also have to be mentioned. The police intervened in most of these actions coercively, causing injuries, leading to death (e.g. May 1 celebrations) and by taking hundreds of people under detention. At times the police were supported by the military as it was the case in the miners’ strike in Zonguldak in 1990.

In the 1990s there were also massive actions organized by KESK and realized by public employees. To begin with, those collective actions that took place in Ankara in 1991, 1992 and 1995 have to be mentioned. They were organized for a clear legal recognition of the right of public employees to unionize, to strike and take part in collective contracts as well as for the abolition of the repression exerted upon the leaders of the unions via “exiles”. There were also massive actions by KESK in 1994 throughout Turkey in the form of refusal to work, slowing down the work, and

⁶⁵ For information on the Netaş strike see the website <http://www.marksist.com/Bellek/NetasGrevi.htm>, for information on other mentioned strikes see www.sendikanet.org, www.sendika.org, and http://www.marksist.com/Bellek/89_percent20Bahar_percent20Eylemleri.htm,

⁶⁶ *Milliyet*, 02.05.1989

⁶⁷ For more information on the Paşabahçe strike see the website www.iscimucadelesi.net/dergi/dort/pbahce.htm

conducting press meetings due to the insufficient rise in salaries and the reluctance to recognize the right to strike and collective bargaining. The hunger strike undertaken to protest the April 5 Decisions by the twenty-two union leaders of KESK⁶⁸ is one of the most significant actions. The May 1 celebrations in 1996 in Istanbul, the demonstration in Ankara in 1997 to protest a law draft on the unionization of public employees that did not include the right of collective bargaining and the right to strike, a demonstration in Ankara in 1999, to protest the destruction of the social security system, as a result of which hundreds of thousands of workers and public employees contributed to the formation of a Labor Platform, the big demonstration realized by the Labor Platform in 2000 against “corruption and poverty” also have to be mentioned as important collective actions of the period (Akkaya 2002: 141, 142). The police responded to many of these actions with repression. For example, they coercively intervened in the demonstrations in Malatya and Ankara in 1994; took numerous public employees under detention during the hunger strike in 1994, caused the death of three people during the May 1 celebrations in 1996 and took hundreds of them under detention, attacked the demonstration in 1997 with pepper gas.

These actions of the post-1980 period were mostly realized as a reaction to the economic policies implemented in accordance with the new capital accumulation regime which was in conformity with the globally hegemonic neo-liberal paradigm. These policies led to decreases in the wages, to waves of privatization, reductions in the demand for labor, the flexibilization of labor markets, an upsurge in subcontracting schemes, huge devaluations, high inflation rates, cuts in public expenditures, wide ranging distributional shifts and an enormous income gap, which were easily achieved by weakening the labor organizations and preventing the public

⁶⁸ For more information on the actions of KESK see www.kesk.org.tr

employees from getting organized. The unemployment rate rose to 13.6 percent in general, to 19.6 percent for women and 17.4 percent for men in urban areas (Özar and Ercan 2002: 170). Thus, the social relations which were to be constructed on a new basis, inevitably encompassed a significant tension between the classes. The tense nature of these relations was aggravated by the forced immigrations from the Southeastern provinces as a result of the armed conflict between the PKK guerrillas and the Turkish army. A large part of these immigrants ended up in the most populous cities like Istanbul to experience poverty more intensely than any other group. The acute poverty in urban areas⁶⁹ led to a rise of the informal sectors (i.e. places hiring workers without providing insurance, unregistered workplaces, luggage trading, rise of gangs especially in the real estate sector etc.) and petty crimes such as pick pocketing, and mugging, executed either as a profession or as a survival strategy, blurring the line between the legal and the illegal sectors. The alleged rise in petty theft (which was, in fact, negated by the police officers that have been interviewed) and the fear generated by the media that has been welcomed by the intimidated middle and upper classes led to the criminalization of certain neighborhoods⁷⁰.

The intrusion of the state into the shanty towns (inhabited mostly by gypsies and the migrants from the Southeastern provinces) in the form of home raids can be presented as a significant exemplar of the power practices of the state for the governance of this transformation in the slum areas and the conduct of their dwellers.

⁶⁹ On poverty in urban places see Erdoğan (2002).

⁷⁰ While acute poverty may have led to the concentration of the professional dealers of certain crimes in certain neighborhoods, it can be argued that this predisposition against certain people and neighborhoods adopted by the police may have affected the decisions taken by the police on the street within the scope of their discretionary powers. The reports of the Human Rights Commission headed by Sema Pişkinsüt prepared for the Turkish Grand National Assembly in 1998 and 2000 provide significant data supporting this argument. In those reports there exist the interviews of many arrested or convicted people who told the commission that they were forced to “confess” crimes that they did not commit (Pişkinsüt 2001: 38, 41, 43, 70, 77, 78 etc.).

These home raids were undertaken by the police (involving in most cases, the Rapid Action Units and the Special Operation Teams) in 2006 in the neighborhoods that were accused of being the locations where the criminals engaging in drug sale, pick pocketing, mugging and petty theft lived. In the first of these home raids which was carried out at dawn in the Karabayır district of Esenler on January 18, 2006, one hundred policemen were involved. During the search of nine houses, seven people who were allegedly drug dealers were arrested (*Radikal*, 19.01.2006). The second operation headed by the Director of Security, Hanefi Avcı, was executed, in Edirne, on February 10, 2006 in the neighborhood Menzihlahir where the gypsies lived. When the police who were allegedly chasing three thieves could not enter the neighborhood, they organized an operation in the district to find them. The third operation was conducted on February 23, 2006, in Sarıgöl Gaziosmanpaşa and the home raids were realized with a very large team of 1,500 police officers who worked in the branches of Public Order, Narcotics, Special Operation and Rapid Action Units. The police broke down the doors that were not opened and arrested fifteen people (*Radikal*, 24.02.2006). The fourth operation was executed in the neighborhood called Hacıhüsrev to find approximately a hundred of girls who were involved in mugging incidents. Rapid Action Units, Special Operation Teams along with Public Order police (including the motorcycled ones) busted into the houses to search for these children and their families and arrested some suspicious persons while handing the children to the Minors' Police (*Radikal*, 18.03.2006). These home raids, recently, became part of the state's governing practices towards these slum dwellers, especially towards those who exist at the base of the social hierarchy. Rather than redistributive and "rehabilitative" objectives, the state, via militarized policing tactics, opted for cracking down on the newly emerged professional

criminals living among these slum dwellers as well as on those who practice certain marginal activities as survival strategies. The announcement of the Istanbul Provincial Directorate of Security on the operations was: “There are ten neighborhoods like this. As long as we can get permission from the courts, we will try to dry the swamp via these operations. Here the children are forced to commit crime” (*Radikal*, 24.02.2006).

Another important issue that has to be touched upon within this scope is the practice of slum destruction, which was executed by the police “destruction teams” with the help of Rapid Action Units and the gendarmerie. These destruction practices which have been implemented from time to time gained momentum in big cities like Istanbul and Izmir at the beginning of the 2000s within the scope of the “urban transformation projects” of the municipalities. As has been mentioned above, throughout decades since the 1950s, the shanty towns built in the industrial cities were tolerated by various governments as a way of redistribution, which was not done by other methods like the social security system. This tolerance was legalized with several decrees of amnesty, the latest of which was announced in 1990 (Buğra 2003: 113)⁷¹. While this policy contributed to the living conditions of labor, it also led to the commercialization of these lands and to the rise of a land (*arazi*) mafia. These developments resulted in a “shift system” in these slum areas, in Işık and Pınarcıoğlu’s (2003: 155-178) conceptualization, in the endurance of poverty. The relatively well-doers of these slum dwellers started to engage in exploitative power relations (rather than solidarity) practiced over the new immigrants and the losers of the previous wave. Most of the slum dwellers ceased to be the owners of their houses and they started to pay rent for the houses in which they resided. The rising land

⁷¹ On shanty towns see also Karpat (2003) and Keleş (2006).

prices and the move of these areas towards the center of the city (as the city expanded) as well as the demand of the intimidated middle and upper classes to live in well-protected residence complexes stimulated the city municipalities to engage in “urban transformation projects”. The realization of these projects was made possible, beforehand, as the municipalities were provided, in the 1980s, with the highly profitable credentials for allocating land and construction permissions.

Within this scope, from 2003 onwards, the Municipality of Istanbul initiated the destruction of the entire 85,000 slums, which existed in different parts of the city, to be able to realize the “transformation project”. The mayor justified the project partly in the following way: “The conduct of every individual affects the everyday life in the city; that is why the city dwellers have to behave in a way which is in accordance with the city concept”⁷². At this point, the governance of the conduct of the city dwellers would be realized through the regulation of residence habits which would also help to redistribute the resources in favor of the municipality, international capital, the local estate speculators and the construction firms. The municipality committed to provide collective housing for the legal owners of these slums who would also receive destruction dues; however the problem could not be solved with this measure because most of the residents of these slums were paying rent to live there. As a result, many families were left on the street⁷³.

Thus, the destruction of these houses by the police “destruction teams”, Rapid Action Units and occasionally the gendarmerie met with stubborn resistance. To give a few examples, in Alibeyköy and Armutlu in October 2004, in Gaziosmanpaşa (Gazi and Sarıgöl districts), Bayramtepe, Pendik (Kurtköy), Okmeydanı, Güzeltepe

⁷² See the Municipality website: <http://www.ibb.gov.tr/tr-TR/Haberler/HaberDetay.html?HaberId=18551>

⁷³ For more information see bianet, <http://www.bianet.org/2005/08/29/65929.htm>, Istanbul Indymedia, http://www.yitikulke.com/index.php?option=com_content&task=view&id=167&Itemid=158

in July 2005, and in Kadıköy (Küçükbakkalköy)⁷⁴ in August 2006, slums could be destroyed only with the help of the Rapid Action Units and gendarmerie who broke the strong resistance of the local people and bypassed the barricades by using gas bombs and panzers. Many people were arrested and some of them were hospitalized. Afterwards, some of the families on the street found no choice other than living in bus stops.

These slum areas and the marginalized “underclass” have fallen within the scope of work of another new unit which was constituted in 1993 as the motorcycled police teams. The deployment of the electronic surveillance system on public streets and squares can also be evaluated within this scope.

The Motorcycled Police Teams/ Dolphins (*Motorize Polis Timleri/ Yunuslar*) and the Deployment of the Electronic Surveillance System/MOBESE

The motorcycled police teams were initially established in Istanbul under the Public Order Branch (August 1993) and subsequently, the number of the provinces they were founded in increased to twenty by the year 2000. It can be claimed that the years in which they were established correspond to a phase in which the intersection between the discourses on “public order” (“*asayiş*” denoting the crimes committed over persons and property) and “terror” was gradually taking place. The account of the Istanbul Provincial Directorate of Security on its official website, explaining the duties of these teams may be evaluated as solidifying this approximation between the public order and terror concepts:

⁷⁴ For more information see <http://www.platformhaber.com/haberv.asp?HaberNo=8225>, <http://www.bianet.org/2005/07/15/63980.htm>, http://www.sendika.org/yazi.php?yazi_no=3675 www.radikal.com.tr

The duties of the Motorcycled Police Teams Authority are to intervene in *the public disorder and terror incidents*, on the busy streets of mega metropolis Istanbul, in the most rapid way, and to make an effort to arrest the perpetrator(s) of the crimes committed, to patrol with motorcycles or by walking the crowded streets, lanes and business centers where there are dense crowds, to establish a bridge between the people and the police by being genial at all times without giving up seriousness⁷⁵ (*italics added*).

It is declared on the same site that the name “dolphin” was given to these teams because of the fact that it was the only animal that sharks were scared of. The dolphins would leave the sharks, which were *the enemies of the state* or were *working against the laws by committing crime*, in fear, and would give a sense of security, by showing respect, geniality and helpfulness, to those who were loyal to their state and were obeying the laws. The recruits to these teams were chosen from the graduates of the Police Schools after a fastidious interview in which their vocational knowledge, sports abilities, physical appearance, and skills in addressing people were examined (*ibid.*). The provinces where these teams were set up are: Adana, Ankara, Aydın, İzmir, İstanbul, Antalya, Balıkesir, Burdur, Bursa, Kocaeli, Diyarbakır, İçel, Hatay, Manisa, Muğla, Konya, Malatya, Mardin, Niğde and Şanlıurfa⁷⁶.

It can be deduced from the newspaper reports of the last few years that the major subject of concern for these teams was the incidents of mugging, especially in İstanbul (*Radikal*, 01.07.2001; *Radikal*, 21.07.2003; *Radikal*, 21.11.2004; *Radikal*, 05.01.2005). In 2003, as a result of several incidents which were presented by the media in general as “mugging terror”, the İstanbul Provincial Directorate of Security identified the regions and districts where these incidents mostly occurred; it drew

⁷⁵ See the website of the İstanbul Provincial Directorate of Security to learn more about this team: <http://asayis.iem.gov.tr/mottim/MotTimMenu.php>

⁷⁶ <http://www.egm.gov.tr/asayis/onleyiciyunuslar.asp>

crime maps⁷⁷; and it was decided that the motorcycled police teams should be increased as a proactive measure. This decision was further enhanced by the “Mugging Commission”, which was established in 2004 and was composed of the Minister of Health (Recep Akdağ), the Minister of Education (Hüseyin Çelik), the Minister of Internal Affairs (Abdülkadir Aksu) and a Minister of the State (Güldal Akşit). As it is understood from the Commission’s statements, until long term measures, such as rehabilitation and protection programs for homeless children, could be executed, policing measures were evaluated as the only solutions (*Radikal*, 05.01.2005). They were implemented mainly by deploying these teams around the specified areas as well as by means of other units using other methods (home raids/slum destruction) as explained above.

These measures were also facilitated by an installation of camera systems on public streets and squares for extensive surveillance. The project was named MOBESE (Mobile Electronic System Integration; *Mobil Elektronik Sistem Entegrasyonu*). It was initially deployed in Diyarbakır and was subsequently installed in Istanbul in 2005. It was announced that with the help of this system the cities would be kept under surveillance on a permanent basis to reduce the “fear of crime” among city dwellers and to intervene rapidly in any disorder at any time; the location of the police cars on a digital map would be determined via the Global Positioning System that the project incorporated and they would be rapidly directed to the crime scenes; the communication between police cars would be enabled; the

⁷⁷ As has been explained above home raids were executed in 2006 in three neighborhoods (Sarigol (Gaziosmanpaşa), Karabayır (Esenler), Hacıhüsrev (Beyoğlu) in Istanbul which were depicted to be the “swamp” of criminals. These were, most probably, executed according to the crime map mentioned above drawn by the Directorate of Security in Istanbul. Thus, it can be deduced that the policing measures conducted by the motorized police teams would also concentrate on these shanty town neighborhoods which are mostly populated by gypsies and the migrants coming from the Southeastern provinces. In this manner, it is interesting to note that these teams were involved in at least two armed conflicts in the last years, the two of which happened in Gaziosmanpasa (*Radikal*, 11.01.2004; *Radikal*, 16.05.2006).

central data bases incorporating information on crimes, identities of citizens and crime maps would be established to be shared among all the police stations and officers in accordance with their ranks; the Urban Geographical Data System would be set up; the images acquired via the CCTVs would be used to recognize identities in illegal meetings and demonstrations, to arrest the people who were searched for, and to determine the people engaging in mugging and other crimes⁷⁸ (Cerrah 2006). It can be argued that with this surveillance system and the information gathered from these CCTVs (the initial examples of which we have observed in Britain and the United States as explained above), the disciplining of the subjects (especially concerning meetings and demonstrations), who know that they are gazed at, will be accomplished with vigor and therefore the core of police functions, namely the conduct of the conduct, will achieve permanency. With the crime maps drawn thanks to the extensive information gathered by this system, it can be argued that certain neighborhoods will be controlled and repressed more intensively; therefore it will, with high probability, enhance repressive policing measures.

Thus, to conclude this chapter it would not be too daring to say that the state in Turkey (in a very similar manner with Britain and the United States) has intensified its neo-liberal policies since the beginning of the 1980s by curtailing its left hand, while strengthening the right one⁷⁹. The poverty stricken proletariat (including the public employees) whose channels of social opposition are strictly limited and regularized and the expanding “underclass” which does not have the chance to be a part of the working population are led more and more under the domain of police power, almost becoming “police property”(Reiner 1992: 137). In

⁷⁸ See the official website of Istanbul Provincial Directorate of Security www.iem.gov.tr/iem/?s=139

⁷⁹ Pierre Bourdieu argues that throughout the neo-liberal process experienced in Europe the left hand of the state, which indicates the state’s welfare policies, is curtailed by its right hand, which is composed of its penal institutions, police forces, courts and prisons (Bourdieu 1998; cited in Wacquant 2001).

this manner they are made to fall to a status of “bare life” (Agamben 1998), gradually having less of a citizenship status. However, these class positions are not constituted only by the determinants of the accumulation regime but are also influenced by the hegemonic discursive formations which also affect the reconstruction of the police organization through time. It is those relations that we now turn to.

CHAPTER 5

THE HEGEMONIC DISCURSIVE FORMATIONS IN TURKEY AND THEIR IDEOLOGICAL EFFECTS: THE CONSTRUCTION OF “INTERNAL ENEMIES”

In the last chapter the aim was to demonstrate the role of the modifications in the accumulation regime, the subsequent labor movement and the rise of the “underclass”, in the expansion and militarization of the police organization which was realized with the establishment of new units such as The Society Police (1965), the Rapid Action Units (1983), the motorcycled police teams (1993) and the deployment of the electronic surveillance systems (MOBESE). It is claimed here that these changing social relations were not the only components of this expansion and militarization process. In the pre-1980 period the Society Police⁸⁰ were also mobilized frequently against groups labeled “anarchists/communists” and in the post-1980 period, the Rapid Action Units as well as the other newly established units such as the Special Operation Teams⁸¹ (1983), and the Anti-Terrorism and Operation

⁸⁰ During the discussions in parliament related about the establishment of the Society Police two themes dominated the debates: the need to inhibit the collective movements of the workers who had the right to strike (which was explained in the previous chapter) and to pacify the radical “ideological” movements. For example, in May 1965 an MP from the Justice Party (*Adalet Partisi*, AP) urged the establishment of the Society Police and stated that: “The government’s and in that matter the Ministry of Internal Affairs’ struggle with the radical right-wing and left-wing movements has been a subject of controversy. As it is not possible to prevent thoughts and beliefs by the help of policing measures, the pacification of these movements and the identification of criminals who are dangerous for our regime must be executed just as it is practiced in the civilized countries....The ones who threaten our national permanence... must be handed to justice. There is an urgent need to establish the Society Police” (*Millet Meclisi Tutanak Dergisi* 1965 [111/2]: 136, 137). In 1965 while the law on the Society Police was discussed in the parliament, one of the MPs, criticizing some parts of the law, stated that: “Under these conditions, it is not possible to recruit people who can stand against the university students, pacify their noble excitement before it becomes rebellious and control society...” (*Millet Meclisi Tutanak Dergisi* 1965 [133/2]: 423, 434).

⁸¹ It was established first under the Public Order Department, later under the “Anti-Terrorism and Operation Department” (1987) and, soon after, under a separate department as the “Special Operation Department” (1993) within the General Directorate of Security.

Department (1986) were important instruments in the state's power practices against the groups named as "divisive/destructive traitors".

When trying to analyze the reasons for the creation of these new units and departments, it is important to take into account the official Kemalist discourse and its four main components, which are specified here in accordance with the subject, since Kemalism forms the discursive background of each period in Turkey for the time being (Parla 1991: 13). These four components can be considered as having contributed to the mechanisms producing "internal enemies" in the pre and post-1980 periods. Subsequently, the hegemonic discursive formations⁸² in Turkey and their modification from 1945 onwards will be taken into account, as they have been important in determining the state's criminalization practices over certain groups who were mostly prosecuted because of their activities related to their alternative political imageries or demands concerning their identities. It is also important to examine the police organization's discursive inclinations; since, as part of the state's repressive governmental apparatuses, the police hold a huge amount of discretionary power at their disposal.

Thus, in this chapter, mainly the changing discursive formations of the post-World War II period will be presented on the basis of the main political parties that gave directions to these formations while they were governing. This will be achieved

⁸² To repeat the delineation previously put forward in the thesis, a hegemonic discursive formation can be defined as a *normative* front, in the way conceptualized by Gramsci, "a *Weltanschauung* generating unifying, organizing, and inspirational principles which lead to habitual experiences, a certain perception of the world, a way of thinking and acting in everyday life that cement together a social formation". It can be said to have a role in preserving the discursive unity of an entire social bloc, of providing individuals and groups with their various conceptions of the world that influence and modify their actions, and, above all, is a means to organize human masses and create the terrain on which men move, acquire consciousness of their position, struggle, etc. It is generated by political struggle (accommodating mainly the relations between the classes, the different state institutions and the impact of international hegemonic countries) over the social values and norms which include different political imageries as to the theorization of the social world that embrace "ethnic" relations, moral and religious relations, gender relations and so on.

by outlining the power blocs they were built upon, and the major components of their social projects in so far as they have contributed to the construction of “internal enemies” under the label of “communists/anarchists” (placing mainly the leftist groups into this set but, whenever needed, adding other critics of the system as well) in the pre-1980 period and the “divisive segments/traitors” (criminalizing mainly the demands based on ethnic identities and on Islam besides a few remaining oppositional groups of leftists) in the post-1980 period. The aim here is not to delineate every detail of the Kemalist discourse or the hegemonic discursive formations, but to demonstrate the connection between the hegemonic discursive background of the country and what was happening within the police force (such as the expansion and the militarization of the police organization, the discursive inclinations of the police organization and the repressive policing practices of the police over certain groups).

The discursive inclinations of the police in the pre-1980 period will be demonstrated here by evaluating the general tendency of the journal *Polis* between 1960 and 1979 which can be gathered under four broad headings: a) the use of the “army” image and the depiction of the police organization as a “public order army” b) the emphasis put on “Turkishness” c) the denigration of social movements as “harmful incidents which are disturbing the order” and the depiction of the leftist movements as dangerous trends that have to be immediately dealt d) the depiction of the police as an important means of moral construction and as the location where the strength and permanence of the state materialize. For the post-1980 period, the issues of the journal published during the 1980s will be utilized.

Although what is presented in this chapter has also been influential in the formation of the Society Police and the Rapid Action Units, only the particularities

of the “Special Operation Teams/Department” and the “Anti-Terrorism and Operation Department” will be put forward here, as the others have been elucidated in the previous chapter.

The Pre-1980 Period

The Major Components of the Hegemonic Discursive Formations Between 1945 - 1980 and the Construction of the “Communist/Anarchist” as an Internal Enemy

The multiparty period beginning in 1946 came after a thick legacy of a single-party regime based on a state-party-society equivalency which was consolidated with the insertion of the six principles of the Republican People’s Party (*Cumhuriyet Halk Partisi*, CHP from now on), republicanism, populism, nationalism, secularism, revolutionism and etatism, into the constitution. These principles eventually contributed to the construction of an “official ideology” called “Kemalism”, which was put together as the discourse of a political-social project aiming to build a new nation, a new society, a new identity and a new history for this newly constructed nation (Çelik 2004: 75). It was the cement of the new period which had the objective of carving out a secular, modern and western Turkishness out of the ruins of the Ottoman Empire, which, according to the political elites of the time, had left its place to an undivided (i.e. devoid of any class divisions and any other divisions), homogeneous, and harmonic totality (Çelik 2004: 76) that could be ruled by a single party. The CHP, with its secular bureaucrats and educated elite (most of whom had a military background) would try to generate this “totality”, in line with the Kemalist discourse, as a developed nation endorsing the modern, western, republican virtues.

It can be claimed that the Kemalist discourse prevailed all through Republican history, as the hegemonic or, during some periods as the potentially hegemonic (potentiality to be realized in each military intervention) discursive background. It is argued here that it had four main components, which have contributed to the constructed imageries of the “internal enemies” of the pre- and post-1980 period and which were incorporated by the expansionary discursive practices of the whole Republican period (even the early leftist ones), aiming to expand the Kemalist discourse to endorse the excluded groups.

One of these components can be formulated as the one structured around the theme of the “sacredness and permanence (*bekâ*) of the Turkish state”. The mythical thought that “the Turkish state lasting from past eternity to the everlasting future, is the solidification of Turkish morals and customs which are the Turkish ‘nomos’, the substance of Turkishness in history” (Bora 1998: 83) occupies a central place within the hegemonic discursive formations of the Republic. In one of his speeches, Mustafa Kemal formulated the logical end of this thought, which is the priority of the state to the nation, in this way: “...even in the far past there was one organization that could bring about the Turkish nation out of its self and it was called the state or government” (cited in Bora 1998: 83). Rather than emphasizing temporal priority, this component attributes a sense of sacredness to the state as was done in the writings of Ziya Gökalp and his followers, the officially endorsed ideologue of the Republican period, who, after the Ottoman legacy, constructed an equivalence between morals, the state, religion and peace (Bora 1998: 86, 87). The *raison d’être* of this *sacred* and *permanent* state was delineated by Mustafa Kemal in his speeches as the provision of public order, peace, the welfare of the nation, and stability (Parla 1997: 184). The state was defined as an “ordering” and “developmentalist state”

(*kalkınmacı devlet*) (ibid.) and was evaluated as the expression of the nation which would be transformed and “modernized” (Çelik 2004: 84). It constituted an indivisible unity with the nation it instigated.

The other component can be specified as “nationalism”, which takes as its main problematic the issue of the construction of the Turkish identity. “In 1931, Mustafa Kemal was defining the features of the Turkish nation as having a unitary state, common language, common motherland, common race and origin, historical and moral relational ties” (Çelik 2004: 84). Thus, while Kemalist nationalism was a territorial nationalism, it also incorporated an ethnic component, having the objectives of constructing a state, a homogeneous nation and a national identity. “Turkishness” had from the beginning “more of a national meaning than being based on citizenship” (Yıldız 2004: 211). While assimilation was implemented as an ethnic governmental strategy, to say subjectively that one was a Turk was not enough; objective conditions had to be met such as common origins, language, culture and ideals (Yıldız 2004: 230). Therefore, exclusionary policies like forced migration (*tehcir*) could be implemented whenever the unity was in danger (Çelik 2004: 84). As Yıldız has put forward, Kemalist nationalism refused to allow any attempt of identity expression based on ethnicity⁸³, religion and social classes and it promoted the imagery of a monolithic Republican will (Yıldız 2004: 215).

⁸³ During the Republican period many people were prosecuted and imprisoned for demanding rights concerning their Kurdish identity. For example, forty-nine people most of whom were students were taken under detention in 1959. In the General Staff Military Court, some of the defendants voiced their demands for rights over their Kurdish identity (STMA 1988: 2112). In October 1960, a law for re-locating fifty-five of the 485 land aghas was enacted. Among the justifications of the law, it was stated that in the last years there had been efforts in the Eastern provinces to establish a Kurdish Republic which had connections with the Kurdish organizations in Iran and Iraq. The aghas were gathered in Sivas and from there they were sent to Antalya, Burdur, Izmir, etc. Two years later they were allowed to go back (STMA 1988: 2112, 2113). Books were printed by the Ministry of National Education on the Turkishness of the Kurds. Kurdish names of the villages and districts were changed in accordance with a law (no: 1587). In 1963, twenty-three people, most of whom were publishers of journals that concentrated on issues related to Kurdish people, were arrested (STMA 1988: 2126). The participants of the “Eastern Meetings” (*Doğu Mitingleri*), which were supported by the Worker’s Party of Turkey, were accused by the AP government of being “traitors planning to divide the nation”.

The third component can be specified as “populism”. As Bora and Canefe (2003: 636, 638) have put forward, “[T]he meeting point of the myth of national unity (*beraberlik*) with pragmatic policies was provided by populism...The populism of the foundational period of the Republic is national populism; it considers the people as valuable as long as it becomes nationalized, showing the initiative and performance to be a nation”. Thus, populism expressed a *social homogeneity* (Bora and Canefe 2003: 636) incorporating the notion that the Turkish nation was a classless, undivided society (Çelik 2004: 76). Although there were different vocations, there could be no talk of a conflict between their interests as they were part of the same nation (Çelik 2004: 88). In the CHP Congress in 1931 it was declared that the regime would be alert to the attainment of privileges that attempted to divide the people: “It is one of our main principles to evaluate the people of the Republic of Turkey as a society constituted not of different classes but of various professions, on a division of labor basis, for the personal and collective life” (Keyder 2001: 137). This understanding culminated in the slogan that the nation/people was a unified mass devoid of privileges and classes (*imtiyazsız ve sınıfsız kaynaşmış kitle*) (Bora and Canefe 2003: 638).

The fourth component is arguably the centrality of the Turkish army in “modernizing, protecting and watching over the Turkish society”. “The description of the Turkish state as incorporating public order (*asayiş*) and military discipline (*inzibat*) naturally led to the emphasis put on the distinguished place the army occupies within the state and to the ‘army-nation’ signifier.” (Bora 1998: 88) The

Commando operations were organized in Silvan, Kozluk, Batman etc. from 1970 onwards until the military intervention of 1971 (STMA 1988: 2131) after which mass arrests were executed. During the trials, in which the defendants voiced their Kurdish identities openly, they were accused of being the “traitors of the nation” (STMA 1988: 2304). The dynamics after 1980, when the Kurdish issue replaced the “threat of communism/anarchism” as the most important issue, will be explained below, in the following sections.

“army-nation” signifier pointed out to the constructed equivalency between the nation and the army (Parla 1997: 176), the quality of being a soldier at birth. While the army was elevated to a level above politics as a “watchman” (Cizre 2004: 156), it was also presented as a forerunner of the society, a “modernizing” force. Mustafa Kemal in a speech in 1931 put forward this understanding in this way: “As you know, whenever the Turkish nation desired to take a step forward to ascend, it has seen the army, constituted of its own heroic children, as the leader of these steps and of the movements that always realize the high national ideal” (cited in Parla 1997: 169).

As indicated above, the Kemalist discourse embracing these components as its central components was gradually put together by the constituents of the Republic and endorsed by the CHP as an “official ideology” at the foundational period of the Republic. At the time of its construction, it was based on a power bloc constituted of mainly three classes, the nationalized commercial bourgeoisie, large landowners and small Muslim traders in the towns and was supported by the officers and bureaucrats (Zürcher 1998: 215). Towards the end of the 1940s, this power bloc started to dissolve, opening a leeway to the establishment of a multi-party system in 1946 and to the rule of the newly established party, Democrat Party in 1950. The reasons of this dissolution can be partly found in the policies of the CHP up to 1946. In this period, a large portion of the population was alienated from the regime. The excluded classes, like the small farmers who constituted 80 percent of the population, lived in poor conditions with respect to health, education or communication, were repressed by the gendarmerie and the tax collectors, and the state prevented the expression of religious faith through its secularist policies (Zürcher 1998: 215, 216). However, the

shattering of the bloc eventually came with the alienation of large landowners⁸⁴. Consequently, with the dissolution of the power bloc, a pathway was opened to a new party (Democrat Party, DP from now on) and a multi-party system. The construction of this opening was also significantly eased with the United States' influence on the Turkish government, as its ally against the Soviet Union, to establish a multi-party regime and to facilitate free enterprise (Zürcher 1998: 216-218).

After the establishment of the multi-party regime, the underlining predispositions of the period would encompass the intermingled tendencies of nationalist-populism and nationalist-conservatism, one of whose main components would be anti-communism. The nationalist-populist-conservative hegemony (during the DP, the Justice Party [*Adalet Partisi*, AP] and National Front governments [*Milliyetçi Cephe hükümetleri*]) which prevailed for most of the period adopted the anti-communist stance, choosing the rising leftist movements as its “other”, since, basically it was a power struggle and the prevalent hegemony was constructed upon a Kemalist background (which was nationalist, populist and state-centered). However, three other motives can also be specified as the rationale of this stance. Firstly, after the Second World War it was initiated by CHP leaders but carried out by DP in a more determined way that the country would be part of the “free world” led by the United States, as a safeguard for “national development” and “parliamentarian democracy” besides other bilateral calculations. As a result, the alliance with the United States necessitated a strong anti-communist standpoint⁸⁵ (STMA 1988: 1943). The second motive can be specified as the wish of the parties to reconcile with the

⁸⁴ Large land owners who had already been marginalized with the taxes on agricultural products were further alienated with the government's attempt to pass the “Law on Providing Land to Farmers” (*Çiftçiyi Topraklandırma Kanunu*) in 1945 with which the government would be enabled to expropriate three quarters of the lands owned by the farmers having more than fifty acres.

⁸⁵ This standpoint would, in return, legitimize the DP and AP policies (after 1965) strictly in line with the U.S. demands.

Kemalist elite circles on a national vs. un-national (*gayrı-milli*, attributed to the communist groups) polarization axis against a democratic populism which did not accept an imagery of a homogeneous “nation” induced from above (Taşkın 2003: 628). Thirdly, the DP as well as the other nationalist-conservative parties of the following decades utilized a discourse loaded with the “threatened morality” and “honor” elements as an appeasement mechanism over the dislocated masses who were thrown into the cities unfastened from their traditional relations and who suffered most from the country’s integration to the international capitalist system (Taşkın 2003: 632). These dynamics would be the main features of the nationalist-populist-conservative party politics of the coming decades until the 1980 coup d’état.

It will be beneficial here to take a quick look at the hegemonic intermingling of nationalist-populist and nationalist-conservative discursive formations of the period up to 1980, which were adjusted by the military interventions of 1960 and 1971, to be able to understand the setting of this anti-communist stance.

The DP, which brought under its roof an important part of the large land owners, commercial bourgeoisie, artisans, and small farmers (Demirel 2005a: 494), included members who mostly had local roots. The slogan of the party was “Enough! Now it is the turn of the nation to talk” (*Yeter! Söz milletindir*) and it presented itself as the spokesperson of the “ordinary person” (as opposed to the Kemalist educated elite) who was repressed with the whimsical treatment of the military and civil bureaucracy and was constrained with respect to his/her religious faith and religious service (which was Sunni Islam and its way of worship) (Demirel 2005a: 495-498)⁸⁶.

⁸⁶ Accordingly, it terminated the Turkish pronunciation of the *ezan*, increased the number of the institutions that educated religious authorities and that gave religious education, loosened the repression and control over the religious sects (*tarikât*) and religious communities (Demirel 2005: 497).

In this manner, the DP attempted to construct counter-hegemony against the secularist Kemalist elite by incorporating the signifier “democracy” (Çelik 2004: 89).

The main discursive concept the party leaders constructed in relation to the signifier “democracy” was the concept of “national will/national sovereignty” which was intended to be the basis of the government’s legitimacy (Bora and Canefe 2003: 643). What they meant by it, however, at the last instance, amounted to the unquestioned sovereignty of the government which was elected by the “nation” and to the glorification of the state/nation unity that could be attained only by binding the bureaucracy to the government (Demirel 2005a: 505). In fact, the discursive practices of the party leaders incorporated most of the components of the Kemalist discourse, while expanding it to integrate the excluded classes and the conservative groups. They defined a homogeneous “nation” (classless and so undivided) and attributed sacredness to the state by defining it as above classes and as integrating all the interests of the different factions in the melting pot of the national interest. The state was the source of development (*kalkınma*) and its resources had to be mobilized in full as services for the client-citizen (Demirel 2005a: 503-511; Bora and Canefe 2003: 646). Thus, as Demirel (2005a: 519) puts forward, the party leaders, who had emerged out of the CHP, internalized the authoritarian state understanding and its mode of politics and the “nationalist corporatist society” imagery as was reflected within the conceptualization of the “national will”.

As a nationalist-populist-conservative party the DP also endorsed a strong anti-communist stance and some of its significant policies on this issue can be listed as the following: the extensive arrests of the communists (members of the Turkish Communist Party) carried out in 1951 and the subsequent pursuit of the leftists; the proposition of a law draft named “Law on the Protection of Democracy” that had as

one its objectives the amendment of the 141st and 142nd articles of the Turkish Criminal Code⁸⁷ to increase the penalties on leftist propaganda and association; the closing down of the Village Institutes where it was claimed that communism was propagated⁸⁸.

Towards the end of the 1950s the hegemony of the DP which was mainly founded upon the commercial bourgeoisie, large land owners as well as small farmers on the basis of patronage relations started to loosen with the slowing down of economic growth, the previous gains of which were not canalized to industrialization but rather to luxury consumption and the commercial bourgeoisie. While high inflation marginalized laboring classes, there emerged a suitable environment for the military-civil bureaucracy, whose social reputation was shaken by the party's discursive practices, to openly criticize (with the support of the Kemalist intellectual elite such as the students, journalists and writers) the policies of the DP which had started to be highly authoritarian from the mid-1950s onwards (STMA 1988: 1948, 1949).

With the coup d'état in 1960 the army took the initiative as part of the "statist elite" to save the regime, "to prevent fratricide", to protect the democracy, the state and the legacy of Atatürk. In this way the Kemalist "official" discourse succeeded in hegemonizing the nodal point "democracy" (Çelik 2004: 89). As a result of this intervention the army appeared as the realization of the popular-national will, (which was also induced with the name of the committee ["National Unity Committee"]

⁸⁷ Even capital punishment was proposed to replace the existing penalties during the discussions over the law draft (STMA 1988: 1943). The articles criminalized the activities (propaganda or establishment of an association) that aim to establish the rule of one class over the others or the elimination of a class (Alıkaşifoğlu and Doğu 1988: 166, 170).

⁸⁸ As an epitome of all these policies a speech of Menderes, given in 1951 in the Parliament, can be quoted here: "Being surrounded by the conditions of today, we will not fall into a carelessness to evaluate the radical leftist trends within the scope of the issue of freedom of thought and conscience. We do not have any doubts that these people who are affiliated with these radical leftist trends are the instruments of destructive trends rather than being detached people having some ideas and convictions" (Demirel 2005a: 529).

formed after the coup by the junta) and re-strengthened the image that it was the disinterested protector of the people's/nation's will as was reflected in catchphrases such as “the army and the youth: hand in hand” or “the army and the nation: hand in hand”. This component of the Kemalist discourse would be actively in operation, beyond the “emergency periods”, during the rest of the Republican period, even within the discursive practices of the leftist youth movements up until the late 1970s (Bora and Canefe 2003: 648).

Eventually, a new constitution was devised in 1961 (which will be elaborated in the next chapter); it included a significant range of civil liberties; prohibited the political use of religion, and was devised as an obstruction to a possible power monopoly of the government since it introduced administrative institutions that counter-balanced the parliament, one of which was the National Security Council (*Milli Güvenlik Kurulu*) composed of the higher echelons of the army that has prevailed until today.

After unsuccessful trials of government formation, the Justice Party (*Adalet Partisi*, AP) which was founded upon the tradition of the DP came to power in 1965 and became highly influential in the discursive formations of the subsequent 15 years (Zürcher 1998: 259-265).

In the 1960s the AP established a wide power bloc integrating different classes such as peasants, artisans, workers (incorporating especially those newly immigrated to the cities) (Demirel 2005b: 549, 578), small business, large land owners and also served the interests of the industrial bourgeoisie/big business (Zürcher 1998: 263, 267). Until the 1970s, it convened a big coalition composed of the various right-wing fractions like the Islamists, the radical nationalists, the

fractions who advocated a Turkish-Islamic synthesis and liberal democrats (Demirel 2005b: 549).

As one of the important components of its discursive practices, the AP promoted “democracy” but it did it over a “national will” conceptualization just like the DP legacy it followed (Demirel 2005b: 550; Mert 2002: 53). The “service” rhetoric occupied an important part in their conceptualization of the state as a paternal entity providing freedom and welfare for the “nation” (Demirel 2005b: 560). The party leaders constantly utilized the “permanence of the state” (*devletin bekâsi*) rhetoric, implying the sacred, indispensable nature of the state having its origins in the deep down past. According to Ferruh Bozbeyli, one of the party leaders, as it had been to Menderes, the state could do no wrong and the mistakes could only be attributed to the persons filling the state offices (Demirel 2005b: 563). In the 1973 election campaign they defined their project of “Great Turkey” as “the move of our nation to make our state stronger and more respectful” (Demirel 2005b: 561). The party took the side of the conservative segments against the republican-modernist Kemalist elite by promoting Islamic values and underlining the importance of religion in keeping the moral integrity intact (Demirel 2005b: 579).

In the mid-1970s, the party took an openly nationalist stance as against the “threat of communism”, especially after it formed the two “National Front” governments with the radical nationalist party, National Action Party (*Milliyetçi Hareket Partisi*, MHP from now on), and the Islamic National Salvation Party (*Milli Selamet Partisi*, MSP from now on) (Demirel 2005b: 565). But even before, strong anti-communism constituted one of the main components of the parties’ discursive practices which was materialized as severe repression of the leftist students, labor unions, and the Worker’s Party of Turkey. The leader of the party, Süleyman

Demirel, was habitually claiming that the “communist movements” had foreign sources, implying the Soviet Union, and was defining communism⁸⁹ as “the biggest enemy of Turkishness and Muslimness”. He promised the annihilation of the traitors, who rebelled against the being of the nation and its history (Bora 2005a: 563). With the backing of the National Security Council⁹⁰ and the National Intelligence Organization (*Milli İstihbarat Teşkilatı*, MİT) continuous pressure was exerted on left-wing organizations and individuals (Zürcher 1998: 264). Besides the police coercion, which will be analyzed below, three modest examples of this pressure can be given: in 1966-67 there was an attempt to purge the schools and universities of leftist teachers (Zürcher 1998: 264); in 1966, the Minister of Internal Affairs, Faruk Sükan, organized a police operation to search the rooms of the opposition groups in the parliament; and in 1968 the MPs of the AP attacked the MPs of the Workers’ Party of Turkey with knives, as a result of their criticisms of “police terrorism” implemented by the Minister of Internal Affairs (STMA 1988: 2036).

However, there were also unofficial circles that exerted outright violence upon these leftist groups. The “Anti-Communism Associations of Turkey” (*Türkiye Komünizmle Mücadele Dernekleri*), which had gathered under their roof a huge part of the anti-communist reactionary groups, gained legitimacy with the establishment of the AP government in 1965, flourished with its financial help and became nearly

⁸⁹ “People were arrested for publishing communist propaganda, which, in the most famous case, turned out to consist of quotes from an early speech by Atatürk himself” (Zürcher 1998: 264). Süleyman Demirel labeled even the slightest leftist tendencies as communist, even the “left of the center” discourse of the CHP from 1965 onwards. It was in fact a populist discourse openly intending to re-invent a Kemalist background and was so anti-Marxist that it preferred to be called “democratic left” rather than “social democrat”, as the latter was one of the heirs of Marxism (Erdoğan 1998: 23).

⁹⁰ As part of the American policy implemented in the Third World countries, a unit was established within the Turkish army under the name of “Special War Department” (*Özel Harp Dairesi*) in the late 1950s (Zürcher 1998: 272) under which an underground organization, contra-guerilla, was formed. It was composed of right-wing oriented civilians who were paid and armed by the army to play a role in the organization of the anti-communist mobilization (Bora and Can 1999: 57; STMA 1988: 2036).

semi-official⁹¹ (Kabacalı 1992: 176; Bora and Can 1999: 57). Türkeş, who was the leader of the Republican Peasant and Nation Party (*Cumhuriyetçi Köylü Millet Partisi*, the precursor of the MHP), had announced in 1967 that “a faithful (*imanlı*) nationalist youth front was arising within the universities against the communist provocateurs” (Bora and Can 1999: 58) and in accordance with his call, the “hearths of the ideal” (*ülkü ocakları*) were formed in every faculty, next to the youth organizations of the party, attended mostly by young people coming from the countryside. After 1968 the party started to establish “commando camps”, which were anti-communist “militia cadres” approved by large parts of the hegemonic bloc, the government and the state officials (Bora and Can 1999: 58) and were mobilized against the leftist youth in the universities. It is known that (as will be touched down below) the AP government did not prevent the attacks of these militia cadres upon legal leftist organizations like the labor unions, political parties, student and youth organizations during their meetings, and demonstrations, and these attacks continued increasingly up until 1980.

As to the reasons of the AP’s efforts in constructing and encouraging the anti-communist mobilization in Turkey for most of the period it was governing, it can be stated that the reasons indicated above are also valid. The leftist political imageries were in sharp contrast to the hegemonic discursive practices which were partly based on the idea of a “homogeneous classless nation” having common sensibilities (Bora and Erdoğan 2004). Also, the socio-economic tensions which were caused by rapid distorted capitalization, the slow down of economic growth in the country and the

⁹¹ In 1965, the associations organized “Damning the Communism Meetings” (*komünizmi tel’in mitingleri*) in Izmir, Antalya, Adana, Erzurum, Kars and Trabzon and afterwards participated in the pacification activities directed against the leftist students as well as the raids realized in the meetings of the Worker’s Party of Turkey. (Kabacalı 1992: 176) The first president after the 1960 coup d’état, Cemal Gürsel, had been, for a certain period, the honorary president of the “Anti-Communist Associations of Turkey” (*Cumhuriyet Ansiklopedisi* 2002: 132). The number of the associations increased between the years 1963 and 1965 by fifteen times. There were 110 associations in 1965 and 141 in 1968 (Bora and Can 1999: 57).

rise of the labor movement as well as of other social opposition movements (e.g. the youth movements) were confronted by the rural and urban middle classes, which faced de-propertization, with a conservative reaction. This reaction was also deliberately constructed by the AP which was trying to keep “a wide right-wing confederation” together (Bora and Can 1999: 56, 57; Taşkın 2003:632) as well as to get along well with the army with the help of the imagery of a “common internal enemy”. And last but not least, this anti-communist stance was part of being an ally of the Western bloc, but it was also utilized as a legitimizing reference point for being so much in line with the US’s policy preferences (Taşkın 2003: 621).

The military intervention of 1971, which came after the growing clashes on the campuses/streets, increasing factory invasions and strikes, was executed by the army which delivered almost an ultimatum⁹². After a short term of the CHP government in 1974, the first of the two “National Front” governments against “the leftist movements”⁹³ (Börtücene 1999: 87) was set up in 1975 with the coalition built mainly by the AP, MSP, MHP and the Republican Reliance Party (*Cumhuriyetçi Güven Partisi*, a conservative Kemalist party) and the second one was set up in 1977. During their government terms, the attacks of the nationalist “commandos” gained regularity (Bora and Can 1999: 61-64) and they increased exponentially through time.

The small and middle range capitalists as well as the commercial bourgeoisie supported the coalition governments; however, the big business was adversely affected by the growing external trade deficit and high base prices for the agricultural

⁹² “It demanded that a strong and credible government be formed which would be able to end the ‘anarchy’ and carry out reforms ‘in a Kemalist spirit’” (Zürcher 1998: 271). Within these conditions, forty-four articles of the constitution were altered and the “State Security Courts” were established which would try three-thousand people before they were abolished in 1976 (Zürcher 1998: 273). These constitutional and institutional alterations will be dealt with in the next chapter.

⁹³ The coalition parties announced that they were constituting a nationalist collaboration to stand against the threat of communism which was prevalent in the nation (STMA 1988: 2219).

products. The factory invasions and strikes had gained momentum after 1975 and moreover the accumulation regime which was connected with the international capitalist system was approaching an impasse as a result of international dynamics. The big business was longing for stability and a “strong state” to achieve structural modifications in the accumulation regime, which was also advised by the USA through international finance organizations like the IMF and the World Bank. After the two unsuccessful attempts of the CHP and AP to form governments, the army with the 1980 coup d’état commenced a legalized “state of exception”.

Thus, in this period, the radical nationalist tones coupled with Islamic elements determined the spirit of the hegemonic discursive formations because these elements were used by most of the right-wing parties, on a basis of communist/anti-communist polarization, to hegemonize the traditional middle classes who were intimidated by the rapid alterations in economic, social and cultural life. De-propertyization, particularly in the countryside, and the unemployment in urban areas had hit these classes and radicalized them especially after the mid-1970s (Bora and Can 1999: 61). The youth of these classes were mobilized by these right-wing parties and their radicalization was materialized, besides many events in campuses and on the streets, in bloody events such as the Malatya, Çorum incidents and the Maraş massacre in 1978, in which many Alevi citizens were killed.

The Journal *Polis* as a Referential Point ⁹⁴ for the Discursive Practices Prevalent
within the Police Organization in the 1945-1980 Period

Examining the journal *Polis* is interesting to in revealing how the main components of the hegemonic discursive practices found their reflections in this vocational journal, sometimes within the formulation of its regular writers (like Galip Öрге and Muhittin Çölođlu), sometimes within the speeches of the high ranking police officials, governors or Ministers of Internal Affairs at the diploma celebrations or establishment anniversaries of the organization, which were regularly presented in the journal⁹⁵. Examining these can give a clue about some elements of the “Weltanschauung” of the police officers, which constitute a significant guiding force in the determination of the nature of their everyday practices on the street as part of the repressive governmental apparatuses having wide discretionary powers, or in the determination of the directives given by the high ranking police officials as well as the Ministry of Internal Affairs to the lower level police officers. The following presentation encompasses the discursive patterns in the journal which significantly resemble the hegemonic discursive practices of the period. These can constitute an explanation as to the reasons of the establishment of the Society Police and its mobilization against certain groups such as the leftist groups. (The paradigmatic moments of this mobilization will be demonstrated in the next section).

One of the discursive patterns in the journal (during the years specified) is the use of the “military” image and the depiction of the police organization as a “public

⁹⁴ It is provisional because the journal issues of nine years, 1963, 1964, 1965, 1966, 1967, 1970, 1971, 1975, 1979, which were chosen randomly, are examined for the years between 1945 and 1980. Besides, the journal was published by the Retired Police Officers’ Association (*Polis Emeklileri Derneđi*) not by the police organization itself; however, it was the only vocational journal of the organization for these years.

⁹⁵ The journal is the mid-point where the discursive practices of its own writers meets with the discursive practices of the current state officials who are related with the police organization.

order army” performing a sacred and honorable task and earning a “good reputation via its martyrs, and fame via its heroic veterans”⁹⁶ (*Polis* 1963 [131]: 4) by protecting the peace (*huzur*) and order of the nation. It is the minor (but “inseparable and complementary” [*Polis* 1971 (230): 25]) partner of the armed forces⁹⁷. The logical end of the proximity constructed between the army and police can be formulated as the following: as the latter fight against external enemies, the former also battles, this time against citizens who naturally fall into the status of “internal enemies”. Within this understanding, the police, thereby, guarantee the maintenance of the regime with the support of its partner, the army.

One of the manifestations of this army-police proximity is observed in the dramatization of “the role of the Turkish police in the Independence War” through the use of Islamic elements. In the February 1963 issue of the journal, it was written that:

During the Ceasefire (*Mütareke*) years the Turkish police was the only force that taught the love of the motherland and nation to the sneaky and interest-seeking civil people and stood against those who tortured the Turks...In those years in which the English, Italian and the Greek troops...established headquarters in Istanbul and throughout Anatolia, it was the Turkish Police that constituted the only faith (*iman*), after God (*Allah*), that helped and became the source of strength for the ideals of Mustafa Kemal which were founded in Anatolia (Örge⁹⁸ 1963a: 18).

⁹⁶ This quotation is from the speech of a Police Institute instructor, Selahattin Toker, given on the 118th establishment anniversary of the organization.

⁹⁷ While the relation between the police and the army is generally depicted within a collaboration scheme, it must not be neglected that especially from the 1950s it incorporated a certain degree of tension. Working under the Ministry of Internal Affairs in Turkey, the police organization’s cadres were filled with police officers mostly having nationalist-conservative tendencies (this issue will be touched upon below). Especially during the Democrat Party government, the practices of the police were highly disreputed, mostly because of the polarization of the government with the Kemalist elites. Whereas the army, which was the guardian of the Kemalist regime, institutionalized its position at the center of politics especially with the 1961 constitution, and retained an aloof autonomous image as the protector of the Kemalist regime. Besides, the gendarmerie, as part of the army, executes policing functions over nearly 90 percent of Turkey’s geography. These conditions create certain tensions between the police and the army; however, it can be stated that these tensions are, most of the time, overcome by the common “internal enemy” image they fight against.

⁹⁸ Galip Öрге was working at the time as the responsible Editorial Director (*Sorumlu Yazı İşleri Müdürü*) of the journal.

Throughout these war years, the heroic police officers had stood against the “sneaky traitors” who were specified in one of the articles as village aghas and minority youth (Çöloğlu⁹⁹ 1963: 30, 31). However, the militaristic image of the organization was not reserved only for its role in the war; it was continuously represented in the journal through that image in the form of “public order army” (*asayiş ordusu*) working in the interior. Some examples of this representation are:

As the Turkish police celebrate its establishment anniversary, we, as the members of the press, join this celebration of the public order army with all our being (Örge 1963b: 13).

...we were very pleased to see in the eyes of these soldierly (*levend*) students the members of tomorrow’s police army, which means the precious Security Organization (*Polis* 1965 [152]: 21).

This beautiful motherland, our noble and great nation, has reached this stage after overcoming many obstacles and war of civilizations. As you have sang everyday in your school anthem, our heroic army will wait for this beautiful motherland at the border and you will wait in the interior (from the speech of the Director-General of Security [*Emniyet Genel Müdürü*], Hayri Nakiboğlu given at the 121st anniversary celebrations of the Police Organization, *Polis* 1966 [170]: 13).

...it is not predictable in what conditions a police officer will return to his home in the evening. From that aspect it is a sacred vocation. It is constituted of *making war* in peace time (from the speech of the Director-General of Security, Celalettin Tüfekçi, given at the diploma ceremony of the Ankara Police Education Center, *Polis* 1975 [274]: 36, *italics added*).

It was also emphasized that the army and the police organization stood side by side and cooperated with each other. The army was represented as the big brother of the police:

The Turkish Police is always and everywhere at the command and service of its great nation, by being bound with juridical principles and the ideals of humanity and loyalty to the principles of the Republic, hand in hand with the heroic Turkish army and youth (from the speech of the Director of the Second Department at the General Directorate of

⁹⁹ Muhittin Çöloğlu was working as the general secretary of the journal.

Security, Nazım Gürtekin given at the 118th anniversary celebrations of the Police Organization; *Polis* 1963 [130]: 6).

The army is the big brother of the police. You will cooperate with them, for, they, just like you, have the duty of defending the homeland and its citizens (from the speech of the Director of the Ankara Branch of the Retired Police Officers' Association, Lütfi Ertekin, given at the diploma ceremony of the Ankara Police Education Center, *Polis* 1975 [274]: 35).

Another pattern in the journal can be specified as the ethnicist emphasis put on

“Turkishness”:

The only concerns for the police officer either of the lowest or the highest rank are the love of the nation and vocation. Isn't it this might that spread Turkishness to the world, isn't it the virtue which takes its strength from the nation; this is because we are Turks (Örge 1963a: 19).

The Turkish Police does not ever forget that he is the member of the Great Turkish Nation and that he works for the welfare and happiness of his nation. It is the characteristics of our vocation to show affection and respect to the citizen and to be kind and merciful even in the accomplishment of the hardest task. The Turkish Police who took its virtues from the nobleness of its race has succeeded in his duty and has been useful for his motherland and nation in the most adverse material and moral conditions since the establishment of the Republic (from the speech of Nazım Gürtekin-his post was indicated above, *Polis* 1963 [130]: 6).

...we carry most of the traits that we look for in an ideal police, in our blood and racial disposition as an inheritance transferred from generation to generation. To master their hands, desires and tongue, to be courageous, alert and to have strong legs are the traits of not only the Turkish police but of every Turk (Sarioğlu 1965: 13).

The Istanbul Governor, Vefa Poyraz, declared in a diploma ceremony of the Istanbul Police School that “The Turk is just. He is noble and has constituted a nation that established great states” (*Polis* 1970 [215]: 67). The Director-General, Ömer Naci Bozkurt, depicted his colleagues in a communiqué prepared for the journal, *Polis*, in 1971, in this way: “...with my colleagues...who recognize as the source of their nationalist sentiments the pride of being part of the Turkish nation and being the

owner of the national virtues and characteristics of the Turkish race...” (*Polis* 1971 [223]: 6); a new graduate police officer declared in a diploma ceremony in 1975 that: “...events have shown that there is no friend for a Turk other than a Turk” (*Polis* 1975 [278]: 5).

The third thematic pattern appearing in the journal *Polis* related to our subject is the denigration of social movements as “harmful incidents which are disturbing the order” and the depiction of the leftist movements as dangerous trends that have to be immediately done with. It is reported in the journal that the Director-General Ahmet Demir received a gift book from the President of the F.B.I., Edgar Hoover, in 1964, titled “Étude on Communism” during his visit to America to examine the American police organizations (*Polis* 1964 [142]: 25). A paranoid depiction of the Soviet Union and communist China took place within the journal, warning the readers that Soviet Russia and communist China had discovered an effective weapon to rule over the thoughts of people, which were hypnotism and telepathy. In this way people were forced to behave contrary to their moral, mental and patriotic consciousness (Özkalber 1963: 27). In November 1965 the student meetings, the demonstrations of workers, the “raids of rebellious youth” were defined as activities destructing the social order with which the Society Police had to deal with (Örge 1965: 19). One of the duties of the Society Police was the prevention of the untimely demonstrations, strikes and lockouts which were performed by the masses who were economically deprived and were under the influence of various trends (*muhtelif cereyanlar*) (*Polis* 1966 [172]: 40). According to the Istanbul Governor, Vefa Poyraz: “As the old-fashioned thoughts are reactionary [meaning the Islamist movements], those who try to establish communist and socialist regimes with force are also reactionary” (*Polis*

1970 [215]: 67). In a similar manner, the Director-General of security, Ömer Naci Bozkurt, declared in 1971:

We have left behind us a year which was full of the activities of anarchists, endorsing pervert ideologies, who tried to prevent the historical glory of our nation, to destroy our national unity, threaten our national culture and existence with the destructive ideas and actions that they have spread throughout Turkey (*Polis* 1971 [223]: 6).

Also, the Minister of Internal Affairs, Hamdi Ömeroğlu made similar remarks, in the same year, during the opening of a police school:

It is understood from the latest incidents that our police are not educated enough against social incidents, in other words against people with bad intentions and anarchic attitudes who destruct the peace of the citizens and society, threaten the goodness of the country, try to destroy the nation from inside and weaken the national solidarity (*Polis* 1971 [231]: 14).

The Minister of Internal Affairs, Oğuzhan Asiltürk, in a communiqué written in 1975 to the Director-General of Security, on the occasion of the Istanbul Police School's diploma ceremony, warned that: "The police are biased on one point. That is the protection of our Republic, democratic regime and our constitution... They will not permit the destructive left to target the Republic and cause damages, while aiming at dark adventures" (*Polis* 1975 [278]: 21).

The fourth discursive pattern to be presented here is related to the role of the police in the moral construction of the people and its importance as the location where the strength and permanence of the state materialize. According to Galip Öрге, "The police institution is a school. It is a force that watches and tries to put all the activities onto the right track, from the ones that destroy the unity and national security to the smallest incidents disturbing public order" (Öрге 1963a: 19). It was underlined by an instructor of the Police Institute that the police also had the responsibility of interfering in the moral order. The moral order might contribute to the dissolution of the material order of society and it was their duty to protect it; they

were the symbols of correct belief, correct will, correct word, correct work, correct way of living, correct way of thinking, correct introspection (from the speech of Selahattin Toker, cited in *Polis* 1963 [131]: 5). Accordingly, on the 121st establishment of the organization, the President Cevdet Sunay proclaimed that:

It is a must for the police officer to be a disciplined, law abiding, successful administrator. The people must evaluate the police as a generous big brother, as a father, and must trust him by thinking that they will learn everything from him. In people's thoughts the police must be the forerunner of everything (cited in *Polis* 1966 [170]: 14).

Besides contributing to the construction of the moral order, the police also represented the state power on the street. The permanence and strength of the state materialized in the strength of the police organization while overcoming challenges in society. Duly, The Minister of Internal Affairs, Faruk Sükan, while defining the role of the police organization in 1967, stated that:

...there are legal organizations in democratic countries which have the duty to maintain the regime, protect the order, apply the laws, as well as to protect and provide the continuation of the state authority. The general police forces and the police organization come first among them (*Polis* 1967 [180]: 8).

As another example of this fact and understanding, a part of the speech given by the vice Director of the Istanbul Directorate of Security (at the opening of the Kemalettin Eröge Police School-the school for educating the Society Police officers) can be quoted. He addressed his young colleagues by declaring that: "The existence of our State and Nation and the permanence of our regime, the peace and calmness of our nation depend upon your unrelenting work and your love for the motherland and nation" (*Polis* 1975 [278]: 20).

To conclude, it can be stated that this discursive configuration was not static and was subject to alterations, expansions and reductions through time, however, as the examination of the journal in the specified years reveals, a residue of these

discursive practices persisted throughout the period examined. These practices can be specified as having a role in the everyday practices of the police at the time and the establishment of the Society Police before 1980 as well as the establishment of other units in the post-1980 phase, which will be touched upon in the following pages. How these discursive practices were visualized in the policing practices is the subject of the next section.

The Materialization of the Hegemonic Discursive Practices Between 1945-1980: The Repressive Policing of the “Communists/Anarchists” as the Most Significant Cluster of “Internal Enemies”

The 1960-1970 period was a dynamic era for the leftist movement which was mainly concentrated in the Worker’s Party of Turkey (TİP) and the “Debate Clubs” of various universities through which the students engaged in the problems of the universities and demanded a wide-ranging “university reform”. The students also contributed to the resistance movements of workers via factory invasions and of the peasants through land invasions. Until the late 1960s, “the national democratic revolution” thesis¹⁰⁰ was dominant in these clubs, which was gathered under the name of “Revolutionary Youth Federation of Turkey” (*Türkiye Devrimci Gençlik Federasyonu*, Dev-Genç) in 1969, moving away from the TİP’s stance. The influence of Kemalism was felt strongly among the students, most of whom

¹⁰⁰ For further information on the “national democratic revolution” thesis and the leftist groups that endorsed it, see Aydın (1998). For further information on the leftist movement see Aydınoğlu (1992), Çulhaoğlu (1996), Yurtsever (2002).

evaluated the foundation period of the Republic as a progressive Kemalist “revolution”¹⁰¹.

The leftist movements faced an extreme fragmentation between the years 1968 and 1971. According to Çulhaoğlu, from the splits of this period there emerged two currents: “The first one is what may be called “Sovietic” currents, organized either legally or illegally but under the classical party form...[T]he TKP (Communist Party of Turkey), though still illegal, was able to make a fresh start and become much more influential in the 1970s... The second set of strategic orientations covers other leftist-revolutionary movements, not organized in party lines...” (Çulhaoğlu 2002: 189, 190). For example, one of the splits from the Revolutionary Youth turned into an organization under the name of People’s Liberation Party/Front of Turkey (*Türkiye Halk Kurtuluş Partisi-Cephesi*, THKP-C) under the leadership of Mahir Çayan. It constituted the basis of the Revolutionary Path (*Devrimci Yol*, Dev-Yol) of the late-1970s. The inspiration for this movement was received from the Latin American movements and it was based on the idea of a popular revolution against “oligarchic dictatorship”. Another split was composed of Maoist fractions which focused on rural areas and the peasantry. They turned into a legal party after 1975 under the name of Workers’ Party (*İşçi Partisi*) (Çulhaoğlu 2002: 189, 190).

In this period, the rise of the fascist movement in Turkey and the anti-socialist hysteria of the political parties in power resulted in an “anti-fascist struggle/front” (ibid.). As Çulhaoğlu puts forward “Each and every party and fraction...naturally had ties with outstanding leaders from the class if not with the mass of the class. Whatever their ideological-political orientation may be, even small radical leftist

¹⁰¹ It was significant that the name of the renowned oppositional demonstration organized by Deniz Gezmiş and his circle in 1968 to criticize the AP government was named the “Mustafa Kemal March” and took place between Samsun and Ankara.

groups mostly formed by university students, could find adherents mainly within the ‘urban poor’ piling up in big metropolises” (Çulhaoglu 2002: 183) in the shanty towns.

Within the activities of these leftist groups in the 1960s the “anti-imperialist” demonstrations, meetings and university invasions were frequent. Later, at least initially, with the necessity of resisting the attacks of the fascist commandos, they got armed and engaged in armed clashes. Having given a very *rough* depiction of the leftist movements between the years 1960 and 1980 during which they were very active, now it is time to turn to the paradigmatic incidents between the police (mainly the Society Police from 1965 onwards) and the leftist groups.

A cluster of these paradigmatic encounters of the police with the leftist students came in late 1960s. In June 1968, the boycotts that were executed in Ankara and Istanbul universities turned into university invasions through which the students voiced their demands for a university reform. Although the invasion in Istanbul ended with the conciliatory attitude of the Rector of Istanbul University without the intervention of the police, it became the starter of a numerous repressive interventions of the antagonized police. In the subsequent days, the students collaborated with the workers in the factory invasions of Derby, Kavel and Finfinis factories, and in July, they decided, in Istanbul Technical University, to organize the second big “anti-imperialist” demonstration to protest the 6th Fleet of the U.S. Navy which would stop by at Istanbul. In the aftermath of the meeting, eleven students were taken under detention by the Society Police. This led to two-days of clashes between the police and the students before the police organized a raid to the dormitories. In consequence, 30 students were arrested, 47 students were hospitalized and one (Vedat Demircioğlu) died. During the protests organized for their deceased

friend, there arose severe clashes between the students and police (the severest since April 29, 1960) (Kabacalı 1992: 212; STMA 1988: 2083-2089) as a result of which many students were taken under detention and the police could be drawn back only with the help of the military policing troops (*askeri inzibat birlikleri*). In the following days, while the trial of the performers of the “sitting-act” in front of the parliament was undertaken, one of the students (Atalay Savaş), while escaping from the police truncheons, died in a car accident (STMA 1988: 2085).

On February 16, 1969, which would be labeled later as the “Bloody Sunday” the students together with the labor unions and vocational associations organized another demonstration against the 6th Fleet of the U.S. Navy which had returned to Istanbul. There would be a protest march starting from Beyazıt and it would end with a meeting in Taksim Square. The Society Police allowed part of the demonstrators to enter the meeting place, Taksim Square, and attacked the rest of the convoy, pushing them backward. At the meeting place reactionary conservative groups who were permitted to gather in the Square were waiting and they attacked the demonstrators as they entered the meeting place. Consequently, two workers died (Duran Erdoğan and Turgut Aytaç), hundreds of people were wounded (STMA 1988: 2105, 2106).

As mentioned above, during the summer of 1968, “commando” camps where the nationalist youngsters learned marshal arts were opened under the control of the Republican Peasant Nation Party (the precursor of the MHP) and in this way the attacks of the fascist commandos on the leftist students were regularized (Kabacalı 1992: 217). In the mean time, while the AP government overlooked these camps, it increased the number of the Society Police personnel. Its cadres were filled with radical nationalists and people working in the AP organizations and the units turned

out to be an important apparatus in the government's anti-communist power struggle (STMA 1988: 2109).

Boycotts in the universities to voice student demands continued in 1969 in Yıldız Technical University, Middle East Technical University, Hacettepe, Ankara and Istanbul Universities. In 1969 and 1970 many leftist students died and many were wounded¹⁰² in the police and commando attacks on the faculties and dormitories. The members of the "Revolutionary Youth" were also getting armed¹⁰³ and the fractions that had split from it, People's Liberation Army of Turkey (*Türkiye Halk Kurtuluş Ordusu*, THKO) and People's Liberation Party/Front of Turkey (*Türkiye Halk Kurtuluş Partisi-Cephesi*, THKP-C) became involved in bank robberies and kidnappings of American soldiers from the American bases, Efraim Elrom from the Consulate of Israel, and a young girl. The police and the gendarmerie attacked Middle East Technical University in 1971 to search for the leaders of these organizations and three people died (one student, one soldier and a worker)¹⁰⁴. Most of the members of these fractions who were labeled "city bandits" were killed either during the gendarmerie and police raids (part of which was called the "Hammer Operations") or via capital punishment through 1971 and 1972 after the declaration of martial law in April 1971¹⁰⁵ (STMA 1988: 2161-2188).

¹⁰² To give a few examples: Hüseyin Altıntaş died in the raid executed in the Çapa High School of Teachers (Çapa Yüksek Öğretmen Okulu); İlker Mansuroğlu was killed in the Ankara University Law School and Nail Karaçam who was the member of the General Administrative Board of the Revolutionary Youth was killed in front of the Ankara University Science Faculty (STMA 1988: 2164).

¹⁰³ In 1968, after the Society Police had beaten the students who had had the permission to organize a demonstration on the anniversary of April 29, 1960, and had been attacked by rightist groups during the demonstration, the students published a communiqué in which they declared that: "...As long as these movements performed by the paid people against the independence of the Turkish people are not prevented by the police and tolerated by them, the revolutionary youth who is left at the position of self defense will provide its own security" (Kabacalı 1992: 184).

¹⁰⁴ The student's name was Şener Erdal, the soldier's was Mevlüt Meriç, and the worker's was Aziz Yalta (STMA 1988: 2165).

¹⁰⁵ During this period a wide range of tortures were executed on the members of these organizations and also on many military officers, journalists, writers and intellectuals in the Ziverbey Mansion (*Ziverbey Köşkü*) by the contra-guerilla (mentioned above). In October 1973, the commander of

After the military intervention of 1971, along with the re-establishment of the “hearts of the ideal”¹⁰⁶ (*ülkü ocakları*) in 1974, commando attacks gained momentum again. Besides students, many academics, journalists and a prosecutor became the targets of the fascist commando attacks especially after 1978. The Kahramanmaraş Massacre (1978) in which many Alevis died was one of the summits of these attacks and, afterwards, it was tried to be repeated in Bingöl, Malatya and Çorum. The police mostly overlooked or supported these attacks and was headed to repress the leftist groups¹⁰⁷. This was both because of the political inclination of its cadre which was gathered from these nationalist-conservative groups¹⁰⁸ and also because the government directed them to ignore or even to support these attacks¹⁰⁹. In 1975 the Minister of Justice of the time İsmail Hakkı Müftüoğlu (member of the Islamist National Salvation Party, MSP), declared that: “There is no right-left struggle in Turkey; it is a struggle between the traitors who have been annoying the Turkish

marshal law in Istanbul, Faik Türün, proclaimed, in the journal *Yankı*, that the contra-guerilla, which was established to stand against the activities of “internal enemies”, used the Mansion as it wished (STMA 1988: 2196; Gökdemir 2002: 32).

¹⁰⁶ They had been closed down, in 1971, after the military intervention.

¹⁰⁷ A very detailed list of related events in which the leftist students were arrested and beaten by the Society Police and attacked by the commandos who were given a free hand, is present in the STMA (1988) p. 2018-2416 and Kabacalı (1992) p. 173 -245.

¹⁰⁸ In the memoirs of Sıtkı Öner (2003: 33, 34), one of the influential members of the executive board of the Police Association (*Polis Derneği*, Pol-Der) which was mobilized from 1975 to defend the employee rights of the police and to establish among the police the understanding of being the “police of the people”, depicted the social structure of the police union in this way: “...during and after the 1960 military administration, for some time, the children of the families which were democratic and close to the CHP were given primacy in recruitment policies to recover the police-military and the police-people relations. The existence of such a generation made it possible for a democratic leftist police movement to occur between the years 1975 and 1980 within the police structure. The year 1975 constituted the turning point with which the police organization’s structure went through a radical change. I was keeping track of how the MHP was getting organized in the organization with my observations as well as with my family’s, who were engaged in politics. The state-supported MHP militants were recruited to the police organization with the help of their affiliation to “hearths of the ideal” (*ülkü ocakları*). Also the radical religious people took their place within the organization”. After the 1980 coup d’état, Pol-Der would be criminalized as the gateway of the traitors to the police organization.

¹⁰⁹ A police officer’s letter drawing attention to this fact was published in newspaper of Pol-Der: “the Vice Director of the Society Police asks the following question to the police officer who arrested a person carrying a knife, a telegram of Türkeş and a telegram of the president of the MHP Lüleburgaz district organization: ‘Why did you arrest him?’. Those police officers who were unbiased during the student incidents and the readers of *Cumhuriyet* are exiled. On the contrary, the ones who read *Hergün* and *Ortadoğu* work in comfortable places within the Society Police...” (Öner 2003: 77).

state and nation, trying to destroy it with their dirty aims and the patriots stubbornly protecting the national being” (STMA 1988: 2222). Accordingly, the Prime Minister Demirel proclaimed on February 25, 1976, in the newspaper of the National Action Party, *Hergün*, that: “the idealist (*ülküci*) youth is the guarantee of our nation. It is obvious that those who accuse the idealists are the ones who want to destroy the state” (STMA 1988: 2222). Thus, the police officers who supported them were rewarded whereas those that tried to prevent them were exiled¹¹⁰.

Meanwhile, by the year 1980 torture became nearly systematic. Mostly as a result of the construction of an “internal enemy” identity, buttressed by the discursive practices of the governments, some people who were defined as “traitors” faced a situation in which they lost their “citizenship rights” and were degraded to a status of “disposable bodies”¹¹¹. These torture incidents were documented in a report prepared by the Bar Association (*Barolar Birliği*) in 1980 (STMA 1988: 2377). Also, the Turkish Jurisprudence Institution (*Türk Hukuk Kurumu*) called the public, in those days, to initiate activities against torture. The Bar Association together with the Turkish Physicians’ Union (*Türk Tabipler Birliği*) organized a Medicine-Jurisprudence Congress (*Tıp-Hukuk Kurultayı*), in May 1980, in which they discussed the prevalent problem of torture in Turkey (ibid.). As will be touched upon

¹¹⁰ A significant example of this reward/punishment mechanism can be found again in the memoirs of Sıtkı Öner. Öner (2003: 98, 99) narrates, in his book, his conversation with the Governor of Ankara in 1971, in which he complained about the situation in the police organization and made suggestions to him: “During the Nationalist Front period, the MHP and MSP acquired cadres [within the police organization]. Because of the provocations and massacres led by these cadres, our country goes through bad days. Give duty to the police who are members of Pol-Der; they will assist you to arrest the fascist murderers and to pacify the activities of the police who are the MHP and MSP sympathizers”. The Governor requested a list from him of these police officers who were members of Pol-Der. After the list was handed to the Governor: “One month passed, but none of the appointments was realized. The cadre partition during the National Front period was being undertaken more easily, favouritism and tortures were continuing... After fifteen days the names on the list were exiled to unrelated places” (Öner 2003: 99).

¹¹¹ See Agamben (1998) for the depiction of the status of “bare life”. It is worthy to note that the Director of the Political Branch (Siyasi Şube) in the Istanbul Provincial Directorate of Security during the March 12, 1971 period, was Şükrü Balcı. Gökdemir notes that he was educated in the USA in the International Police Academy, Panama School and the Military Intelligence School and was involved in systematic torture (Gökdemir 2002: 37, 38).

in the next section these incidents did not halt but escalated tremendously after the 1980 coup d'état.

The Post-1980 Period

In the previous sections, the hegemonic discursive formations of the pre-1980 period were presented to lay out another aspect of the social relations (other than those concerning the accumulation regime) which contributed to the establishment of a new unit in the police organization, namely the “Society Police”. In the following pages, the hegemonic discursive relations of the post-1980 period will be depicted. It is argued here that these relations also had an impact on the establishment of new teams and departments in the police organization, such as the Special Operation Teams/Department (*Özel Harekat Timleri/Daire Başkanlığı*), the Anti-Terrorism and Operation Department (*Terörle Mücadele ve Harekat Daire Başkanlığı*), and on the enactment of the Anti-Terrorism Act (*Terörle Mücadele Yasası*). It should be noted that what will be presented in this section also accounts for the establishment of the Rapid Action Units or the motorcycled police teams; however, as they have been discussed in the previous chapter, they will be touched upon occasionally.

It can be argued that contrary to the power practices of the military for leveling politics and establishing “stability” in the country, the period from the late-1980s is marked by the awakening of the labor movement, the rising demands over Kurdish and Islamic identities, and from the late 1990s by increases in criminal offenses against property. A large portion of the social formation was criminalized and repressed either due to the oppositional activities of political groups or the increasing petty offenses which were, for the most part, caused by the rising severe

poverty. The media contributed a lot to the construction of “internal enemies”. While the Rapid Action Units and the motorcycled police teams were mobilized against the labor movement and the rising crime rates respectively, the state policies over the Islamist movements were re-adjusted by a process culminating in the intervention of the National Security Council on February 28, 1997. However, the war with the PKK (Partiya Kalkeran Kürdistan, Kurdistan Workers’ Party) and the governing of the Kurdish opposition were conducted mainly through a militaristic mobilization of the army and with the help of the newly established departments of the General Directorate of Security¹¹² which constitute the subject of this section.

Thus, firstly, the hegemonic discursive formations prevalent in the post-1980 period will be presented and the Kurdish question will be located within these practices. Subsequently, the journal *Polis* of the 1980s will be examined. Some recurring significant themes will be demonstrated to show how the changing social relations and their dominant discursive representations were constructed within the circle of the police organization. Thirdly, these mentioned departments and teams as well as the Anti-Terrorism Act, which was enacted in 1991, will be introduced. Lastly, the practices of the police (from torture to police interventions) which were directed at these marginalized groups will be touched upon to present how an orientation to construct “internal enemies” has solidified in the empirical world.

¹¹² As will be explained later, part of the Special Operation Teams was transferred to the big cities in the late 1990s and they started to participate in the operations against these criminal offences.

The Major Components of the Hegemonic Discursive Formations in the post-1980

Period

On September 12, 1980 the military cadres under the leadership of the Chief of Staff executed the coup d'état which aimed to put an end to the organic crisis in the social formation and to restore state power through a passive revolution (Yalman 2002: 46; Özkazanç 2005: 637) and an unveiled “state of exception”¹¹³, as a result of which the martial law commanders ran the country, on a daily basis, for a considerable time. The parliament was dismissed; the National Security Council, as the location of sovereignty, appointed a cabinet composed of twenty-seven members led by the retired admiral Bülend Ulusu and Consultative Assembly composed of 160 members. The assembly elected a Constitutional Committee of fifteen members to restructure the whole configuration of social relations in the formation¹¹⁴. The power of the leftist oppositional groups was crushed and the construction of a political arena fully devoid of deviations (over political, ethnic, or religious identities) was targeted.

The coup d'état appeared at the culmination of a hegemony crisis and became the initiation point of promoting a slightly different version of expanded Kemalism which seemed insufficient to construct hegemony in the country at the time (Bora and Can 1990: 24). Thus, the September 12 administration made use of the “Turkish-Islamic Synthesis” (*Türk-İslam Sentezi*) promoted by the “Hearths of the Enlightened” (*Aydınlar Ocağı*) which were set up in 1970 by the nationalist-conservative intelligentsia to integrate the fragmented right-wing parties against the threat of communism. The main characteristics of this discursive formation were the incorporation of an authoritarian-fascist interpretation of Kemalism, the prominence

¹¹³ For a theoretical evaluation of the concept of “state of exception” see Agamben 2005.

¹¹⁴ The constitutional re-configuration of social relations and particularly of the relations between state institutions will be dealt with in the next chapter.

attributed to Turkish ethnicity, the use of religion, strict anti-communism and the elevation of the image of the “strong state”, all of which would contribute to the constitution of the “Ataturkist Nationalism” (*Atatürkçü Milliyetçilik*) of the post-1980 period. The configuration of the “National Accords” (*Milli Mutabakatlar*), which was composed in 1984 by the leaders of the Hearths provided the new administration a public philosophy which was based on the incorporation of Islamic elements (related to the Sunni fraction of Islam) to attain legitimacy, the emphasis on the “permanence of the state” (*devletin bekâsı*) issue, mobilization against diverse “threats”, the promotion of the “national culture” and rapprochement to the West on a technological and economic basis (Bora and Can 1990: 24-30).

This discursive formation was endorsed by the subsequent right-wing governments including the Motherland Party (*Anavatan Partisi*, ANAP) government which was elected in 1983 and governed until 1991 as the first civil government after the coup. The ANAP government under the leadership of Turgut Özal gathered under its roof both the Western/secular groups and the nationalist/conservatives, all of whom would contribute to the rapid integration of the country to global capitalism. This would be undertaken through a radical re-structuring of the accumulation regime that would be rendered ideologically hegemonic by binding liberal/nationalist/conservative elements into an exclusive neo-liberal discursive formation based on “economic nationalism”. Political economy was reduced to a technicality performed by technocrats and the rationality behind it set the economic performance as the indicator of national success with which the national sentiments would be satisfied (Taşkın 2004: 111). This neo-liberalization pattern, which Özkazanç (2005) depicts as the “Turkish-Islamic-Market synthesis”, included the combination of a strong-authoritarian state and a firm market-oriented rationality that

would prevent the questioning of the legitimacy of the coup d'état and would promote strict adherence to a tutelary administration. These would be achieved with the use of the threat of “pre-1980 anarchy” (Bora 2005b: 591) and a “law and order” rhetoric (Yalman 2002: 41) which helped to de-politicize the population and to degrade any attempts at criticizing the issues of democracy, citizenship rights or the configuration of social relations to the level of an obstruction preventing the attainment of “peace” (*huzur*) and “stability” (*istikrar*)¹¹⁵ (Özkazanç 2005: 637; Mert 2002: 65).

While the economic and social policies implemented in this period led to severe poverty and increased the visibility of the social classes, Özal gave special importance to the concept of the “middle/main pillar” (*orta direk*) within his discursive practices. Via this highly vague concept, he could express his preference both for the well-doers like the urban-secular groups and for the big bourgeoisie, rather than the “aggrieved ones” (*mağdurlar*) (Mert 2002: 74) and address, at the same time, by means of its vagueness, as many sections of the social formation as possible to stimulate expectations for upward mobilization (Yalman 2002: 43). In this manner, he became the instigator of the transformation of the “classless, homogeneous one nation” rhetoric which was applied via the “national will” concept and social welfare policies (the DP and AP legacy) into a “two nations” project. While retaining the nationalist-conservative elements of the previous decades as the main pillars of the current hegemonic discursive formation, he and his party incorporated a market-oriented rationality to it. Those who could adapt to this newly emerging market rationality, which was based on a synthesis of distorted individualism (incorporating a culture of “making an easy buck” enabled by the

¹¹⁵ How the labor unions were tried to be disciplined was evaluated in the previous chapter.

possibility of establishing informal ties [clientelistic networks] with the state) (Öngen 2002: 66; Özkazanç 2005), and a culture of consumption, joined the cadres of the first nation. The second nation was composed of those who posed a serious challenge to the system either by engaging in political oppositional activities (the labor unions, the affiliates of the Kurdish movement, leftists “left behind the age”, the Alevis etc.) or by constituting the “dangerous classes” gathering on the periphery of the big cities without being absorbed by the capitalist economy (Öngen 2002: 67). With the rise of political Islam, certain elements of it that threatened the stability and “permanence” of the state were also included into this group¹¹⁶. These groups which were the “others” of the system were by and large criminalized (Taşkın 2004: 113, 114; Taşkın 2006: 19).

Thus, it can be argued, by complementing Taşkın’s scheme (2004: 112), that in the 1980s four processes were speeded up: a) the rise of the market oriented popular culture that was extensively endorsed by the population including the bourgeoisie and the “elite” groups; b) widespread impoverishment and the rise of acute poverty; c) the estrangement of political Islam from the nationalist-conservative circles; d) the acceleration of the Kurdish movement (which would lead to a partial overlap between the impoverished population on the periphery of the big cities and the Kurdish population as a result of the forced migration waves into the big cities in the 1990s).

From the 1990s onwards, the main components of the hegemonic discursive formation, briefly presented above, were by and large retained. However, it must also be noted that there were significant additions, especially in the mid-1990s, when the exclusionary and repressive/coercive nature of state practices became more and more

¹¹⁶ As Taşkın (2004: 114) puts forward, the Fethullah Gülen community which made a considerable effort to join the “first nation” was endorsed as an instrument to tame political Islam until the February 28 process mentioned above.

visible both in the Eastern and Southeastern provinces as well as in other parts of the social formation (as has been explained in the previous chapter) in relation to the deepening of the neo-liberal turn and the impoverishment it caused (Özkazanç 2005: 642)¹¹⁷. In these years in which a severe economic crisis (the 1994 crisis to be followed by the 2001 crisis) was experienced leading to significant decreases in wages, salaries and agricultural support prices, it was also revealed that the military changed its defense concept which was no longer primarily based on external enemies but on the “internal” ones (Öngen 2002: 75, 76). This crystallization of the dominance of the “national security/terrorism discourse” came at a moment when the war waged in the Eastern part of Turkey heated up and it was further strengthened by the military’s intervention against political Islam via the National Security Council Resolution, leading to the dissolution of the government of the time which was made up of two parties one of which was Islamic-oriented. While this crystallized “security-oriented” discursive formation dominated the discursive terrain, it should be noted that it was not constructed only in relation to the armed or unarmed resistance of certain groups (primarily of the Kurds) but was also constructed in relation to the (allegedly) increasing criminal offences against property like mugging, breaking in and robbery. The media helped in the construction and intensification of anxieties over these issues which were mainly internalized by the urban middle classes, leading to a deep polarization and hatred within the social formation (Özkazanç 2005: 644).

Within this milieu, the late 1990s constituted a period in which the discourses of the right-wing and center parties started to increasingly resemble each other. The right wing parties became increasingly centralized and the center parties

¹¹⁷ These repressive/coercive state practices were directed against the labor movement together with the marginalized/unemployed population (which was tried to be presented in the previous chapter) and the Kurdish opposition (which is the main theme of this section).

(center-right and center-left parties) moved noticeably to the right. Though a disciplinary control was exerted over different Islamic communities, chauvinistic and militaristic circles (i.e. the MHP, the “hearths of the ideal” [*ülkü ocakları*] etc.) found once more a fertile ground to get connected to and feed the hegemonic “national security” discourse as well as contribute to it by providing a sense of belongingness to people who suffered from a loss of identity (which could only be constructed now with consumption patterns) and the tendencies of atomization experienced in the social formation¹¹⁸ (Bora 1994: 20; Özkazanç 2005: 643; Öngen 2002: 74).

Although the last years of the 1990s and the first half of the 2000s were also marked by discursive practices and maneuvers in relation to the democratization of the social formation which were basically compelled by the membership rules of the European Union, it can be argued that these moves (a couple of amendments in the constitution and the re-writing of the Turkish Criminal Code as well as the Code of Criminal Procedure), unfortunately, did not go further than being a rhetoric and a few re-adjustments, both because they did not provide a substantial change in the scope of basic rights and freedoms, the powers of the security forces (as will be examined in the next chapter) and the military and also because there exists an Anti-Terrorism Act in effect, which incorporated highly anti-democratic provisions. This predisposition to refrain from radical democratic moves was also reinforced by similar developments in other European countries like Britain, in which a highly anti-democratic Anti-Terrorism Act was ratified in these years.

Thus, it can be stated that in the late 1990s and early 2000s while the infrastructure of the neo-liberal accumulation regime, which was getting deeper, was institutionalized and legalized through the privatization waves, the re-structuring of

¹¹⁸ Also, as the state engaged in relations with the micro-power centers, the formation of gangs and participation in communities became overwhelming.

the social insurance and the retirement system, the public personnel law etc., the discursive terrain remained dominated by a combination of strict market-oriented rationality and a nationalist/conservative “national security” discourse, alarming part of the population against the “others” and legitimizing the coercive practices of the state.

The Kurdish Issue

Within these discursive formations, parts of the population, as mentioned above, came to constitute the “others” of the social body. These were the oppositional laboring masses¹¹⁹ and the urban paupers who were marginalized from employment opportunities¹²⁰, the Kurdish people expressing their identities and demanding rights over their identities, as well as the affiliates of the war in the East and Southeastern provinces, the Alevis and the radical Islamist groups. While the practices of the police over these groups will be touched upon below, it will be appropriate here to try to present the nature of the Kurdish problem, since it is the main issue creating the strategically selective terrain for the establishment of the two new departments in the police organization, namely the Special Operation Department and Anti-Terrorism and Operation Department.

The Kurdish problem which came to be depicted solely as a “public order and security” problem in official circles is related to the two structural components of the official narrative: one of them is the conceptualization of “Turkishness” that leads to incongruous citizenship practices and the other is the state’s “permanence” (*bekâ*)

¹¹⁹ It is significant that the Confederation of Civil Employees Union (KESK) was tried to be criminalized by the allegations that it provided financial support to the PKK (Taşkın 2004: 114).

¹²⁰ This was put forward in the previous chapter while evaluating the reasons of the establishment and the increasing usage of the Rapid Action Units.

anxiety which was the legacy of the foundational period of the Republic (Bora 1992a: 14, 15).

As to the first aspect, like it has been noted above, “Turkishness” had from the beginning more of a national meaning than one based on a citizenship (Yıldız 2004: 211) status denoting the state of having solely a political-geographical attachment to the state. Yeğen (2002a: 208-213) demonstrates, by referring to the constituting texts of the Republic, that there exists a gap between Turkishness and citizenship status; however, as Yıldız (2004: 18) puts forward, citizenship status is actually tied to the quality of being a member of the Turkish nation which signifies the Turkish citizens who are Turkish by origin, speak Turkish, and appropriate the Republican ideal as well as the Westernized Turkish culture. Üstel (1996; cited in Bora 1996: 176, 177; see also Üstel 2005) depicts the citizenship status in Turkey as necessitating the militant incorporation of national values which are loaded with elements of Turkish national identity.

This official understanding of Turkishness and its connection to citizenship status led in practice to either discriminatory or assimilationist practices. The former practices (i.e. the obstacles in the attainment of property; employment policies) concern those (like the minorities) who, most of the time, fell out of the scope of Turkishness; while the latter practices (i.e. settlement policies, the laws concerning the names etc.) entail those including the Kurdish population who were initially denied as to their existence (i.e. “there are no Kurds in Turkey”) (Aydın 2002) but, later, were usually depicted as “future Turks” who were assumed to have the possibility of becoming Turks by endorsing the Turkish culture and proving their loyalty to the Turkish state. However, the position of the “future Turks”, always inherited the possibility of falling out of the scope of Turkishness if one failed to

become a member of the Turkish nation in a confident and disclosed manner; thus, although Kurdishness was counted for most part of the Republican period within the scope of Turkishness, it came to stand on the threshold, keeping the possibility of discrimination alive and enabling their execution at certain critical times (Yeğen 2006: 47, 48). At those times, the status of citizenship could fall into jeopardy and the person in question could acquire the status of a “stranger” at best or an “internal enemy” at worst.

While the Kurdish issue has a structural (but not irreversible) component in this manner, it also has historical, relational and contingent aspects, as Yeğen (2002b) puts forward. He specifies approximately four stations in the historical transformation of this issue. His typology will be used here by incorporating the first three stations as they were specified by Yeğen but the fourth station will be changed in accordance with the author’s evaluation of the issue: 1) the late nineteenth century Ottoman policies aiming to liquidate the social-political configuration of relations in the region mostly inhabited by the Kurdish population; 2) the newly formed Republic’s efforts to transform the social formation around an ethno-political kernel; 3) the capitalization of the region from the 1950s onwards and the grievances caused by it; 4) and lastly, the armed struggle of the PKK which had been prepared from 1978 onwards, publicly started in 1984 and intensified at the beginning of the 1990s. Within this last phase, outright expression of the Kurdish discontent and its popularization have been realized along with the international rise of the “democracy” and “human rights” discourse, especially after 1989 with the dissolution of the Cold War and the rise of a Kurdish diaspora in Europe. The subsequent forced internal migration leading to the rise of impoverished masses whose conditions were aggravated by the neo-liberal policies of the state (the rising

suicide rates in the Southeastern provinces, high number of homeless children in big cities and the rise of the culture of violence as well as crimes against property and persons) increased the seriousness of the challenge posed by the Kurdish opposition, whose discursive practices synthesized the demands over democracy, human rights and the alleviation of poverty (Yeğen 2002b: 182-187).

As against this challenge, the governments and other state institutions which were guided by the military in the post-1980 period, with a discursive orientation that led to the evaluation of any attempt at criticism related to the issues of democracy, citizenship rights etc. as obstacles to the attainment of “stability” in the country, caused the structurally potential “internal enemy” image to emerge, with respect to the Kurdish population. This image was also built with the help of the civil nationalist circles over the constructed anxieties concerning the “permanence” of the Turkish state (Bora 1992a). All the disclosed Kurdish oppositional activities in these years came to be criminalized as “terrorist incidents” (Bora 1992b: 49) and were depicted as “divisive activities/treason” with foreign connections (implying the Western powers that allegedly aim to divide Turkey) which had to be immediately discarded via the army and police organization’s “self-defense” struggle¹²¹. This image was strengthened with the symbolic transfer made between the Armenians who were coded as “traitors engaged in treason during the dissolution period of the Ottoman Empire” (a period in which the “permanence” of the state issue, jeopardized by the “internal” and “external enemies” images, became a persistent raving) and the Kurdish people who were depicted as treacherous and ungrateful instruments of the

¹²¹ As Bora puts forward, at the root of the anxieties over the terrorist/divisive activities and the “permanence of the state” issue lies the equivalency, constructed from the 1960s onwards, between communism and terrorist/ divisive activities (Bora 1992b: ; Bora and Can 2000: 49).

imperial West¹²² (Bora and Can 2000: 58; Yeğen 2006). As a peak point within this perspective, the military authorities used the “so-called citizens” phrase in 2005, during the eventful days after the Newruz celebration (March 21, the day symbolizing the Kurdish New Year), to depict the demonstrating Kurdish people. Based on this discursive map, the army with the help of the police organization, having set up the two new departments (the Special Operation Teams/Department, the Anti-Terrorism and Operation Department), waged a “low intensity war” from 1992 in the Southeast of Turkey, until 1999 when the PKK decided to cease fire.

The Journal *Polis* in the 1980s and the Construction of the Image of the “Divisive Traitor” within Police Circles

It will be beneficial at this point to take a very brief look at the journal *Polis* of the 1980s, to complement the picture presented above as to the hegemonic discursive formation of the country in the post-1980 period. It has to be noted that this will be a limited presentation since merely the journal volumes of five non-consecutive years between 1980 and 1989¹²³ were examined; however, it must also be mentioned that the themes presented below were raised several times in the journal in these years, within the speeches of the high ranking officials of the police organization published in the journal or in the articles written by the permanent writers of the journal, one of whom (Hüseyin Öztürk) was both the president of the Retired Police Officers’

Association and the owner of the journal (*imtiyaz sahibi*). Thus, they may give an

¹²² The Regional Governor of the State of Emergency (*Olağanüstü Hal Bölge Valisi*) Ünal Erkan declared on May 29, 1994 that: “In the last twenty-five days five hundred terrorists were killed and six hundred of them are captured wounded. Most of the terrorists who died in the armed conflicts were not circumcised. Who are they? Most of them are Armenians. Their head will be crushed, they don’t have a chance. We are crushing the head of the snakes. Our ancestors once crushed, we also crush them. Tomorrow they will throw another seed of strife” (*Milliyet*, 29.05.1994).

¹²³ The journal issues of five years, 1980, 1981, 1984, 1987, 1989, which were chosen randomly, are examined for the years between 1980 and 1990.

idea about the nature of discursive practices prevalent in the police organization circle in the aftermath of the coup d'état.

The journal volumes of these years were predominantly occupied with the institutional and legal changes that gained momentum after the coup and the international relations of the organization which were carried out primarily with the International Police Association (IPA). However, there are three significant themes recurring in the journal, which are worthy of mentioning here considering the subject of the chapter. One of them was raised especially before and after the coup and the rest were frequently raised in the journal all throughout the period. The first theme is the admiration and endorsement expressed towards the army and the 1980 coup d'état; the second one is the gradual enlargement of the "internal enemy" image constituted by "anarchist/communists" to include the "divisive and destructive" elements (bandits (*eşkiya*)/gangs/terrorists) which mainly implied the people engaging in the armed rebellion of the PKK; and the last one is constituted of nationalist arguments on the "homogeneity and unity of the Turkish nation" and the militaristic portrayal of police duties. Elaborating how these themes came up in the journal will help us to show how the changing social relations and their dominant discursive representations found their exclusive reflection within the circle of the police organization from the Minister of Internal Affairs and the Director-General of Security, to the permanent writers of the journal, and also how these opened a strategically selective terrain for the establishment of new units in the organization.

Regarding the first theme, it can be stated that the police journal contains repeated eulogies for the army and the 1980 coup, immediately before and after the coup. Among the articles published on this theme, the most striking is the one in which the day of the coup was designated as "peace and order day". In that article it

was argued that the army via the coup commanded people to return to Atatürk's principles and it was the only representative and indispensable part of the Turkish nation as every child was born as a soldier. The takeover of the army was interpreted as a relief for the police organization (Öztürk, 1980: 3). The author of this comment, who was the owner of the journal on behalf of the Retired Police Officers' Association, asserted his admiration for the army, again, in January 1981, in the following way: "In the year 1980, which was a period of despair and hopelessness, the Turkish nation was brought into light with the 'protection and caring' (koruma ve kollama) operation of the Turkish Armed Forces, which rose over the country like a sun" (Öztürk, 1981a: 3).

In February 1981, in the opening article of the journal it was claimed that the domestic expeditions of the National Security Council [which was composed of the military junta] created an atmosphere of joy and celebration throughout the country (Öztürk, 1981b: 3). In accordance with these appraisals of the army and the military junta, the declarations of the Chief of the General Staff and the leader of the coup d'état, Kenan Evren, were frequently published in the journal with affirmation (*Polis* 1980 [331], *Polis* 1980[334], *Polis* 1980 [340], *Polis* 1981 [344], *Polis* 1981 [352] etc.).

The second theme is related to the "internal enemies" issue. One of the most explicit solidification of the foe/revenge duality brought about by the depictions of the communists as "internal enemies" is observed in one of the articles of the responsible editor of the journal, Galip Öрге, published in the journal's February 1980 edition. He stated that:

We cannot win a victory as long as the root of these anarchists, whatever their origin, is not dried up; if they are not put into painful desperation; if the chiefs of these people who become instruments are not arrested and exhibited to the Turkish public...Let's, together,

smash the head of the anarchy snake, fearlessly, for the nation, for our national unity, for the permanence of the state, for the unity of the Turkish existence. Let's hit and hit. Until it dies...Let's be relentless in evil intention to the existence of the ones who have evil intentions towards the Turkish existence... Let's fight together as a nation against the Communist threat that has appeared on our horizons... [w]ith the great pride of being Turkish... Let's contribute to the army and the security forces with all our strength... Let's do our duty as responsible idealists (*ülküdaşlar*) who have spread their wings over Atatürk's principles and revolutions (Örge 1980: 33).

However, as indicated above, towards the mid-1980s, the “communist/anarchist” image was expanded to include primarily the affiliates of the Kurdish conflict. Accordingly, the Minister of Internal Affairs, Yıldırım Akbulut, declared in a seminar given to the entire Directors of Provincial Directorates of Security in 1987 the following: “The members of the destructive and divisive gang in the East and Southeastern Turkey should not forget that their wild actions will not be left unpunished and they will be smashed under the crushing (*kahredici*) power of the Turkish security forces” (Polis 1987 [419]: 5). In the same seminar, the Director-General of Security, Saffet Arıkan Bedük, depicted the divisive “internal enemies” as people that fell out of the category of humanity:

It must be known that these *inhumane* (*insanlık dışı*) people are pursued closely by the Provincial Directorates of Security and their special personnel throughout Turkey...To be able to annihilate these divisive bandits (*eşkiyalar*), our police work in cooperation with our military troops (*Polis* 1987 [419]: 38, 39, *italics added*).

For “annihilating these bandits” new units were formed (as will be explained below) and a field exercise of one of these units, the Special Operation Teams, was portrayed in the journal in 1987, in the following manner: “...helicopters flew, bombs exploded. Arms spoke and how the anti-terrorists will serve against the terrorists and how they will extinguish the terrorists and anarchists were explicitly demonstrated through a field exercise” (Polis 1987 [418]: 5). The advice of an instructor of the police organization, Mustafa Malay, which was given to the new

graduates at the diploma ceremony of the Istanbul Police Education Center in 1987, reflected the same polarized and resentful approach against an “enemy” which happened to be from inside the country:

...be cruel against the villains who dream with their silly brains of dividing and destroying our heavenly country from the inside and who shoot our innocent citizens in the back without differentiating between young or old, man or woman. Stand against them as steel shields and smash them into bits (*Polis* 1987 [425]: 10).

The third theme in the journal that continued to be upfront in these years can be specified as incorporating three issues: a) the alleged “homogeneousness” of the Turkish nation and its “intact nature” which was held with a highly nationalist (even racist at times) tone; b) the symbolic meaning transfer made between the military and the police organization; c) the promotion of a militaristic patriotism. In one of the peak examples of this theme, the denial of the official perspective as to the existence of ethnic groups in the country was repeated with vigor and with a racist tone:

The Turkish nation is a body of people who incorporate solidarity and blood unity like in no other country of the world... According to the World Scientists of Anthropology, the Turkish nation is one of the few nations, among the other world nations which mingled with each other, to create a homogeneous (national solidarity) unity, not corrupted and degenerated with respect to a major part of its body of people. It has to be explained today that some minor groups in our country which are started to be called ethnic groups are in fact people who departed from the generational states of the Turkish nation which constituted the basis of the Oğuz, Uygur and the Altınordu states (*Polis* 1980 [334]: 3).

This approach was re-emphasized by one of the permanent writers of the journal, Galip Öрге, in 1986: “The Turkish nation has a great homogeneity and shows great attachment to the integrity of the motherland and nation, and these qualities, making one extremely proud, exist in no other country” (Öрге 1986: 13). While the “homogeneity” of the nation was underlined several times, it was also revealed, in an article one year later, that a foe/revenge duality also accompanied this perspective,

revealing vividly the degree of the marginalization of those groups who acted against this imagined “homogeneity”:

These sold-out infamous people (*satılmış alçaklar*) forget the existence of the whole Turkish youth who compete to get elevated to the status of martyrdom or war veterans and sacrifice their life for their Republic and Turkish nation... It is not possible that these sordid people, who pronounce the watchword “wherever you are, make the Turkish state restless” and engage in demonstrations with technical weapons in the East, can have the Turkish blood (*Polis* 1987 [423]: 3).

Against these people, according to the Head of the Police College, Salih Zeki Yiğit, the Turkish youth, who would join the Police Organization, was being educated by the instructors who were attentive “to teach the seriousness of being a *Türk*, being a police officer, and the necessity of obeying the customs, traditions and moral rules of Turkish society, having discipline and abiding by commands and directives” (*Polis* 1987 [421]: 5, *italics added*). It was the defense of the state (and the nation) that mattered most for these graduates: “We keep the love of the nation, motherland and flag above anything because it is this love that provides the permanence of the state” (*ibid*; *italics added*). It was reiterated by another instructor of the College that the police were educated to defend the nation: “We are educating guardians who are mentally and physically strong and elevated and we are sending them to the hearth of the nation, motherland as the youngest and newest members of the Police Organization” (*Polis* 1987 [421]: 6; *italics added*).

To put it briefly, it can be argued after an examination of the journal *Polis* that, in the 1980s, an alarmed, polarized and resentful attitude with highly nationalist tones, which was, before, stimulated against the “communist/anarchist” groups, extensively persisted within the police organization circle, this time against an enlarged group which was depicted vaguely as the divisive/destructive elements. In most of the articles and the speeches of the police authorities that were published in

the journal issues (which were examined), an admiration for the army and the coup d'état was implicated and a foe/venge duality resulting from taking part in a “war” (along with the army) could be sensed, conducive to reducing the discontent in the country to solely a “security” and “public order” problem that had to be done with. The depiction of some groups as “inhuman” and as “not having Turkish blood” (in spite of the generally pursued assimilation policies) indicates the degree of “otherness” attributed to them and the high possibility of their being treated as “banished” people in the Agambenian sense (Agamben 1998; 2005).

Special Operation Teams/Department, the Anti-Terrorism and Operation Department
and the Anti-Terrorism Act (1991)

Special Operation Teams/Department

The Special Operation Teams were constituted in 1983¹²⁴ within the concurrently established Special Operation Branch Directorate (*Özel Harekat Şube Müdürlüğü*) under the Public Order Department of the General Directorate of Security and within the Special Operation Group Authorities (*Özel Harekat Grup Amirlikleri*) in Ankara, Istanbul and Izmir Provincial Directorates of Security. A Field Officer (Korkut Eken)¹²⁵ who was the vice-Commander of the Special Units of the army's Special

¹²⁴ The legal procedure of its establishment is not specified in the official publications of the General Directorate of Security including its website (www.egm.gov.tr). It was most probably established with a decree which was not published in the *Official Gazette (Resmi Gazete)* or just with a ministerial approval.

¹²⁵ Korkut Eken graduated from the Territorial War School (*Kara Harp Okulu*) in 1965 and worked as Team or Squadron Commander in Commando Brigades, Landing Brigades, and Cyprus Turkish Forces Regiments. He participated in the Cyprus Peace Operation and was appointed as Commander of the Special Units of the Special War Department in 1978, which was composed of specially trained officers and non-commissioned officers. During this post, he joined courses in foreign countries. In 1982, he was assigned to educate the Police Special Operation Teams. In 1987, he willingly retired from the Turkish Armed Forces as a Lieutenant Colonel, and joined the National Intelligence

War Department (*Özel Harp Dairesi*) took an influential part in the formation and education of these para-military police teams (which initially amounted to forty people) and, as he confirmed, educated them according to the American system¹²⁶. The duties of the teams, which were supplied with high-tech arms, equipments and vehicles and educated according to the techniques of guerrilla warfare, were specified in the official publication of the General Directorate of Security as “the prevention of the armed activities of terrorist organizations in inhabited areas or the countryside; to pacify or arrest the perpetrators of the realized activities; to rescue the persons who are kept as hostages in interiors like the airplanes, vehicles or buildings” (EGM 2000: 117).

The teams were introduced in a daily newspaper (*Milliyet*) in 1989 with the title “Masked Special Teams”. In this introductory news, both the teams’ para-militaristic quality and the media’s contribution to a highly militaristic outlook on the subject were revealed:

The special shooting teams which protect the Syrian border from infiltrations are trained everyday with heavy arms and equipments and by way of running for hours. During the shootings that the team members perform with the automatic guns on the target planes, on which the pictures of the women militants are attached, they hit the mark from the twelve. The “masked special shooting team”, which was established to prevent the infiltrations of the members of the PKK and other terrorist divisive organizations, is set to work. It was denoted that they knew the local languages and skillfully used the modern weapons they carry. It was also declared that they were experts in the struggle against the urban guerrillas (*Milliyet*, 31.01.1989).

Organization (*Milli İstihbarat Teşkilatı*, MİT) as the vice-President of the Security Department. He left MİT in 1988. He accepted the proposal made to him by Mehmet Açar in 1993 to re-equip and re-organize the education of the Special Operation Teams within the General Directorate of Security. After the Susurluk accident in 1996, he was charged with the crimes of establishing a crime organization and leading it and was sentenced to 6 years of imprisonment. He went into prison in 2002 and was set free in 2004 (Beşe 2006: 117).

¹²⁶ For this and more information about Korkut Eken see the interview made with him by a journalist, Saygı Öztürk, which was published in the book, *Devletin Derinliklerinde* (2002). Part of the interview was also published on a website addressed <http://www.korkuteken.com/kimdir.htm> In this interview, he notes that the Prime Minister, Turgut Özal, rewarded him for his work concerning these Special Teams and subsequently demanded the education of a higher number of teams in a short time.

In 1987, the Special Operation Branch Directorate was taken from under the Public Order Department and tied to the Anti-Terrorism and Operation Department within the General Directorate of Security. The year 1993, in which the conflict with the PKK heated up, became a turning point for the teams which would eventually come to the forefront. In July 1993, the then-Prime Minister, Tansu Çiller appointed Mehmet Ağar as the Director-General of Security. Ağar, subsequently, opted for Korkut Eken as his advisor and as the educator of the Special Operation Teams. İbrahim Şahin, a student of Korkut Eken, became the Chief of the Department¹²⁷. It was made public that the “Çiller Method”, which was devised after an examination of the Anti-Terrorism techniques used in Spain, Britain and France, would be applied to the Southeastern provinces. This method would incorporate tough measures (which were basically militaristic as was later experienced) as well as measures incorporating the psychological dimension¹²⁸ of the issue (*Milliyet*, 10.07.1993).

In consequence, the Special Operation Branch Directorate was organized as a separate department¹²⁹ (as the Special Operation Department) the director of which was responsible directly to the Director-General of Security. This re-organization was enabled by a decision of the Council of Ministers (*Bakanlar Kurulu Kararı*) dated July 26, 1993, which was not published in the *Official Gazette (Resmi Gazete)*. The opening of a Special Operation Police School and the education of the personnel for at least 3 months were made possible by a decree published in August 12, 1993

¹²⁷ It would be revealed in 1996 after an accident occurred in the town, Susurluk, that these people (Ağar, Eken, Şahin) were all part of an organization, in which the mafia and state officials as well as the parliamentarians collaborated on certain issues.

¹²⁸ The measures concerning this dimension were fulfilled most probably by the Psychological Operation Branch Directorate (*Psikolojik Harekat Şube Müdürlüğü*) which was established within the Anti-Terrorism and Operation Department in 1994 (EGM 2000: 131).

¹²⁹ It was turned into a separate department for making the quick purchase of arms and equipments possible. The Department was composed of Education, Personnel, Support and the Operation Planning and Evaluation Branch Directorates. In the provinces the Special Operation Group Authorities was transformed into Branch Directorates (EGM 2000: 118).

(Beşe 2006: 115). In accordance with this decree, the would-be recruits of the teams, whose numbers would be substantially increased¹³⁰, would be selected from volunteering police officers as well as from citizens who had carried out their military service as commandos and were discharged three years ago, at the most (*Milliyet*, 09.08.1995). The selection criteria, which reminds one of the selection standards of a military post, encompassed the vocational criteria of the police organization as well as physical abilities like being prone to sports, being physically strong, cold-blooded, disciplined and good at shooting (EGM 2000: 119). The directive (*yönetmelik*) regulating the working conditions of the Department was prepared by Mehmet Aġar, approved by the Council of Ministers and kept as a “highly confidential” document (Beşe 2006: 115; Savař 1997). According to both the officials of the police organization and the Prime Minister, Çiller, the transformation of the Branch Directorate into a Department and the expansion of its members meant the “professionalization of the war” executed in the Southeastern provinces which would be realized with the cooperation of the Police Special Operation Teams with the army Special Units in the countryside under the supervision of the army (*Milliyet*, 19.07.1993).

In the following months, it started to be pronounced that the Special Operation Teams were mostly populated by the radical nationalists/idealists (*ülküçüler*). In August 1993, it was stated in a daily newspaper, *Hürriyet*, beneath the headline “Army of Idealists against the PKK” that the Special Teams would be constituted mainly of radical nationalists. In *Ortadoġu*, a newspaper endorsing the nationalist circles’ line, it was reported that a high number of nationalists/idealists had applied to become members of the Special Operation Teams (Bora and Can

¹³⁰ İbrahim řahin (chief of the Special Operation Department) announced in 1995 that they intended to increase the number of the Special Operation personnel up to 10,000 (*Milliyet*, 09.08.1995).

2000: 70). Accordingly, in an interview made with the team members, they called people to join the “special army”¹³¹ not for the sake of money but to fight for the love of the motherland, the nation and the state (*Milliyet*, 10.08.1993).

However, the concentration of MHP circles in these teams and their explicit exhibition of this affiliation created certain tensions even among the state officials who were close to these circles. While most probably not having a problem with their affiliation, the Regional Governor of the State of Emergency, Ünal Erkan told them to care for their looks and to give an appropriate shape to their beards and moustaches: “Have an appropriate look with your clothes. Some things belong to people’s hearts. The beard and the moustache do not prove anything (*Sakalla bıyıkla bir şey olmaz*)” (*Milliyet*, 15.08.1994). But, in the following days, a severe criticism came from a member of the parliament affiliated with the Welfare Party (*Refah Partisi*), Şevket Kazan, as to their affiliation:

One of the reasons for our demand to hold the meetings in a confidential way, concerning the State of Emergency, is the structure of the teams which are called the “Special Teams”. Now I clearly understand why Türkeş has supported the government that willingly. Türkeş has been a person, heretofore, who talks about democracy but intends to solve the problems of the country with weapons...Some of these teams make the sign of grey wolves. Are they protecting the state, or are they making propaganda and acting as the armed militants of a political party? These are dangerous. We will voice our concerns in the Parliament (*Milliyet*, 23.08.1994)¹³².

The critical moment, on this issue, came in August 1995 when the Special Teams performed a demonstration in Tunceli in front of the Regional Governor of the State

¹³¹ The suggestion to organize a “special army” had come from the MHP (*Milliyetçi Hareket Partisi*, National Action Party) circles and the concept was also used by the then Prime Minister Çiller, especially in August 1993, during the discussions over the decree concerning the expansion of the Special Operation Teams both in the police organization and the army and the opening of their school. However, Demirel reacted adversely renouncing the idea of a “special army” which, according to him, carried the danger of making possible for these teams to act independently from the state (*Milliyet*, 14.08.1993).

¹³² Kazan argues in the same speech that these people had also taken part in the nationalist-communist polarization in the pre-1980 period as well as the Sunni-Alevi one. And now, according to him, effort was made to create a Turkish-Kurdish polarization and those same circles were also taking part in it. In his opinion, these polarizations were the *raison d’être* of these people (*Milliyet*, 23.08.1994).

Emergency, Ünal Erkan, and the Director-General of the General Directorate of Security, Mehmet Ađar, to protest the Governor of Tunceli and to call him to quit. The demonstration can be interpreted as showing the degree of their confidence in calling a governor to quit. An investigation was opened about these team members, four of whom were dismissed. The illegal demonstrations of these teams in general and their bad behaviors towards the local people became an issue in the Ministry of Internal Affairs. It was announced that the General Directorate of Security decided to freeze the number of the teams and started the proceedings to decrease them. Accordingly, the number of candidates who were accepted to the courses was to be decreased. The team members who were working in the East and Southeastern provinces would be appointed to the Western provinces and the education of the teams would be reorganized to incorporate courses on human rights” (*Milliyet*, 02.08.1995; *Milliyet*, 09.08.1995).

In the following years, it became apparent that appointing them to the Western provinces was not a solution, on the contrary, it created further problems. In the report, which was prepared on the Susurluk accident by the Investigatory Council of the Prime Ministry (*Başbakanlık Teftiş Kurulu*) in 1997¹³³, Kutlu Savaş, the head of the Council, indicated that there would be five thousand Special Team members working in the provinces out of the region in 1998 and 1,600 team members would continue working within the region of the State of Emergency. He drew attention to the “Southeastern Syndrome” which was already creating problems in the big cities. The Special Team members who had been heavily armed and got involved in the chasings in mountains and villages in the Southeast were coming across persons from these villages, in the Western provinces. The team members, who were once

¹³³ The report can be viewed on this website: <http://siyaset.bilkent.edu.tr/susurluk/kutlu/>

close to one another and were appointed together to the same Directorates of Security in accordance with the preference of Directors of Provincial Directorates, constituted “defensive” groups against these people. The second problem was related to their naturalized and widespread proceedings in the Southeastern region. Savaş (1997, *italics added*) formulates the problem in this way:

It has to be openly declared and confessed that; alongside the arrested PKK members or those who were captured dead, were found arms, bullets, equipments, explosives, wireless radio and even bags of food and clothing; however there could not be found any money or exchange money. Even the arrested region or team authorities [of the PKK] whose code names were specified did not provide any money... The officials who worked in the region have the conviction that taking the life and property of the PKK terrorist was *legitimate (helal)* for the state. Later, in the Western provinces, the Kurdish groups, who have migrated from the East and who are depicted as ‘not restful’ by the Public Order police officials, are becoming the targets of these Special Teams. To control and become the partner of the illegal earnings of these Kurdish groups who have established control over the market place or underground world activities are evaluated as a ‘legitimate business’ (*helal bir iş*).

As to their recent official activities, the teams participate in the operations against the PKK, (which were intensified from 2003 onwards, while four hundred new personnel were recruited and sent to Diyarbakır, Hakkâri, Şırnak, Bingöl, Mardin, Muş, Batman, Bitlis, Siirt and Ağrı [*Evrensel* September 3, 2005]), Hizbullah, El Kaide, DHKP-C (*Devrimci Halk Kurtuluş Partisi-Cephesi*, Revolutionary People’s Salvation Party-Front), TKP-ML (*Türkiye Komünist Partisi – Marksist Leninist*, Communist Party of Turkey-Marxist Leninist), TİKKO (*Türkiye İşçi Köylü Kurtuluş Ordusu*, Worker Peasant Salvation Army of Turkey), MKP (*Maoist Komünist Parti*, Maoist Communist Party) and MLKP (*Marksist Leninist Komünist Parti*, Marxist Leninist Communist Party) (Beşe 2006: 118) and the teams also take an active part in the “operations” within metropolises, like the home raids executed in the marginalized shanty towns which were touched upon in the last chapter.

In 2002, for the first time, the method of the operations was standardized with a directive. The directive which was prepared within the Special Operation Department and approved by the Minister of Internal Affairs was composed of certain conditions to be met. Some of these can be briefly listed as the following: a) in every operation the Special Operation Teams will take part. b) The planning of the operation will be executed by the unit related to the crime in question, in cooperation with the intelligence units and other related units. The prosecutors will be informed. c) The planned operations and the ones involving hostages will be executed exactly according to the directive. During the “instant” operations as well as the discrete (*münferit*) ones not having the possibility of armed conflict, the conditions of the directive will not be applied. d) The operations will be terminated with the lowest possible risk by paying attention to the protection of the physical integrity, the material goods and the moral being of the targeted persons, victims and the unrelated people in the surroundings. e) The operation will be kept confidential. f) Sharp snipers will be located at the arrest point. Everybody will use protective equipment. g) If there is the possibility of armed conflict, an operation center will be constituted. The communication means of the targeted persons will be rendered ineffectual. Electricity, water or natural gas sources will be cut off and an ambulance as well as a fire brigade will be kept ready at the operation area. h) The communication about the operation will be kept confidential and a special wireless radio channel will be used. i) There will be no shooting by the personnel at any stage other than the ones performed for an arrest. j) There will be experts and educated personnel on the operation area. If there is none, a psycho-therapist or a psychiatrist will be appointed. If there is any need he/she will provide communication between the officer in charge of the operation and the target (*Radikal*, 21.01.2002).

It is significant that the first directive (at least the first directive to be made public) was prepared in 2002 at a time when the number of the teams and their operations in the Western provinces showed a predilection to increase. The directive is evaluated in the newspapers as reminiscent of the American system (*Hürriyet*, 21.01.2002) and it can be argued that the need to prepare such a regulation, in which the suspects are designated as “targets”, may have resulted from a changing pattern of policing in the cities which is drawing closer to a para-militaristic line (as was presented in the previous chapter).

At the moment the Special Operation Branch Directorates are present in forty-eight provinces (EGM 2000: 118) and there are approximately 9,300 educated personnel, around 4,400 of them are currently employed throughout Turkey (*Evrensel*, 03.09.2005). Up to now, four Uzbek and forty-four Cypriot internal security personnel were educated within the Department and courses are opening in which the personnel of other units in the Directorates of Security as well as the internal security personnel of Turkmenistan, Palestine and Macedonia are educated.

The Anti-Terrorism and Operation Department

The other department in the police organization that was re-organized in the 1980s in relation to the Kurdish question was the Anti-Terrorism and Operation Department under which the Special Operation Teams worked between the years 1987 and 1993. The department previously dealt with the “anarchist” activities of the pre-1980 period as a branch directorate (Destructive Activities Branch Directorate) under the Security Department (*Güvenlik Daire Başkanlığı*; previous to 1971, the First Branch/the Political Branch; *1. Şube/Siyasi Şube*) and from August 26, 1986

onwards, it was established as a separate department, with a ministerial approval, under the name of “Anti-Terrorism and Operation Department”. This separation was justified as the result of “the transformation of the destructive activities against the security of the country into armed activities from the 1970s onwards”, “the intensification of terrorism” (apparently referring to the activities of PKK) and the need to “render the struggle against terror effectual”¹³⁴.

The Department was originally composed of six branch directorates: the Communication and Coordination Branch Directorate, Foreign Lands Terrorist Activities Branch Directorate, Anti-Divisive Terrorism Branch Directorate, Anti-Right Wing Terrorism Branch Directorate, Anti-Left Wing Terrorism Branch Directorate, and the Operation Branch Directorate¹³⁵ (which became the Central Operation Branch Directorate in 1992) (ibid.). In 1994, as the Central Special Operation Branch Directorate turned into a separate department (Special Operation Department), a new branch directorate, under the name of Psychological Operation Branch Directorate (*Psikolojik Harekat Daire Başkanlığı*), was established in its place as a remarkable modification. The task of this Directorate was specified as:

to support the struggle against terrorist organizations by taking into account its psychological dimension via preparing written, visual or audio propaganda materials and engaging in propaganda activities; to work in coordination with the provinces to prepare psychological operation plans which are to be implemented on time and permanently to present the real nature of the terrorist organizations and enlighten the public and if necessary to support these activities by actually participating in them (EGM 2000: 132).

¹³⁴ See the website of the department: <http://www.egm.gov.tr/temuh/index.html>

¹³⁵ The names of the branch directorates, in their original form, are as the following: *Haberleşme ve Koordinasyon Şube Müdürlüğü*, *Yurtdışı Terör Olayları Ş.M.*, *Bölücü Terörle Mücadele Ş.M.*, *Sağ Terörle Mücadele Ş.M.*, *Sol Terörle Mücadele Ş.M.*, *Harekat ve Operasyon Ş.M.* (*Merkez Özel Harekat Şube Müdürlüğü* from 1992 onwards). After a couple of modifications, the name of the Foreign Terror Incidents Branch Directorate was turned into Human Rights Branch Directorate (*İnsan Hakları Şube Müdürlüğü*) in 1999 and the name of the Communication and Coordination Branch Directorate was turned into Investigation and Evaluation Branch Directorate (*Araştırma ve Değerlendirme Şube Müdürlüğü*) (EGM 2000: 131).

This is a very significant phenomenon demonstrating that the police organization actively engages in the construction of the social body by preparing psychological operations. It means that through propaganda they inculcate in the masses certain values and norms (which are apparently nationalistic and militaristic) and participate in the creation of the hegemonic discursive formation in the country, within which the discursive practices normalizing the coercive/exclusionary practices of the state have become gradually more noticeable.¹³⁶

The “terrorism” definition endorsed by the Department is the same with the first article of the Anti-Terrorism Act (1991). “Terrorism” is:

all the various activities performed by a person or persons who are members of an organization aiming to change the qualities of the Republic which are indicated in the Constitution, to change the political, legal, social, secular, economic order, to disarray the State’s indivisible integrity with its territory and nation, to endanger the existence of the Turkish State and Republic, to weaken or to destroy or to grab the state’s authority, to terminate the basic rights and freedoms, to disarray the internal and external security of the State, public order, or the general health by way of one of the methods of repression, coercion and violence, intimidation, deterrence, suppression and threatening¹³⁷ (EGM 2000: 131, 132).

In accordance with this wide and vague definition, the Department pronounced to have the following clusters of tasks to be performed by its personnel (EGM 2000: 132, 133): a) to plan and design operations at the highest level and to coordinate them between the provinces (and whenever necessary to participate in them); to

¹³⁶ Another significant modification was the establishment of the “Missing Persons Investigation Bureau Authority” (*Kayıp Kişileri Araştırma Büro Amirliği*) in December 1996 under the would-be Human Rights Branch Directorate. It is ironic when the high number of missing persons who, as claimed by the Mothers of Saturday, disappeared after being taken under detention, is taken into consideration.

¹³⁷ The organizations which are specified as terrorist organizations by the Department are the following: DHKP/C (*Devrimci Halk Kurtuluş Partisi-Cephesi*, Revolutionary People’s Salvation Party-Front), MKP (*Maoist Komünist Partisi*, Maoist Communist Party), TKP/ML (*Türkiye Komünist Partisi/Marksist Leninist*, Communist Party of Turkey/Marxist Leninist), MLKP (*Marksist Leninist Komünist Parti*, Marxist Leninist Communist Party), PKK/KONGRA-GEL (*Partiya Kalkeran Kürdistan*, Kurdistan Worker’s Party), KHK (*Kürdistan Halk Kongresi*, Kurdistan People’s Congress), PŞK (*Kürdistan Devrim Partisi*, Kurdistan Revolution Party), PDK/Bakur (*Kürdistan Demokrat Partisi/Bakur*, Kurdistan Democrat Party/Bakur), Hizbullah, HD (*Hilafet Devleti*, The State of the Caliphate), İBDA-C (*İslami Büyük Doğu Akıncılar Cephesi*, The Front of Islamic Great Eastern Raiders), Tevhid-Selam (*Kudüs Ordusu*, The Army of Jerusalem), El Kaide.

identify the terrorist links inside and outside the country, b) to engage in the preparation of regulations to complete the deficient parts of the administrative and legal infrastructure, c) to evaluate the information gathered from every source about the terrorist organizations, members of these organizations and the persons who are the sympathizers of these terrorist organizations, d) to prepare meetings, regional meetings, conferences and seminars between public institutions and the provincial Security Directorates for cooperation and coordination and sharing information e) to specify and take proactive measures against the terrorist elements which harm the Turkish economy or will harm it, f) to provide information to the judicial institutions and other public institutions, g) to engage in psychological operations¹³⁸ h) to ensure the protection of human rights during the anti-terrorism struggle and to implement the obligations necessitated by the international agreements; to investigate the “human rights claims” and provide information to the necessary agencies¹³⁹, i) to pursue the conditions of the personnel about whom an administrative or judicial investigation is conducted because of their deeds while performing their jobs and to engage in coordination whenever necessary, j) to prepare educational activities and expertise courses in cooperation with related institutions to educate the personnel of

¹³⁸ As we learn from the publication of the General Directorate of Security, these operations are conducted through the internet by preparing websites, and via “educational cassettes”, declarations, books, brochures, posters which are distributed to educational and public institutions (EGM 2000: 133).

¹³⁹ To have an idea of the limits of the General Directorate of Security’s perspective on the issue of human rights, it is worthy to quote the opinions of one of the Branch Director of the Anti-Terrorism and Operation Department, Birol Aydın, presented in the “Symposium of Security and Peace in East Anatolia” (*Doğu Anadolu’da Güvenlik ve Huzur Sempozyumu*) prepared by the Governor’s Office of Elazığ, Elazığ Provincial Directorate of Security and Rectorate of Fırat University in 1998: “In countries where the human rights ideal is tried to be accomplished, it is possible to see that terrorist activities that nullify this ideal take place and in the countries where terrorism makes its presence felt intensely, it is possible to see that human rights ideals occupy an important place in the discourses of the terrorists... [t]he terrorists are very talented in using the human rights [discourse], that have no meaning for them, as a shield and weapon against the people who struggle against terrorism. Because of the great effect that the high ideal of human rights create in souls, this abuse is not noticed most of the time and the attitudes displayed with good will because of the loyalty shown to this ideal may actually provide an undesired help to terrorism and may cause harm to the anti-terrorism struggle. Eventually the biggest harm is given to human rights” (Aydın 1999).

the headquarter and Provincial Directorates¹⁴⁰ (EGM 2000: 131-133). On November 5, 2001 a directive (Anti-Terrorism and Operation Department's Establishment, Duty and Work Directive) which was kept confidential and not published in the *Official Gazette*, was issued.

It can be argued that this vague "terrorism" definition, which depicts "various activities"¹⁴¹ of people and organizations which "aim" to reach the various vague objectives listed above¹⁴² (apparently may not be put into action yet) as within the category of "terrorism", as well as the wide range of tasks of the Department listed above both enable the police to monitor a big portion of the social body from "sympathizers" of "terrorist organizations" to the people who are allegedly harming the economy. These provisions construct various ways of facilitating the intervention of the state and increase the discretionary powers of various institutions from the police organization to the courts. It can be stated that to punish "intention", not the "act" itself is against the basic principles of the criminal code, and this predilection can lead to the abolition of the freedom of thought and the right to get organized¹⁴³. And if a police/judicial intervention takes place, the due process or the complaint process may not provide a safety net either, for the Department itself is providing the information to the judicial institutions. Also, it is significant to note that, as

¹⁴⁰ The Department works in collaboration with the British Police for the education of anti-terrorism teams and it collaborates with the Israeli Police concerning the issue of suicide bombs. These international contacts which may result in policy transfers will be analyzed in the seventh chapter (EGM 2000: 133).

¹⁴¹ Another Branch Director of the Anti-Terrorism and Operation Department, Kemal Dönmez declared in the mentioned Symposium that: "In our recent past it is known that the terrorist organizations tried to establish hegemony in the districts, neighborhoods and streets of metropolises by using, above all, legal organizations like certain associations, labor unions, and political parties" (Dönmez 1999: 67). This statement shows that the legality of "legal" organizations' is placed on a thin threshold.

¹⁴² Objectives like "to disarray the State's indivisible integrity with its territory and nation", "to endanger the existence of the Turkish State and Republic", "to disarray the internal and external security of the State, public order, or the general health" etc.

¹⁴³ See the website of Lawyers Association for this evaluation and the whole of the Evaluation Report prepared on the Anti-Terrorism Act:
http://www.hukukcular.org.tr/haber_detay.php?haber_id=165&Grup=NORMAL

understood from the specified tasks, the police organization engages in the preparation of regulations to complete the deficient parts of the administrative and legal infrastructure. It can be argued that this, again, provides them with substantial power as an agency to mold the social body.

To be able to better understand the span of the “terrorism/terrorist” categories or the degree of the possibility of acquiring the status of an “internal enemy” (therefore having less citizen rights in comparison to ordinary citizens indicted of crimes), it is important to examine the Anti-Terrorism Act (no. 3713, 1991).

The Anti-Terrorism Act (1991)

The Anti-Terrorism Act was ratified in 1991 (*Resmi Gazete* 12.04.1991, no: 20843) as a compensating measure, after three articles (141, 142 and 163) of the Turkish Criminal Code, which prohibited engaging in politics to promote certain social classes over others or to establish a religious order, were removed from the Code (Keskin, *Radikal*, 21.07.2005). It can be argued that, with the help of the Act and its vague definitions, a large scale of surveillance and policing mechanisms were activated enabling the determination of the limits of “conduct” within the social body on each case.

Through the years, however, certain progressive changes were also made in the Act. The alternative regulation of the detention durations were annulled, in 1992, along with the amendments executed in the Code of Criminal Procedure (*Ceza Muhakemeleri Usulü Kanunu*, CMUK). In 1999, the Constitutional Court cancelled the additional Article 2 because of its provisions which were against the principle of “personal inviolability”. The article had the following provision: “In operations

executed against a terrorist organization, the police officials are authorized to use fire arms, directly and without hesitation, against the targets to render the perpetrators ineffectual, in case of their noncompliance to the call for surrender and intention to use arms.” In 2003, Article 8, which stipulated imprisonment up to three years for people who engaged in written and oral propaganda and participated in meetings, demonstrations and rallies against the “State’s indivisible integrity with its country and nation”, was annulled. In 2006, (as the only progressive change in this round of amendments, as will be explained below) the third paragraph of Article 1, which made possible the classification of certain organizations, which do not make use of arms, as terrorist organizations, was annulled.

In spite of these progressive amendments, the changes made on the Act on June 29, 2006 led to a major relapse (Ermiş 2006)¹⁴⁴. These changes were made in subsequence to the ratification of the new Turkish Criminal Code (TCK) and the new Code of Criminal Procedure (CMK) and they can be evaluated as the consequences of the frequently voiced complaints of the military and police organization as to their allegedly curtailed authority (with respect to the anti-terrorism activities) caused, according to them, by some of the regulations of these new codes. Although these arguments were rebutted by the human rights associations, the Act, nevertheless, went through a radical revision in 2006 with the initiation of the government.

A brief presentation of the amendments can be made as the following:

Firstly, while the previous Act classified the criminal acts mentioned in the twenty articles of the Turkish Criminal Code as acts of terrorism, Article 3 and 4 of the Act were amended so as to encompass sixty articles of the new TCK and CMK.

Along with the crimes committed against the state’s integrity, military bases,

¹⁴⁴ Münip Ermiş is a lawyer and he is also the president of the Human Rights Center in the Bar of Antalya. To read his valuable evaluation on the Act see the website: http://www.turkhukuk sitesi.com/makale_363.htm

constitution, legislation or the government and the crimes of constituting an armed organization, provision of arms, engagement in an agreement to commit crime or being enrolled in foreign countries' armies, it was also stipulated that the crimes of counterfeiting official documents, robbery, estranging people from military service, resisting the public officials etc. were terrorist crimes too "if committed within the scope of the activities of a terrorist organization...". As a result, the imprisonment durations of these crimes were increased by half, without taking into account the upper limits specified for them in the TCK. Thus, as Ermiş argues, for a person to be imprisoned for a period of thirty to forty years, he/she no longer has to be involved in an armed activity or be a member of a terrorist organization. When thought within the large margin left for interpretation and the discretionary power of the prosecutor, it can be argued that, with this amendment, the targeted body of people has been enormously expanded and the proportionality principle between the act, the harm it causes and the punishment has been overridden (Ermiş 2006)¹⁴⁵.

Secondly, with the new formulation of Article 6 and 7, the fine imposed for the "crimes" committed through the press was reverted to imprisonment up to three years and even more than five years in certain cases. The publishers who published the declarations or statements of terrorist organizations would be punished with imprisonment from one to three years and the person who undertook the propaganda (again a very vague term) of these organizations would be punished with imprisonment from one to five years. Also, the owners of the newspapers or the responsible editors, henceforth, could be indicted and punished to pay fines, which is contrary to the principle of the "subjective nature of penal responsibility". The

¹⁴⁵ See also Amnesty International's briefing which is published on the website <http://www.amnesty.org.tr/v1306200602.si> and the press declaration of the Human Rights Foundation of Turkey (*Türkiye İnsan Hakları Vakfı*) on the website <http://www.TİHV.org.tr/www/basinmetin.asp?belge=91>

publication of periodicals could also be suspended for fifteen to thirty days with the request of the prosecutor and the decision of the judge. It can be argued that these articles and their vagueness violate the “freedom of speech” and the “right to get information” and provide a wide maneuvering space for the police and the prosecutors to use their discretionary power.

Thirdly, one of the most significant amendments was made with respect to the defense rights of suspects. As to the original text of the Act, which was ratified in 1991, the suspects could get help from 3 lawyers (*müdafi*). But, even this limitation was annulled by the Constitutional Court relying on the principle, (which was also stated in the Constitution), that the defense rights of suspects could not be limited. In spite of this previous and highly appropriate intervention of the Constitutional Court, with the new amendments, it was decided in Article 10 that the suspect could get legal help only from one lawyer during the statement taking phase. Moreover, with the request of the prosecutor and the decision of the judge, the right of the suspect to see his lawyer, while under detention, could be limited for twenty-four hours. Even though the police could not take a statement during this period, it can be stated that, with this regulation, a suitable condition was provided for inflicting torture or ill-treatment. It was also provided, with these amendments, that the lawyer’s right to examine files and to take copies from documents could be limited. Thus, a decision of “confidentiality” over the documents could keep the defense totally out of the statement taking phase. As a result, the lawyer may not be aware of any torture or ill-treatment (because he will not see the medical report) and may not even know the charges because he/she may not be allowed to see even the apprehension report (Ermiş 2006). In contrast to these provisions concerning the rights of citizen suspects, in Article 15, it was decided that the intelligence officials, police officers or

other personnel who were assigned to anti-terrorism posts would be provided three lawyers for the investigation and prosecution of the crimes they allegedly committed while performing their tasks. Their fees would be paid by the related institutions.

The last crucial amendment to be mentioned here¹⁴⁶ is the return of the additional Article 2 (mentioned above) which was annulled by the Constitutional Court in 1999 for violating the “right to live”. The additional Article 2 was reinstated with a slight modification making the article more dangerous: “In the operations executed against terrorist organizations, the police officials are authorized to use fire arms, directly and without hesitation, against the targets to render the perpetrators ineffectual in case of their noncompliance to the call for surrender *or* intention to use arms” (*italics added*). The “and” in the last part of the original text was turned into an “or” which meant that the “noncompliance to the call for surrender” would be enough to shoot directly at the “target”.

To conclude, it can be argued that the threshold between legality and illegality both for citizens and the police/prosecutors is blurred in such a way that a citizen may fall, at any time, into a “terrorist” status while using his/her right of expression or a criminal may be evaluated to be in connection with a terrorist organization because of the ordinary crimes he/she has committed as a result of the highly vague expressions of the articles and the wide discretionary powers provided to the state officials. On the other hand, the police, having such a wide maneuvering space for interpretation, may perform a “summary execution” and may still remain on the legal side of jurisprudence.

¹⁴⁶ This presentation is not exhaustive; there are other anti-democratic articles of the Act such as: it is provided that children between the ages of fifteen and eighteen can also be tried in the Aggravated Punishment Courts (*Ağır Ceza Mahkemeleri*) for terror crimes and their punishment will not be postponed or converted to fine; people who cover their faces to conceal their identities in the meetings and demonstrations that turn into “propaganda activities” for terrorist organizations and people who wear emblems and signs belonging to terrorist organizations, shout their slogans, broadcast with sound apparatuses or wear their uniforms will be punished with imprisonment from one to five years.

Torture and Ill-Treatment under Detention in the post-1980 period and Paradigmatic

Incidents

After taking into account the discursive and institutional modifications of the post-1980 period in relation to the police organization, it will be appropriate, at this point, to touch upon the solidifications of these discursive and institutional qualities in everyday life, in police practices. Firstly, the torture and ill-treatment problem, which have been prevalent in the country for decades, will be taken into account. Afterwards, certain paradigmatic police practices in the post-1980 period will be touched upon.

The Torture and Ill-Treatment under Detention in the post-1980 Period

In accordance with the hegemonic discursive relations depicted in the above sections, which led to the construction of “internal enemies” (mainly the oppositional leftist and politically active Kurdish groups) in the country who were criminalized and marginalized, torture and ill-treatment under detention became one of the systematic state policies in the aftermath of the military intervention. As large numbers of people were taken under custody after the coup d’état¹⁴⁷ and as the number continued to increase exponentially in the following years, the practices of torture and ill-treatment which were not uncommon before the intervention “became widespread and systematic, with a number of suspects and prisoners dying in suspicious circumstances¹⁴⁸” (Ahmad 2000: 185; Zürcher 1998: 294). It has been revealed by

¹⁴⁷ Zürcher (1998: 294) notes that in the first six weeks after the coup d’état, 11,500 people were arrested and the number had grown to 122,600 after one year.

¹⁴⁸ These suspicious deaths were frequently registered as resulting from “suicide”, “falling down from stairs”, “resistance to the security forces” etc. (STMA 1988: 2409). According to the torture report of

the reports prepared by various organizations and institutions¹⁴⁹ which were based on numerous interviews as well as documents, that the state implemented the power practice of torture on these marginalized “internal enemies” (which also encompassed some people arrested on criminal charges who became police property¹⁵⁰) not only as a method of taking confessions but also for the creation of a spectacle for “proactive intimidation”, and as a punishment to be executed in advance (TİHV 1996: 19). These practices were made possible by conducive legal arrangements such as the provision of the possibility of keeping a person under detention *incommunicado*; long detention durations (an astonishing length of 90 days was approved on September 18, 1980) and the provision of the opportunity to take arrested people back under detention while the trials were continuing¹⁵¹ (TİHV 1996: 20, 21). People were punished severely by the courts relying on the confessions that were taken under torture and it was declared in the reasoning texts (*gerekçe*) of the penalty decisions that what mattered most was not the method of taking confessions but its correctness (TİHV 1996: 21; STMA 1988: 2408, 2409). Accordingly, very few police officers or other state officials were tried. This was mainly because of the unofficial impunity mechanism which was enabled by the legal regulations. Until 1999, the permission of the Provincial or District Administration Councils (which were not composed of legal experts) was sought to bring officers to court and in

The Human Rights Foundation of Turkey (TİHV from now on), one of the important features of the 1980 coup was the nullification of the “right to live” and the systematic use of torture as a statement taking method (TİHV 1996: 20). In the report it was specified that 419 people died or were killed under detention and in prisons between the years 1980 and 1995 and 108 people disappeared.

¹⁴⁹ These organizations were accused of being biased and acting according to political preferences. Many local organizations, especially the Human Rights Association (*İnsan Hakları Derneği*, İHD) and the Human Rights Association of Turkey (TİHV) were harassed by being prosecuted many times.

¹⁵⁰ As Robert Reiner explains, “police property” means the “usual suspects” who are brought under detention whenever a crime is committed (Reiner 1992: 137). In the 1998 and 2000 reports of the Turkish Grand National Assembly Human Rights Observation Commission (*TBMM İnsan Hakları İnceleme Komisyonu*) it was demonstrated that certain people were picked as “usual suspects” and brought under detention for several times and were forced to accept the crimes they did not commit (Pişkinsüt 2001).

¹⁵¹ The legal changes in the Criminal Code (TCK), the Criminal Procedure Code (CMUK) and other laws related to the issue of torture and ill-treatment will be presented in the following chapter.

1999, with the ratification of the Law on the Prosecution of State Officials and other Public Employees, the permission of a senior administrative official was required for the prosecution of suspected human rights abusers. Even if they were prosecuted, an overwhelming portion of the cases ended in favor of these officers. When they were convicted, they were, mostly, punished for very short periods like five to six months and their sentences were usually postponed. It was also experienced frequently that these cases lasted for as long as five to six years, even up to ten years (TİHV 1996: 34, 40).

In the mid-1980s, in response to intensified international pressures against Turkey, the Turkish state, which persistently argued that there was no systematic torture but only isolated cases, took a couple of steps to push aside the accusations. It signed, firstly, the “European Convention for the Prevention of Torture, Inhuman, or Degrading Treatment or Punishment” on January 11, 1988 and secondly, the “United Nations Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment” on January 25, 1988. Moreover, in 1992, a number of progressive amendments (which will be presented in the next chapter) were realized in the Code of Criminal Procedure (CMUK). However, as a result of the intervention of police authorities and the National Security Council, the crimes prosecuted in the State Security Courts and in the region of the State of Emergency¹⁵² were excluded from the scope of these amendments. Only the provision, which rendered the statements taken under torture or ill-treatment invalid, was applied to all crimes.

Eventually the State of Emergency was abolished in 2002 and the State Security Courts were also closed down in 2004, while the parliament ratified a new

¹⁵² The custody durations were fifteen days for the crimes prosecuted in the State Security Courts and thirty days for the ones prosecuted at the region of the State of Emergency.

Criminal Code and a new Code of Criminal Procedure in 2004¹⁵³. Nevertheless, many reports and studies published between the years 1980 and 2006 documented that torture and ill-treatment as well as a high number of extrajudicial executions (*yargısız infaz*) never ceased through the whole era, despite the fact that certain progressive legal modifications were accomplished¹⁵⁴. Some of these reports and studies can be listed as the following: the report of the International Human Rights Committee of the New York Bar titled *Torture in Turkey: A Legal Approach*

¹⁵³ The legal modifications related to the police practices will be evaluated in the following chapter.

¹⁵⁴ Two exemplary pieces from the 2001 and 2006 reports of Amnesty International demonstrate that these practices still continue to exist. The 2001 report (the evaluation of the year 2000) indicates that: “There were numerous reports of torture and ill-treatment of men, women and children, mainly from western cities, the southeast and the region around Adana in the south. Many of the victims were political activists, including supporters of leftist, pro-Kurdish and Islamist groups. Despite intimidation and fear of reprisals, dozens of allegations of torture were received from people arrested on criminal charges. Other victims of torture and ill-treatment included Kurdish villagers, relatives of political activists, students and women's groups. Allegations were also received from police officers and leading figures in organized crime. Torture and ill-treatment occurred mainly in police and gendarmerie stations during the first days after arrest. The most frequently reported methods included severe beatings, prolonged blindfolding, suspension by the arms or wrists, electric shocks, sexual abuse, and food and sleep deprivation... The authorities remained reluctant to investigate the allegations of torture. Officers accused of torture were rarely suspended from duty, and in some cases received promotions. It was difficult to establish who was responsible as detainees were almost invariably blindfolded during interrogation and custody records were often poorly maintained or non-existent. Medical evidence of torture was frequently suppressed. Medical officers who falsified reports were promoted while doctors who carried out their duties scrupulously were harassed, put on trial or imprisoned. The intimidation of witnesses and a generalized climate of fear also contributed to impunity, as did prosecutors' reluctance to investigate the work of security force officers. Judges often refused to investigate allegations of torture and accepted confessions extracted under torture as evidence, in violation of the UN Convention against Torture. Under the 1999 Law on the Prosecution of Civil Servants the permission of a senior official is required for the prosecution of suspected human rights abusers” (<http://web.amnesty.org/report2001/webeurcountries/TURKEY?OpenDocument>). In the 2006 report, the issue still takes an important place in the report. In the report it is stated that: “Torture and ill-treatment by law enforcement officials continued to be reported, with detainees allegedly being beaten; stripped naked and threatened with death; deprived of food, water and sleep during detention; and beaten during arrest or in places of unofficial detention. Reports of torture or ill-treatment of individuals detained for political offences decreased. However, people detained on suspicion of committing ordinary crimes such as theft or for public disorder offences were particularly at risk of ill-treatment. Reports suggested that there were still many cases of law enforcement officials completely failing to follow lawful detention and investigative procedures and of prosecutors failing to ascertain that law enforcement officials had complied with procedures. Police also regularly used disproportionate force against demonstrators, particularly targeting leftists, supporters of the pro-Kurdish party DEHAP, students and trade unionists (see Killings in disputed circumstances below). Often those alleging ill-treatment, particularly during demonstrations, were charged with resisting arrest while their injuries were explained away as having occurred as the police attempted to restrain them” (<http://web.amnesty.org/report2006/tur-summary-eng>). The reports of TIHV demonstrate that after the detention durations were fixed as twenty-four hours for individual crimes and forty-six hours for collective ones (which could be extended up to four days) in subsequence to the abolishment of the State Security Courts and the State of Emergency, the torture and ill-treatment by police officers started to be implemented at places other than the police stations, before taking the suspects under detention (TIHV 2005).

(*Türkiye’de İşkence: Hukuki Bir Yaklaşım*, 1991), the report of the Human Rights Foundation of Turkey (TİHV) published in 1996 and titled *The Torture File: People Who Died under Custody or in Prison/September 12, 1980-September 12, 1995* (*İşkence Dosyası: Gözaltında ya da Cezaevinde Ölenler/12 Eylül 1980-12 Eylül 1995*, 1996), the study of a lawyer, Meryem Erdal, titled *Rape under Custody* (*Gözaltında Tecaviüz*, 1997), the 1998 and 2000 reports of the Turkish Grand National Assembly Human Rights Observation Commission (*TBMM İnsan Hakları İnceleme Komisyonu*) headed by Sema Pişkinsüt, the yearly reports of Amnesty International, Helsinki Watch and the Human Rights Foundation of Turkey (TİHV) and especially the 2006 report of the Human Rights Association (İHD).

Paradigmatic Incidents

As stated above, police practices will also be touched upon with examples to present how an orientation to construct “internal enemies” has solidified in the empirical world, especially during the confrontation of these “marginalized groups” with the police.

The first example to be mentioned here is the one that took place in March 1995 in the Gazi district of Istanbul, which is a shanty town region where mostly Alevi people live (nearly 80 percent). It is a leftist-oriented neighborhood. In the police registrations it is stated that certain illegal organizations like the Revolutionary-Left (*Devrimci-Sol*), TİKKO (Worker Peasant Salvation Army of Turkey, *İşçi Köylü Kurtuluş Ordusu*), TDKP (Revolutionary Communist Party of Turkey, *Türkiye Devrimci Komünist Partisi*) have found themselves a fertile ground to organize owing to the poor conditions of the neighborhood (Dural 1995: 14). In

this district, on March 12, two coffeehouses were put under gun fire by unidentified people shooting from two cars. After an old dignitary of the Alevi community died during these shootings, incidents broke out, following the march of a large crowd to the nearby police station. This was followed by many clashes between the residents of the neighborhood and the police (mainly the Rapid Action Units) before the incidents spread to other districts, especially to Mustafa Kemal district of Ümraniye. Although the inhabitants of the neighborhood were the victims of a violent attack, their demonstrations and protests were confronted with repressive policing tactics as a result of which more than 20 people died during the clashes. The clashes were ended by the deployment of soldiers between the people and the police (Dural 1995). Certain qualities of the neighborhood, such as their identity as Alevi people, their ideological orientation to the left and the allegations ascribing them a connection with illegal organizations increase the potentiality of their being attributed a “marginal status”. When viewed from the hegemonic discursive formations of the post-1980 period, as explained above, this status increases the potentiality of their confronting the repressive side of the state through police strategies, as was the case in this incident.

Another paradigmatic cluster of incidents can be observed during the clashes experienced between the police and leftist students on November 6, of nearly every year since 1981. On this day, every year, the leftist students protest the establishment of the Higher Education Organization (*Yüksek Öğretim Kurumu*, YÖK) which was initiated by the military junta to completely terminate the autonomy of the universities. During the demonstrations in 2002, for instance, the police, as usual, repressively intervened and dispersed the students both in Ankara and Istanbul before they took numerous students under detention. Public attention

was drawn to the beating of a student by two police officers working in the Rapid Action Units (*Radikal*, 6.11.2002).

The last incidents of this period to be mentioned here are the police campaigns of 1992 and 1993 against the progressive amendments performed on the Code of Criminal Procedure as well as the demonstrations of the Rapid Action Units held on December 12 and 13, 2000. Bora (1997) evaluates these campaigns in 1992 and 1993 against the curtailment of police powers provided by the Code of Criminal Procedure as representing a significant turning point with which the police started to act as an actor on its own behalf. It was actively shaping an authoritarian nationalist-conservative discursive line to be followed by other adherents (Bora 1997: 116, 117). This active position of the organization was crystallized again in December 2000 when two police officers of the Rapid Action Units were killed in the Gazi district of Istanbul. After this incident approximately four thousand police officers of the Rapid Action Units marched through the streets of Istanbul and it was repeated in Bursa as well. They repeatedly protested the high ranking officials (like the Director-General, the Minister of Internal Affairs etc.) for not backing and protecting the police. The slogans they shouted demonstrated the polarization between them and the people they policed. Some of them were as follows: “Everything is for our motherland”; “tooth for a tooth and blood for blood, revenge!”; “the state should not negotiate with the traitors!”; “people who don’t like this country should leave!”; “we may die but we won’t give up!” etc. (*Radikal*, 13.12.2000) The repeated slogans reflect a supposition of a war situation in which the police defend their country against the traitors and there exists a high potentiality of exerting violence.

CHAPTER 6

THE POLITICAL REGIME IN TURKEY IN THE POST-1945 PERIOD, THE LEGAL DETERMINANTS OF THE POLICE ORGANIZATION AND POLICE POWERS

The third set of social relations, which is related, according to our argument, to the expansion and militarization of the police institution in Turkey particularly after the 1980s, is the legal relations upon which the political regime of the country was founded. The study argues here that the reasons and the mechanisms of the re-structuring process of a state institution can be partially explained by examining the modifications in the political/constitutional regime of a social formation which gives shape to the legal framework of this institution. It can be stated that this is especially so, if the institution in question is the police institution which is located on a law and administration continuum (Neocleous 1996; Neocleous 2000). This link will be demonstrated here and complemented with the explanations given in the previous chapters as to the re-organization process of the police institution in Turkey by scrutinizing the modifications in the constitutional regime of Turkey, concentrating particularly on the changing power relations between state institutions as well as the Constitutional status of the fundamental rights and freedoms.

After setting the legal background, the Police Duties and Powers Act (1934) and the modifications it went through will be elaborated. They shifted in a manner, as will be demonstrated, which was in conformity with the modifying constitutional regime of the country. Attention will be called especially to the extent of the discretionary powers provided by this Act together with the Constitution and the

Code of Criminal Procedure (1929, 2004), with which the “the proximity and the almost constitutive exchange between violence and right that characterizes the figure of the sovereign” (Agamben 2000:104) solidified in the persona of the police officer who had the potentiality to act as a sovereign mastering the decision moment on the street. In addition, the nature of the accountability mechanisms in Turkey, which are supposed to restrict the discretionary powers of the police, will be examined.

The Consistency and Variation between the Political Regimes Constituted by the 1961 and 1982 Constitutions

The 1961 and 1982 Constitutions share certain similarities and differ on certain crucial aspects. The consistency and variations between these Constitutions will be highlighted here by concentrating on four themes: the constitutive power initiating the Constitutions, the power relations between the state institutions, the status of the general provisions with respect to fundamental rights and freedoms, and the accountability mechanisms supporting these provisions. All these themes are selected for mapping the modifying political regime in the social formation which in turn will arguably provide an explanation for the modifications in the laws concerning the police. Thus, the aim here is not to give an exhaustive presentation of these Constitutions.

To start from the first theme, it can be stated that the two Constitutions display a similarity for they were both constructed as a result of coup d'états and their constitutive powers were basically the military. The 1961 Constitution can be depicted as a pioneer in creating a fiction of equivalence between the initiatives of the military junta and the social formation. In this way, it overrode the democratic

tradition of treating the elected representatives as the constitutive power of the social formation and thus, legitimized military interventions¹⁵⁵ (Parla 2002: 32; see Özdemir 1989; Bayramoğlu 2002). In a similar manner, the 1982 Constitution was initiated by a military junta, and was presented, in the preamble (before it was amended in 1995), deceptively as “prepared directly by the hands of the nation”. As Parla has put forward the composers of the Constitution tried to disguise the unavoidable unity between the means and ends by trying to legitimize an illegitimate method of constitution making and introduced a highly militarist cultural-conceptual baggage (Parla 2002: 34). Thus, it can be stated that the two Constitutions were the products of unveiled sovereignty positions attained by the armed forces which decided on the mode of construction of the social formation and thereby, normalized the “exceptional usage of constitutive power”.

The next theme which is significant is the power relations between the state organs and particular state institutions. To start with the 1961 Constitution, with this Constitution a dubious attitude toward the legislature and party-governments, which would constitute a legacy lasting until recent times, was constructed. In the Constitution, it was declared that the sovereignty belonged without any condition to the nation; however it was immediately followed by a reminder that: “the nation uses its sovereignty, in accordance with the principles set by the Constitution, *through authorized organs*” (Parla 1986: 21, 22; *italics added*). This can be evaluated as the expression of the fact that beyond the elected representatives of the social formation, other organs, which were provided with necessary authority, would have the opportunity to act in the name of national sovereignty (*ibid.*). In line with this re-

¹⁵⁵ In 1961, a new Vocational Law of the Turkish Armed Forces (*İç Hizmet Kanunu*), in accordance with this fiction, was enacted and the armed force’s alleged duty of “watching and protecting the homeland”, which was mentioned in the previous law within an article, was given prominence by devising it in a separate article, thereby, foreshadowing the upcoming years (Özdemir 1989: 215).

adjustment of the political regime, an additional assembly (the Senate of the Republic, *Cumhuriyet Senatosu*), which included appointed members (some of whom were members of the military junta), was established and it acquired an upper say in the usage of legislative power. As it was decided that the President and Prime Minister might, as well, be chosen from this second assembly, it became a possibility that they could be chosen from among these appointed members of the Senate. Actually, it did not remain as a possibility as from 1961 until the late 1980s the Presidents of the Republic came to be appointed people with a military background. In addition, the power to annul the legislature was handed to the unaccountable Presidents, contrary to the “democratic” tradition of leaving it to the initiative of the Council of Ministers (Parla 1986: 23, 24).

Secondly, the strength of the party-governments was curtailed with the 1961 Constitution, in contradiction to the conventional understanding of “parliamentarian democracy” in which the legislative, as the representatives of the people, occupy a distinguished/superior place and the party-governments have power and also control over the civil and military bureaucracy (Parla 1986: 25). This was realized with the establishment of a new institution, the National Security Council (*Milli Güvenlik Kurulu*, MGK), by means of which the status of the military bureaucracy was equalized with the party-governments, as the MGK was placed, in the Constitution, under the title of Council of Ministers rather than the administration. The founding of this new institution can be evaluated to symbolize the transition from a narrowly defined “national defense” conception to a more comprehensive notion of “national security” (Bayramoğlu 2002: 37) and for that reason, the military started to increasingly contribute to the decision-making processes over internal affairs (Parla

1986: 26, 27). Accordingly, the Chief of General Staff was made accountable to the Prime Minister, not to the Minister of National Security.

Thus, the 1961 Constitution initiated the tendency to undermine parliamentary legitimacy by expanding the executive branch to include the military bureaucracy via the MGK mechanism, which acquired a semi-commanding status with the 1971-73 amendments. It was so arranged that the task to represent “national sovereignty” was partitioned among the party-governments, the appointed members of the legislative as well as the executive and the administration who were not elected but was provided a wide range of prerogatives and discretionary power. In the same manner, the 1982 Constitution contributed to and even strengthened this division of power scheme between the state institutions. As Parla argues, the difference between the 1961 and 1982 Constitution corresponded to the difference between “solidarist-corporatism” and “fascist-corporatism”, the latter leading to the complete replacement of the “supremacy of the legislative” principle with the “supremacy of the executive” system (Parla 2002: 45, 67). The Senate was abolished; however, the Presidents who were endowed with more prerogatives and duties (power to dismiss the Council of Ministers, call for elections, etc.), could still be elected from outside the parliament and were still rendered unaccountable (Tanör and Yüzbaşıoğlu 2001: 316-331). A new institution called the “State Supervisory Council” (*Devlet Denetleme Kurulu*) was set up as a disciplinary mechanism (whose members were appointed by the President) to control the ministers, state institutions, vocational organizations, labor unions and associations (Parla 2002: 82, 83).

The military bureaucracy which had already been made a partner of the executive branch (the President and the Council of Ministers) with the 1961 Constitution, continued to occupy a somewhat autonomous position with respect to

civil authority as the MGK became one of the most important decision-making committees. Its decisions, which became binding and were based on a vague and therefore nearly all-encompassing “national security” concept, had to be primarily taken into account by the Council of Ministers¹⁵⁶ (Parla 2002: 89; Tanör and Yüzbaşıoğlu 2001: 339-347; Bayramoğlu 2002: 39-48): “The Council of Ministers shall give priority consideration to the decision of the National Security Council concerning the measures that it deems necessary for the preservation of *the existence and independence of the State, the integrity and indivisibility of the country, and the peace and security of the society*” (Article 118; *italics added*). Also, it was significant that the marshal law commanders were no longer accountable to the Prime Minister but to the Chief of General Staff (Duran 1988: 21, 22). Thus, to conclude this very general depiction of the configuration of the state institutions, it can be stated that the potentiality of an authoritarian system which could be found in the bits and pieces of the 1961 Constitution was fully realized in the 1982 Constitution because the “legitimacy to govern” was attributed not only to the elected members of the parliament but also to the institutions which were endowed with vast powers to act as “sovereigns” at certain moments of even “normal” times.

The third theme to be touched upon here is the status of the general provisions concerning fundamental rights and freedoms in the 1961 and 1982 Constitutions¹⁵⁷. It can be stated that a substantial modification can be observed between the 1961 Constitution and the 1982 Constitution concerning the position of

¹⁵⁶ With the 2001 amendments the mentioned paragraph of the article was modified in the following way: “The National Security Council shall submit to the Council of Ministers its views on the advisory decisions that are taken and ensuring the necessary condition with regard to the formulation, establishment, and implementation of the national security policy of the state. The Council of Ministers shall evaluate the decisions of the National Security Council concerning the measures that it deems necessary for the preservation of the existence and independence of the state, the integrity and indivisibility of the country and the peace and security of society” (Article 118/3).

¹⁵⁷ In this section, we will only touch upon the general provisions, and discuss the articles on the rights and duties of individuals in the following pages where the laws concerning powers of the police will be evaluated.

the individuals and collectivities with respect to the power practices of the state. As Parla puts forward, the 1961 Constitution tried to construct a balance between rights and duties, the latter were devised towards “society” not the state (Parla 2002: 45). In that Constitution, it was provided that the state would eliminate the political, economic, and social obstacles limiting individual rights and would prepare the necessary conditions for a citizen’s development. There was an important provision in the Constitution stipulating that fundamental rights and freedoms could only be limited with laws which were in accordance with the word and spirit of the Constitution and their *essence* could not be touched by these laws even if they were to be enacted for public good, public morality, public order, social justice and national security (Parla 2002: 46; Tanör 1998).

Initially with the amendments realized after 1971 and subsequently with the 1982 Constitution the scope and immunity of these rights and freedoms were curtailed to a great extent (Sancar 2004: 141-150; Sağlam 1988: 433-442; Duran 1988). The direction of the changes can be predicted by the replacement of the title “The essence of rights” which was present in the 1961 Constitution with the new one “The essence, limitation and avoidance of the misuses of fundamental rights and freedoms” in 1971. The usage range of the rights was limited and the limitations were expanded. The rights could not be used against the integrity of the state, the Republic, and its qualities; they could not be used relying on the differences of language, race, class, religion, and sects. The 1982 Constitution took a step forward in the restrictive nature of the early 1970s amendments. In this last Constitution, the four of the five titles under the heading of General Provisions were set as the following: Nature of Fundamental Rights and Freedoms (Article 12); *Restriction of Fundamental Rights and Freedoms* (Article 13); *Prohibition of the Abuse of*

Fundamental Rights and Freedoms (Article 14); *Suspension of the Exercise of Fundamental Rights and Freedoms (Article 15)* (*italics added*; Parla 2002: 46, 47). As it is observed, the three of the four articles took as their subject the restrictions of these rights and freedoms. After it was formally stated in Article 12 that everyone possessed inherent fundamental rights and freedoms which were inviolable and inalienable, an increased number of reasons for restricting them were listed in the next article (before the 2001 amendments¹⁵⁸):

Fundamental rights and freedoms may be restricted by law, in conformity with the letter and spirit of the Constitution, *with the aim of safeguarding the indivisible integrity of the state with its territory and nation, national sovereignty, the Republic, national security, public order, general peace, the public interest, public morals and public health, and also for specific reasons set forth in the relevant articles of the Constitution* (Article 13).

It was declared in the third paragraph of the same article, in an intimidating way, that the general grounds for restriction set forth in the article should apply for *all* fundamental rights and freedoms, which apparently involved the right to live. The different ways of abusing rights and freedoms were specified in a completely vague manner:

None of the rights and freedoms embodied in the Constitution shall be exercised *with the aim of violating the indivisible integrity of the state with its territory and nation, of endangering the existence of the Turkish state and Republic,... or establishing the hegemony of one class over others, or creating discrimination on the basis of language, race, religion, or sect, or of establishing by any other means a system of government based on these concepts and ideas* (Article 14).

Besides the vagueness of the article which opened a wide terrain for the discretionary power of the related state institutions that were to prevent the abuse, it can be argued that the last part of the article was designed to criminalize the leftists [“...who incite and provoke...” (Article 14/2)] and the people demanding rights over their ethnic

¹⁵⁸ Amendments to the 1982 Constitution were realized in 1995, 1999, 2001 and 2004. The 2001 amendments which were related mainly to the individual rights and freedoms will be discussed below.

identities (Parla 2002: 47). The next article (Article 15) declared that in times of war, mobilization, martial law, or state of emergency the exercise of fundamental rights and freedoms could be partially or entirely suspended, or measures might be taken, to the extent required by the exigencies of the situation, *which derogated the guarantees embodied in the Constitution*, provided that obligations under international law were not violated (*italics added*; see Üskül 2003). This article constitutes a good example to the argument that illegality is in fact an internal part of the legal order of the capitalist states (Poulantzas 2000: 84, 85) and that the blurring of the line between them which is frequent in everyday life because of the interpretative nature of the laws can be visualized more clearly at times of crisis (Agamben 2005).

After 19 years, Articles 13 and 14 were amended in 2001 within the scope of the laws of harmony with the European Union; however, despite certain positive modifications, it is hard to state that they changed the general predilection of the Constitution¹⁵⁹. Although the extent of the grounds for restriction was favorably limited and the essence of the rights was rendered inviolable again, the limited version of the grounds for restriction was added to specific articles concerning the rights and freedoms¹⁶⁰ and it was also formulated in a vague and comprehensive way: "...one or several of the grounds of national security, public order, prevention of crime commitment, protection of public health and public morals, or protection of

¹⁵⁹ The text of Article 13 was modified in the following way: "Fundamental rights and freedoms may be restricted only by law and in conformity with the reasons mentioned in the relevant articles of the Constitution without infringing upon their essence. These restrictions shall not be in conflict with the letter and spirit of the Constitution and the requirements of the democratic order of the society and the secular Republic and the principle of proportionality".

¹⁶⁰ The limited version of restrictions was added to the following articles: Article 20 (Privacy and Protection of Private Life), Article 21 (Inviolability of the Domicile), Article 22 (Freedom of Communication), Article 26 (Freedom of Expression and Dissemination of Thought), Article 28 (Freedom of the Press), Article 31 (Right to Use Media Other Than the Press Owned by Public Corporations), Article 33 (Freedom of Association), Article 34 (Right to Hold Meetings and Demonstration Marches).

the rights and freedoms of others...”. Nevertheless, Article 14 was modified to define abuses as *acts* and the abusive aims in a more restricted way:”...violating the indivisible integrity of the state with its territory and nation, and endangering the existence of the democratic and secular order of the Turkish Republic based upon human rights”.

Thus, despite these amendments, it can be stated that the 1982 Constitution constituted a regime of limitations (rather than a regime of freedoms) which did not “depend on human rights” as it did in the 1961 Constitution, but committed only to be respectful to them. Accordingly, a wide space was reserved for the discretion of state officials in cases of limitation or suspension. The 1982 Constitution opted for the state’s power (Sancar 2004: 142) and opened a wide area for it to construct the social formation with fewer limitations.

The fourth theme is the quality of the accountability mechanisms. It will be beneficial first to take a very brief look at the status of the judiciary and then at the mechanisms of judicial review of the state institutions. Regarding the status of the judiciary, the crucial aspect for democratic concerns and also for our subject matter is the degree of independence that the judicial organs enjoy. It can be argued, beforehand, that from the 1961 to the 1982 Constitution the judiciary moved increasingly under the influence of the executive (Parla 2002: 106; Duran 1988: 26). This argument can be supported by relying on some of the main modifications realized in the configuration of judicial institutions. In the 1961 Constitution and even after the 1971 amendments, while the public prosecutors were attached to the Minister of Justice where their administrative work was concerned, the status of the judges and the public prosecutors were dealt with separately, giving the judges space, away from the interventions of the executive. However, in the 1982 Constitution, the

status of the two vocational groups was jointly regulated and the judges were also attached to the Minister of Justice, along with the public prosecutors, concerning their administrative tasks. Furthermore, with the 1982 Constitution it was stipulated that the supervision of the judges would no longer be conducted by the judge-inspectors who were working for the Supreme Council of Judges but it would be conducted directly by the inspectors appointed by the Minister of Justice. Also, the Supreme Council of Judges and Public Prosecutors (*Hakimler ve Savcılar Yüksek Kurulu*), which was established to gather the judges and prosecutors under the same roof and to deal with their employment issues (like the admissions to the profession, promotions, disciplinary measures etc.), would be presided by the Minister of Justice and its decisions were not to be tried in the courts. Its members, including the undersecretary of the Ministry of Justice (as a permanent member), would be appointed by the President. The Chief Public Prosecutor (*Yargıtay Başsavcısı*) and the Deputy Chief Public Prosecutor of the High Court of Appeals (*Yargıtay Başsavcı Vekili*), one-fourth of the members of the Council of State (*Danıştay*)¹⁶¹, would also be appointed by the President. The President and the military high courts could nominate more members than the civil high courts for the Constitutional Court (*Anayasa Mahkemesi*) and the former were to appoint its entire members. Accordingly, within this judicial structure, the military judiciary continued to occupy a discrete place, which was initiated by the 1961 Constitution (Parla 2002: 105-126; Sancar 2004: 185, 186; Tanör and Yüzbaşıoğlu 2001: 441-455). Thus, depending on these few examples, it can be stated that the judiciary came increasingly under the influence of the executive especially in the persona of the Minister of Justice and the President.

¹⁶¹ The rest of the members of the Council of State would be elected by the Supreme Council of Judges and Public Prosecutors that had already been appointed by the President.

With respect to the accountability mechanisms it can be stated that the 1982 Constitution, in contrast to the 1961 Constitution, provided certain components of the executive (the President, the military and civil administration) with more free space to function unimpeded by judicial review. As one of the main examples to be presented here, the immunity of the President can be mentioned. First of all, although the President of the Republic acquired extensive prerogatives and duties with the 1982 Constitution, he/she continued to be rendered unaccountable (Duran 1988: 19). It was stipulated in the Constitution that he/she may be impeached only for high treason on the proposal of at least one-third of the total number of members of the Turkish Grand National Assembly, and by the decision of at least three-fourths of the total number of members (Article 105). During a state of emergency, the President would chair the Council of Ministers and they could issue decrees having the force of law on matters necessitated by the state of emergency (Article 121) but no action, concerning these decrees, could be brought before the Constitutional Court alleging unconstitutionality as to their form or substance (Article 148) (Üskül 2003).

As to the administration, while in the 1961 Constitution it was declared that no action and procedure of the administration would be left outside the supervision of judicial agencies, in the 1982 Constitution the expression became milder in the following manner: "Recourse to judicial review shall be available against all actions and acts of administration" (Article 125/1). It was stated in the same article that judicial power was limited to the verification of the conformity of the actions and acts of the administration with the law. "No judicial ruling shall be passed which restricts the exercise of the executive function in accordance with the forms and principles prescribed by law, which has the quality of an administrative action and act, or which removes discretionary powers" (Article 125/3). These expressions can

be evaluated as reflecting the reluctance to establish strict control over the civil administration (Duran 1988: 23). The highest agency of the military bureaucracy also benefited from this predilection to let loose certain parts of the executive: "...the Supreme Military Council is outside the scope of judicial review" (Article 125/2). Also, significantly, the marshal law commanders' decision and procedures were left out of the scope of the judicial review.

Thus, to conclude this section, it can be stated that the modifications in the political regime of Turkey from the 1961 to the 1982 Constitution (which were both initiated by the military as their constitutive power), were realized in such a manner that the elected representatives of the social formation lost a certain degree of credibility and authority, while the President of the Republic (who could be appointed from outside the parliament) and the military bureaucracy gained substantial strength to check on the government and the legislative. The inclusion of the "national security" concept in the 1961 Constitution over an institution (the MGK) dominated by the military (that declared to have the duty "of protecting and watching over the motherland") and the expansion of the concept's implications in the 1982 Constitution conveyed that the militarization of internal "security" issues was becoming dominant within state power practices, against which fundamental rights and duties were rendered vulnerable. In fact, it was openly declared in the 1982 Constitution that these rights and freedoms were not to be treated as inviolable. The various vague grounds of restrictions provided the civil as well as the military administration with extensive discretionary powers. When combined with the restricted nature of the accountability mechanisms which were pervasive among the state institutions and the impeded independence of the judiciary, it can be stated that the administration in the post-1980 period, in general, obviously acquired a

substantial power over individuals and collectivities, which was not hindered with judicial checks. It is argued here that it will be appropriate to evaluate the expansion and militarization *and* the increasing authority of the police organization also within this framework.

Police Powers and the Accountability Mechanism within the Police Organization

The law which was exclusively devised to provide the police in Turkey with responsibility and authority is the Police Duties and Powers Act (1934). The law, providing mainly proactive powers to the police must be taken into consideration with the Constitution, the Code of Criminal Procedure (1929, 2004) and other specific laws that endow the organization with various judicial as well as proactive sanctions. To begin with, the Police Duties and Powers Act will be scrutinized in the following pages, by way of the *major* modifications it went through, as this law and these modifications (especially those realized in the 1985 and 2005) can be evaluated as being paradigmatic in the expanding powers of the police. Subsequently, the main powers of the police (like the search and seizure, apprehension and detention, statement taking and use of force) will be examined and attention will be drawn to some crucial points (without being exhaustive) concerning the modifications realized in the Code of Criminal Procedure which was re-written in 2004. It is argued here that, in this way, the expansion, militarization and the modifying/increasing authority of the organization will be duly demonstrated. Lastly, the accountability mechanism concerning the police organization will be taken into account. It will be exhibited that these modification processes and the accountability mechanism within the organization resemble the changing political regime of the social formation

explained above, in which the administration, especially the armed sections of it, acquired substantial strength especially from the 1970s onwards.

The Amendments in the Police Duties and Powers Act (1934)

In the first article of the Act, which is one of the few articles that were left unaltered, the general duties of the police are stated: “The police protect the public order, the security of the public, individuals and property and the inviolability of domicile. They secure the conservation of the people’s honor, life and property and the public’s peace. They help those who want help, and the children and incapable people who need help. They perform the duties that are assigned to them by the laws and regulations” (Article 1). It is significant that the “law enforcement” task which is generally assumed to be the primary role of the police was implicated in the article only in the fourth sentence and the primary and the secondary duties of the police were specified as the protection and securing of the public order¹⁶². Before the 1980 coup d’état, amendments were made on the law in 1935¹⁶³, 1948, 1965, 1973 and in February 1980.

¹⁶² It is worthy to reiterate that the preservation of order (or “law enforcement”) unavoidably encompasses the construction of that order because of the moment of decision that the police officer dominates and the interpretative nature of laws which need little or extensive interpretation according to the qualities of the statements used (Neocleous 2000).

¹⁶³ The amendment carried out in 1935 was a slight but an important one causing a modification (which is still in use) in the fifth article. The article was about the power given to the police to take finger prints and photographs of particular people. To state briefly, the police could take finger prints and photographs of people who were suspected or convicted of crimes implicating aggravated imprisonment, crimes against the trust of the public and against property; people related with prostitution; the ones that could not prove their identity etc. With the amendment, it was added that the police would also register smugglers, vagabonds and untrustworthy people (*serseri ve mazennaisu erbabi*). While the inclusion of smugglers into this group is understandable due to the “crime” they committed, it can be argued that the second category provided the police with wide discretionary powers to pick some people as vagabonds/untrustworthy people and register them in police files. It was stated in the reasoning text (*gerekke*) of the amendment that the most important indicator of the police’s success to protect the public order and public peace was their ability to recognize and keep under close surveillance the criminals *and potential* criminals (Alikasıfoğlu and Doğu 1988: 982;

The first amendment which will be mentioned here (and in fact was examined above) is the one implemented in 1965. It was made on Article 2 of the Act, which is still in use and reveals the duties of the police concerning general security: a) to take proactive measures to prevent the activities which would not be in accordance with the laws, rules, regulations, government orders, and public order¹⁶⁴; and b) to perform the duties written in the Code of Criminal Procedure and other related laws about a committed crime. The amendment was in fact about cases in which the orders of the police authorities were incompatible with the laws, rules and regulations. The most important part of the amendment was about “the thirteen exceptional situations” in which the legality of the superiors’ orders should not be questioned. They should be obeyed immediately without the request of any written document indicating the order. Exceptional cases included those in which there existed “crimes against the state”, “those who attack or resist state forces”, “damaged order in any meeting” etc. As argued above, these are very vague expressions giving the police a substantial power of deciding if the case is to be treated as exceptional or not. In these exceptional cases the superiors would not be questioned at the moment of the decision but they would nevertheless be held accountable. It can be argued that this provision which renders police authorities exempt from being questioned as to their orders and giving written documents in certain “exceptional cases” provides a wide maneuvering arena for police officers to justify their unquestioned orders afterwards in various ways.

The second modification process to be touched upon here incorporates those executed in 1973 and was initially related to the four articles of the Act, three of which were modified in the end. Two of them were important amendment attempts.

italics added). As it is understood from the article the potentiality was to be decided by the police. The 1948 amendment was an unusual backlash in the expanding powers of the police.

¹⁶⁴ The definition of “public order” is thereby left to the discretion of the police.

One of them, which was implemented on Article 9, regulating the search and seizure powers of the police, was later annulled by the Constitutional Court¹⁶⁵.

The other main amendment made in 1973 (and this time left intact) was made on Article 20. The original article which regulated the entry of the police into residences stipulated that the police could enter houses either in case of a call or catching the sight of a call for help about hazards like fire, water flood, drowning etc. or in case of the necessity of preventing a crime of aggravated sentence from being committed.

With the 1973 amendment, it was provisioned that the police could also enter work places and their add-ons. More importantly, they would be able to enter the buildings and additional edifices of universities, independent faculties or the institutions tied to the universities in the following cases: a) if the rector of the university, or in urgent situations the deans or related institutional authorities called for help when there was the possibility that incidents that could not be prevented by the university's own resources could emerge; or b) any time, without being bounded by an invitation or permission, to prosecute a crime or criminals. The related

¹⁶⁵ Although the amendment was annulled eventually, it is worth going over it to demonstrate that the police powers were also tried to be expanded significantly in 1973, in accordance with the constitutional amendments restricting the basic rights and freedoms. The article, to summarize briefly, enabled the police to seize the arms, war pistols etc. peculiar to soldiers and security forces; every unlicensed gun, arms as well as dynamites, bombs, poisonous gases and related staff; wounding instruments like daggers, knives, pocket-knives; all goods that could possibly be used in a dangerous way against the security of the public; every means that *vagabonds* and *ex-convicts* carried and could use to commit crime ("the police can search these people if they find them suspicious"); the records, unlicensed films, publications and pictures which did not suit the morals and general manners of the public. The police would hand those that were the subject-matter of a crime down to courts and others to related offices. In 1973, an addition was attempted to be made to these provisions with which (apart from the searches performed during their judicial tasks (*adli görevleri*) in accordance with the related laws) the police would be able to search persons *who drew suspicion*, their private documents and belongings and seize the stuff mentioned above with the permission of the highest administrative authority, on account of concerns over national security and public order, and in cases where delay would be prejudicial. The Constitutional Court annulled this paragraph because of its vague terminology like the "persons drawing suspicion", "cases where delay would be prejudicial", "concerns over national security". According to the decision of the Court (25.04.1974; 1973/41; 1974/13) the law should explain these situations more clearly and leave less to be decided by the police as it had been necessitated by Article 15 of the 1961 Constitution. As it will be seen these concerns will cease to be the concerns of the Constitutional Court in the aftermath of the 1980 coup d'état.

institutions were obliged to give the necessary help to the security forces and to facilitate things for them for the prosecution. This was an important step in the curtailment of university autonomy in the early 1970s which was totally abolished after the 1980 coup d'état.

In February 1980 two more important amendments, which were related to Articles 9 and 17, were made. As has been mentioned above, Article 9 regulates the police's powers of search and seizure. As a result of the 1980 additions¹⁶⁶, it was stipulated in the article that in cases when delay was deemed prejudicial for the protection of public order and constitutional rights/freedoms *and* if the governor in the city frontiers or the head official of a district (in districts) gave permission¹⁶⁷, the police could search for weapons and belongings mentioned above (during the discussion of the 1973 amendment which was annulled) at the following places¹⁶⁸: a) the places where meetings and demonstrations were performed, to prevent any activities or attitudes that could put their security in danger; b) at places where the general council meetings of private law corporate bodies, vocational organizations with the quality of public institutions and labor unions were held to provide for the security of the meetings; c) at transportation vehicles, stations, ports etc. as well as at sport contests and performances to ensure the security of the life and property and freedom of movement; d) at every level of educational institutions and in accordance with Article 20 at universities, independent faculties and related institutions; e) at public places or student dormitories and their add-ons, in transportation vehicles moving in the entrance or exits of the cities or other inhabitation units or on the main

¹⁶⁶ Although the article was reformulated comprehensively in 2002, it, nevertheless retained the 1980 amendments to a great extent.

¹⁶⁷ In urgent cases the order could be given orally but it should eventually be turned into a written order.

¹⁶⁸ These article paragraphs are brief sketches of the actual paragraphs to give an idea about the actual ones, which are too long to be incorporated into this section.

streets, if any definite indication was available that acts of violence would be committed to create fear and awe, to damage the public order and national security and to endanger the basic rights and freedoms written in the Constitution, the indivisible integrity of the state with its nation etc. by way of attacking life, honor, property or possessions, kidnapping, taking hostages etc.

Thus, the article in this way, though with the permission of an administrative officer, who could decide on the urgency and necessity of the situation without a judge's resolution, gave the police the power to make a highly comprehensive search, as if in an exceptional state of affairs. In the last paragraph, even though it was stipulated that certainty was sought, nevertheless the instigator of such a search could remain at the level of an "indication".

The second important amendment made in 1980 was on Article 17, as indicated above. The article is about the resistance shown to the police and the response it would create. The paragraph which was added to the Article, was as the following: "The police may ask persons to reveal their identities (after presenting the document indicating that he/she is a police officer) to prevent possible crimes or to capture the perpetrators of committed crimes". This additional paragraph is still in use and it provides the police officer with wide discretionary powers. Intervention can be realized even to "prevent crimes". Thus, this proactive measure can be implemented before any act has been performed. The police officer's suspicion that a person is or will be involved in some crime is enough for the "legality" of the intervention.

The most extensive and important cluster of amendments to the Act was made in 1985 after the 1980 coup d'état. An extraordinarily loaded law draft for amending the Police Duties and Powers Act was brought to the parliament by the

Motherland Party (*Anavatan Partisi*, ANAP), causing severe disputes with the opposition party of the time (the Populist Party, *Halkçı Parti*). The draft originally contained seven articles, six of which were amendments on the main articles of the Act and the seventh article encompassed eleven additional articles to be added to the Act. As this cluster of amendments was paradigmatic in the expansion process of the police's powers, it would be beneficial to take a closer look at the amendment process to be able to reveal more about their nature.

Against the objections raised concerning the wide powers that would be given to the police with this law "which would not be acceptable under the rule of law" (*Milliyet*, 13.06.1985) the Prime Minister of the time, Turgut Özal defended the law proposal in the following way: "With these duties, the work load of the police became heavier. In fact, they were performing them anyway, but they were performing them without a law. They were undertaking them with the powers provided by the martial law. In the case of the termination of martial law, they would not be able to perform them. I believe that after the law is ratified, it will be possible that the police will increasingly integrate with the people" (*Milliyet*, 17.06.1985). Özal also emphasized in his press statement that he was also on duty during the Bülend Ulusu government (initiated by the military after the coup d'état) and the Police Law was initially part of that government's program. However, as there had been a martial law in the sixty-seven cities of the country, it was decided that there was no need for such a law. But, at the moment, Özal pointing out, the martial law was being abolished in most of the cities, and there was an arising need for such a law (*ibid.*). In this way, the Prime Minister of the time, Özal, revealed an important

goal that they targeted. What they aimed with this law can be depicted as *the normalization of the exceptional state*¹⁶⁹.

As a result of the intense objections raised against the law some of its provisions were withdrawn. The withdrawn provisions, which would give the police the power to tap phones, to control letters and private documents, to gather intelligence throughout the country on *any* subject, give a clue about the ratified ones¹⁷⁰.

With the ratification of the law (law no: 3233; 16.6.1985) amendments were made in four Articles of the Act (Articles 8, 11, 13 and 17) and 9 additional articles were adjoined. The additional powers given to the police with this law¹⁷¹ will be briefly presented in the following pages.

The first amended article was Article 8 and it regulated the powers of the police to close down certain places provided that positive evidence was gathered and the order of the highest administrative authority of the district was received. The fourth paragraph of the article was re-formulated in such a way that the grounds related to “state security” to close down certain places was emphasized: “d) The places where games are played, plays are staged, film or video records are shown *against the indivisible integrity of the state with its territory and nation, the constitutional regime, general security and general morals*” (*italics added*). In the

¹⁶⁹ On June 5, 1985, Özal was reported to declare, in a similar manner, that: “We cannot rule the country for ever under martial law. We are lifting it step by step. The important thing is not to bring the martial law back. From this perspective, the ratification of this law is essential. The police should not be rendered weak, and all the cases should be taken to court. We will educate the police and increase their powers” (*Milliyet*, 05.06.1985).

¹⁷⁰ In addition, some provisions stipulated by the law were annulled later by the Constitutional Court. These were the following: a) the paragraph added to Article 5 of the Act which provided the police with the power to take finger prints and photographs of people who acted in contradiction to general morals and manners and possessed shameful and unacceptable attitudes from the perspective of society’s order; b) the paragraph added to Article 15 which provided the police with the power to take the convicted people or detainees out of the prison or jail to re-question for another crime, provided that it was proposed by the police authority, requested by the prosecutor and decided by the judge.

¹⁷¹ We will present the most significant powers given to the police, not the whole provisions as they go beyond the scope of this section.

same article it was also stipulated, after the amendment, that the police would take associations, labor unions etc. under surveillance and close down: “e) the recreation rooms of associations, labor unions, Masonic lodges, and clubs... if they are determined ... to be converted into public places in contradiction to their internal regulations”.

The second amendment was made on Article 11. As a result, the police were provided with the powers to prevent people, any time, from performing certain actions, which could only be previously treated as crime if there was any complaint or appeal. The first paragraph of the article demonstrated the wide autonomy provided to the police for the prevention and prohibition of acts. The police would be able to prevent and prohibit the acts of: “a) those who behave against general morals, and manners and who possess shameful and unacceptable attitudes from the perspective of society’s order and who speak, sing, make music and engage in performances having these qualities”.

As a third amendment, Article 13 which regulated the powers of the police to apprehend (*yakalama*) was also re-formulated extensively in 1985. The paragraph of the article that empowered the police to apprehend people who were disturbing the public peace in spite of warnings by attempting to attack other people and engaging in fights, was retained while the general condition in the article to arraign these apprehended people before the judge in twenty-four hours was eradicated. One of the new paragraphs that gave extensive discretionary power to the police over apprehending was the following: “g) In cases of catching in the act (*suçüstü*) or in cases in which *there is strong trace and evidence that a crime has been committed or attempted, and delay is deemed prejudicial*” (*italics added*). In such cases, the police would be able to make an apprehension and carry out the necessary legal procedure.

Thus, it was all up to the police to decide that there was strong trace and evidence indicating a crime and depending on this decision they would be able to arrest persons.

Fourthly, in Article 17 a slight but important change was made. Previously, the police had to arraign people, who showed resistance to them and their orders while on duty, before the judge, in twenty-four hours. After the 1985 amendments, the condition of “twenty-four hours” was eradicated.

Besides these amendments, there were also additional articles which were added to the Act. In the first additional article, it was stipulated that the police could, by way of the order of the highest administrative authority in the district, prevent plays and performances from being staged which were *against the general morals, the indivisible integrity of the state with its territory and nation or the constitutional regime*. In the second additional article, the detention duration of defendants apprehended for crimes committed individually was decreased from forty-eight hours to twenty-four hours and for those apprehended of crimes committed collectively the previously set duration of fifteen days was left intact. However, the time span necessary for transporting the defendant to judicial agencies was not specified. It was only noted that there should not be any unnecessary delays which meant that the evaluation of the necessity was again left to the discretion of the police. As a result of the third additional article, the police, upon necessity, could demand from certain people, via a written statement, to not leave their previously registered residences or work places. These certain people were those whose statement would be taken in crime investigations about the integrity of the state, general security and the constitutional regime as well as about smuggling and drugs and also those people whose citizenship status and identity were to be determined. The fourth additional

article provided the police the powers to be able to intervene in any affairs they deemed essential, which occurred anywhere in the administrative frontiers they worked in, any time (during duty or not), without taking into account whether it was within the officers' task region, within their duty time or the crime branch they were responsible from. Thus, with this provision each police officer was empowered to decide to intervene in any affair, at any time, anywhere, and every officer was given substantial initiative over a perpetual decision moment.

With the fifth additional article, it was made possible to establish special teams from the personnel of the General Directorate of Security which would deal with/pursue/intervene in and if necessary investigate important matters related to "general security" (again a very vague term) "smuggling and drug trafficking". These teams would not be bounded with definite work areas and would only be responsible to the highest administrative authority of the district. Again a very wide maneuvering arena and a substantial upper hand were provided to the police who were not bounded by time, place or branch limits, making it hard to hold them accountable for any of their initiatives. The sixth additional article which was on the power of the police to use force was a very important addition. It was stipulated with this article that the police could use force to render the persons to be arrested or the collectivities to be dispersed ineffectual, in cases in which they resisted, attempted to attack or actually attacked. The degree of the force to be used was left to the discretion of the police: "To use force means the power to make use of physical strength, material force or the use of any type of fire arms if the legal conditions are met, in a gradually increasing manner, with respect to the content and degree of resistance and attack, in a way to render them ineffectual". In this way, any type of force might be rendered legitimate based on the relative evaluation of the police

officer about the response of the individual he is dealing with. As Sağlam (1985: 12) argued in his article on the Act, these powers had already been practiced by the police; however, with the ratification of this law the officers acquired a legal ground which rescued them from any reservation and auto-control. The seventh additional article empowered the police to gather intelligence throughout the country and to cooperate with other intelligence institutions of the state in order to take proactive and protective measures concerning *the indivisible integrity of the state with its territory and nation, its constitutional regime, and general security*. The reasoning of this additional article was made in the following way: “The importance of intelligence, from the perspective of general security and *for taking measures before the crimes are committed*, is obvious. It has been deemed necessary to place a definite provision within the police’s own legal regulations to enable them to gather intelligence on subjects within the scope of their duty and to cooperate with other intelligence institutions”. Thus, it can be stated that this article legitimized the complete and permanent surveillance of the police over the whole social formation. The eight additional article provided the police with powers to examine the recreational places whose activation permission would be given by the highest administrative authority of the district. The ninth additional article which was the last one was also substantially important. The important provisions of the article were as the following: a) the procedure to be implemented about the police who used fire arms within the scope of proactive, deterrent, regulative and protective policing duties, would be executed in accordance with the Law on the Prosecution of State Officials and other Public Employees to determine the penal responsibility of the officer; b) the preliminary inquiry (*hazırlık soruşturması*) would be carried out by the prosecutors themselves or their assistants; c) *the accused officer could be rendered*

exempt from the trial if it was decided that a trial should be held; d) in accordance with the content of the incidence and the degree of defectiveness and if the Minister of Internal Affairs rendered it appropriate, the lawyer fee of the accused police officer could be paid by the fund added to the budget of the General Directorate of Security. In the reasoning of the article it was stated that as civil individuals could benefit from free lawyers provided by the bars, it was a must to make the police officers benefit from the same advantage to be able to back the state (*devlete sahip çıkmak*). From the perspective of the law imposers, the cases were opened partly because of the failures in services and also partly because of the unfounded reports and imputation of crimes that made the police officers fall to the status of defendants (Alikaşifoğlu and Doğu 1988: 1000). Thus, as a result of these concerns, a considerable protection was supplied to the police officers. These preferential terms can be evaluated as proof of the preliminary judgment inclinations of the state in such cases.

After 1985, further amendments were implemented in 1999, 2002, 2004 and 2005¹⁷². Among these amendments, those realized in 2002 and 2005 caused substantial modifications in the Act. One of the amendments made in 2002 on Article 9 was an important one necessitating the decision of a judge for police searches. However, it was entrusted yet again that in cases where delay was deemed prejudicial the highest administrative authority of the district could give the permission of the police search¹⁷³. Moreover, the previous six paragraphs of the article were re-composed into a single paragraph: “for the aim of protecting the

¹⁷² The amendment executed in 1999 was about the conveniences provided for the treatment of the wounded police officers and the ones implemented in 2004 were mostly about the public recreational establishments leading to the annulment of the additional Article 8. Meanwhile, among the 2004 amendments, there was also a minor one executed on Article 8, favorably restraining but not abolishing the closing conditions of the recreational rooms of associations, labor unions etc.

¹⁷³ It is worthy to note that (as will be discussed below) the new Code of Criminal Procedure (2004) gives to police officers the power to search upon the written order of the police authority in cases where delay is deemed prejudicial and the public prosecutor is not available.

national security and public order, the general health, and general morals or for the protection of others rights and freedoms, or prevention of the execution of crimes, for the determination of every kind of arms, explosive material or staff’ and to prevent the execution of crimes the searches could be carried out on persons, the private documents and belongings and in the vehicles,. Again within the scope of the 2002 amendments, a paragraph was added to Article 13, stipulating that the police officer could apprehend persons who resisted his/her measures which were taken duly within the scope of laws and prevented him/her from doing his/her duties. A vague term like “resistance” whose interpretation would depend on the perceptions and predilections of the police officer was rendered as a legitimate ground for an apprehension.

The last important amendment to be mentioned here is the one made in 2005 (no: 5397, 03.07.2005) on the seventh additional article (added in 1985 as explained above) which was on the power of the police to gather intelligence throughout the country. As a result of this last amendment eleven paragraphs were adjoined to the article. To put it briefly, the amendment was on wire tapping (listening and recording communication as well as following signals to determine the location of a person). This extensive intervention in the right of free communication could be performed with respect to a wide range of crimes from the production and sale of drugs within the scope of an organization’s activities to the “crimes against the state”¹⁷⁴. The decision of tapping¹⁷⁵ would be given by a judge but in cases where delay was deemed prejudicial, the Director-General of Security or the Head of the Intelligence Department of the same institution could order it with a written statement which was

¹⁷⁴ See the criminal acts listed in the Article 250 of the Code of Criminal Procedure.

¹⁷⁵ The decision of wire tapping could be given for three months but it could be extended for three times, each for three months at the most. But in cases related to a terror organization it could be extended infinitely.

to be confirmed by a judge within twenty-four hours. Upon the decision of a judge, technical surveillance could also be performed and information could be gathered from the public institutions.

These provisions which legally expanded the police surveillance over the whole social formation were preceded by the related articles of the new Code of Criminal Procedure (2004). The articles between 135 and 138 in the Code provided the police for the first time with explicit powers of wire tapping. According to the new Code, wire tapping could be executed¹⁷⁶ during the investigation or prosecution phase of a crime in cases where there was strong suspicion that a crime was committed and there was no other way to obtain evidence¹⁷⁷. The decision would be given by a judge and in cases where delay was deemed prejudicial it could be given by a public prosecutor to be confirmed by a judge. The provision covered the crimes ranging from financial frauds to prostitution, from bribery to the crimes against the confidential records of the state.

Thus, it can be stated that with the additions made to the Police Duties and Powers Act in 2005 and with the ratification of the new Code of Criminal Procedure in 2004 an extensive surveillance mechanism over the social formation was legally activated, empowering the intelligence institutions including the Intelligence Department of the police organization to wire tap in the indicated wide range of cases.

To conclude this section, it can be argued that as a result of the amendments made over the Police Duties and Powers Act, the police acquired increasing powers

¹⁷⁶ Wire-tapping would be executed through a new department which would be established under the name of "Telecommunication Department" within the Telecommunication Institution and which would include representatives from the National Intelligence Organization (MİT), General Directorate of Security and the General Commandment of Gendarmerie.

¹⁷⁷ According to Çolak and Taşkın (2005: 447), the inclusion of the prosecution phase in the provision unnecessarily expanded the scope of the power because they state that for a prosecution to take place there had to be enough evidence, which was rendering the wire tapping, thereby, unnecessary.

to monitor, classify, intervene, and govern the conduct of people as well as to exert violence over people. The discretionary powers of the police were substantially increased especially with the use of vague terms like “cases where delay is deemed prejudicial”, “to protect the national security”, “to safeguard the general security and general morals” etc. It would not be an exaggeration to state that after these amendments the fact that any situation may become a component of the police domain is explicitly legalized by way of the Police Duties and Powers Act.

The Modifications in the Code of Criminal Procedure in 1992, 1997 and 2004 and
the Powers of the Police

Besides the Police Duties and Powers Act, the Code of Criminal Procedure must also be taken into account, since a considerable part of the Code regulates the judicial and proactive authorities of the police. As the Code went into a large scale modification process starting from the 1990s, it will be beneficial to take a quick look at this process to gain an understanding about the changing range of police powers and the predilections concerning these powers.

With respect to the powers of the police, the Code of Criminal Procedure went through comprehensive and important changes mainly three times: in 1992, 1997 and in 2004 when the Code was re-written all over again, replacing the older one which had been ratified in 1929¹⁷⁸. After briefly presenting the changes executed in 1992 (law no: 3842; 18.11.1992) and 1997 (law no: 4229, 06.03.1997) which were retained in the latest version of the Code (2004), this last version will be taken into

¹⁷⁸ The new code went through few but important adjustments in 2005.

account by concentrating on four types of police power (search and seizure, apprehension and detention, police interrogation and the use force).

The major modifications accomplished in 1992, in the Code of Criminal Procedure (1929), were on the regulations which provided suitable conditions for the infliction of torture (TİHV 1996: 29, 30). These concerned the conditions and duration of arrest, detention periods, interrogation phases and the defense lawyers' participation in the preliminary investigation process. As a result of these modifications, progressive changes in the Code safeguarding the suspects' (*şüpheli*) and defendants' (*sank*) rights were achieved. Thus, the conditions for the lawful arrest of defendant was precisely defined and limited (Article 104); the defense lawyer was allowed to be present during arraignment (Article 105); the detention duration for those who were arrested was decreased from forty-eight hours to twenty-four hours (Article 108); the detention duration for suspects who were apprehended was retained as twenty-four hours for individually committed crimes and it was decreased from fifteen days to four days (which could be prolonged by four additional days at the most) for collective crimes (Article 128). In addition, the maximum period of arrest in pre-trial detention, while preliminary investigation was being conducted, was set (Article 110); the suspect was to be told that he/she had a right to a lawyer who could be present while he/she made his/her statement at the police station or during interrogation at court, and a right to call relatives to inform them of the apprehension/arrest, and to remain silent (Art. 135). Detailed minutes (*tutanak*) of the statement conferral and the interrogation would be kept (Art. 135/1, b, 7), the prohibited methods of statement taking/interrogation were listed (Art. 135/A) and it was clearly declared that the statements that were taken by way of one of these methods would not be accepted as evidence (Art. 135/A, last part) and

would not be treated as bases to the verdicts (Art. 254). The suspect would be allowed to have one lawyer present during police interrogation, and the lawyer's right to represent his client without police interference was strengthened (Art. 136); the bars would provide defense lawyers for those who could not afford one (Art. 138) and the lawyers would be able to examine all the documents including the preliminary investigation (Art. 143). Unrestricted and protected access was allowed between the detainee or arrested suspect and his lawyer (no proxy would be required from the defense; it would be provided that their meetings could be privately held; and the written communication between them would not be controlled) (Art. 144).

These were important modifications creating safeguards for suspects and defendants. However, it must be pointed out that, especially if the accountability mechanism is not designed and worked accordingly, practices may not correspond to the regulations, as has been experienced in Turkey¹⁷⁹, and it must also be remembered that as a result of the intervention made by the Governor of the State of Emergency, and the police authorities of the time, these modifications were rendered inapplicable to the cases to be tried in the State Security Courts, in which these safeguards were needed the most (TİHV 1996: 30, 31).

In 1997, further changes were realized in the Code of Criminal Procedure (1929). According to these changes, it was stipulated that the detention periods for the criminal suspects of collective crimes (those committed by three or more people), could be extended to seven days¹⁸⁰ with the request of a prosecutor and approval of a judge, and that the detention periods for the detainees held for the cases concerning the State Security Courts would be forty-eight hours for individual crimes and four days for collective crimes, a period which could be extended to seven days at the

¹⁷⁹ See the previous section.

¹⁸⁰ Previously, it was eight days.

request of a public prosecutor and upon the order of a judge. For the areas under the state of emergency, it was provided that the seven-day period could be extended to ten days at the request of a public prosecutor and upon the order of a judge¹⁸¹.

The state of emergency in provinces throughout Turkey was completely cancelled in 2002¹⁸² and the State Security Courts were abolished altogether in 2004. 2004 was also the year in which the Code of Criminal Procedure (no: 1412; 1929) was replaced with a new one (no: 5217, 04.12.2004). Following the replacement, heated disputes over the provisions of the Code took place. Repeated criticisms were voiced by the police personnel on the alleged curtailment of police powers (*Radikal*, 20.11.2004; *Radikal*, 10.03.2005). Eventually a Commission of Justice (*Adalet Komisyonu*) was set up within the parliament, to which the representatives of the police organization attended to voice their demands. In subsequence to the negotiations carried out there, amendments were made on the various articles of the Code, in May 25, 2005, via the ratification of another law (no: 5353). Now, attention will be drawn to some points related to the main provisions in the former and new Code, concerning the main powers of the police (to search and seize, apprehend, detain/take statement and use force) to observe the extent of these powers and to see if there has been any change in some important aspects.

The powers of the police to search and seize, to start with the first cluster of powers of the police mentioned above, were regulated between the articles 116 and 134 of the new Code. Before drawing attention to some points about these articles, it will be beneficial first to take a look at the related article in the Constitution, which is

¹⁸¹ Additionally, the second article of the law removed two articles of the Turkish Criminal Code, 384 and 385, from the jurisdiction of State Security Courts.

¹⁸² In 2002, the stipulation in Article 128 of the Code of Criminal Procedure regarding the extension of the detention periods for the offenders of collective crimes up to seven days was annulled. Thus, they could be extended up to four days at most.

the reference point of all the other laws concerning the police's power to search and seize.

In the Constitution, the power to search was regulated in Articles 20 and 21 which were titled "Privacy of Individual Life" and "Inviolability of the Domicile". Both were amended on October 17, 2001 to incorporate the restriction grounds previously stated collectively in Article 13. Article 20 was amended to include the following provisions: "Everyone has the right to demand respect for his or her private and family life. Privacy of an individual or of family life cannot be violated. Unless there exists a decision duly passed by a judge *on one or several of the grounds of national security, public order, prevention of crime commitment, protection of public health and public morals, or protection of the rights and freedoms of others*, or unless there exists a written order of an agency authorised by law in cases where delay is prejudicial, again on the above-mentioned grounds, neither the person nor the private papers, nor belongings, of an individual shall be searched nor shall they be seized"¹⁸³ (*italics added*). Article 21 is the replication of Article 20 as to the inviolability of the domicile. As is observed, in both of the articles, the grounds for the decision to search and seize are specified too vaguely to allow for the questioning of the legality of a specific decision, if necessary, on firm grounds. Especially the "prevention of crime commitment" opens a very wide terrain for the agency (giving the order to search) to claim legitimacy because the *suspicion* over a possible situation is rendered enough for such a decision to be taken. Also it was made possible for agencies other than a judge to approve of the decision to search. This provision has enabled related laws to provide the police with the power to make such a decision.

¹⁸³ The decision of the authorized agency should be submitted, within twenty-four hours, to the judge (who has jurisdiction) for an approval. The judge should announce his decision within forty-eight hours from the time of seizure; otherwise, seizure should automatically be lifted.

The new Code of Criminal Procedure has the following preliminary provision about the power of the police to search: “if there is any *reasonable suspicion* that he/she can be arrested or evidence of the crime can be obtained; a suspect or a defendant, his/her belongings, domicile, workplace or other places that belong to him/her can be searched” (Art.116; *italics added*). In place of the previous expression “if it is hoped that...”, another term, “reasonable suspicion”, is used in the new Code. The meaning of “reasonable suspicion” is explained in the Regulations on the Judicial and Proactive Searches (*Resmi Gazete* 01.06.2005, no: 25832) in the following way: “reasonable suspicion can be acquired by taking into account the time, place and the attitude of the person in question or people with him/her and the qualities of the thing that the police suspect the person carries... On these stated matters, the suspicion must be based on concrete facts”. Although it is declared in the regulation that concrete facts should exist for a search to be decided on, it can be argued that one of the mentioned grounds, indicating the attitude of the person in question as a legitimate cause for a search, can never be materialized as a concrete fact. Based on this definition, it can be stated that this provision (like the one in the previous code), still contains a highly vague expression related to the grounds of a legitimate search. Additionally, it must be noted that, as opposed to the previous one, which covered only the defendants, this provision encompasses both the suspects and the defendants.

As a second important issue, the provision in the Code on the agencies which are empowered to decide on a search must be taken into account. In the previous Code it was stipulated that: “The power to decide on the search belongs to the judge. However, in cases where delay is deemed prejudicial, the Public Prosecutors and the police, being the assistant of the prosecutors, can make searches” (Art. 97). In the

original version of the new Code as ratified in 2004, a progressive change was accomplished and the power provided to the police to give the decision to search was excluded from the article¹⁸⁴. However, following the harsh criticisms voiced by the General Directorate of Security, amendments were made on the article in 2005, leading to a significant change in the provision of the article enabling the police, from then on, to decide on the search. The new version is as follows: “The police can make a search upon the decision of the judge or in cases where delay is deemed prejudicial¹⁸⁵ upon the written order of the Public Prosecutor and if he/she is not available upon the written order of the police authority” (Art. 119). The police authority can decide on a search to be executed on persons, not their residences, and only if the public prosecutor cannot be found. Although these conditions are incorporated into the article as safeguards, nevertheless, as Çolak and Taşkın argue, given that public prosecutors are always available, working in shifts for twenty-four hours, this is an unnecessary power provision for the police (Çolak and Taşkın 2005: 383). An equivalent amendment was also executed in 2005 concerning the power to seize belongings (Art. 127) as a result of which the police retain their power to decide on seizure.

¹⁸⁴ In the original version of the Code, before the amendments executed in 2005, it was stipulated that: “The police officers can make a search upon the decision of the judge or, when delay is deemed prejudicial, with the written order of the public prosecutor” (Art. 119).

¹⁸⁵ “The cases where delay is deemed prejudicial” is explained in the fourth article of the latest version of the Regulations on the Judicial and Proactive Search (*Resmi Gazete* 1.6.2005, no: 25832): “a) with respect to the judicial search, the cases, in which, if no procedure is put into action, there arises the possibility that the marks, traces, signs and evidence of the crime can be lost or the suspect can flee or his/her identity cannot be determined and if, when necessary, there is no time to acquire the decision of the judge; b) with respect to the proactive search, the cases, in which, national security, public order, public health and public morals, or the protection of the rights and freedoms of others are endangered or damaged; the cases in which there arises the possibility that a crime cannot be prevented or it will not be possible to determine any kind of stuff like fire arms, explosives or belongings whose availability or bearing is prohibited and if, when necessary, there is no time to acquire the decision of the judge” (Art. 4). As is clear, especially the second paragraph which regulates the proactive search, contains highly vague terms describing the legitimate grounds of a search, providing wide discretionary powers to the police to decide on a search. Also there is no allusion to the availability of a public prosecutor who was the secondary agency to be consulted as stated in Article 119 of the Code of Criminal Procedure regulating these searches.

The third important point about the new Code concerns the power of the police to search people other than the suspect or defendant. In the former Code, the article related to this issue (Art.95) stipulated that other people could be searched only to apprehend the defendant or to pursue the marks of the crime or to seize certain belongings. In the new Code it is stipulated that this kind of a search can be made in relation not only to defendants but also to suspects (Art. 117), leading to an increase in the possibilities of police search.

The fourth point to be mentioned here is related to night search. In the former Code it was stipulated that a search at residences, work places or other places could not be executed at night except in cases of catching in the act, where delay was deemed prejudicial, or to apprehend a fleeing defendant or a convict. In the new code, besides the defendant and the convict, apprehension of fleeing *detainees* is also mentioned as a legitimate ground for a night search.

Besides the above mentioned modifications which can be evaluated as expanding the powers of the police, it can be stated that progressive changes were also accomplished in the new Code. For example, it was made possible that defense lawyers could be present during the search (Art. 120) and that the searches in lawyers' offices could only be carried out upon the decision of a court and under the supervision of the public prosecutor accompanied by the president of the bar or a lawyer representing him/her (Art. 130). Also the power to examine seized belongings was not given to the police (Art.122). The opinion of the searched person about the seized belongings, could also take place in the documents that would be prepared about the search (Art.121).

The second cluster of police powers that will be examined here is about the power to apprehend a person and to detain him/her. These are regulated in the Code

(2004) between Articles 90 and 99. Before examining the Code with respect to these powers it will be beneficial to take a look at the Constitution again.

The issue of apprehension is brought up in the Constitution¹⁸⁶ in Article 19:

Individuals against whom there is *strong evidence of having committed an offence* can be arrested by decision of a judge solely for the purposes of preventing escape, or preventing the destruction or alteration of evidence as well as in other similar circumstances which necessitate detention and are prescribed by law. Apprehension of a person without a decision of a judge shall be resorted to only in cases when a person is caught in the act of committing an offence or in cases where delay is likely to thwart the course of justice; the conditions for such acts shall be defined by law.

As is observed, the Constitution enables the endowment of an agency (i.e. the police, although not explicitly mentioned) other than a judge with the power to apprehend or detain a person in cases of *flagrante delicto* and where delay is likely to thwart the course of justice. It can be argued that, the agency empowered to apprehend in the latter case is in fact given substantial discretionary power to decide if the delay would thwart justice or not.

As to the new Code, in which the power of the police to apprehend is regulated¹⁸⁷, it is provided that “catching in the act” is a legitimate reason for apprehension and in accordance with the Constitution, it is also stated in the second

¹⁸⁶ In Article 19, the cases necessitating apprehension or detention are formulated in the following way: “No one shall be deprived of his or her liberty except in the following cases where procedure and conditions are prescribed by law: execution of sentences restricting liberty and the implementation of security measures decided by court order; apprehension or detention of an individual in line with a court ruling or an obligation upon him designated by law; execution of an order for the purpose of the educational supervision of a minor or to bring him or her before the competent authority; *execution of measures taken in conformity with the relevant legal provision for the treatment, education or correction in institutions of a person of unsound mind, an alcoholic or drug addict or vagrant or a person spreading contagious disease, when such persons constitute a danger to the public,* apprehension or detention of a person who enters or attempts to enter illegally into the country or for whom a deportation or extradition order has been issued” (*italics added*). It is significant that such a large mass of people (people of unsound minds, alcoholics, drug addicts, vagrants, or those spreading contagious diseases and constituting danger to the public) whose dangerousness would be decided by certain agencies prescribed by laws can be subjected totally to the discretion of those certain agencies and their liberty could be limited in accordance with their decisions. Such a large mass of people have less rights than a regular citizen upon such a decision of a certain agency including the police.

¹⁸⁷ The police can also make proactive apprehension which was regulated in the Police Duties and Powers Act (1934) and mentioned in the previous pages.

paragraph of Article 90 that: “the police officers have the power to apprehend, if the public prosecutor or the police authorities are not available, in cases in which it is necessary to prepare a warrant of apprehension or arrest and delay is deemed prejudicial”. There is no difference between the old Code (Art. 127) and the new one with respect to this provision; thus, both before and now, in the Codes of Criminal Procedure the public prosecutors or police authorities are empowered to make the decisions of apprehension; however, in cases where such an application cannot be carried out, even the police officers are provided with considerable discretionary powers of decision.

As a second point, it can be stated that a progressive change, when compared with the previous provisions of the article, was made with the newly devised fourth paragraph of Article 90 in 2004, with which it was stipulated that the police officers should immediately inform the suspects about their legal rights at the time of apprehension¹⁸⁸. Thirdly, with the 2005 amendments, it was added to the same paragraph that the police should take the necessary measures to prevent the fleeing of the suspect and his possible attempts to harm himself/herself or those around him/her. This meant that the police was, *de facto*, *allowed* to carry out a search on the person in that situation.

Fourthly, it is determined in the fifth paragraph that, following an apprehension, the police should give information to the public prosecutor and proceed in accordance with the prosecutor’s orders. It is significant to note here that before the 2005 amendments, it was determined that the suspect would be sent in person over to the public prosecutor together with the investigation documents.

¹⁸⁸ In the previous Code (1929) it was stipulated in Article 135 and the subsequent ones that the suspects should be informed of their rights before the police interrogation took place; however, it was criticized for stipulating the implementation of this procedure at such a late phase (Çolak and Taşkın 2005: 297).

However, after the objections raised by the police authorities due to the long distances to be covered in Eastern Turkey (Çolak and Taşkın 2005: 298), the paragraph was altered to refrain from such a provision. The unaltered version of the provision, if accepted, would have constituted a radical safeguard for suspects who would not be detained, in that case, upon the information provided by the police¹⁸⁹. But it is, nevertheless, a progressive move to transfer the power of deciding on detentions from the police to the prosecutors. Before, the agency to decide on the detention was left unspecified and therefore, the police was endowed with a freehand.

As for detention, it can be stated that detention is not a measure disconnected from apprehension; it is, on the contrary, the extension of apprehension (Çolak and Taşkın 2005: 300). Article 91 of the new Code is a comprehensive article organizing important parts of the process. There are progressive changes in the article, when compared with the previous Code. In the first paragraph of the article, it is stipulated that:

The person, apprehended in accordance with the above article, *if not released by the public prosecutor*, can be detained to complete the investigation. The detention period cannot exceed twenty-four hours from the time of apprehension, in exclusion of the time necessary for having the suspect arraigned before a judge or a court nearest to the location of apprehension. The time necessary for having the suspect arraigned before a judge or a court nearest to the location of apprehension cannot exceed twelve hours” (*italics added*).

The first progressive change, mentioned above, is the provision (which complemented Article 90), with which it was determined that the detention decisions would be given by the public prosecutors.

¹⁸⁹ As a progressive change related to apprehension, it was provided in Article 93, for the first time, that handcuffs would be used only in certain cases, in which, during the transportation of the apprehended or arrested persons, there were indications that they could flee or harm their own or others' bodily integrity.

Secondly, it should be noted that the duration in which the suspect would be arraigned before a court is specified in the new Code. However, it should also be mentioned that while in the first version of the Code as ratified in 2004 it was stipulated that it had to be done within 24 hours (the maximum period of detention), after the 2005 amendments, an extra twelve hours was provided for this process due to the objections raised by the police authorities.

The other changes, which can be defined as progressive, were the following: it was determined in the third paragraph that the detention periods for the offenders of collective crimes could be extended for three times, each for a single day¹⁹⁰; in Article 92, it was stipulated for the first time that the chief public prosecutors or the prosecutors whom they would appoint would inspect the detention rooms, the places where statements were taken, the registration procedure and other procedures; in Article 97, it was also determined that a registration should be made about the apprehension, indicating the offence that has caused it, its circumstances, its time and place and the identities of the police officers who executed the apprehension and those who made the registration.

The third cluster of powers to be mentioned here is the power of the police to take statements (*ifade alma*) from suspects. The issue is regulated in the new Code between Articles 145 and 148. Article 145 which is about “[t]he call for making statement (*ifade verme*) or interrogation (*sorgu*)”¹⁹¹ is formulated in the following way: “The person whose statement will be taken or who will be interrogated will be called with an invitation; the reasons of the call will be clearly stated; if the person does not come, he/she will be forced to come”. With respect to this article, it is worth mentioning that it incorporated a progressive change which made it necessary to

¹⁹⁰ Thus, the detention period would not be automatically prolonged up to four days, like in the previous Code; it would be extended with a separate decision for each day of prolongation.

¹⁹¹ Statements are taken at the police station; interrogations are undertaken before a judge.

indicate “the reasons of the call” in the invitation. However, in the next article of the new Code which is on the bringing of these persons by force, the number of people who can be brought by force expands significantly, as the new Code also includes the suspects besides the defendants who were the only specified group in the previous Code. In the fifth paragraph of the article, the stipulation that the bringing by force would be undertaken at a reasonable time, leaving the interpretation of the reasonableness to the police, is left the same as in the previous one. However, the duration to bring the person before the judge is specified as twenty four-hours in the new Code, while in the former it was forty-eight hours plus the transportation period (Art. 146/4). The Articles on “the mode of the statement conferral and interrogation” (Art. 147) in the new Code and the old Code, which was amended in 1992, are almost the same. Yet, in the new one, some progressive changes are made like the provision that the procedure of statement conferral or interrogation would be recorded with technical means (Art. 147/h) and that the relatives of the apprehended person should be *immediately* informed (Art. 147/d).

Forbidden methods of statement conferral or interrogation (ill-treatment, torture, medication etc.) are specified in Article 148 in the new Code and it is determined that the statements taken with these methods will not be accepted as evidence even if they are willingly given. As opposed to the previous Code, it is stipulated in the new one that the statements taken by the police without the presence of a lawyer cannot be taken as a basis to the verdict, if they are not verified by the suspect or the defendant before a judge. It is also provided in the new Code that the secondary round of statement conferral should be executed by the public prosecutor.

Thus, it can be stated that important safeguards are legally introduced in 2004 in addition to the previous ones accomplished in 1992, regulating and restricting the

power of the police concerning the procedure of statement conferral. However, it is important to note that the practice can always significantly divert from the rules and regulations. Nevertheless, the presence of such safeguards proves to be important in cases where the accountability mechanism can be worked properly.

The fourth power of the police to be mentioned here is the power to use force. This power was raised not in the Code of Criminal Procedure but in the Police Duties and Powers Act; but, as it is an important power of the police it will be taken into account in this section, in which the powers of the police are overviewed.

The police power to use force was regulated in Article 16 and the sixth additional article of the Act. In the previous pages, while discussing the amendments executed on the articles of the Act in 1985, we had touched upon the sixth additional article. Thus, we will mainly take into account Article 16 here. Article 16, which was not subjected to any amendment, proclaims that the police are empowered to use fire arms in cases which are specified in the article. It can be put forward, beforehand, that these cases are specified in such a way that the police are provided with a wide maneuvering arena to legitimize most of the use of fire arms. Some of the cases in which the police can use fire arms are as the following: d) if there is not any other way to deflect the assault that was directed against his/her post that he/she is commissioned to protect, or the fire arms handed to him/her; or the police station and the persons entrusted to him/her; f) if it is not possible to apprehend a defendant or a convict charged with heavy sentence in cases where the offender flees and does not abide by the call to stop at the time of apprehension; g) if there has been any active resistance or preventive attack either individually or collectively against the police officer performing his/her duty; g) if there is any armed opposition against the state's reputation and practices". The interpretation of "active resistance", "the

possibilities of apprehension”, “assault against the post” are all left to the police officer who is at the scene and masters the moment of the decision. In the sixth additional article, it is also stipulated that the police will be able to use force if the person to be apprehended resists or the collectivity to be dispersed attempts to attack. The proportion of the use of force would be decided with respect to the content and degree of resistance and attack. It is also up to the police who are empowered to use physical strength, material force or, fire arms (if the legal conditions are met) to decide what to use.

Hence, due to the lack of precise criteria specifying the use of lethal force with respect both to the case and other certain particularities, such as the forbidden parts of the body to be targeted, it can be argued that the police is provided with wide discretionary powers, making it more difficult to question the legality of police decisions.

Thus, based on the account given above, it can be stated that the police still retain a substantial degree of their previous powers in relation to the powers of search and seizure, apprehension, and especially the use of force. These regulations provide the police with generous discretionary powers to decide on the proceedings to be implemented. There are also some progressive changes that have been accomplished, as indicated above, related particularly to the phase of statement taking from the suspect. However, it must be noted that practices do not always correspond to the legal regulations as, for example, the investigations of the Turkish Grand National Assembly Human Rights Observation Commission carried out in 1998 and 2000 have demonstrated (see Pişkinsüt 2001). At this point, the accountability mechanisms should be considered as they may constitute a panacea, to a certain extent, for human rights violations. We say “to a certain extent” because the

visibility of police proceedings are low and additionally the police dominate all the decision moments which have the potential of being legitimized (surely except in cases of torture or similar practices) because of the interpretative nature of the legal regulations. Nevertheless, it cannot be denied that a regularly functioning accountability mechanism with a deterring nature can aid the protection of human rights.

The Accountability Mechanism in the Police Organization

Having overviewed the expanding powers of the police via the amendments made on the Police Duties and Powers Act through the years and the considerable authority provided to them by the Code of Criminal Procedure (even after the progressive changes accomplished after 1992), it is time to take a look at the accountability mechanism within the organization to see if the police proceedings are held under close judicial check or if there exists a *de facto* immunity system to a certain extent which provides the police officers with some free space to decide on the treatment of each case. It was demonstrated in the first part of this chapter that the civil and military administration in Turkey was strengthened within the state structure especially after 1980s, while judicial independence has been noticeably curtailed by dragging the courts under the influence of the President and the Ministry of Justice. Examining the accountability mechanism of the police organization will reveal if this mechanism also fits into this framework of power relations between the state institutions by restricting the powers of the courts to execute judicial checks or if, on the contrary, it enables the courts or other authorized institutions, as it should be, to scrutinize each conflict ridden matter with respect to police practices.

As Neocleous puts forward, police organizations rest on a law and administration continuum concerning both their functions [i.e. executing preliminary investigations (quasi-judicial) or monitoring and intervening in people to construct the public order (quasi-judicial and administrative/governmental] *and* their accountability mechanisms (Neocleous 2000: 104). Accordingly, the accountability mechanism of the police organization in Turkey also rests on a *quasi-judicial* disciplinary/administrative mechanism of its own and on the judicial mechanism of the social formation with respect to the conduct of the police officers¹⁹².

To start from the disciplinary/administrative mechanism within the organization, it can be stated by examining the related legal regulations that it is usually put into function as a result of an allegation, notification, or complaint about the acts, procedures, attitudes and behaviors of the police officers. The ill-conduct in question may range from the acts against the rules of tidiness/cleanliness to acts of insulting citizens, from striking a person who enters a building of the police organization to a negligence of post. If the penalty in question is light, the police authority authorized to decide on a penalty may come to a decision on his/her own. If he/she cannot decide on the penalty or the penalty in question is heavy, an investigator may also be put on duty to ensure that the act is really committed by the police officer in question, to determine the reasoning of the punishment etc. In this way, the police authority transfers the case to a related disciplinary committee. The penalties that can eventually be given are: warning, denouncement, reduction of salary, short term halt of seniority, long term halt of seniority, defrocking and

¹⁹² The disciplinary mechanism of the organization and the channels of its connection with the judicial mechanism in Turkey are regulated through five main legal regulations: a) Law on the State Officials (no: 657; *Devlet Memurları Kanunu*); b) Law on the Security Organization (no: 3201; *Emniyet Teşkilatı Kanunu*); c) The Regulations of Discipline in the Security Organization (24.04.1979; *Emniyet Teşkilatı Disiplin Tüzüğü*); d) The Law on the Prosecution of State Officials and other Public Employees (no: 4483; *Memurlar ve Diğer Kamu Görevlileri Hakkında Kanun*); e) Code of Administrative Trial Procedure (no: 2577; *İdari Yargılama Usulü Kanunu*).

removal from civil service (the last one to be given only in accordance with the Law on State Officials). Thus, while the disciplinary mechanism within the organization is directed at administering/governing the manner of the police officers, it also incorporates a quasi-judicial mechanism separate from the courts of the country as the police officers are punished or acquitted according to the decisions of the police authorities or disciplinary committees of the organization with respect to their ill-conduct performed during work hours (Sönmez 2005: 547-549).

If the investigated ill-conduct constitutes a crime according to the Turkish Criminal Code or other related laws, the investigator must present an opinion on whether it is necessary to litigate it or if its litigation should be rejected (Sönmez 2005: 549). If the investigator decides that it should be litigated, a copy of the file is sent to the related decision organs. For the crimes committed during work hours and because of the work, the police officers are subjected to the Law on the Prosecution of State Officials and other Public Employees which was ratified in 1999 replacing the previous code, the Law about the Assize of the State Officials (1913; *Memurin Muhakematı Hakkında Kanun*). According to both acts, the trials of the state officials (in our case the police officials) can take place if the authorized agencies give permission. In the previous act, the authorized agency was the Provincial Administration Council in the provinces and the District Administration Council in the districts; in the new one, it is the governor in the provinces and the head official of a district (*kaymakam*) in the districts (Art. 3). The decisions of these agencies can be objected in Regional Administrative Courts. Thus, if the crime is committed during work hours because of the work, it means that the investigation and prosecution of the officials are subjected to particular legal regulations (apart from the general provisions), which (as the trials can only be opened with permission)

make it harder to sue them although they may really be the perpetrators of crimes. Based on this fact, as argued in the report of the Human Rights Association on torture¹⁹³, the duality created in the judicial system can be evaluated as a significant intervention in the powers of the judiciary.

Before 2003, the same terms were valid with respect to the cases of torture and ill-treatment, making it hard to sue the perpetrators of such important human rights violations, leading to the creation of a protective shield for them. However, in 2003, a progressive change was accomplished due to the efforts of harmonizing the local laws with the legal regulations of the European Union. In that year, it was added to the Law on the Prosecution of State Officials and other Public Employees that the cases of torture and ill-treatment would not be subjected to the provisions of that law, which meant that they would be subjected to the general provisions. This is a progressive change, for it enables the treatment of these cases as crimes performed when the officer is off-duty, and therefore, as crimes to be sued directly at court.

Besides the legal regulations on paper, however, it will be beneficial to take a look at some few examples of actual practices (without being exhaustive) on the issue of torture (as it is one of the most severe crimes that a police officer may perform) to understand how the accountability mechanisms actually function in reality. According to the data given by the Human Rights Association¹⁹⁴ for the years between 1995 and 1999 based on the information provided by the Ministry of Internal Affairs, from among the 569 personnel who were subjected to administrative investigations due to incriminations of torture, only one personnel got a warning, three of them got denunciation, the salary of one was reduced, three of them got short term halt of seniority and four of them got long term halt of seniority. None of them

¹⁹³ see the report on the website: <http://www.ihd.org.tr/iindex.htm>

¹⁹⁴ For the report see <http://www.ihd.org.tr/iskence/emniyet.htm>.

got a penalty of defrocking which is in fact the actual punishment stipulated by the Regulation on the Discipline in the Security Organization (*Emniyet Örgütü Disiplin Tüzüğü*). As a result of the permission procedure for judicial investigations, the litigation of 118 cases were rejected, and of the 4,668 personnel about whom administrative investigations were executed because of incriminations of ill-treatment, the litigation of 1,095 were rejected. These can be evaluated as considerably high numbers to be not tried in court after such important allegations were received. In addition, a substantially high number of cases were evaluated within the scope of ill-treatment when compared with torture. In the report of the Association, the reason of this huge difference is explained as of being the result of the vague terms used in the Article 243 and 245 of the previous Code of Criminal Procedure in relation to torture and ill-treatment, which enabled these investigations to be based on ill-treatment, leading to milder punishment terms than torture¹⁹⁵. It is also important to note that with the ratification of the “Law on the Acquittal of the Disciplinary Penalties of the State Officials and other Public Employees” (no: 4455) on August 28, 1999, all the disciplinary penalties of the state officials given before, including the penalties of defrocking, were pardoned.

Even after the 2003 amendment of the Law on the Prosecution of State Officials and other Public Employees abolishing the permission procedure for cases of torture and ill-treatment, and the ratification of the new Code of Criminal Procedure in 2004, statistics implicate that the penal mechanisms are not worked fully to convict the personnel involved in torture or pain infliction. The International

¹⁹⁵ The same vagueness still continues in the new Code of Criminal Procedure (2004) this time between torture and pain infliction (*eziyet*). In accordance with the discretion of the agency authorized to judge, the crime to be tried is specified either as torture or pain infliction.

Helsinki Federation Of Human Rights provides the following information in its 2006 report on Turkey, concerning the 2005 statistics¹⁹⁶:

The Human Rights Association recorded 825 torture and ill-treatment complaints under detention [in 2005], compared to 1,040 in 2004, while the prosecutors launched 1,239 cases against security officers and other officials charged with torture and ill-treatment in the first three months of the year, according to the government sources. The government reported that only 447 of these prosecutions led to court trials. Only 531 cases launched during previous years were finalized, courts convicting 232 officers and acquitting 1,005.

To conclude, it can be stated that while the police continue to hold a considerable degree of authority and discretionary power at hand, it seems to be the case that it is still hard to work the accountability mechanism to convict the human rights violators and perpetrators of torture. Thus, within the state structure in Turkey, in which the administration holds extensive powers (even over the judiciary), the police (as part of the administration) constitute one of the most effective channels of the state to intervene in every aspect of the social formation with an intimidating potential of violence.

¹⁹⁶ For the whole report see www.ihf-hr.org/viewbinary/viewdocument.php?download=1&doc_id=6866.

CHAPTER 7

INTERNATIONAL POLICY/NORM TRANSFER MECHANISMS IN THE POLICE ORGANIZATION

As has been noted in the above pages, the fourth set of social relations which arguably exist at the heart of capitalist states and affect their institutional modifications can be identified as the ones taking place in the global interactive context. It can be argued that the relations taking place, between the globally hegemonic bloc or the core states of international/global capitalism and the dominated/peripheral ones, which provide the suitable conditions of policy and norm transfers (mostly desired by or just emanating from these hegemonic/core states) may leave effects (voluntary or not) on the state apparatuses of the dominated/peripheral states. These relations may encompass the exportation of commodity/capital, technology, or more importantly, information, which enables governing without coercion.

The importance of these relations in policy and institutional modifications was substantiated, to give an example, by Loic Wacquant (1999: 319) in his paper titled “How Penal Common Sense Comes to Europeans”. In this article he analyzes “the process whereby a new ‘penal common sense’ aiming to criminalize poverty and thereby normalize precarious wage labor has incubated in America and is being internationalized, alongside the neo-liberal economic ideology which it translates and complements in the realm of ‘justice’”. He specifies three mechanism of the transatlantic diffusion of this new doxa of “security”:

- (1) the gestation and dissemination of the terms, theses and measures that converge to penalize social insecurity and its consequences;
- (2)

their borrowing, through a work of adaptation to the national culture idiom and state tradition, by the officials of the different receiving countries; (3) the “academization” of the categories of neo-liberal understanding by pseudo-social research that serves to legitimate the bolstering of the penal state (ibid.)¹⁹⁷.

Relying on these assessments, in this chapter it is argued that to be able to comprehend the causes of the expansion and militarization of the police organization in Turkey, the mechanisms which enable international policy and norm transfers have to be taken into account, besides and together with the other modifying social relations. Thus, in the following pages, the aim will be to specify the channels in the police organization in Turkey that enable the second mechanism of policy/norm transfers specified by Wacquant in his article, which function through the borrowing of themes/theses/measures by the state officials. But before that, a quick look will be taken at the global capitalist system after the Second World War, the nature of the hegemony constructed within it and Turkey’s location in it, to have an idea on the core countries which are in a position to exert influence over Turkey.

The Global Configuration of Power and the Position of Turkey

Global hegemony can be defined, as Du Boff puts forward, as “a situation, in which one nation-state plays a predominant role in organizing, regulating and stabilizing the

¹⁹⁷ The examples of articles which draw attention to this issue can be increased. There are many other articles which underline the importance of the international policy transfer mechanisms in the modification of the state apparatuses of the receiving countries and thereby support the argument put forward above. For example, Bockmann and Eyal (2002) examine the transnational roots of neoliberalism in Eastern Europe. They argue that the transnational networks composed of both American and East European economists, in which neoliberal ideas were worked out and disseminated, led to modifications in the state apparatuses of these Eastern European countries on a neoliberal pattern, even before the end of the Cold War. As another example, the work of Dezalay and Garth (2002) can also be shown. They use the concept of “international strategies” as a component of their framework to study the relationship between global influences and state transformations. According to them, “international strategies” refer to the ways that national actors seek to use foreign capital, such as resources, degrees, contacts, legitimacy and expertise to build their own power at home. They study the U.S. exports of state expertise like neo-liberal economics, business law and public interest law to Argentina, Brazil, Chile and Mexico.

world political economy” (Du Boff 2003: 1) or as Arrighi puts forward, in an equivalent manner, as “the power of a state to exercise functions of leadership and governance over a system of sovereign states” (Arrighi 1996: 27). The status of hegemony is arguably attained by the manipulative power provided by economic capabilities and military strength, as well as by the power to govern the cultural sphere via exporting to other social formations discursively dominant themes (Wallerstein 2003: 23).

Examining the configuration of power within the global capitalist system after the Second World War, it can be claimed that, in this period, the United States acquired a hegemonic status, ending the pre-1945 arrangement which had enabled different capitalist centers to have geographically different zones of political and economic dominance (Gowan 2003: 30). Immediately after the Second World War, which ruined the principal contenders of the United States, like Europe, the Soviet Union, China and Japan, the American hegemony was not only accepted but was even asked for by the bourgeoisie of Europe and Japan (Amin 2004: 14, 16). An alignment/hegemonic bloc was constructed between the United States, Europe (Western and central) and Japan under the dominance of the U.S. which was enhanced through international finance institutions (World Trade Organization, World Bank and the International Monetary Fund), the General Agreement on Tariffs and Trade (GATT), security alliances and Western cooperation in the United Nations (Gowan 2003: 31). As Gowan puts forward, “[T]he United States offered to help all the main capitalist states with their particular key concerns, whether imperial or for reintegration into the state system, or fear of each other, or in some cases fear of domestic Communism” (Gowan 2003: 31, 32). The U.S. constructed the global cleavage between the capitalist states and the Soviet Union in such a way that it

became a basis to intervene in the political systems of the allies and to govern the relations with the Third World (ibid.). This scarecrow, which helped prioritize “security” over any other concerns, also became important to render Germany and Japan vulnerable to the U.S. influence, even after they emerged as the main competitors of American capitalism in the early 1970s.

This global configuration persisted through the crisis of the American economy from the mid-1970s onwards. The crisis was also exported to other countries and subsequently the “Washington consensus” led to coalescence on the abandonment and denigration of the understanding which promoted the welfare state system and “developmentalism”. Accordingly, the Third World was to engage in structural adjustment programs around neo-liberal principles (Wallerstein 2003: 25). Although the U.S. survived through this crisis as a hegemonic power of global capitalism, a path breaking point arrived in 1989, with the collapse of the Soviet Union. Having lost “the great enemy” figure providing legitimacy for its status as a “protector”, the U.S. moved on to identify a new string of enemies, which were, this time, called “the rogue states”. September 11, 2001 gave the U.S. the opportunity to support its declining economy through military spending and its declining hegemonic status by constructing a rhetoric based on the existence of various “unpredictable threats”, thereby preventing the cohesion of Western Europe as a challenging rival (Gowan 2003: 48). Like in its domestic affairs, in which it promoted “security” and the enhancement of the police and the penal state against a large part of its population that was pauperized and criminalized, in its relations at the global level the U.S. started to engage in “police operations”, especially in the Middle East (Agamben 2000:103-107).

When Turkey is taken into consideration with respect to this global configuration of power, it can be briefly stated that it opted to remain within the Western alliance against the Soviet Union after the Second World War. As Zürcher puts forward: “Close ties with the United States and an orientation towards the Western democracies remained the cornerstone. The policies of successive governments were aimed at increasing Turkey’s strategic value in the eyes of the Western alliance, both in order to have them remain committed to Turkey’s defense and to extract from them military and economic aid” (Zürcher 1998: 287). Although a couple of issues created tensions in the close relations with the U.S. before 1980 (like the Cyprus issue, concerns over opium production, and the increasing opposition in the country against such a vast American influence), nevertheless, Turkey stayed as a committed member of the NATO and UN. She also made effort to maintain close ties with Europe, especially from the late 1960s onwards (after the Cyprus tension with the U.S.) mainly by trying to become a member of the European Community.

As the Cold War discourse was accepted as the guiding principle of the state in Turkey, anti-communism became an important component of the state power practices (Ahmad 2000: 225). Both in line with the interests of the domestic hegemonic bloc and the U.S. (and with the help of the U.S.’s dominant rhetoric about the “communist threat”) the leftist groups in Turkey were severely repressed before 1980. The 1980 coup, which enabled the leveling of the politics in Turkey and the initiation of the IMF’s structural adjustment program, was greeted with understanding and even supported by the American government circles¹⁹⁸ (Zürcher 1998: 330). Although relations with the EC countries deteriorated after the coup, as a

¹⁹⁸ See Meltem Yılmaz Şener’s unpublished paper titled “The Relationship between Neoliberalism and Authoritarian States: the Case of Turkey” on the website: www.soc.uiuc.edu/about/Transnational/meltem%20yilmaz%20sener.pdf

result of the increasing number of human rights violations as well as the Kurdish issue, nevertheless, the trade between these countries and Turkey was not affected and the dialogue between them, which became gradually better especially after 1983, never ceased.

Thus, up until the late 1980s, Turkey remained a close ally of the U.S. and, to a certain extent, of Western Europe. However, after the collapse of the Soviet Union, the Turkish state became anxious not to lose its strategic importance with respect to America and thereby actively and enthusiastically supported the American-led first Gulf War in 1991. Even though the parliament did not give concede the U.S. to use the military bases in Turkey just before the Second Gulf War in 2003 due to the growing visibility of the decreasing legitimacy of the American offensiveness against Iraq, the Turkish state, nevertheless, supported the “war on terrorism” rhetoric of the U.S. As Panitch (2004, 12) puts forward, the U.S.’s Patriot Act as well as Homeland Security Act which were followed by similar acts in Canada and Europe greatly enhanced the coalescence on increasing the power and resources of the state’s coercive and security apparatuses with broad implications in terms of repressing dissenters and protests. This coalescence also provided “validity” for the Turkish state’s ongoing militaristic response to the dissidents at home. Within these circumstances, although the Turkish state felt ill at ease with the idea that the U.S. may approve the establishment of a Kurdish state in Northern Iraq, it nevertheless tried to remain in line with the policies of the U.S./British alliance, which was also not challenged by other European countries either¹⁹⁹.

¹⁹⁹ The historically close relations between Turkey and the U.S. which were briefly presented above were summarized well by an official of the U.S. (the then under-secretary of the Embassy of the United States in Turkey), Annie Pforzheimer in 2002, in her article published in *Polis Bilimleri Dergisi*, (a journal of the police organization), in the following way: “Security cooperation has been the hallmark of U.S. policy toward Turkey since the USS Missouri sailed into Istanbul’s harbor in 1946 and the announcement of the Truman doctrine the following year. Turks and Americans fought

The Mechanisms of International Policy/Norm Transfers Regarding the Police
Organization in Turkey

Survey Visits, In-Service Training and Academic Education in the United States and
Western Europe

Like it has been noted above, one of the mechanisms of international policy/norm transfer can be specified as functioning through “borrowing and adaptation of policies/norms by the state officials”, which frequently takes place between the core countries and the dominated/peripheral ones. It can be argued that survey visits and educational relations create suitable conditions for this mechanism to function. As it is understood from the journal *Polis* of the 1960s, 70s and 80s, the police organizations of Turkey, the U.S. and Western Europe (especially Britain and Germany) have been on good terms, very in line with the ongoing close cooperation (depicted above) since the Second World War. An important part of these relations, was sustained by mutual investigatory/survey visits and these states’ (the U.S., Britain, Germany) provision of education/training as well as equipment for the police in Turkey. In the following lines, examples of these visits and educational relations which are mostly based on the information provided by the journal *Polis*²⁰⁰ will be given to substantiate the cooperation maintained on this issue.

together in Korea and NATO membership kept Turkey firmly in the West throughout the Cold War. Military and economic assistance buttressed a key ally that held NATO’s southern flank despite the turmoil of the 1970s, and the arms embargo following Turkey’s action in Cyprus. The end of the Cold War brought new security challenges to the relationship. Throughout the 1990s, Turkey’s participation in the Gulf War, UN operations in Somalia, and NATO operations in the Balkans showed that it shared broad security concerns with the U.S. For Americans, Turkey moved from a bulwark against Soviet expansion to a stabilizing force in the Caucasus, the Balkans and the Middle East” (Pforzheimer 2002: 3).

²⁰⁰ As we have noted in the above pages we have examined the volumes of the journal *Polis* in certain years. These years are: 1963, 1964, 1966, 1967, 1970, 1971, 1975, 1979, 1980, 1984, 1986, 1987, 1989.

In the 1960s, it is understood that close relations had been established among the police organizations of Turkey, Britain and especially the U.S. In January 1964²⁰¹, the Director-General of Security (*Emniyet Genel Müdüriü*) Ahmet Demir stated in an interview that: “It is part of our vision to provide the possibility for our officials working in technical and other departments to visit, in groups, the police organizations of foreign countries and to expand their knowledge with new developments” (*Polis* 1964 [138]: 4, 5). Following this interview, the Director-General would go on a trip to the United States, which would last one-and-a half months, to investigate the police departments of different states, their systems of working and would receive from the President of F.B.I., Edgar Hoover, a book that was translated into Turkish and titled “Study on Communism” (*Komünizm Hakkında Etüd*) (*Polis* 1964 [141]: 10; *Polis* 1964 [142]: 25). In a similar manner, the Director-General Hayrettin Nakiboğlu stated, in August 1966, that if a re-organization was needed in the police organization, the first thing to do was to determine the necessities correctly, to work with scientific methods and to benefit from the experiences and procedures of the countries which had modern organizations (*Polis* 1966 [170]: 11). Following this statement, the next year, he would report that Scotland Yard was being examined and the legal regulations of democratic countries related to their police organizations were translated and put into use where it was possible (*Polis* 1967 [179]: 9). He would go to Europe and the United States to examine Scotland Yard, the F.B.I., the Italian Carabinieri organization and the police organizations of Germany and Belgium (*Polis* 1967 [183]: 3).

In the 1970s, it is understood again from the journal *Polis*, that besides the ongoing close relations with the American and British police, relations with the

²⁰¹ Before that date, in September 1963 it is reported in the journal *Polis* that an American expert had visited Turkey to train the police officers working in the Juvenile Bureau of the Istanbul Provincial Directorate of Security on “leadership” and also to initiate a camp for children.

German police (especially the police departments of the States of Berlin and Rheinland-Pfalz) were also gaining momentum. In April 1975, the Director of Ankara Police Education Center, Semih Beşkardeş, declared that the education at the center was undertaken by fifty instructors who were university graduates and who had been subjected to expertise training in France, West Germany and the U.S. (*Polis* 1975 [274]: 32). In September 1975, Rheinland-Pfalz State's Minister of Internal Affairs would pay a visit to the Director-General Celalettin Tüfekçi in Turkey to arrange, besides other things (like the donation of police cars), the mutual "short and long term in-service training courses" between the police organizations of West Germany and Turkey²⁰² as well as to underline the benefits of exchange programs (*Polis* 1975 [279]: 5). From 1975 onwards the close relations between Germany and Turkey with respect to the police organizations would be conducted mainly through the International Police Association (IPA) (which will be discussed below). Frequent visits were reported to take place between the two countries' police organizations through this Association. In July 1979, Turkey's Minister of Internal Affairs, Hasan Fehmi Güneş, confirmed these close relations in a press statement in Germany, in the following way: "The reason of my coming to Federal Germany is to investigate the German security organization, to enhance the cooperation between Germany and Turkey in the fields of security and security organizations and to engage in meetings over this issue" (*Polis* 1979 [324]: 4). After the 1980 coup d'état, the close relations between the police organizations of these two countries were not affected but continued as they were (*Polis* 1980 [340]; *Polis* 1980 [341]; *Polis* 1980 [342]; *Polis* 1981 [349]). One of the themes of discussion in the journal with respect to the German police organization was the "highly professional" organization of the

²⁰² In June 1975, the Minister of Internal Affairs, Oğuzhan Asiltürk, reported in a press meeting that numerous affiliates of the Society Police would be sent, in turns, to Europe, to investigate the undertakings of their European colleagues and benefit from them (*Polis* 1975 [276]).

German “rapid action units” (*çevik kuvvet*) (*Polis* 1984 [380]: 28, 29), which, arguably, constituted examples for the future Rapid Action Units of the police organization in Turkey.

In the meantime, a regulation (*yönetmelik*) was approved by the Council of Ministers in 1974 (Regulation on the State Officials Who Will be Sent Abroad For Education, *Resmi Gazete* 1.2.1974, no: 14786) to arrange for the education of the police personnel in other countries. It was based on the law (no: 657) prepared for the Society Police. However, it has to be stated that the training activities abroad were not put on a regular track but were executed under the influence of several factors. The personnel was chosen and offered education abroad as a result of occasional needs or in case of the availability of facilities, quotas and invitations provided by foreign countries²⁰³. There was no determined plan or program for regulating the visits to other countries (*Polis* 1980 [334]: 36).

In the 1980s and 1990s the same line of policy was by and large pursued. In 1987, the Director-General, Saffet Arıkan Bedük, reported in the anniversary ceremony of the police organization that, in 1986, 232 police officers had been educated in other domestic institutions like the Turkey-Middle East Public Administration Institute (*Türkiye Ortadoğu Amme İdaresi Enstitüsü*), the National Intelligence Organization (*Milli İstihbarat Teşkilatı*), the Informatics Association of Turkey (*Türkiye Bilişim Derneği*), Land Forces War Academy (*Kara Harb Okulu*) and Aviation School (*Havacılık Okulu*) and 108 police officers had been sent to the U.S., West Germany and Britain to participate in courses, together with their

²⁰³ The number of police officers sent abroad from 1972 to 1988 (as we learn from the journal *Polis*-except the year 1978) was as the following: 1972: 47, 1973: 6, 1974: 39, 1975: 33, 1976: 32; 1977: 27 (*Polis* 1980 [334]), 1979: 11, 1980: 5, 1981: 5, 1982: 20, 1983: 22, 1984: 30, 1985: 26, 1986: 137, 1987: 20, 1988: 66 (*Polis* 1989 [349]). It is informed about the years before 1977 that the majority of the personnel going abroad were constituted of the Directors of Directorates of Security (*Polis* 1980 [334]).

colleagues from these countries, on the fight against drugs, anti-terrorism etc. (*Polis* 1987 [419]: 38). The aim of these trainings abroad was summarized, in 1989, by Ahmet Hamdi Aydın, one of the research assistants of the Police Academy, in the following way:

At certain times, a certain amount of personnel is sent abroad to investigate the latest scientific and technical developments at the locations where they originate, to learn and apply them to the various fields of service at home. In these courses, which are mostly based on subjects related to “criminality” and technical aspects of the profession, our personnel also learn modern managerial skills and the techniques of educational planning (*Polis* 1989 [444]: 16).

Starting from the late 1990s, it can be argued that a policy modification, related to the trainings abroad, took place²⁰⁴. Although, as indicated above, there had always been a policy of sending police officers to other countries for training, it is stated on the website of the Education Department of the General Directorate of Security that, after 1999, special importance was given to the academic and short term trainings abroad²⁰⁵. Thus, while particular emphasis was put on academic education, the numbers of the officers sent abroad also significantly and systematically rose. In six years (1999-2006) more than two hundred mid-level police executives were enrolled in the Masters and Ph.D. programs in the U.S., besides the ones sent for short term training²⁰⁶. This policy change was, arguably, partly due to the plan to establish graduate programs (which was realized in 2002) within the Police Academy in Turkey and due to the need to employ graduate program instructors as well as instructors for the newly established vocational police colleges (*Polis Meslek Yüksek Okulları*). Also, it was possibly due to the plans to reshape the organization in an

²⁰⁴ A new regulation on in-service trainings was promulgated on May 9, 2003 (*Resmi Gazete* 09.05.2003, no: 25103) and a directive (*yönerge*) on graduate education in domestic and foreign institutions as well as in-service trainings abroad was put into use on February 7, 2005 by the Minister of Internal Affairs.

²⁰⁵ See the website of the Education Department of the General Directorate of Security: <http://www.egm.gov.tr/egitim/index-4.html>

²⁰⁶ See the website of Turkish Institute for Police Studies for this information: http://www.tipsonline.org/index.php?option=com_content&task=view&id=9&Itemid=9

international context, in which the police organizations of different countries are more in contact than ever before.

In accordance with this policy change, an institute named the “Turkish Institute for Police Studies” (TIPS) (“under the authority of the Turkish National Police”²⁰⁷) was established in 1999, in the U.S. It was set up within the scope of the International Studies and Programs at the University of North Texas. The aim of the institute is explained on its website as,

to combine the practical experience of the Turkish National Police in policing areas (especially terrorism, organized crime, narcotics, administration, intelligence, and investigation) with the academic and theoretical foundation represented by masters and doctoral education in the United States universities. Its ultimate goal is to explore new practical and functional approaches to the global crime problem by using its members’ extensive experience throughout their academic journey as professionals²⁰⁸.

Thus, it represents the academic and training interests of Turkey’s police organization in the U.S. and it aims to expand the cooperative educational activities between these countries.

In the agreement signed between the two institutions (TIPS and the University of North Texas), the institute committed to hold conferences and seminars on current global security issues, to publish books, journals, newsletters etc., to coordinate exchange programs that involve academic and practitioner experts, to organize research projects, and to manage annual placement and monitoring of students in masters and doctoral programs in universities in the U.S.²⁰⁹. The *raison d’être* of such an institution is put forward by the institution itself in the following way:

To increase the level of effectiveness in responding to the problems associated with the changing face of crime and criminals in the era of

²⁰⁷ See the website of the institute: www.tipsonline.org

²⁰⁸ http://www.tipsonline.org/index.php?option=com_content&task=view&id=10&Itemid=0

²⁰⁹ http://www.tipsonline.org/index.php?option=com_content&task=view&id=206&Itemid=0

globalization, Turkish National Police (TNP), the largest law enforcement agency in the country, has been undergoing a serious transformation since the mid-1990s. Needless to say, furthering the level of training and education of the personnel has been the number one priority during this period and sending the qualified recruits abroad for obtaining advanced degrees with the aim of creating a nucleus cadre who are expected to be the future leaders that will shape the organization, was adopted as one of the most vital projects²¹⁰.

While the institute has connections with many universities in the U.S. (the number of the universities is as high as 38), it has also connections with the F.B.I., Drugs Enforcement Agency, United States Marshals Service, Miami, Dallas, Irving and Forth Worth Police Departments²¹¹.

Besides the academic programs in the U.S., the police organization has also been in close cooperation with the universities in the European Union (i.e. Germany, Belgium, and especially with Leicester University in Britain)²¹².

Thus, it can be stated that close relations with other countries' police organizations and universities have been established via mutual survey visits and educational relations (both in-service training and academic education) and it can be argued that they have created a fertile channel for enabling the adoption of certain policies implemented in these countries and for their application at home. But these relations are not the only channels for this mechanism to function. There are also international organizations that may constitute such channels. In the next section, two such organizations will be mentioned.

²¹⁰ http://www.tipsonline.org/index.php?option=com_content&task=view&id=9&Itemid=9

²¹¹ *ibid.* And also see

http://www.tipsonline.org/index.php?option=com_content&task=view&id=11&Itemid=11

²¹² In 1999 and 2000, fifty-one police officers were sent to Europe and the United States to be enrolled in the masters and doctoral programs. Forty-two of them were sent to universities in the U.S.A., five of them to France and four officers to Germany. The subjects of education and the number of personnel being educated on these subjects were as the following: anti-terror (6), smuggling and organized crime (6), administration (6), crime analysis (6), social incidents (5), education (5), human rights (5) (EGM 2001b: 19, 20). In 2001 and 2002, 54 police officers went abroad for education. The countries and the number of the personnel who went to these countries are as the following: the U.S.A.: 46, Germany: 1, France: 3, Russia: 1, Britain: 1, Belgium: 2 (EGM 2003: 20, 21). The policy of sending a high number of police officers to the graduate programs in the U.S.A., the European Union as well as to Canada and Australia has continued in 2003, 2004, 2005. (However, the number of personnel who went abroad in these years cannot be specified at the moment.)

Interpol and the International Police Association (IPA)

Interpol (International Criminal Police Organization), which was initiated in 1923 and currently has 148 members, is an international organization that may enable such international policy/norm transfers. It was set up to facilitate cross-border police cooperation, to support and assist all related organizations, authorities and services, to prevent and suppress crime, to chase/apprehend/arrest accused people in the member countries²¹³. Turkey became a member in 1930. The Interpol Department, which was established in 1988, replacing the previous branch directorate within the General Directorate of Security, has been regulating the police organization's relations with other members within the scope of International Criminal Police Organization, keeping in touch with other local and international institutions and organizations (in line with the opinions of the Director-General), and enhancing cooperation²¹⁴ (Özdemiroglu 1986: 86). "It enables the utilization of other countries' experiences for matters like the re-organization of the police organizations, police education and personnel laws" (Özdemiroglu 1986: 102). It also aims to make possible the provision of assistance between police organizations. Thus, it can be argued that such a mechanism of international cooperation may lead one country's police organization to adopt certain policies of the other.

The other organization, which has opened such a channel of cooperation, is the International Police Association (IPA). As declared on their official website, the Association was formed in 1950 by a British police officer, as a non-governmental organization, to create a guide in establishing familiarity and international cooperation among police officers. It became the world's largest police association and

²¹³ See the official website of Interpol: <http://www.interpol.int/public/icpo/default.asp>

²¹⁴ See the Interpol Department's website: <http://www.egm.gov.tr/daire.interpol.asp>

currently involves 60 member countries²¹⁵. Turkey became a member in 1974 through the Retired Police Officers' Association. Following the legal amendment in 1980, which abolished the right of police officers and neighborhood/market watchmen to establish associations or foundations in Turkey, Turkey's membership to the Association became questionable and was terminated in 1994. However, Turkey became a member again in 1998, with the approval of the Council of Ministers, after declaring officially in its statute that the membership meant only "vocational cooperation"²¹⁶.

In the 1970s, as can be observed from the volumes of the journal *Polis*, which was a publication of the Retired Police Officers' Association, the membership led to close cooperation with especially the police organizations of European countries (Germany and Belgium in particular). Several mutual visits were arranged within the scope of IPA. These visits were realized partly as expeditions but were also evaluated by the participants as opportunities to explore local police organizations (i.e. *Polis* 1975 [281], *Polis* 1979 [320], *Polis* 1979 [324], *Polis* 1979 [329] etc.).

Currently, the mission and aims of the organization are specified by its Istanbul branch in the following way: to create familiarity between the police organizations of Turkey and other countries; to prepare and engage in social, cultural and vocational activities among countries; to enable the enhancement of its members' vocational knowledge by benefiting from technological developments; to help to construct cross-border cooperation among police officers²¹⁷.

As a final word, it can be stated that these close international relations between the police organization of Turkey and others, which were specified above,

²¹⁵ See the official website of IPA: http://en.ipa-iac.org/en_history.htm

²¹⁶ See the official website of IPA Turkey: <http://www.ipa.org.tr/turkce/konular.aspx?id=45&sm=comp45>

²¹⁷ See the official website of the Istanbul Branch of IPA: <http://www.ipa-istanbul.org.tr/version30/konuno.asp?konuno=42>

may have had modifying effects on the “security” policies pursued in Turkey. These effects can be substantiated from a couple of aspects. For example, the establishment and the militarized nature of the Rapid Action Units in Turkey and their growing usage show a great resemblance to the expansion and the militarization of the riot police in Britain, the United States²¹⁸ and Germany from the late 1970s onwards. These units increasingly took part at industrial disputes and political demonstrations by using increasingly repressive police tactics, just like the Rapid Action Units have in Turkey in the following years. The special operation teams in Turkey resemble the S.W.A.T. (special weapons and tactics) teams of the United State’s police organizations. Both countries currently use these teams in urban places against drug trafficking and to crack down on the increasing crime incidents. The expanding police powers and the Anti-Terror Act of Turkey display very similar qualities with the parallel legal regulations of the U.S. and Britain, which substantially increased the authority of the police in both countries and led to the creation of highly anti-democratic anti-terror laws. Thirdly, the “community policing” policies, which started to be implemented as a security policy in the U.S. police organizations in the 1980s, has become a frequently debated issue nowadays within the circle of the police organization in Turkey, and is raised by various police officers as a policy proposal. Fourthly, the camera surveillance system (MOBESE) set, in 2005, on various public streets of the metropolises of Turkey has been used in Britain and the U.S. since the 1990s, with very similar concerns related to the consequences of neo-liberal policies such as severe poverty and the emergence of “zones of private governance”. The concept of “zero tolerance”, which has been used in the U.S. since the 1980s to indicate “the stubbornness to fight against crime” has become part of the

²¹⁸ These processes in Britain and the United States were explained in Chapter 3.

expressions used in Turkey in relation to the issues concerned with “security”. These are only some of the examples. They can be increased to better substantiate the international effects on the transformation of the police organization in Turkey.

CHAPTER 8

CONCLUSION

The police organization in Turkey has gone through a major re-structuring process in the aftermath of the 1980 coup d'état. Before that date the initial major expansion of the organization was realized in 1965, with the establishment of the enhanced public order squads which were named the Society Police (*Toplum Polisi*). In the ensuing fifteen years, while the number of the organization's personnel slowly increased, this unit remained as the only significant addition to the organization. However, following the coup d'état, a series of significant modifications came one after another with the initiation of the military. The main objectives behind these modifications were to strengthen and expand the organization with a similar strategy previously implemented in the armed forces. Thus, the budget of the police was enlarged by enabling the General Directorate of Security to use extra-funds; new departments were established; police powers were significantly extended; new high-tech arms and vehicles were supplied and standardized; the personnel was increased at a faster pace; its staff was organized hierarchically in line with the seniority system which was also used in the armed forces; the provinces were organized into groups according to which the re-structuring of the police stations in these provinces were accomplished; and new police schools were opened to enable the increases in personnel. In the mean time, the Society Police squads were turned into enhanced para-militaristic units, which were re-named the Rapid Action Units (*Çevik Kuvvet*, 1982). Another para-militaristic division, namely the Special Operation Teams (*Özel Harekat Timleri*, 1983), was established to engage in guerilla warfare in the

Southeastern countryside; and an Anti-Terrorism and Operation Department (*Terörle Mücadele ve Harekat Daire Başkanlığı*, 1986) was set up. In the 1990s, these were followed by the enactment of the Anti-Terrorism Act (*Terörle Mücadele Yasası*, 1991), the organization of the Special Operation Teams under a separate department named the “Special Operation Department” (*Özel Harekat Daire Başkanlığı*, 1993), the establishment of motorcycled police teams (*Motorsikletli Polis Timleri/Yunuslar*, 1993) and the placement of surveillance camera systems (MOBESE, 2005) on public streets.

Thus, based on these facts, it can be stated that a substantial transformation process was initiated within the police organization of Turkey, right after the military took hold of the state apparatus in 1980. The thesis argues that it would not be accurate to interpret this process as a neutral “modernization” and “progress” move, which was shaped according to the current technical needs of “law enforcement”. What was behind it was more than the concern of being efficient or bringing the desired or required “services” to the citizens.

In fact, according to the thesis, penal apparatuses, penal policies, penal rationalities and, in general, penalty has never been a field of neutral/value-free “service provision”. The penal chain has always been an integral part of the modality of political power exerted upon the social formation. This can be most vividly demonstrated in the changing forms of penal apparatuses and the rationalities of punishment since the emergence of the European social formations out of the ruins of the dissolving feudal relations. What is known today as the “criminal justice system” and the “modern police organization”, have all emerged in Europe at specific historical conjectures as apparatuses of the capitalist state. It can be argued that the capitalist state, which is a complex social relation and constitutes a totality with

different forms of social relations of production, exerts power throughout the whole social formation partly through this “criminal justice system” to intervene in it and thereby to construct it. The police organization in its modern form is a component of this system and emerged initially as part of the English state at a specific historical context when the state needed the strategy to permanently exhibit its power on the street and to engage in the surveillance, mild intervention and repression throughout everyday life, in a constant and regularized manner. The police came into being at such a point where legality and illegality, as constitutive parts of the rule of law, blurred into each other, since it was the police officer who decided, on the part of the state, about the way the legal rules would solidify on each case.

When viewed from this perspective, which is supported by historical experiences, a transformation in a police organization ceases to be a neutral move for “modernization” and it needs to be historicized. Therefore, what has occurred in the police organization of Turkey in the 1980s must be evaluated by taking into account the changing power strategies utilized within the capitalist state of the time. However, as the capitalist state is not a separate entity from “society” but is a strategic terrain, on which struggles among classes and other groups via different forms of social relations condense, these strategies must be evaluated as results of the emergent specific configuration of these different forms of social relations. The thesis argues that especially four clusters of social relations and their specific configuration have to be taken into account to understand the reasons of a transformation process in a state’s institutions, especially if it is a police institution. These are the social relations constituting the accumulation regime, hegemonic discursive relations, relations between state institutions determining the prevalent

political regime, and international relations which may lead to international policy transfers.

Against the possible arguments which may try to provide an explanation for the process by claiming that the reasons have to be sought within the “anti-democratic” methods of the state in Turkey as opposed to the democratic pattern of Western countries, the study tried to show that the common properties of the neo-liberalization processes that crystallized primarily in the United States and Britain and the social dislocations they have created have led to the adoption of similar strategies within those states too. Although each social formation has its own path-dependent processes at work, it can be argued by relying on these comparable cases that certain political projects, which are constructed as the result of the power struggles within the social body, are conducive to making the repressive side of the political power and thereby its biased facade more visible. However, it must again be noted that every social formation has its own particular way of solidifying them.

Returning to the case in Turkey, it can be stated that the first expansive moment within the police organization, which came with the establishment of the Society Police in 1965, took place at a time when a certain fraction of the bourgeoisie, bureaucrats and international financial institutions were in agreement on the necessity of modifying the accumulation regime within the social formation from the current type centered on commercial capital into a “developmentalist” one promoting industrial capital. This would be realized with rigor following the coup d'état of 1960. In this period, the nationalist-conservative governments with a Kemalist background marginalized the increasing leftist politicization that threatened the industrialization surge, the interests of the Western Alliance in the country and the social cohesion which was risked by rapid capitalization, with an “anti-

communist” mobilization. However, it must be noted that especially two socio-economic developments led to the creation of un-constructed terrains for the state. One was the expansion of the shanty towns due to growing internal migration (instigated by the shifts in the accumulation regime) and their politicization, and the other was the formation of a large working class, their unionization and these unions’ increasing political activities in collaboration with the leftist university students. The state, in which especially the military administration grew in strength after the coup d’état, did not hesitate to form its first regular and dispersed public order unit, the Society Police, to govern these un-constructed terrains and to utilize repression whenever it was deemed necessary.

When the journal *Polis* is examined as a reference point for the police “sub-culture”, it is observed that the police circles also encompassed the social map of the state of the time and displayed very similar qualities with the hegemonic discursive orientation of the power bloc. Therefore, the police officers, as expected, were important gates through which the sovereignty of the state could be exercised on each case, to govern the resisting/obstinate part of the population whose identity was made public by hegemonic discursive practices as “communists and anarchists” who were degraded, most of the time, to the level of “internal enemies”. This was accomplished through the communication of signs and with mild intervention at best, or more generally, via repressive measures.

However, towards the 1980s the stalemate became chronic within the social formation and it could not be cracked down with the repressive measures of “normal times”. As a result, the organic crisis, which was contributed to by the upheaval in global capitalism, was done away with through the materialization of an “exceptional state” by the military (1980 coup d’état and its aftermath), in accordance with the

demands of the hegemonic industrial faction of the capital, which longed for a “strong state”, and the pressure of international finance institutions exerted for a “structural adjustment program”. This “strong state”, within which the military and civil administration gained further strength, would be the main channel to apply this “structural adjustment program” and to shift the basic parameters of the accumulation regime. From then on the distributional policies of the state would be regularized according to this shift, leaving a considerable part of the working population in deprivation. This was the time of the promotion of the concept of “middle/main pillar” (*orta direk*) whose vague definition endorsed the well-doers and gave hope to those who held aspirations for upward mobilization. The others who were left behind were accused of being dependent on the state. While “stability” was overvalued to make the new market-oriented configuration of social relations work, the collective political actions of labor, the demands over ethnic/religious identities etc. were criminalized. The criminalization of this latter group was related to the legacy of the discursive practices in the social formation, which had already been set on a nationalist-conservative track since the foundational period of the Republic. The legacy was further enhanced by the “nationalist-religiously sectarian” tones of the military junta. However, when the efforts to depoliticize the social formation was jeopardized due to the armed conflict with the PKK guerillas in the Southeastern provinces, the discursive practices became more and more ethnicist/authoritarian and relied upon a discursive map centered upon a “security/terror” rhetoric. This rhetoric would be utilized towards the late 1990s also for the criminalization of the emergent “underclass”, which was discarded in accordance with the necessities of the accumulation regime. The rising rate of crime

against property would be ascribed to the “immoral conduct” of these certain parts of the population.

The thesis has argued that the expansion and the militarization of the police organization has to be evaluated within the shifting social relations of the period. It was not a “progressive” move, tailored according to the needs of the citizens who were urging the state for better “services”; nor could it be evaluated as an anomaly in modern sovereignty where the political power relied more and more on “mild governmental techniques”. Rather, it was a strategy of the capitalist state, which has repressive governmental apparatuses as it has the mild ones, and the strategy was “strategically selected” and increasingly implemented by the state elites. This was done in accordance with the new political projects to be put into practice concerning the whole social formation and as a result of the power struggles within the state. The historical legacy of the social relations and the impact of the power bloc emerging from this legacy diverted the configuration of these social relations on a new path. On this new path labor had to be disciplined, the political dissidents, either armed or unarmed (like the Kurdish opposition, the Alevi people, leftist students, adherents of political Islam etc.), had to be rendered ineffective, and the “underclass” whose ranks swelled throughout the period with the forced internal migrations from the Southeastern provinces, had to be kept harmless and incapacitated to suit the sensibilities of the upper classes for “security” at the face of the allegedly increasing crime rates. With these alterations in the police organization these goals would be achieved and also the social body would be constructed on a new basis for the attainment of the cohesion and stability so necessary for this configuration persist. The police officers who internalized these social categories played an important part in the accomplishment of these objectives.

Thus, to conclude, it can be stated that penal apparatuses are embedded within social relations and the transformation in their structures and in the rationalities behind them have to be historicized and located within the altering web of social relations. These alterations within the web of social relations have to do both with the historical legacy of social relations which create structural limitations, and also with the power relations among social classes as well as among other influential organized groups, which condense within the state and lead to transformations within the institutions of the state. The thesis tried to evaluate the transformation within the police organization of Turkey from this perspective, by giving a map of the altering web of social relations. Before finalizing it, it is noteworthy to draw attention to the point that further research of a Foucauldian nature would complement this picture by shedding more of a nuanced light on the encounters between the police and the citizens in the everyday life of Turkey, the power relations at play between them and the resistance they create. This kind of a research would lay bare the details of the police's social map, how it solidifies in everyday life, and how this map together with certain ways of conduct is internalized or resisted by the citizens. In this way, it would be possible to better substantiate the specific part played by the police as an actor.

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