10

EVERYDAY ATROCITIES

The most high-powered administration by far in several decades, with close to 60 per cent electoral support behind its political reforms by late 2010, as well as key international policy circles during most of its rule, the Justice and Development Party (*Adalet ve Kalkınma Partisi*, AKP) nevertheless remained largely inert in the face of a number of burning everyday issues. Unlike the majority of those addressed in the preceding chapter, the issues that ceaselessly tested the pious sensibilities in power were barely of the stock of the 'hard cases' formed by resilient fault lines that reigned over domestic politics. The everyday manifestations of the transgressions at issue involved women, the lower grades of labour, alternative gender identities, prison inmates and the ransacked cityscape – all almost consistently pushed aside to the margins in the mainstream media, until 2013 at least. The Gezi Park protests (see Chapter 6) in the summer of that year, sparked by an organised resistance to an urban redevelopment plan in the centre of Istanbul, which had been set to destroy a local park by building in its place a shopping mall, would suddenly draw the attention of large sections of society to those issues by highlighting 'the political' intrinsic to each and every one of those. The demonstrations would attract keen participants from, among others, local women's associations and lesbian, gay, bisexual, transgender and intersex (LGBTI) bodies. Some of the problems long in oblivion would thus acquire precious visibility and, more importantly, start getting partly integrated into

those areas of interest that constituted the centre of attention in politics. Notably, the Kurdish-led Peoples' Democratic Party (*Halkların Demokratik Partisi*), merging Kurdish politics with the Gezi insights, and on ascendance from 2014 for a spell, would come to include LGBTI politicians within its ranks and make gender equality a major part of its political agenda. According to the global gender equality report of the World Economic Forum in 2015, Turkey ranked 130th out of 145 countries.[1]

Most of the hitherto little-noticed plights addressed below appeared to be linked to two distinct and formidable undercurrents: (1) the settled patriarchal practices, which, as some of the critics argued, had an increasing toll under the AKP rule, and (2) a crony capitalism newly created around the government that wasted human lives and readily enabled the pillaging of precious urban space. This chapter probes some of the more pressing of the matters that were chiefly, if not exclusively, under these forces, providing a basic account of each. The first section is on the unrelenting misogynistic violence, particularly femicide, as part and parcel of a woman's life. A brief chronicling of the brutal treatment of trans women, killed in scores, follows it. Forms of vicious conduct involving those with alternative lifestyles and preferences invited immediate action, with some urgency for legislation on hate crimes to start with. The next section is on hate crimes, with an account of some bewildering intrigue in the practice. The chapter then moves on to a description of the trials and tribulations of sex work in the country, riddled with unique and culture-specific paradoxes. The section following that is concerned with severely ailing and terminally ill prisoners, an issue that remarkably cut across the identity and status of figures incarcerated and the types of offence for which they served time. The subsequent section is on the killings in various labour sectors that were on an alarming upsurge, mostly in construction – for the much highlighted craze around this sector under the AKP rule – though placed more indelibly in public memory for the staggering number of miners killed in a series of so-called accidents that bordered on wilful homicide. Finally, the chapter looks into the brutal defacing of urban space through a means-to-end policy of growth and, with it, the effective excision of social history, conspicuous especially through some of the irreversible ravages inflicted on the historical Istanbul.

Male Violence

Violence against women appeared to have reached new heights, possibly with the growing integration of women in the broader economic and social milieu, as demanded by the shifting urban conditions. The decades-long civil war fought mostly in the Kurdish-populated south-east was treated as *the* issue in domestic politics primarily for the ghastly casualties it had produced over the years. Yet, the counter-insurgency war with Kurdish guerrillas looked simply dwarfed by the toll of the mundane male vileness against women. According to a report by the main opposition Republican People's Party (*Cumhuriyet Halk Partisi*) at the end of 2014, the official statistics on violence against women indicated an incredible 1,400 per cent rise compared to the figures in the 1990s, the decade before the AKP would rise to power.[2] The women killed in 2014, apparently by spouses, former spouses, lovers, former lovers and family members (fathers, brothers), characteristically indignant at what they perceived as unforgivable 'indiscretions' of those women, numbered 'at least' 281.[3] The figure was 274 for 2015.[4] The tally in the five years from 1 January 2010 had been 1,134.[5] Of those slain in 2014, the husbands were the killers in 46 per cent of the cases, followed by male relatives (19 per cent), lovers (10 per cent), former husbands (6 per cent), former lovers (4 per cent) and refused men (3 per cent), among others (12 per cent).[6] In 9 per cent of the overall cases, the women murdered had already been within the knowledge of the authorities as victims of violence, having filed criminal complaints, or even, in some of the cases, purportedly 'guarded' by decisions of restraint and protection issued by courts. In 4 per cent, the perpetrators had been on trial for violence prior to the homicide, to be subsequently acquitted or released through official pardon, controlled liberty or special leave from prison.[7] Typically in such cases, the European Court of Human Rights had ruled over the years not only a violation of the right to life and grave ill-treatment, but also discrimination against women by the authorities.[8] The Ministry of Family and Social Policies would appear in January 2015 to have withheld from the public the results of a survey it had conducted on violence against women in cooperation with a university research centre on population studies, admittedly for fear of questions from the public, which the results clearly raised.[9] According to the findings in the survey leaked to the media, 36 per

cent of married women in the country were victims of male violence, and only 11 per cent of those had ever sought some form of legal protection.

In addition to the apparent indolence of authorities in raising awareness and in providing information on the legal remedies available, combined with the failure of the law enforcement body in extending effective protection in cases of criminal complaint, the relative impunity of the perpetrators seemed to be yet another reason for the ongoing carnage. Not infrequently, courts tended to see the offences in question as mere crimes of passion, honour and social code, at any rate to be treated with some leniency. The details provided by a news report for the period between 1 March 2013 and 31 January 2014 indicated that the justice system had decided a total of thirty-one such cases of murder.[10] In 45 per cent of these cases, the murderers had benefited from assumed 'undue provocation' (*haksız tahrik*) or 'good behaviour' (*iyi hâl*), in turn receiving considerably reduced sentences. For undue provocation, courts had cited instances such as the scepticism of the husband upon finding out that his wife had been communicating with strangers on the Internet, or a 'harsh' statement of the wife directed at the husband, as in 'Are you really a man?' or 'Who do you think you are?' As for the good behaviour of the offender, earning him further tolerance, courts had pointed out as little as the mere regret for what had been done, or, in some cases, the fact that the culprit had donned a suit turning up at the trial.

A platform of non-governmental organisations, including political parties and labour unions, set up in 2010 and called 'We Will Stop Misogynistic Murders' (*Kadın Cinayetlerini Durduracağız*), had since done much to raise awareness of the issue, engaging in public advocacy, organising rallies, formally participating in legal cases as a third-party intervener and last, but by no means least, by legislative lobbying. It was largely through the efforts of this platform that the Law on the Protection of the Family and the Prevention of Violence against Women would be enacted in 2012.[11] The statute would be followed in 2013 by a detailed administrative statement of the regulations for its implementation.[12] The legislation aimed to secure the full application of a new and major human rights treaty that had been pioneered by none other than Turkey, namely the European Convention on Preventing and Combatting Violence against Women and Domestic Violence, adopted in Istanbul in May 2011.[13] As a particularly promising new practice to complement the

normative framework, so-called 'panic buttons' would be introduced next, to be handed over through court order to women considered under close risk of male violence.[14] Yet, administered from early 2014 in two 'pilot' provinces, the experience in the first year would look less than reassuring altogether.[15]

Near cutting-edge as formal safeguards extended to women against male violence went globally, it remained to be seen, however, as to how these instruments would be translated into action in the long run by both the judiciary and the law enforcement bodies. Judging from the way the courts had long handled the issue of child brides,[16] a euphemism in fact for a socially sanctioned form of paedophilia, which effectively ignored the practice, somehow striving for excuses towards full or partial impunity, caution was still needed against undue optimism in the matter. For an idea for the mixed cultural registers locally, ruling out over-optimism, here is a passage from a newspaper column by an Islamic scholar and intellectual who, ironically, was among the critics of the new regime from 2011 for its nonchalance towards some of the basic rights and freedoms:

> God Almighty has wished his names 'Rage (*Jalal*) and Sustainer (*Qayyum*)' to be manifest in the man, and his names 'Beauty (*Jamal*) and Gentle (*Rahman*)' in the woman, thus creating the respective nature (*fitrah*) of each. Policies implemented [in Turkey] in the last ten years have perverted the nature of both sexes; men and women have been intentionally rendered autonomous in mutual relations, turning into rivals, instead of remaining mutually loyal and interdependent, as required for the reproduction of our species. Women have become masculine and men feminine. A 'third sex' is gradually being bred. The woman has been assassinated, with the man as the liquidator, the family disbanded, and the society disintegrated.[17]

This take on women was in a dramatic contrast with the pervading mood among women themselves, as reflected in some of the banners women sported on the very day this piece appeared (8 March), marching in Istanbul and in other major cities to celebrate International Women's Day.[18] One of the banners pointed out a common misconception: 'I didn't come from your rib, you came from my vagina!' Another banner stated: 'Leave our bodies, lives and decisions to us. You can have your family.' And yet another cried: 'We are not leaving nights, streets, public squares!'

Slaughter of Trans Women

It was perhaps ironic that one of the few successful Turkish exports to the wider world was the crime fiction series by Mehmet Murat Somer, set in Istanbul and featuring for the main protagonist a transvestite as the larger-than-life amateur sleuth of the books,[19] while, at the same time, Turkey topped all forty-seven Council of Europe states, including Russia and most of the former Soviet constituent parts, in terms of hate crimes against trans people,[20] more specifically trans women. Out of fifty-three reported cases of trans murder motivated by hate in Europe between January 2008 and December 2011, close to half (twenty-three murders) were from Turkey.[21] In a global tally of trans murders for the six years from 1 January 2008, Turkey would rank ninth.[22] Virtually all of the trans women killed were sex workers, as ordinary employment was firmly shut to them and a roof under which they could take shelter as a personal abode invariably meant a very high rent, if possible at all.

Right to life was one of the fundamental rights protected in the European regime of human rights, binding locally.[23] In addition to a general commitment to respect life in deeds directly attributable to it, the public authority was also under obligation within the system to adopt all possible measures to prevent the violation of the right by private persons. In the event of a violation, a further obligation was to conduct a proper investigation into the killing or, as the case might be, the threat to life, and in turn identify and punish the culprit or culprits, without delay. The effective or partial impunity of perpetrators, apparently part and parcel of some deeply rooted social prejudices that extended also to those in the judiciary in most trans murders, was simply an additional violation – a breach of the prohibition of discrimination in the implementation of the rights protected.[24] Speaking of impunity in the matter, this is how the regular report of the European Commission on Turkey described the situation in 2013:

> Violence against lesbian, gay, bisexual, transgender and intersex (LGBTI) persons continued. Hate attacks and hate speech against homosexuals increased. Twelve LGBTI hate murders were reported in Turkey, and several lynching attempts and incidents of torture, rape, ill-treatment,

> domestic violence, harassment, and cyber-attacks against LGBTIs. There was repeated application by the judiciary of the principle of 'undue provocation' and reduced sentences due to the 'good behaviour' of perpetrators of crimes against LGBTI persons. There were increasing concerns that shortcomings in the investigation and prosecution of crimes against people of a different sexual orientation or gender identity led to impunity for the perpetrators.[25]

The so-called undue provocation invoked by courts to deliver for the murderer in the specific case as light a sentence as possible assumed, rather unbelievably, that the murderer had been provoked: the killer had acted on an 'understandable', if not altogether 'good', reason. Again, there was always the 'good behaviour' clause for extra mercy for the perpetrator, as noted before. In its regular report for the following year, the European Commission would note: 'Court sentences for hate crime offenders were often reduced on the basis of "unjust provocation" by the victim and good behaviour. In addition, in numerous cases, crimes against people of a different sexual orientation or gender identity remained unpunished.'[26]

Hate Crimes

Beyond the European regime of human rights, the government was expected to fight hate crimes also under a series of decisions, policies and principles that emanated from its ties with two regional organisations: the European Union (of which the European Commission cited above was an organ) and the Organization for Security and Cooperation in Europe (OSCE). Turkey aspired to be a member of the former, while already one with the latter. The government had formal duties to fulfil on hate crimes, based on various instruments effective within the OSCE, chiefly an outstanding chore to introduce into the domestic normative framework some much-needed anti-hate crime legislation. That is, rather than treating the prejudices in the community towards trans individuals as natural, having understandably 'provoked' the offenders in specific cases, therefore at least partly justifying the grave deed, the public authority was under obligation to make the crimes at issue somehow costlier to the perpetrators for involving hatred towards the very identity of the victim. A hate law as such typically gave domestic authorities special

impetus, greater power and adequate resources to fight hate crimes, in addition to the greater deterrence brought about by the increased penalty for the offence. Somewhat embarrassed by the fact that Turkey was one of the few states in Europe without some anti-hate legislation, the government would announce a forthcoming anti-hate crime law in September 2013 as part of a new 'democratising package'.[27] Yet, the draft bill that would later end up in the parliament would be reported to have inexplicably left out those crimes motivated by venomous bias against the sexual preference, ethnic identity or nationality of the victim.[28] What exactly was the new law going to protect, then? Religious (read 'Muslim') values and lifestyles, it seemed, which were already protected – indeed, more jealously protected perhaps than they actually should be, as described in the preceding chapter.

Hate crime as a term had first been used in an intergovernmental setting by the OSCE, at its 2003 Ministerial Council meeting in Maastricht. In the period that ensued, this organisation would bring the member states to undertake a set of commitments towards an efficient control of hate crimes in domestic jurisdiction, from criminal legislation to measures towards encouraging victims to report crimes, from psychological counselling of the victims to the training of public employees interacting with the victims.[29] Although Turkey never had legislation on hate crimes, according to the figures in the most recent full report by the OSCE in 2011, the government appeared to have been busy combatting hate crimes, chiefly 'incitement to hatred' and 'discrimination'.[30] Turkey, the report indicated, had sentenced 242 such cases in 2009, 297 in 2010 and seventeen in 2011 (628 still being prosecuted for the year). How was it possible for the Turkish courts to have issued so many criminal convictions, punishing hate crimes, in the absence of some comprehensive normative tool? More interestingly, the overall statistics about the incidents of possible hate crime recorded by the police in the OSCE countries, communicated in the same report, revealed that actually Turkey had had no such 'incidents'. For a comparison, Sweden had 5,493 incidents reported to the police only for the year 2011. This number was 5,139 in Sweden for the year 2010. Yet, out of thousands of police cases in Sweden in 2010, there had been not one single conviction. In other words, minorities in that country seemed to be rather litigation-happy when it came to hate crimes: they would go right to the authorities and initiate procedures even

when only slightly bothered, and whatever they would state as a complaint would be taken down and processed. While in Turkey, there had been 297 court sentences in the same year (2010) in baffling contrast to the 'zero' incidents reported by private persons within the period. What did this total absence of incidents mean? It possibly meant one of the following: (1) victims of hate crimes in Turkey did not go and report to the police the objectionable treatment they experienced, considering the whole thing as insignificant, or (2) they were not really encouraged to report such crimes, if not somehow frightened to do so altogether, thus choosing eventually not to report, or finally, as the case might be, (3) minorities abused through hate crimes did perhaps go to the authorities, but such complaints simply fell on deaf ears. The complaints were not processed. But, then, what about those 297 sentences delivered by Turkish courts in 2010 alone?

All those cases in the OSCE report appeared to have been initiated by public prosecutors in the absence of complaints by private persons. Those, in other words, were not criminal convictions protecting some concrete victims of hate and discrimination, such as a Kurd blatantly disfavoured by a state agency, an insulted Jew, or a harassed gay person. So what were those sentences protecting? All or at least most of them were probably guarding 'the state' against political dissenters such as the Kurdish political opposition, or perhaps against someone like Hrant Dink (see Chapter 9), the Turkish-Armenian journalist who was assassinated following a criminal conviction he had received for 'insulting' Turks.

Abuse of Sex Workers

Sex work as a local labour sector seemed to evade, to some extent, the proclivity of the modern territorial state for 'policing' morals. That was chiefly because the normative regulation of sex work (if some regulation was at all in place) had been inherited from the Ottoman era and, latecomers of modernity, Ottomans had maintained a unique lore in sex work formed over centuries, surprising, even perhaps shocking, to outsiders as somehow devoid of the usual inhibitions observed elsewhere. The republican administration went on with the Ottoman system, or lack thereof, rather by default, if somewhat uneasily, choosing to ignore the sector beyond some rudimentary measures on public health.[31] Historically, Ottomans did not seriously mind prostitutes,

with the possible exception of the period under Selim III – revealingly a 'Westward' looking reformer and moderniser who ruled between 1789 and 1807. The sole punitive action resorted to when prostitutes were punished, if at all, appeared to be exile, and that was on the whole only to appease or humour the locals who filed complaints. From the mid-nineteenth century, the administration would take an even bolder course in the matter, legalising and taxing brothels (*umumhane*, later *genelev*, literally 'public house'). Brothels had long been around, with authorities usually turning a blind eye to them, especially in Istanbul's overwhelmingly non-Muslim Galata district, where such houses entertained clients with non-Muslim women only. With the legalisation, Muslim proprietors also started, around 1860, to run brothels in the predominantly Muslim districts such as Aksaray and Üsküdar. Moreover, judging from the names of the prostitutes, these new brothels had also 'Muslim' women serving the clients.[32] The local lore in sex work had long before enabled Muslim men and boys to work as prostitutes though, usually in public bathing houses managed by Muslims and catering to distinguished Muslim sodomite and pederast clientele, when such practices within the knowledge of the public authority were inconceivable in most other parts of the world.[33] Ottoman administration would issue some standards, as communicated in the Regulations on the Prevention of the Spread of Sexually Transmitted Diseases (*Emraz-ı Zühreviyyenin Men-i Sirayeti Nizamnamesi*), initiating some state control of the sector, not before 1915. At the time this instrument was adopted, Muslim women had already topped in Istanbul the officially 'registered' (*vesikalı*) women in the sector, ahead of other ethnic groups in Ottoman society.[34] A circular order issued by the republican government in 1930, entitled Combatting Prostitution, did aim gradually, yet somewhat ambitiously, to wipe out sex work nationwide by denying licence to new brothels and by disallowing new women to be admitted to those that already existed.[35] Yet it would be revoked in 1933, as the authorities soon came to realise the considerable social undercurrent in the matter that could not possibly be reversed overnight, a fact that would discourage the government to insist on the policy, in turn paving the way for a new policy of active indifference. In 1933 the circular would be replaced with the Regulations on Combatting Prostitution and Diseases Infected via Prostitution.[36] Driven by a mere concern about public health, particularly with syphilis and gonorrhoea

in mind, the policy would become one of simply containing sex work. The whole thing was largely in contrast to the prevailing European mindset on sex work at the time, based on less than clear notions of public order and morals that were, some would say, inevitably authoritarian as well as hypocritical. A new set of guidelines (*tüzük*) issued in 1961, following a major military takeover, typically intent to leave nothing unregulated, and heedless in so doing of the public discontent altogether, nevertheless preserved both the logic and the general outline of the earlier instrument.[37] The guidelines would be amended, though left intact overall, once again, and revealingly, only after a military intervention, in 1973.

The guidelines that were essentially from 1961 constituted in the early years after the old regime from 2011 the sole authoritative source of norms that was exclusively on sex work. Accordingly, prostitution was not prohibited either for the sex worker or for the client, yet promoting prostitution and coercing a person into it were offences punishable under the Penal Code.[38] One major drawback of this – what looked like – liberal, laid-back official attitude on sex work compared to most European states was the absence of clear rules. Sex workers were generally in the dark as to what rights they actually possessed and what obligations were applicable in specific circumstances. More gravely, they were subject to frequent and arbitrary detentions and fines (sometimes huge) at the sheer mercy of the law enforcement officers patrolling the specific area, who appeared to use a highly imprecise clause in the Law of Misdemeanours ('conduct contrary to order') to torment them.[39] In practice, the regular fines appeared to be construed by sex workers as plain extortion or protection money exacted by 'the state'.

A greater concern that would come to the forefront under the AKP rule from late 2002, long before the regime change, was to do with some undeclared, and perhaps unwitting, policy towards driving sex workers out of brothels on to the street and into murky private houses. As often testified by the local human rights organisations, sex workers were much safer in brothels in the face of violence by clients and pimps, as perhaps was the case all around the world. The freshest information on the state of brothels, incredibly from as far back as 2004, listed fifty-six brothels throughout the country, which employed about 15,000 women.[40] The research estimated this to be just over 10 per cent of the actual number of sex workers at the time. This figure of over

100,000 women did not include the trans women forced into sex work in the absence of other jobs and, further, those from eastern Europe who flooded into the country in the aftermath of the dissolution of the former Soviet Union in the 1990s. According to the Policy Guidelines of 1961, establishing a brothel and working in one were subject to relatively simple procedures.[41] Those who wished to start a brothel petitioned the highest public authority (*mülki amir*) in the locality, and formally committed themselves to abide, in addition to the guidelines, also by the decisions and measures adopted by the local Committee for Combatting Sexually Transmitted Diseases and Prostitution, a body set up in the guidelines. The entrepreneurs needed to attach to the petition a plan of the premises of the brothel and details of both the service staff and the sex workers employed, with passport-size photographs of all. The state authority, receiving this application, forwarded it to the committee above, which made an on-file and on-site evaluation in light of the guidelines, and if affirmative, communicated its decision to that effect back to the public authority in question. The decision subsequently approved by that authority was then sent to the local police, with a permit eventually issued for the brothel. Women who worked in brothels had to be unmarried, healthy and at least twenty-one years old, with Turkish nationality. As clear as the normative scheme was on brothels, human rights activists reported that, with the AKP in power, few women had actually been allowed to register for labour in brothels.[42] Moreover, allegedly the number of brothels had since been falling rapidly through eviction that brothels seemed to face, often as part of the new local administrative craze of aggressive gentrification, while no licence was issued for new ones. Those few women, including some trans women (not mentioned in the guidelines but ostensibly long allowed in practice), who got the much coveted positions in brothels, were said to have been able to do so only by handsomely bribing some middle persons who mediated with the authorities.[43]

Those active in the area of protecting the rights of sex workers locally were at once quick to dispel the age-old myth of brothels as ghastly places where abuse was part of the routine. The negative image, accordingly, was to do mostly with stories from back in the 1970s. Brothels now, by this account, were greatly free of fatal contagious diseases, and where, on top of this, either various hate crimes or crimes discriminating against women were rare.

Further, employing workers without proper insurance seemed to be severely penalised by the state. 'Officials from five different public bodies visit brothels monthly', one activist stated, 'and interview sex workers in the absence of the representatives [of brothel proprietors, *vekil*] and pimps, genuinely interested in so doing in the problems of the workers'.[44] This was sharply in variance with the plight of the street workers, who routinely faced myriad forms of violence: from clients, chiefly not to pay or force unwanted forms of sexual union, from pimps who were usually organised in Mafioso-style gangs, from the law enforcement officers through arbitrary fines and detention, and from the community, starting with the immediate neighbours, landlords – who asked for extortionate rents – and others, who treated them like lepers. Criminal complaints filed by street-walking sex workers were often ignored.

The practice appeared to be heedless of several basic rights within the European human rights protection system. First, the prejudicial treatment of brothels as a means of livelihood for sex workers was a clear violation of the right to peaceful enjoyment of possessions, and of the prohibition of discrimination in conjunction with it.[45] The public authority was under no obligation to allow brothels or legalise sex work, to be sure; but once sex work was a right under the domestic law – which it was – the economic value it involved received protection under the right in question, also known as the right to property. Second, the provision in the guidelines that ruled out marriage for sex workers[46] was arguably a violation of both the right to marry and the right to privacy.[47] Again, in conjunction with these, since those other than sex workers did not face such restrictions, the requirement that sex workers remain single amounted also to a violation of the prohibition of discrimination in the implementation of the rights protected. Third, the practice breached a number of basic rights of those walking the streets and seeking work in public places, once again together with infringements of the prohibition of discrimination. The reluctance of authorities to process criminal complaints by sex workers could be a source of severe mental distress and anguish, as well as physical violence, and as such a violation of both the prohibition of ill-treatment and the right to an effective remedy for redress in violations of rights.[48] The occasional deprivation of liberty by the law enforcement officers on the basis of a plainly vague norm ('conduct contrary to order') was barely compatible with the protection of personal liberty and security.[49] Deprivation of liberty

was nothing trivial and could only happen in keeping with certain criteria: reasonable doubt and reasonable necessity in relation to an offence committed or to be committed. Moreover, since this piece of domestic law appeared to be implemented by the law enforcement bodies as an administrative measure, it was possible to talk of a violation of the right to a fair trial, which required that assessment of rights and of criminal responsibility be made only by an independent and impartial tribunal.[50] Law enforcement officers were also reported to tend to persecute sex workers, who could not be accused of prostitution, for 'promoting' prostitution instead, which, unlike prostitution itself, could be a criminal offence. This was an exercise of power that was highly problematic under the rule 'no punishment without the law'.[51] Those sex workers who were effectively left by the public authority to the mercy of criminal gangs, especially in the case of those who were not nationals and brought in often under false pretences, also received some protection via the prohibition of forced labour and slavery.[52] Last, but by no means least, the efforts of sex workers to establish a union, known to be under way since 2008,[53] but not yet achieved, possibly for being hindered by the officialdom, seemed to form a violation also of the freedom of association.[54]

An appalling performance all over: in the treatment of sex workers, the government appeared to violate, even at a cursory examination, virtually all of the basic rights and freedoms protected within the European regime of human rights. To be sure, the exercise of some of these rights might be restricted by the public authority, relying on an exhaustive set of legitimate aims provided within the system; here, principally the protection of health and morals as a possible justifiable aim, yet the limitations thus put into operation were expected to be (1) established by law, with sufficient clarity and foreseeability, and (2) necessary in a democratic society, responding to a pressing social need in proportionate weight. Most of the constraints that were at work in the practice of the country on sex work were unlikely to be tolerated through these well-defined benchmarks.

Crushed Dignity of Ailing Prisoners

Omissions, failure and negligence far worse than the treatment of sex workers moved to the fore in the early phase after the old regime, prompting growing concerns in the domestic public opinion in two further areas: seriously

ill and dying prisoners, and a massive number of routine casualties in the labour force. The plight of the incarcerated in poor health visibly alerted the public during the eventually aborted set of investigations and trials from mid-2007, detailed in Chapter 3. One of the suspects fell gravely ill while on remand and subsequently lost his life in July 2008, about a year after he had been detained.[55] One other suspect in detention, an academic and former university president, turned out to be afflicted with what appeared to be an advanced stage of cirrhosis, effectively ignored by the authorities.[56] The issue became public only through the high profile of some of the suspects in these unusual cases. Yet similar grievances of inmates, especially those convicted for or charged with political offences, attracting limited attention on the whole, had long been known and closely monitored by local human rights groups.

Technically it was possible for the president of the Republic to repeal or curtail prison sentences imposed on individuals in cases of chronic illness, disability or old age.[57] As it would become apparent, especially during the ordeal of the academic above, the process was rather less than efficient, even when initiated bona fide under the strong pressure of the public.[58] Put in the picture at long last, the president would apply, through a formal solicitation of the Ministry of Justice, to the Office of the Public Prosecutor in the specific province, where the debilitated prisoner was held. The Ministry would introduce a procedure and ultimately acquire a full report on the health of the inmate from the Ministry's own Forensic Medicine Institute, which, as it would seem, could be the tricky part. Not bound by the earlier medical reports on which the president drew, the Institute would assess the health issues of the inmate in question in a long and painful process lasting for months, even years.

The release of an ailing inmate, often terminally ill, and not fit for prison environment, was possible also on the sole basis of the Law on the Execution of Penal and Security Measures, without the need for a remission by the president.[59] This statute, which enabled the stay of execution of a sentence for sick convicts if the disease formed a definite threat to their lives, nevertheless once again made the Forensic Medicine Institute the key public body in the process. Accordingly, the medical report required for the stay of execution was to be issued either by the Institute itself directly or by a fully equipped hospital, the report obtained in the latter case to be in turn subject to a formal

approval of the Institute. Based on the report, the decision for the stay was ultimately made by the chief public prosecutor in the locality where the sentence was being executed.

Human rights activists long advocated that relaxing what was de facto an exclusive authority wielded by the Forensic Medicine Institute could bring about some much-needed relief. An amendment in the statute in January 2013 sought formally to facilitate the stay of execution of sentences for those seriously ill or injured in cases when, uncared by a family member or someone close, the ailing inmate could not possibly go on living alone – provided that the inmate did not present any 'danger to the public'.[60] Ironically, this new regulation would later turn out to have only thickened the red tape involved in the whole process.[61] Fresh parliamentary initiatives for further amendment of the law, promoted particularly by the Kurdish political movement, would now aim to try and do away with the novel hurdle of an assessment of a possible danger to the public posed by the internee in the event of a release from prison.

What were the typical problems of health experienced by inmates in prisons, which were pressing for a right to release? A typical example for a relatively less significant or minor category of issues in this regard, though great in terms of the number of cases, was reflected in a complaint, given voice in the Kurdish media, by an inmate with health problems concerning his kidneys and his stomach. Allegedly, the prison authorities were being somewhat arbitrary in refusing to extend appropriate medical care.[62] A category that was much more urgent was illustrated in the tribulation of Hasan Kaçar, a Kurdish activist serving a prison term of thirty-six years. Suffering from an ailment known as 'ankylosing spondylitis', Hasan had been rendered practically immobile while in prison: he was incapacitated to a degree that he was said to be able to move only his hands, if at all. He appeared to have, in addition to this, a number of other internal troubles, with blood frequently detected in his urine. The Forensic Medicine Institute had reportedly recommended a stay of execution of his sentence for six months. Yet even this precious, hard-earned counsel did not seem to secure his release for some reason, indicating further and somewhat elusive entanglements.[63] In another category was the case of a 95 per cent handicapped inmate, serving a stretch of ten months' imprisonment in November 2013.[64] He had numerous reports testifying to his condition. Yet he was expected to get one

also from the Forensic Medicine Institute, a process that was almost certainly to last for more than the duration of the sentence in this case. An instance much highlighted, yet with little improvement on the whole, exemplified a category altogether different – that of Kemal Gömi.[65] A left-wing activist, charged with involvement in an armed assault, which had resulted in the loss of two lives, and yet which he had contested throughout, Kemal had been detained since 1993, serving a life sentence. In over twenty years he was in prison, he survived serious forms of ill-treatment,[66] extended periods of hunger strikes, and the infamous prison raids by the administration in December 2000, in which thirty-two inmates were killed, hundreds gravely injured, with effective impunity to follow for those responsible, giving rise in time to a series of European Court of Human Rights judgements against Turkey.[67] Kemal was long diagnosed with 'residual schizophrenia'. Reportedly, he did not even know that he was in prison. Deemed by the Forensic Medicine Institute itself as not fit to survive under prison conditions, Kemal was still being held regardless. The family seemed to have pleaded with the Office of the President to act, only to be advised that they needed to have the attention of the Ministry of Justice instead. And by the Ministry they were being advised, if the media accounts were to be believed, to apply to the Office of the President. Courts, on the other hand, seemed to be inexplicably inert in the matter, dismissing the applications by the family, and putting the ball consistently in the court of the administration. Public campaigns in the form of collecting signatures were introduced to raise awareness of the situation, and the musical band Praksis wrote a lovely piece for Kemal. All this, however, would come to little fruition.

The official records of the Ministry of Justice in early 2014 indicated that fourteen people awaiting the completion of respective individual appraisals of possible release on health grounds, initiated by the Ministry, could no longer hold out and had lost their lives.[68] According to a statement at about the same time by a consortium of several non-governmental organisations close to the Kurdish political movement, set up in order to monitor and raise public awareness about seriously ill inmates, about 160, out of close to 800 cases nationwide, were in particularly critical conditions, nearly a third of them being cancer patients dying a slow and painful death.[69]

Several instruments under international human rights law, binding locally, regulated issues of the dignity and healthcare of prisoners.[70] The most

effective among those, the European Convention on Human Rights, stated, repeating (with a slight omission) the decree originally promulgated in the Universal Declaration of Human Rights: 'No one shall be subjected to torture or to inhuman or degrading treatment or punishment.'[71] In a number of cases over the years, the European Court of Human Rights had used this succinct statement, prohibiting ill-treatment, to introduce some benchmarks in the matter of healthcare for prisoners. Accordingly, the right at issue did not mean an obligation for states parties to end the deprivation of liberty for a prisoner on health grounds, so long as the public authority was able to provide the medical care required for the illness, approximating to the best that was available.[72] An obligation to end or delay the deprivation of liberty might nevertheless emerge in the process depending on the specific health issues and the conditions in prison. In that regard, the European Court made it clear that the conditions under which a prisoner was detained must 'not subject him to distress or hardship of an intensity exceeding the unavoidable level of suffering inherent in detention'.[73] That is, if the ongoing detention caused suffering on the part of the detainee to a degree not anticipated in the penalty as such, there would certainly be possible violations of some of the rights protected within the system – the prohibition of ill-treatment principally, but also perhaps the right to life, if the case presented a threat to or an eventual loss of life.[74] Conceivably in place might also be 'discrimination' in conjunction with these rights.[75] Not surprisingly, the Court would rule for ill-treatment by one respondent state for failing to release the applicant, a leukaemia patient, convicted and serving a prison term for armed robbery.[76] According to the Court in this case, 'the applicant's health was found to be giving more and more cause for concern and . . . increasingly incompatible with detention'.[77] His suffering in prison, the Court would point out, 'undermined his dignity and entailed particularly acute hardship that caused suffering beyond that inevitably associated with a prison sentence and treatment for cancer'. The Court would thus find that 'the applicant was subjected to inhuman and degrading treatment on account of his continued detention'.[78] In a subsequent case, the Court would decide that even a mere delay, for over a year in the specific instance, in releasing the inmate who suffered from an incurable disease was a violation of the same right.[79] Arguably, the formal law in Turkey[80] was roughly compatible with the normative framework in

Europe, especially in its recently amended form.[81] Yet, the effective implementation of the law appeared to be a different matter altogether.

Fatal State of Labour

A mine blast in Soma in May 2014, which killed 301 miners, and which the then prime minister (president from August 2014) Tayyip Erdoğan could only account for by citing disasters from Victorian England, showed the fatal state of labour in the country under a blazing spotlight, not only domestically, but also in the world public opinion.[82] The wilful neglect of the government that seemed to go beyond mere incompetence, with unspeakable greed lurking in the abyss behind the whole thing – as reflected in the rejection in parliament, only a few weeks before the accident, of a motion tabled by the opposition on the alarming hazards of mining in Soma – would soon fill the national media in grisly details.[83] Suffice to note, the mining company had proudly declared to have reduced the cost of the coal per tonne to almost a sixth of the previous cost,[84] a fact to be linked by some to the unique style of the ruling AKP doing politics, to have routinely used the mine to supply voters with free coal before elections.[85] The disaster would be followed by a heavy government assault on the grieving mining town,[86] widely covered in international media, featuring Erdoğan himself[87] and one of his close aides[88] personally assailing the locals before the cameras. Tear gas and water cannons would callously be used against protesting mourners,[89] and, as humanitarian lawyers rushing to the area would be detained and handcuffed,[90] a 'mullah brigade' would simultaneously be deployed in the town to inculcate submissiveness and obedience in the locals.[91]

In truth, the Soma mine killings caused domestic and international outrage merely for the number of workers lost in one single incident, surpassing the last great explosion in the Black Sea mining town of Kozlu in 1992, which had killed 263 miners. A 2010 report by a local think tank described Turkey as the deadliest country in the world in terms of mining accidents.[92] Using data from 2008, the report disclosed that the fatality per million tonnes of coal mined in Turkey was 7.22. That was a figure five times greater than that in China and 361 times in excess of that in the United States in the same year. Indeed, the fatalities came as no surprise since the data regularly collected by the International Labour Organization (ILO) long betrayed Turkey as one of

the top ranking countries in the world in terms of fatal occupational injuries, at a rate of 6.2 (per one hundred thousand in labour force) in 2012.[93] The total number of fatal accidents at work in all twenty-eight of the European Union countries was 3,932 in 2012.[94] The figure seemed to be higher in the United States, where 4,628 people lost their lives in work-related accidents in the same year (including 803 cases of violence and injuries by persons and animals).[95] The number of workers killed in work-related accidents in Turkey alone in the year 2014 was 1,570, with those injured numbering about 214,000.[96] A tally kept by a local non-governmental organisation had the fatality figure for the year at 1,886,[97] and for 2015 at 1,730.[98] The official figures revealed that, in 2013, 2.3 per cent of all those employed had experienced accidents at work.[99] The computations in labour fatality once again paled by comparison the number of victims in the country's decades-long civil war in the Kurdish populated south-east, long considered to be *the* problem in the country. Not surprisingly, a 2014 report on the World's Worst Countries for Workers would rate Turkey among the worst.[100] Slavery was believed to continue in Mauritania, where slaves apparently formed up to a quarter of the population.[101] Yet, according to the report, Mauritania was a better place for workers than Turkey, which, out of 139 countries evaluated in terms of respect for labour rights, appeared to be better than only eight.

The fatalities seemed to occur in accidents mostly in construction and related sectors. The latest statistics on Turkey processed by the ILO, dating from 2008, indicated that over 34 per cent of the fatal accidents occurred in construction.[102] Most of the accidents in this sector were ostensibly to do with unsafe scaffoldings that were barely up to the modern standards. Although the local regulations paid lip service to safety in the work environment, as discussed below, safer scaffoldings were both costly and time consuming, hence apparently considered as dispensable given the factors such as speed and low cost that drove the construction business – the hub of Turkey's own brand of rentier capitalism under the new regime, the 'Turkish miracle'. There was virtually no industrial company without extensive investments in the sector, encouraged by the government, and defined repeatedly by Erdoğan as 'the engine of economy'.[103] Registered construction firms were said to number close to 150,000 towards the end of 2013.[104] This was about one firm for every 500 persons in the country. The state had its own construction

bodies, starting with the massive Housing Administration under the Office of the Prime Minister, which was in turn tightly linked to private companies operating in the sector, inevitably with overlapping interests. The result was a brazen disregard of the 'niceties' in the regulations concerning safety.

One extension of this obsession with cost-effectiveness was promoting sub-contracting (*taşeronluk*) in various sectors. Sub-contractors, sometimes several of them at a number of levels in a descending order, or spreading horizontally to sub-sectors, did not seem to be as firmly subjected to norms concerning work safety, and as a result responsibility for workplace safety practically dissipated. In turn, legal cases involving work accidents stretched for years and families of the victims were usually quick to reach a settlement with a token amount of informal compensation. With the families choosing not to be an intervening party in criminal cases, *ex officio* proceedings were eventually either dropped altogether in a dizzying maze of procedures or contractors ended up with a modest fine. An institution introduced originally as a dictate of specialisation in virtually all sectors, enabling the contractor to rely on unique services of firms in sub-sectors, sub-contracting in effect functioned for contractors as an avenue of rentier income and for evading legal responsibility. An expert claimed that in the case of a specific construction tender she had researched, she had been able to dig as far as an eighth sub-contractor.[105] The last sub-contractor, she noted, was one single worker who had set up a firm in his home taking on board one other person, a relative. As the profit margin went down in the tender with the advancing layers in a chain of sub-contractors, the one that actually executed the work on terrain needed to be extremely cost-conscious to achieve profit.

More harrowing still, a notable source of unshielded labour in work places appeared to be child labour. A 2014 report drawing on official data collected by the Turkish Statistical Institute (*Türkiye İstatistik Kurumu*) disclosed child labour in the country numbering in excess of one million, with 2,076 children de facto employed in mining.[106] Of those killed in work-related accidents in 2014, fifty-four were apparently children under the age of eighteen (the number of those younger than fourteen was nineteen). These figures excluded 299 of the workers killed in the same year whose ages had not been documented in the available sources.[107] The Labour Law in the country, dating from 2003,[108] distinguished between two categories of child

labour: (1) those at least fourteen but younger than fifteen, having finished the compulsory primary education, and termed children (*çocuk*), and (2) those older yet under eighteen, termed youth (*genç*). Children in the first category qualified for what the law called 'light work', provided that the work in question would not hinder either their physical–mental development or, if they were still schoolchildren after the compulsory phase, their continuing education.[109] The second category of child labour specifically excluded certain forms of work normally carried out by adults. According to the law, a directive (*Yönetmelik*) of the Ministry of Labour and Social Security was to supply details of the work, working conditions and the work barred in both categories.[110] For some reason, the directive would come to create a sub-section under the second category. This section, introduced in February 2013,[111] saw practically no difference between adults and children aged sixteen and older, who were, as the directive put it, 'graduates of vocational and technical schools and institutions' under the Law on Vocational Education.[112] Enacted in 1986, the Law on Vocational Education revealingly pre-dated all of the subsequent and decisive developments in international human rights law on the rights of the child, with modifications effected in 1997 and 2001 that were merely cosmetic.[113] At the heart of one specific public controversy in the immediate aftermath of the Soma mine disaster, following allegations of a young (reportedly fifteen years old) miner among the trapped,[114] would thus be this amendment in the directive that kept a group of children 'free of the limitations' that would otherwise apply to child labour.[115] Incredible as it may sound, this was not the whole story. A fourth (though clandestine) category of child labour was constituted by those younger than fourteen, who were known to be forced to work in agriculture, industry and service sectors to contribute to the family livelihood. The child labour in this category, between the ages of six and fourteen, was estimated in a document of policy and action plan by the government at the end of 2013 to be around 292,000.[116] About 20 per cent of those children were noted in the same document to be unable to complete even the 'compulsory' phase of education.

The grievous state of labour as outlined here did not really have much to do with the formal regulations in force, signalling instead a much more formidable problem, namely that of the legal and political culture that inevitably conditioned the implementation and treated laxities in the formal rules

correspondingly. The fact that Turkey was not a party to the ILO Convention on Safety and Health in Mines[117] was for the critics *the* major normative crack that made the Soma disaster possible. In truth, the Convention was hardly a magic wand, falling remarkably short, on the contrary, of opening mining industries in states parties to international inspection the way basic rights and freedoms were sometimes scrutinised on site by independent international observers. What is more, out of the top five coal-mining countries in the world, only the United States and South Africa were parties to it. China, for instance, was not a party (alongside India and Australia), yet coal mining appeared to be five times more fatal in Turkey than in China. Moreover, it was hard to see that this Convention covered discernibly more on essential points of labour safety in mining than the ILO Convention on Occupational Safety and Health, to which Turkey happened to be a party.[118]

It also needs to be pointed out perhaps that the very local Law on Labour Safety,[119] legislated in 2012, covered on fundamental points the terms of both ILO treaties above. Accordingly, the employer was under obligation to ensure the health and safety of employees where work was concerned, and this responsibility meant first and foremost the prevention of work-related risks and adoption of 'all kinds of measures', including training and information supply. This obligation at once called for adjustments of measures under 'evolving circumstances'.[120] The 'safe rooms', which the company that ran the Soma mine had previously stated the mine was equipped with to guarantee the safety of trapped miners for days, yet which turned out not to exist,[121] were clearly a requirement under this norm. The same applied to proper scaffoldings needed in the construction sector to lower the rate of fatal incidents. Ironically, the ILO Convention on Safety and Health in Construction, to which Turkey would become a party in February 2015 as a partial response by the government to the claims of neglect in the continuing debate, barely specified the standards of scaffoldings to be used in the sector.[122]

A more important treaty, to which Turkey was a party, and which the local Law on Labour Safety seemed to incorporate almost fully, was the European Social Charter (Revised).[123] The treaty included various rights ensuring just conditions of work, safe labour environment and protection of health.[124] This agreement also specified the minimum age for employment (fifteen years, with light work forming an exception) and the work that

could be done by those younger than eighteen.[125] The UN Convention on the Rights of the Child, binding on Turkey, also had a norm that prohibited the economic exploitation of children and set a basic framework for suitable work when children could be employed.[126] This norm was, again, greatly reproduced in the local directive cited above, with the sole exception perhaps of sixteen-year-olds ushered in later, as noted. That is, the positive law, both international and domestic, did not necessarily lack the basic instruments required to tackle fatality and carefree exploitation of labour. Yet, once again, the implementation, which seemed to be underpinned by an informal and elusive set of factors, was a different story altogether.

Urban Disfigurement

The overall perception of a Turkish economic 'miracle' during the regime change had a number of factors behind it, but a significant transformation in the basic economic parameters did not seem to be among them. For the person on the street, the most striking development during the period was the reduced and stabilised inflation – from a consumer price index of 45 per cent in 2002 down to 6.3 per cent in 2009, swelling to an average of 7.8 per cent thereafter, to reach 8.9 per cent in 2014.[127] The amelioration that took place within only a few years from 2002 had much to do with the tough recovery programme under Kemal Derviş, the minister of finance and economy for a spell (just over a year) in the wake of the 2001 economic crisis. An expatriate working then for the World Bank, Derviş came to the rescue, invited by the government, initiating quick, sweeping, radical reforms in the country's dilapidated finance system. This new regulatory design was crucially bolstered by a series of measures on deficit adjustment imposed by the International Monetary Fund (IMF) between 2001 and 2007, with emphasis on new normative frameworks for public procurement, privatisation and social security. Finally, the recovery was considerably facilitated by a global trend in capital flows that promoted growth in the so-called emerging markets.

To its credit, the ruling AKP would closely follow the fiscal discipline and austerity newly introduced, at least for the first five years of its mandate from late 2002. During the first twelve years under the AKP, Turkey's gross domestic product (GDP at market prices) more than tripled, at $798.429 billion in 2014. Yet, measured comparatively, that was below the overall

GDP increase in the emerging markets, which had more than quadrupled. The GDP per capita, tripled under the AKP rule by 2008, to be just over $10,000, would come to be at a standstill thereafter. The annual growth in the economy in the last year before the AKP mandate (2002) had been at 6.2 per cent. The whole preceding decade had produced an average growth of about 4 per cent – a slight drop compared to that during the earlier period under Turgut Özal (1983–9). The growth during the first decade of the AKP administration (2003–12) would average 5 per cent, down to 3 per cent between 2012 and 2014, to fall below 3 per cent in 2014.

The figures hardly indicated a 'miracle'. The growth was achieved, as reflected in the roughly stagnant structure of the economy in the period, without any meaningful alteration in the long-enduring constants of domestic production, such as expansion in the labour force by enabling greater participation of women and improvement in the education system towards a qualitative transformation in the production. As Ali Babacan, Derviş's able successor in the management of the economy under the AKP rule, would admit in September 2015, now no longer in the cabinet or a deputy, 'the growth attained was based on money, not on reform.'[128] Structurally, the economy had remained pretty much as before. More, the so-called 'fiscal rule' thought up by Babacan with a view to maintain the discipline in public spending in the aftermath of the IMF measures would receive a veto from Erdoğan,[129] who would later come also to question the autonomy of independent institutions such as the Central Bank (*Merkez Bankası*, MB) and the Banking Regulation and Supervision Agency (*Bankacılık Düzenleme ve Denetleme Kurumu,* BDDK)[130] – particularly incongruous given the fact that those institutions had just served a key function to ward off the global economic crisis of 2008 by monitoring and reinforcing the banking system. Meanwhile money laundering was possibly a significant face-saving instrument. Reportedly, for the first twelve years under the AKP rule, a total of $36 billion had been transferred to Turkey from unidentified sources, known as 'net errors and omissions'.[131] During the critical phase leading to the general election of June 2015, when an upsurge at the foreign currency rate worried the government, the undocumented foreign currency influx only in February was $4.282 billion.[132] The figure for the first seven months in the same year would reach $9 billion.[133] That is, the result after the first thirteen years of the exceptionally strong AKP rule was

a lingering risk of a return to the terrible 1990s that had culminated in the 2001 meltdown. Having been elected president in August 2014, and from then on arguably the most potent head of state in any democracy,[134] Erdoğan would still urge a switch to a 'Turkish-style' executive presidency that would be direct and unhindered, citing in so doing, in addition to some legal hurdles under the present system, the autonomy of the above financial institutions, the MB and the BDDK, of which he would be increasingly critical, rebuking the bureaucrats in authority almost on a daily basis.[135]

The ostensible 'boom', with the attendant economic and social stability in the recent past of the country, which appeared to be what still endeared Erdoğan to most of his voters, despite the allegations of massive corruption (see Chapter 8), was greatly premised therefore on something else: an efficient absorption of excess capital through the enabling of vast investments particularly in the construction sector, which paradoxically contributed little to the overall production in the long run. Construction and related sectors made up close to a quarter of the annual GDP.[136] Excess capital is the idle finance that the capital owner would normally wish to transform into products in the form of goods and services in order to make profit. When blocked, rather than used, the capital left redundant should be expected to fuel political volatility. The soaking up of this capital within the market, on the other hand, will not only mean more and more profit made possible for capital owners but also the relative integration of the idle labour attached to the market, thus reduced unemployment, which should in turn fortify the political resilience in the country. As noted before, there appeared to be one construction firm in Turkey for nearly every 500 people, an upsurge enabled mostly by the vast land that the public authority owned, now being privatised. This formed (1) an engagement of capital on a simply monumental scale and (2) heightened employment correspondingly. Thrown into the bargain was (3) a deceptive sense of well-being on the part of the public witnessing spectacular works of construction, especially public works and amenities. Finally, the tremendous construction work led and organised by the State Housing Authority (TOKİ) enabled (4) precious clientelism through cheap, though less than adequate, housing and, perhaps more important still, (5) further political stability, with the masses acquiring those houses on credit pay back and thus acutely wary of 'adventures' in politics.

All this basically came within reach by a gradual removal of bureaucratic hurdles long in the way of the country's beleaguered privatisation programme introduced by Özal from 1985. The administration had been able to sell public property worth over $54 billion in the first decade of its rule, although the judiciary, still loyal to the old order at the time, had done its best to hinder the efforts for most of this stretch.[137] The privatisation in 2013 alone, with obstacles now fully eliminated, would be worth $12.485 billion.[138] One glaring source of revenue, particularly after almost all of the state-owned economic enterprises and assets had been sold would be the real estate in public possession and lands opened to redevelopment by constant fine-tuning of zoning legislations, chiefly in Istanbul, where, in places, the value of the real estate competed with the most expensive in Europe. The fact that the public authority was by far the greatest landowner in the country would in turn bestow on the government practically immeasurable patronage capacities, turning it into a rentier administration, of sorts, with the oil in its better-known model being substituted by valuable land and by permits for redevelopment. The tapes leaked from December 2013 would reveal that Erdoğan was personally interested and in charge of both the sale of land and permits. On one occasion he was heard on tape, not disowned subsequently, sharply to rebuke the head of the TOKİ for selling a valuable plot (*kupon arazi*) in Istanbul without clearing with him first, telling him forthwith to cancel the sale.[139] A group of Gezi activists, mostly academics and journalists, ran a regularly updated website, with help from the public, that documented the crony economic relations in the country around public property, aptly named Networks of Dispossession.

This largely make-believe 'alleviation' of social ills in the country, bringing about some economic and political sturdiness, was known to be a strategy that was hardly unique to Turkey under the AKP rule. In fact, the description above of the 'intimate' link between capitalism and urbanisation is rehashed from the work of David Harvey, whose chief example of social stabilisation through a re-fashioning of urban space – which is really a 'dispossession', as he puts it – is the construction work carried out in Paris from 1853 under Louis-Napoléon Bonaparte.[140] Interestingly, one Turkish journalist would point out the parallels between the French coup of 1851 by Bonaparte, famous for Marx's analysis advanced in the following year, and the 'coup'

staged by Erdoğan in December 2013, following the corruption and bribery allegations: not because they both took place, curiously enough, in December, but because in both cases a figure already in power had tightened their grip on power by suspending the formal constitutional order.[141] According to Harvey, this model of growth through urban replanning in France in the mid-nineteenth century, which, as he notes, is akin in ways to the notorious Keynesian recipe of make-believe for crisis times, would serve in the United States in the immediate aftermath of World War II, possibly on a greater scale, to bring about a much-needed social repose both locally and in terms of global capitalism. The pattern, he concludes, is well observed now virtually all over the globe.

The economic policies under the AKP rule were often assumed to be a continuation of the global neoliberal current, yet the AKP elite appeared to succeed blending the tell-tale policies of this largely amorphous force with a native, socially embedded version of the welfare state. The privatisation and the promotion of free markets were coupled, unlike perhaps a textbook instance of neoliberalism, with increasing state involvement, even perhaps increasing spending, in health and education. This occurred parallel to some rationalisation in the health sector, while the spending in education remained at the superficial (yet effective on an electoral basis) level of subsidising books and equipment. The rectifications were progressively felt by the public in everyday life, not to mention the handouts supplied to voters, allegedly out of systematically accumulated public tender kickbacks (see Chapter 8), ranging from white kitchen goods to coal. Consequently an acute and widespread discontent was avoided, although labour relations in certain sectors were more than strained, as dramatically highlighted in the Soma mining disaster described above. That is, the otherwise 'sapping' effects of global institutions such as the IMF, with the coercive financial instruments known to be at their disposal, and generally heedless of local dynamics in dependent markets, were at least partly averted. Finally, the privatisation immensely benefited the long-standing, powerful business families and flourishing new circles of pious Muslim businessmen in the country, with foreign investment barely visible, a fact that in turn played a part in political endurance.

As more optimistic commentators such as Daron Acemoğlu suggested, the dust that was in the air, causing much frustration, might settle one day,

having been blown up there, perhaps inevitably, by a trial-and-error reconstruction of a politically normalised Turkey, free at long last of the yoke of the bureaucracy under the old order.[142] This could mean in the specific context of the public property rush under the AKP rule that the political apparatus should be expected to be free of its present shackles once the intense patronage that public property enabled would eventually subside, withdrawing into its ordinary limits. The fear, however, was that, in addition to the public impoverishment through the ongoing dispossession, the tremendous power that the rentier dealings yielded for the administration could radically and unrecognisably transform the country, not only politically, as feared by the secular urbanites, but also urban-wise, bringing about an irreversible urban disfigurement and, with it, dramatic excisions in public memory.

That is, if one consequence of the 'growth' through construction was a fragile economy, with no lasting improvement in the production, a possibly direr consequence was the thoughtless plundering and pillaging of urban space, especially in Istanbul. Aggressive redevelopment and gentrification (a more recent fad) did not only signify unjust profit for capital holders at the expense of the dispossessed, but also an instrumental or means-to-end rationality that was altogether indifferent to the lives of the masses, precious fragments of nature and urban history. Treasured by most in the country, counting, without doubt, also the ruling Islamo-nationalists, Istanbul appeared to be fast transformed into a second-rate Dubai, not only in suburban areas, but also at the heart of the historical city, including its famous silhouette, with the formerly prominent historical mosques now dwarfed in the foreground of some gigantic eyesores. New and tasteless structures began brutishly to puncture through some of the settled and serene spots of this great city, amidst all-over defacing and erasing of the spatial memory throughout the country, and in untold forms. The Gezi Park protests of 2013 had been sparked precisely by a just and urgent resistance to some such redevelopment plan in one of the centres of the town. The urban expanse filled with multi-purpose, grotesque mosques, complete with shopping malls built underneath – long pre-dating the AKP rule – should provide a clue for the mindset at work, now in hitherto unseen, gargantuan proportions.