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Middle East Brief

Proactive Policing, Crime Prevention, and State Surveillance in Turkey

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n early 2000, two years before the governing Justice Land Development Party (AKP according to its Turkish acronym) was elected to power, the Human Rights Inquiry Commission of the Turkish Grand National Assembly raided police stations in Istanbul to uncover possible human rights violations. This occurred just after the European Union (EU) recognized Turkey's status as a candidate for membership in December 1999. The Commission found "torture objects," such as beams used for so-called "Palestinian hangings" (also known as *strappado*)¹ in most of the police stations they visited and conducted follow-up visits to some stations a few months later and interviewed detainees. One was a drug dealer who had been in that particular station several times and had been tortured each time except this last one; the station personnel were probably on their guard after the Commission's first visit. "Do you know the reason for this change?" asked the president of the Commission, Sema Pişkinsüt (then a member of parliament from the Democratic Left Party), who drafted the report of these visits. "I guess we got into the European Union," replied the detainee, perhaps in a sarcastic tone.²

The Turkish National Police (TNP) did, indeed, undergo serious reforms as part of wider governmental and legal changes that the Turkish state undertook in furtherance of its bid to join the EU. The TNP's infamous record of human rights abuses throughout the 1980s and 1990s—evident from the high number of cases brought against Turkey at the European Court of Human Rightsmade the institution a core target. International donors and security experts pushed the Turkish police to prioritize "proactive policing": being less "reactive" to crime (after the fact) and instead focusing on identifying and vigilantly monitoring potential security issues and threats and delivering services to alleviate them. The reformed Turkish police were envisioned as being constantly on the move instead of idling in their stations: in conversation with citizens and reoriented to serve those citizens instead of the state. A shift to proactive crime prevention in Turkey, therefore, promised to protect human rights, help deliver good governance, and improve citizens' sense of security and well-being.

This Brief argues that the remodeling of the TNP to mimic the "best practices" of proactive policing developed in Europe and the United States had the paradoxical effect of strengthening state surveillance in Turkey, undermining the very promise of serving the citizenry. In fact, importing proactive policing practices from the West enabled the Turkish police to infiltrate into the everyday lives of ordinary people, in both public and private spaces, to an extent that it had never before done. Granting the police discretion to punish (and, in a sense, define) "misdemeanors" and "potential criminality" in public spheres encouraged police use of legally sanctioned surveillance tools, affording them more legal cover for arbitrary policing. And police-led social projects implemented to alleviate "social risks" embedded in the private lives of citizens contributed to the broader "securitizing" of everyday life. Instead of democratizing policing in Turkey, these reforms actually provided the AKP with a new toolkit to strengthen its hold on power in a less heavy-handed but still pervasive way.

Democratization and Reform of the Police in Turkey

Police in Turkey have a long history of violence, dating back to the establishment of the Republic in 1923. The Republic of Turkey was founded as a nation-state after the collapse of the multi-ethnic and multi-confessional Ottoman Empire, and this transition involved a significant amount of state violence against ethnic and religious minority groups as well as political opponents of the new regime.³ The military had been the leading force of modernization and reform since the late Ottoman period (1876–1923), and it later deemed itself the guardian of the modern republic against any external and internal threats leveled against the regime.⁴ The military ousted governments and took control in three coups: in 1960, 1971, and 1980. The aftermath of the 1980 coup was particularly repressive, and torture in Turkey's police stations and prisons became systematized in this period. Electric shock, beatings, and Palestinian hangings were some of the well-known techniques of torture used by Turkish police, not only against political dissidents but also to "effectively interrogate" criminal suspects.

The war between the Kurdish guerilla organization, the Kurdistan Workers' Party (PKK), and the Turkish state started in the 1980s and intensified in the 1990s. In 1983, a Police Special Operation department was founded as a SWAT team for purposes of both counterterrorism and law enforcement. War in the southeast of Turkey against the PKK involved both the military and the police, as well as clandestine security formations that perpetrated assassinations and forced disappearances. The so-called "deep state" was exposed to the public and made the headlines for months after a scandalous traffic accident in 1996 in Susurluk (a small town in the west of Turkey), when an ultranationalist Mafia leader, a deputy chief of the Istanbul Police Department, and a member of the Turkish parliament were in the same crashed car. During the investigations following the incident, it

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The opinions and findings expressed in this Brief belong to the author exclusively and do not reflect those of the Crown Center or Brandeis University. was also revealed that all three were connected to and endorsed by Mehmet Ağar, the infamous Minister of the Interior at the time. Some media outlets even interpreted the accident as an indication of the ongoing power clash within the deep state itself. But for ordinary Turks, it became the ultimate symbol of the corruption of the Turkish state and its security officials in the 1990s—and of how they committed acts of undocumented violence against their own citizens by collaborating illicitly with professional criminals and radical nationalists.⁵

On February 28, 1997, another military intervention into politics—known in Turkey as the "postmodern coup" occurred, when the Welfare Party and the True Path Party were forced to resign from the coalition government by a military memorandum that regarded the Welfare Party and its Islamic orientation as constituting a threat to the secular pillars of the Republic. The Justice and Development Party (AKP) was founded in 2001 under the leadership of Recep Tayyip Erdoğan, who had previously been a member of the Welfare Party. The AKP took a more pro-Western and liberal outlook than had the Welfare Party and promoted socioeconomic liberalization in the period of economic restructuring following the 2001 financial crisis in Turkey. The AKP gained a sweeping victory in the 2002 elections and embraced the EU reforms and entry process with enthusiasm, using them as an opportunity to break down the power of the military over government in Turkey.⁶ As one journalist noted, "[t]he AKP's victory in 2002 was greatly indebted to the popular rage ignited by the Susurluk scandal"⁷—after which Turkish citizens called for a more transparent and accountable state structure.

The EU-mandated reform process in Turkey was mostly seen by the public as one of democratization and demilitarization and as enabling the flourishing of civil society, as opposed to what is known in Turkey as the "strong state" tradition. EU harmonization packages were passed between 2002 and 2004 and introduced considerable legal changes intended to tame military power and strengthen individual liberties and political rights. The death penalty and State Security Courts were abolished in 2004; a revised Anti-Terror Law and a new Criminal Code, with a strong anti-torture stance, were passed in the same year.⁸ This retuning of state-security practices also gained some traction during the 2013–15 peace process between Turkish authorities and Kurdish guerillas, which aimed to end three decades of armed conflict.

In addition to legal reforms, EU harmonization in Turkey was also a time when other governmental branches undertook many reform projects. Since 2002, for instance, the General Directorate of Security has carried out twenty-nine EU-funded projects (under two chapters of Turkey's entry negotiations: "Judiciary and Fundamental Rights" and "Justice, Freedom, and Security"), which generally attempted to reform the security sector by focusing on issues of human rights, accountability, transparency, and good governance.⁹ These reforms typically involved investments in personnel, training, and equipment along with the establishment of new police units and departments, many of which remain active despite Turkish entry to the EU now being a distant prospect.

After what was arguably a "liberalization" period of several years in the 2000s, aspirations for EU entry waned in popular and political discourse by the late 2010s, and ambitious reform initiatives under the guise of various "openings" to ethnic and religious minorities ended with little if anything to show for them. Political crises in the previous decade led the AKP, once seen as a promising "democratic model" for the Middle East, to reintroduce repressive security practices, especially against its political opponents. Harsh policing practices have gained prominence again—most visibly during the Gezi Park Protests of 2013,¹⁰ with the remilitarization of the Kurdish conflict in 2015,¹¹ and in the aftermath of the failed coup attempt of July 2016.¹²

Despite the deterioration of the EU integration process and political turmoil in Turkey throughout most of the 2010s, police reforms continued to be implemented. The Turkish National Police Academy, for instance, changed its system entirely beginning with the 2015–2016 academic year to "demilitarize" itself and made courses and training in "human rights" and "democratic policing" compulsory in its revised curriculum. Police units across Turkey also devised various proactive policing projects, some of which brought new vocabularies (such as "risk prevention"), new units (like Community-Oriented Policing [*Toplum Destekli Polislik*]), and a new approach to policing that focuses on prevention. Proactive policing practices while at the same time providing the Turkish National Police with access to new possibilities for surveillance and seemingly less violent, but subtle and pervasive, tools of social control.

Urban Surveillance and Retooling Legal Reforms

Changes to the legal frameworks that regulate police duties, procedures, and policies were an essential part of the shift toward proactive policing in Turkey in the 2000s. The Law on the Duties and Powers of the Police (PVSK) was revised in 2003 and then again in 2007; it no longer describes the police as the guardian of the "indivisible unity of the state" but as the "protector of individual rights and liberties,"¹³ so the reformed police, instead of protecting the state-as had been their explicit obligation for decades-would instead protect its citizens. At the same time, this redefinition of police duties and obligations granted them greater power to take preemptive measures. Addendums to the PVSK in 2007, for example, authorized police to conduct preemptive searches and identity checks not just in the course of investigating actual offenses or crimes but as part of a proactive strategy to monitor "potential criminals" in the urban centers of Turkey.

Likewise, the Misdemeanors Law, which came into force in 2005, granted police the power to punish misdemeanors with administrative sanctions (fines and warnings) without due process. The Misdemeanors Law was meant to deter "potential criminals" while safeguarding a "peaceful and harmonious atmosphere" for the rest of the citizens. Behaviors as diverse as "making noise and disturbing others," "unauthorized consumption of tobacco and alcoholic beverages," and "polluting the environment" were considered misdemeanors under this law. And police officers now had the right to immediately punish offenders (without due process) based on their professional judgement—including deciding when to fine, whom to fine, or even when something should be considered a misdemeanor at all.

Given the authority to fine perpetrators of misdemeanors subject only to their own discretion and without judicial oversight, police in Turkey heavily utilized the law to control certain types of public behavior.¹⁴ The ambiguous nature of the law and its arbitrary enforcement resulted in the unequal treatment of already marginalized groups and made it possible to legally cover up discriminatory policing, such as profiling based on sex, gender, ethnicity, and other characteristics. Studies on transgender sex workers in urban centers of Turkey, for instance, show how police officers disproportionately used the Misdemeanor Law against transgender individuals and fined them—and, in particular, tracked transgender women's presence in public spaces.¹⁵ Neither sex work nor sex change is outlawed in Turkey. Both are permissible, and the reformed TNP indeed offers regular training sessions to all of its members to combat discrimination based on sex, gender, or sexual orientation. Police officers often claim, however, that they issued fines not because of the offenders' transgender identity but on account of the misdemeanors they committed, like "unlawfully occupying street." By reframing what they are doing as part of their duty to prevent crime, officers have been able to legally justify what would otherwise be regarded as discrimination based on sexual orientation. The police similarly use the Misdemeanor Law against other socially and economically marginalized groups, who are disproportionately stopped, profiled, and fined for offenses listed under the I aw.

Since 2015, new initiatives, such as the Mobile Public Security Team and the Mobile Park Police, have further institutionalized this approach to policing in Turkey. These new teams focus on deterring "loiterers": picking them up, taking them either to a police station or to some other location, punishing them with administrative sanctions (usually a fine, along with a verbal warning), and then releasing them. Gathering in vacant or abandoned buildings, making noise at night, or just idling in groups on street corners and doing unspecified "suspicious things" can be considered—at the discretion of individual police officers—as constituting "loitering." And such accusations often target groups of the unemployed, predominantly poor urban youths.

Although such approaches and initiatives were presented as nonviolent means of policing, they have in reality provided the Turkish police with legal cover to overpolice urban spaces. In a sense, proactive policing has turned into a legally sanctioned tool to surveil certain types of lifestyles and behavior that the police deem to be a threat to the "well-being of citizens."

Policing Social Risks via Home Visits

The reform of the Turkish police in the direction of a proactive policing model has also led to the development of a number of police-led social projects focused on "potential risks" embedded in citizens' "social environment." These projects are usually planned and implemented by a variety of police units (the Community-Oriented Policing Branch, the Juvenile Branch, Crime Prevention offices) with the support of other organizations that focus on social welfare: ministries, professional associations, chambers of commerce, and other non-governmental organizations. One of these police units, implementing projects for "at risk" youth, received over 100 million USD in funding in 2015, allotted by the growing Social Support directorates housed within the Ministry of Development, the Ministry of Family and Social Policies, and the Ministry of Labor and Social Security. The mushrooming of these state institutions' budgets and personnel numbers corresponds to a reform period beginning in the 2000s, when the welfare administration in Turkey was reorganized with funds and policy packages provided by international donors, such as the World Bank, the United Nations, and the European Union.¹⁶

One of the major objectives of such programs is the improved management of what are referred to as "social risks" by means of developing and implementing riskreducing social policies. Instead of consigning matters of security to the narrow framework of "national security" (meaning the security of the state), government cadres and security professionals increasingly look on social well-being as a matter of security as well. Socioeconomic deprivations and disparities, insufficient guidance with respect to social and moral values, or a combination of both were considered to be tightly linked to potential crimes and came to be seen as constituting a security problem. Subsequent projects usually focused on those who were seen as having been "forced" into crime owing to problems in their "social conditions," such as poverty, unemployment, broken family structures, or lack of a proper education. It should be noted that such social projects are oriented not so much toward risky individuals per se but rather toward risky social environments, social conditions that are prone to produce security risks. This distinguishes them from counterinsurgency-focused crime prevention programs in Turkey that have been mobilized to fight against terrorism—by, for example, attempting to "deradicalize" politically active Kurds.

Between December 2015 and May 2016, during my fieldwork, I accompanied three police officers-one woman and two men-and one female social worker on their visits to more than sixty households in Ankara to recruit participants for their year-long project "A Secure Future, A Peaceful Capital." This project was implemented for "youth at risk" who ran away from home and for their families. Those carrying out the project believed that reorganizing the social environments of "at risk" teenagers and their families and training them in "social skills" (also referred to as "life skills") would "integrate them into the social collectivity and urban life." According to a document that sets out the objectives of the Secure Future project, "Teens' deprivations have an indirect impact on the emergence of secure life, society and economy."17

The members of families identified by police were either employed in the informal sector or had temporary jobs without proper social security benefits. Most of these families had migrated from rural parts of Turkey to cities like Ankara and lived in squatter houses often characterized by insufficient living space, leaking pipes, and poor heating. Police officers had prior knowledge about some of the teenagers they chose as project participants, based on runaway registries as well as background and criminal checks. In addition, officers relied on earlier encounters with project participants, mostly those that occurred during their operations against misdemeanors committed in public areas. Some project participants, for example, had previously been fined for causing a "public nuisance" or for committing one or two other misdemeanors. In other words, although my police interlocutors working for Secure Future listed running away from home as the main "risk" factor for youth participants, some participants were already on the radar of different police units working in accordance with the proactive policing ethos. And previous misdemeanor violations enabled police to draw up a target list for recruiting participants for social policing projects.

Most police-based social projects include a visit to families' houses, which allows officers to recruit participants, observe their social environment, and interact with project participants in the privacy of their homes. Previously, Turkish police rarely visited families' homes. The Turkish National Police now employed phrases like "going to one's door" to validate a new kind of relationship with citizens based on proximity and familiarity; in the past, a citizen referring to the police coming to his or her door would have been perceived as mocking or belittling the police. So this phrase serves to reimagine the hierarchy between police and citizens and reconceptualizes policing as being conducted in the service of citizens.

Home visits were intended to include interviews with both teenage project participants and their families to enable officers to identify possible risks embedded in project participants' home environment and neighborhood and to learn their "social needs." But these visits involved more than listening to participants' statements about their needs and wants. Instead, police officers filtered and assessed those needs and their urgency from a security perspective. Thus, it was very common for teenagers to criticize various social structures, such as educational and medical institutions, or even to denounce the abusive attitudes of their families toward them; I witnessed such remarks during home visits on which I accompanied a Secure Future team. These kinds of comments usually went

unnoted by police. But families' concerns about their kids' troublesome circle of friends would always draw attention, followed by monitoring of the recreational activities of the project participant(s) involved. Whenever the family raised such a concern, the team intervened gently, knowing that they would have to work together to create a new social circle for the teenager.

So the problem was not that these teenagers did not have a "social life," as the implementers of the project often commented to me. It was, rather, that their social networks were not regarded as secure enough by the relevant policing bodies, which now comprised not only those in uniform but also other governmental and non-governmental entities—including the families themselves.

Projects like Secure Future, it should be noted, function as surveillance mechanisms, especially with respect to regular recipients of social assistance. The families of most project participants had previously received money or other assistance from other government agencies, which were often crucial for their sustenance. They were knowledgeable about the various sources of support: which department provides what, where to apply to obtain available funds, whom to be close to in order to obtain certain benefits. In some instances, they even found themselves in such webs of support during earlier contact with the police-as a result of a schoolteacher's referral, for example. This was the case for one teenager, who, upon his teacher's recommendation, played soccer with the Emniyetspor team (a junior soccer team founded by the TNP in various neighborhoods to attract youngsters into sports, in part so that police could socialize with them). Or they may get further involved in the web of social assistance during interactions with state officials as well as with the police.

The delivery of social services through proactive policing projects required participants to interact within policing frameworks in order to secure social benefits—what the state called its "benevolent care."¹⁸ Project participants (teenagers and their families) were therefore not just being asked to learn how to police themselves; they were required to consent to expansive police surveillance of the minutest details of their everyday lives and social relations.

Conclusion

The reform of the police in Turkey opened up new avenues of interaction and exchange between Turkish state officials, international experts, and local and international NGOs and human rights organizations. These exchanges, and the import of various police "best practices" from Europe and the United States, were meant to erase Turkey's heavy-handed policing tradition and contribute to a broader democratization of the country.

Proactive policing was one of these reforms, aimed at democratizing the police as a profession conducted in the service of the citizenry. By implementing proactive measures, the police as an institution were expected to instill more professional practices and develop close contact with citizens. The outcomes of proactive policing in Turkey, however, demonstrate how reform has, in this case, expanded state surveillance. The Turkish police further penetrated into the public and private spheres of citizens and enhanced state control over populations that they regarded as security threats.

Observers of the Turkish state usually note that the governing AK Party's recent turn to repressive policing practices is a departure from the EU-aspiring Turkey of the 2000s and a backsliding to the undemocratic security practices of the 1990s. What many international analysts see in Turkey, however, is not simply a return to the police violence of the 1990s. Rather, the reform of the police enabled the Turkish state to reconfigure presumptively democratic means of policing so as to expand its reach into the everyday lives of citizens. Police reform in Turkey thereby ended up contributing to the over-policing of Turkish society.

Yet it is important to understand that this seemingly paradoxical outcome did not result from the misapplication of an otherwise unproblematic model by the Turkish National Police. Rather, it is an example of how democratic policy objectives, once implemented, can reinforce the development of states' *un*democratic capacities. "Universal" "best practices" standards for "good policing" can produce unexpected outcomes.

Endnotes

- 1 This is a form of torture where the victim is suspended by a rope attached to their wrists which are bound behind their back.
- 2 Sema Pişkinsüt, Soruşturma ve Kovuşturma İstanbul Raporu 2000 [2000 Istanbul Report of Investigation and Prosecution] [TBMM İnsan Haklarını İnceleme Komisyonu Yayınları] [The Human Rights Inquiry Commission of the Turkish Grand National Assembly Press] (Ankara: TBMM Basımevi, 2000).
- 3 Eric J. Zurcher, *Turkey: A Modern History* (New York: I. B. Tauris, 1993).

- 4 Ayşe Gül Altınay, The Myth of the Military-Nation: Militarism, Gender, and Education in Turkey (New York: Palgrave Macmillan, 2004).
- 5 Kerem Öktem, Angry Nation: Turkey since 1989 (London: Zed Books, 2011).
- There was another military memorandum, known as 6 e-muhtıra (e-memorandum), issued in 2007, just before the presidential elections. And in 2008 the Constitutional Court attempted to ban the AKP for "violating the country's secular principles." (See Sabrina Tavernise and Sebnem Arsu, "Turkish Court Calls Ruling Party Constitutional," The New York Times, July 31, 2008). After surviving this political turmoil, the AKP took stronger measures in reaction to "military tutelage" and conducted controversial operations against, and trials of, military members, high-ranking bureaucrats, journalists, opposition lawmakers, and civil society organizations that were accused of being part of a clandestine deep state organization called "Ergenekon"—including plotting a secularist military coup (known as Operation Sledgehammer) against the government. Although some appreciated these trials as a democratizing move vis-àvis the military-state establishment, the Ergenekon trials were criticized as well, owing to severe violations of due process (see, for example, "World Report 2014: Turkey," Human Rights Watch). As these trials weakened the power of the military and of the so-called deep state, the Turkish National Police gained considerable political power during this period.
- 7 Ryan Gingeras, "Looking Back at the Susurluk Scandal 21 Years On," *Ahval*, November 15, 2017.
- 8 Ergun Özbudun, "Democratization Reforms in Turkey, 1993–2004," *Turkish Studies* 8:2 (2007): 179–96.
- 9 Some of these projects were: Improvement of Statement-Taking Methods and Statement-Taking Rooms; Strengthening the Accountability, Efficiency and Effectiveness of the Turkish National Police; Strengthening the Police Forensic Capacity; Civilian Oversight of the Internal Security Sector; and Implementation Capacity of Turkish Police to Prevent Disproportionate Use of Force.
- 10 Sarah El-Kazaz, "The AKP and the Gülen: The End of a Historic Alliance," *Middle East Brief* 94 (Brandeis University, Crown Center for Middle East Studies, July 2015).
- For a brief overview and critical analysis of the peace 11 process, see Serra Hakyemez, "Turkey's Failed Peace Process with the Kurds: A Different Explanation," Middle East Brief 111, (Brandeis University, Crown Center for Middle East Studies, June 2017). For a general summary of the Kurdish Opening in 2009 and the role in this process of mass trials (known as KCK trials) against the Kurdish political movement between 2009 and 2012, see Michael Gunter, "Reopening Turkey's Closed Kurdish Opening?" Middle East Policy 20:2 (Summer 2013), 88–98. Like the Ergenekon trials, these trials have further empowered the Turkish National Police and increased their prestige in the state bureaucracy. Police power was further enhanced with the enactment of a new domestic security law (ic güvenlik yasası) in 2014, which increased police powers (e.g., longer detention periods, more authority to use lethal force, authority to strip-search without judicial

oversight). (See "Turkey: Parliament Approves Domestic Security Package," *AA* (Anadolu Agency), March 27, 2015.) It is important to emphasize that the AKP has claimed that these changes were made in compliance with EU standards. Then Prime Minister Ahmet Davutoğlu remarked, for example, "Show us just one article that violates EU standards; show just one clause that is against universal democratic standards." (See Emma Sinclair-Webb, "Is Turkey Just Copying the EU in Increasing Police Powers?" *Human Rights Watch*, February 16, 2015).

- 12 See the following report on human rights abuses in Turkey, especially those observed under State of Emergency rule after July 2016: Amnesty International, Amnesty International Report 2016/17: The State of the World's Human Rights (London: Amnesty International, 2017). A report by the Office of the United Nations High Commissioner for Human Rights is also crucial to understanding human rights violations in the Kurdishmajority cities of Turkey during the period July 2015– December 2016 (See: "Report on the Human Rights Situation in South-East Turkey, July 2015 to December 2016, February 2017").
- 13 Zeynep Gönen, "Polis Yasalarının Ruhu: Mevzuatta Söylemler, Araçlar ve Zihniyet" [The Spirit of the Police Laws in Turkey: Legislative Discourses, Instruments and Mentality] [TESEV Demokratikleşme Programı Siyasa Raporlari Serisi] [TESEV Democratization Program Policy Report Series] (İstanbul: TESEV Yayınları, 2013).
- 14 Granting such authority to police reflects criminological theories like "broken windows" (introduced by James Q. Wilson and George L. Kelling in the March 1982 Atlantic magazine), which still enjoys considerable popularity among the Turkish National Police. For a recent critical study of "broken windows," see David Correia and Tyler Wall, *Police: A Field Guide* (Brooklyn, NY: Verso, 2018).
- 15 Ash Zengin, "Queer Calculations of Justice: Hate Crimes, the Criminal Law and Transgender Lives in Turkey" (paper presented at Law & Politics in Turkey: Reform, Authority and Emergency, conference at Buffett Institute for Global Studies, Northwestern University, October 26–28, 2017).
- 16 Ayşe Buğra and Çağlar Keyder, "The Turkish Welfare Regime in Transformation," *Journal of European Social Policy* 16(3) (2006): 211–28.
- 17 The Secure Future project document was given to me by the coordinator of the project and is not available for public access.
- 18 Even though the provision of social assistance is presented as relying on objective measures like means tests, decisions regarding such assistance have in practice always been made in the context of continual negotiations between state officers and citizens. See Çağrı Yoltar, "When the Poor Need Health Care: Ethnography of State and Citizenship in Turkey" *Middle Eastern Studies*, 45:5, 769–782.



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