



LUND UNIVERSITY

Games of Justice: Ethnographic Inquiries on Space, Subjectivity and Law in Northern Kurdistan

Bostan, Cansu

2022

Document Version:

Publisher's PDF, also known as Version of record

[Link to publication](#)

Citation for published version (APA):

Bostan, C. (2022). *Games of Justice: Ethnographic Inquiries on Space, Subjectivity and Law in Northern Kurdistan*. [Doctoral Thesis (monograph), Sociology of Law Department]. Lund University (Media-Tryck).

Total number of authors:

1

General rights

Unless other specific re-use rights are stated the following general rights apply:

Copyright and moral rights for the publications made accessible in the public portal are retained by the authors and/or other copyright owners and it is a condition of accessing publications that users recognise and abide by the legal requirements associated with these rights.

- Users may download and print one copy of any publication from the public portal for the purpose of private study or research.
- You may not further distribute the material or use it for any profit-making activity or commercial gain
- You may freely distribute the URL identifying the publication in the public portal

Read more about Creative commons licenses: <https://creativecommons.org/licenses/>

Take down policy

If you believe that this document breaches copyright please contact us providing details, and we will remove access to the work immediately and investigate your claim.

LUND UNIVERSITY

PO Box 117
221 00 Lund
+46 46-222 00 00



Games of Justice

Ethnographic Inquiries on Space, Subjectivity and Law in Northern Kurdistan

CANSU BOSTAN

DEPARTMENT OF SOCIOLOGY OF LAW | LUND UNIVERSITY



Games of Justice

Games of Justice

Ethnographic Inquiries on Space,
Subjectivity and Law in Northern Kurdistan

Cansu Bostan



LUND
UNIVERSITY

DOCTORAL DISSERTATION

Doctoral dissertation for the degree of Doctor of Philosophy (PhD) at the
Faculty of Social Sciences at Lund University to be publicly defended on
17 June 2022 at 13:30 in Pufendorfinstitutet, Biskopsgatan 3, 223 62 Lund

Faculty opponent

Dr. Katrin Seidel

Organization LUND UNIVERSITY Department of Sociology of Law, Faculty of Social Sciences		Document name Doctoral Dissertation
		Date of issue: 2022-06-17
Author: Cansu Bostan		Sponsoring organization
Title and subtitle Games of Justice: Ethnographic Inquiries on Space, Subjectivity and Law in Northern Kurdistan		
Abstract <p>This study presents an ethnographic exploration of subjective experiences relying on different historicizations and the ways they inform the connections between law and justice in Northern Kurdistan. By analyzing law and justice as ethnographic objects whose forms and functions are contingent upon being named and attributed meanings, inquiries focus on various historicizations/spatializations in Northern Kurdistan to understand: i) the modern spatiotemporal boundaries of the Turkish nation-state, its law and justice narratives, ii) experiences informing justice aspirations and their translations into the experience-distant language of state law, and iii) appearing/disappearing mechanisms attributed justness and functions of legality beyond the state law. During ethnographic fieldwork conducted in Amed between April-September 2019, three data collection methods were employed: participant observations, semi-structured interviews with human rights lawyers, institutional representatives from NGOs and inhabitants (life history narratives) and document collection. The study draws on a spatial analysis informed by Michel Foucault's insights on the truth-subjectivity regime, 'games of truth' and the triad of 'power-knowledge-space,' and adopts his analytical strategy of nominalist intervention facilitating an understanding of the web of relationalities within which law and justice gain particular meanings. In this way, one may understand how these relationalities trigger attachments of 'just' and 'unjust' to various practices, which, by drawing on the 'game of truth,' is referred to as the 'game of justice' by this study. This analysis reveals three spatializations triggering becomings, meanings and connections of law and justice:</p> <p>I) The relationalities spatializing Turkishness are revealed as marked by exclusions. The state law is made sense of by being positioned outside of its realm and is attributed a meaning through its exclusivist operation in Northern Kurdistan, and justice gains its meaning as a tool for the state to derive legitimacy in different forms of procedural justice and substantive justice to regulate the shifting boundaries of the state law drawn between certainty and uncertainty. II) When the inquiries focus on the resistances marked by incorporation and contestation, state law is attributed a tactical meaning as a tool used against the state to communicate excluded experiences and as an archive to document past and present injustices for a peaceful future. Justice takes the form of aspirations within this web of relationalities. III) The law's form changes when the inquiries focus on emerging large-scale mobilizations taking Kurdistan as their reference point beyond a mere countering to Turkishness. An ethical-aesthetical regulation is named law, forming its ensemble ranging from people equipped with a role in dispute-resolution to the political-ideological mechanisms and their commissions and courts. Justice is reformulated to legitimize these mechanisms in the socially-embedded, experiential form of popular justice.</p> <p>This study shows that the connection of justice to law is triggered by spatializations shaping their relationship in particular encounters. By presenting the accounts, namings and meanings in their multiplicity, this study hopes to contribute to an imaginary of honorable and sustainable peace in Northern Kurdistan.</p>		
Key words: law; justice; spatialization; truth-subjectivity regime; game of truth; becomings; ethnography; Amed; Northern Kurdistan		
Classification system and/or index terms (if any)		
Supplementary bibliographical information		Language English
ISSN and key title 1403-7246 Lund Studies in Sociology of Law		ISBN 978-91-8039-289-1 (print) 978-91-8039-290-7 (pdf)
Recipient's notes	Number of pages 406	Price
Security classification		

I, the undersigned, being the copyright owner of the abstract of the above-mentioned dissertation, hereby grant to all reference sources permission to publish and disseminate the abstract of the above-mentioned dissertation.

Signature



Date 2022-05-09

Games of Justice

Ethnographic Inquiries on Space,
Subjectivity and Law in Northern Kurdistan

Cansu Bostan



LUND
UNIVERSITY

Cover by artist Zehra Doğan, Newspaper archives N°1, 2021

Copyright Cansu Bostan

Faculty of Social Sciences
Department of Sociology of Law

ISBN 978-91-8039-289-1 (print)

ISBN 978-91-8039-290-7 (pdf)

ISSN 1403-7246

Printed in Sweden by Media-Tryck, Lund University
Lund 2022



Media-Tryck is a Nordic Swan Ecolabel
certified provider of printed material.
Read more about our environmental
work at www.mediatryck.lu.se

MADE IN SWEDEN 

To Reza Banakar

To the women of Jinwar

Table of Contents

Glossary and Abbreviations.....	11
List of Figures.....	16
Acknowledgments	19
Preface	23
Chapter One Introduction	29
1.1. Aim, Research Questions and Purpose of the Study	35
1.2. Situating the Study.....	39
1.3. Outline of the Study.....	50
Chapter Two Socio-Political Background	55
2.1. Ottoman-Turkish modernization process	56
2.2. Post-1980 coup d'état and the state of emergency	62
2.3. Post-2002 and the peace process	68
2.4. Post-2015 and urban warfare.....	70
2.5. State of emergency in 2016 and the change in the governmental system to an executive presidency.....	72
Chapter Three Research Site: “When we understand why Diyarbakır is actually Amed...”	75
Chapter Four Methodological Considerations	87
4.1. Ethnography.....	87
4.1.1. Contextualizing everyday life.....	90
4.2. On the methods and empirical material.....	92
4.2.1. Participant observations and observations of participation	93
4.2.2. Interviews.....	95
4.2.3. Documents	106
4.3. Analytical process.....	107

4.4. Analysis of space and spatial analysis.....	113
4.4.1. Boundaries	116
4.4.2. Spatialization of law	117
4.5. Ethical considerations.....	119
4.5.1. Reflexivity and positionality.....	122
4.5.2. ‘Giving back’ to the field.....	125
Chapter Five Theoretical Framework.....	127
5.1. Foucauldian nominalism.....	128
5.2. Game of truth.....	131
5.3. Game of justice.....	138
5.4. Becomings	140
5.5. Dispositif	143
5.6. Power and state.....	145
5.7. Law-in-becoming.....	149
Chapter Six Fixed on the Ground: Within the Borders of Turkishness	155
6.1. Turkishness as truth-subjectivity regime.....	159
6.1.1. Turkishness subjectivity as compartmentalized sovereignty	165
6.1.2. Turkishness promise as a (disciplinary-biopolitical) strategy.....	171
6.1.3. Reproduction of Turk-to-be: Turkishness as legal subjectivity	182
6.2. Spatialization of Turkishness and Turkification of space	189
6.3. Justice within the borders of Turkishness.....	195
Conclusion.....	211
Chapter Seven Lost in Translation: Subjective Experiences from Justice Aspirations to Legal Categories.....	215
7.1. Claiming justice.....	218
7.2. Human rights lawyers as translators.....	229
7.2.1. Can law work as a site of memory? Can lawyers be archivists?	236
7.3. Translation of subjective experiences to legal categories: Thinking justice through death.....	239
7.3.1. Experience of death and mourning.....	241
7.3.2. Death and mourning as legal objects	256

7.4. Translation of subjective experiences to legal categories: Thinking justice through home	272
7.4.1. Experience of home	273
7.4.2. Shifting meanings of home and ‘loss of the home’	278
7.4.3. From ‘constant state of dying’ to ‘right to housing’	288
Conclusion	293
Chapter Eight Truth, Justice and Law in Stateless Settings	299
8.1. Spaces of Kurdishness: Remembering as cartography	302
8.2. Becomings of Kurdishness	307
8.2.1. “Ez li virim.”	313
8.2.2. Motherhood beyond the boundaries of sacredness	317
8.3. Becomings of justice and law	322
8.3.1. Recognition, legitimacy and sense of justice	325
8.3.2. Popular justice and People’s Courts	331
8.3.3. Gendering justice	335
Conclusion	340
Chapter Nine Conclusions	347
9.1. Revisiting research questions	350
9.2. Revisiting aims	353
9.2.1. Game of just, legitimation, and law: justice in the present tense	356
9.2.2. Game of unjust, delegitimation and law: justice in the future tense	364
9.3. Revisiting purpose	366
9.4. Contributions, limitations and suggestions for further research.	367
References	373

Glossary and Abbreviations

AANES	Autonomous Administration of North and East Syria, also known as Rojava. Self-proclaimed autonomies of the cantons were declared in 2014, covering three regions consisting of cantons, areas, districts and communes. There are currently two self-governing regions of Jazira and Euphrates, since the invasion of the Afrin Region by the Turkish Armed Forces and Syrian National Army in 2018.
AKP	Justice and Development Party (<i>Adalet ve Kalkınma Partisi</i>): Pro-Islamist, conservative party in power alone in Turkey since November 2002.
Bakur	North in Kurdish: refers to the Northern Kurdistan: <i>Bakurê Kurdistanê</i> .
Başur	South in Kurdish: refers to the Southern Kurdistan: <i>Başurê Kurdistanê</i> .
CUP	Committee of Union and Progress: Young Turks' organization took over the rule of Ottoman Empire with a military coup in 1908.
Democratic Confederalism	A political organization model, coined by PKK leader Abdullah Öcalan, advocating for a system of democratic self-organization based on autonomy, direct democracy, environmentalism, feminism, multiculturalism, self-defense, self-governance, and sharing economy as an alternative to nation-states.
DGM	Specialized courts established after the 1960 coup and reopened by the 1980 junta rule which remained open until 1999, DGMs delegation had to include one military judge.
ECtHR	European Court of Human Rights

EU	European Union
HDK	Peoples' Democratic Congress (<i>Halkların Demokratik Kongresi</i>): Pro-Kurdish parties' left alliance with feminist, ecologist, LGBTI+ movements, socialist parties, trade unions, and labor and rights-based NGOs, formed in October 2011.
HDP	Peoples' Democratic Party (<i>Halkların Demokratik Partisi</i>): Pro-Kurdish, left-wing alliance party founded by HDK in October 2012.
HEP	People's Labor Party (<i>Halkın Emek Partisi</i>): the first pro-Kurdish, left-wing political party established in 1990 and disbanded by the court decision in 1993. Turkey's political scene witnessed the establishment and closure of seven pro-Kurdish political parties, starting with HEP until the establishment of the HDP as the eighth one in 2013.
HRA	Human Rights Association: Founded in 1986 by human rights defenders. It is the largest NGO active in human rights advocacy with its 29 branches and three representative offices in a total of 32 provinces in Turkey and Northern Kurdistan. It is one of the founders of the Coalition for the International Criminal Court and a member of the International Federation for Human Rights and the Euro-Mediterranean Human Rights Network.
IS	Islamic State: Previously known as ISIS (<i>Islamic State of Iraq and al-Sham</i>), a Sunni Salafist jihadist armed group, inspired by but then expelled from Al Qaida.
JITEM	Gendarmerie Intelligence and Anti-Terror Unit (<i>Jandarma İstihbarat ve Terörle Mücadele</i>): An unofficial intelligence unit of the Turkish Gendarmerie founded as an umbrella organization for paramilitary groups in the 1980s. Until 2005, the state authorities denied the existence of JITEM.

KCK	Kurdistan Communities Union (<i>Koma Civakên Kurdistanê</i>): Confederative Organization for Democratic Confederatism. Currently working as a Kurdish umbrella organization for all the democratic confederalist political parties of Kurdistan [PKK in Northern, the Democratic Union Party (PYD) in Western, the Kurdistan Free Life Party (PJAK) in Eastern, and the Kurdistan Democratic Solution Party (PÇDK) in Southern Kurdistan].
KJB	Community of Assertive Women (<i>Koma Jinen Bilind</i>): An umbrella organization of women operating as an autonomous body within KCK.
MHP	Nationalist Movement Party (<i>Milliyetçi Hareket Partisi</i>): Turkish far-right, ultranationalist political party currently in an alliance with AKP.
NGO	Non-Governmental Organization
OHAL	State of Emergency (<i>Olağanüstü Hal</i>)
OHAL Governorship	State of Emergency Regional Governorship of Northern Kurdistan which ruled the region from 1987 to 2002.
ÖYM	Special Assize Court (<i>Özel Yetkili Ağır Ceza Mahkemeleri</i>): The successor of the DGMs established by the anti-terror law in 2004 and remained active until 2014.
PAJK	Freedom Party of Women of Kurdistan (<i>Partîya Azadîya Jin a Kurdistan</i>): Democratic Confederalist, pioneering ideological party of women for women emancipation, an autonomous body within the PKK.
PDK	Kurdistan Democratic Party (<i>Partiya Demokrat a Kurdistanê</i>): Pan-Kurdish party established in 1946. The founder and currently the largest party and the senior partner of the Kurdistan Regional Government of Iraq in Southern Kurdistan.

PKK	Kurdistan Workers' Party (<i>Partiya Karkerên Kurdistan</i>): founded in 1978, declared its armed existence in 1984, manifesting a guerilla warfare targeting the colonial rule of Turkey, Syria, Iran, and Iraq in Kurdistan. Besides its armed guerilla units organized under HPG (<i>Hêzên Parastina Gel</i> , People's Defense Forces) and YJA-Star (<i>Yekîneyên Jinên Azad ên Star</i> – The Free Women's Units of Star), PKK is currently a pioneering ideological democratic confederalist party under the umbrella of the KCK.
Rojava	West in Kurdish: refers to the Western Kurdistan: <i>Rojavaya Kurdistanê</i>
Rojhilat	East in Kurdish: refers to the Eastern Kurdistan: <i>Rojhilata Kurdistanê</i>
TAYAD	Solidarity Association of Prisoners' Families (<i>Tutuklu ve Hükümlü Aileleri ile Dayanışma Derneği</i>): A human rights NGO established in 1986 by victims of torture, their relatives and friends, and activists opposing the military regime following the 1980 coup seeking to prevent the illegal detentions and systematic human rights violations in prisons. The Istanbul-based association, which has volunteer networks and centers in Turkey and Northern Kurdistan, has initiated tens of hunger strikes to protest torture in prisons. Its activities are frequently halted by police intervention and court decisions.
TIHV	Human Rights Foundation of Turkey (<i>Türkiye İnsan Hakları Vakfı</i>): Founded in 1990 by the HRA and human rights defenders. It is one of the most influential NGOs working actively in the prevention of torture, in the treatment and rehabilitation of the victims of torture, and advocacy of prisoners' rights in Turkey and Northern Kurdistan with its treatment and rehabilitation centers in four and referral centers in two provinces.

YDG-H	Patriotic Revolutionary Youth Movement (<i>Yurtsever Devrimci Gençlik Hareketi</i>): active between 2006-2015, autonomous, self-regulated body, organically bound to the PKK, organized in the neighborhood scale in the urban contexts in Northern Kurdistan.
YPG	People's Protection Units (<i>Yekîneyên Parastina Gel</i>): Armed self-defense units active in Rojava, founded after the outbreak of the Syrian Civil War.
YPJ	Women's Protection Units (<i>Yekîneyên Parastina Jin</i>): Women's armed self-defense units active in Rojava, founded after the outbreak of the Syrian Civil War.
YPS	Civil Protection Units (<i>Yekîneyên Parastina Sivîl</i>): The new organization and name of YDG-H after 2015 following the Turkish Military's counterinsurgency operations.
YSK	Supreme Electoral Council of Turkey (<i>Yüksek Seçim Kurulu</i>).

List of Figures

- Figure 0:1 Map of Kurdistan, taken from: <https://dckurd.org/2021/12/21/why-washington-finds-foothold-in-kurdistan/> [accessed 20 April 2022]
- Figure 3:1 Bilingual sign for the Amed/Diyarbakır Metropolitan Municipality, April 2019.
- Figure 3:2 The photo on the left shows a wall writing saying “Here is Amed” in Turkish. In the one on the right, Amed is crossed out leaving only “Here is” on the wall, May 2019.
- Figure 3:3 Satellite view of Sur before and after the destruction in 2015-6, Google Earth.
- Figure 3:4 Turkish Flags and Photos of Erdoğan, Amed, April 2019.
- Figure 7:1 A park in central Amed surrounded by police barricades, Amed, May 2019.
- Figure 7:2 Peace Mothers' sit-in protests and the lawyers surrounding, Amed, May 2019.
- Figure 7:3 Saturday Mothers/People, Human Rights Association, Amed, June 2019.
- Figure 7:4 Broken gravestones and a woman praying after cleaning the broken stones, Amed, July 2019.
- Figure 7:5 “Interactive Map of Mass Graves,” Human Rights Association Amed Branch, 2011, taken from: <https://map.ihddiyarbakir.org> [accessed 30 August 2018].
- Figure 7:6 One of the places marked as having a mass grave somewhere, Amed, August 2019.
- Figure 7:7 Impunity in enforced disappearances, Truth, Justice and Memory Center, 2014, taken and translated from: <https://zorlakaybetmeler.net> [accessed 15 February 2018].
- Figure 7:8 A wall-writing in a demolished neighborhood: “Sur says no to destruction,” Amed, August 2019.

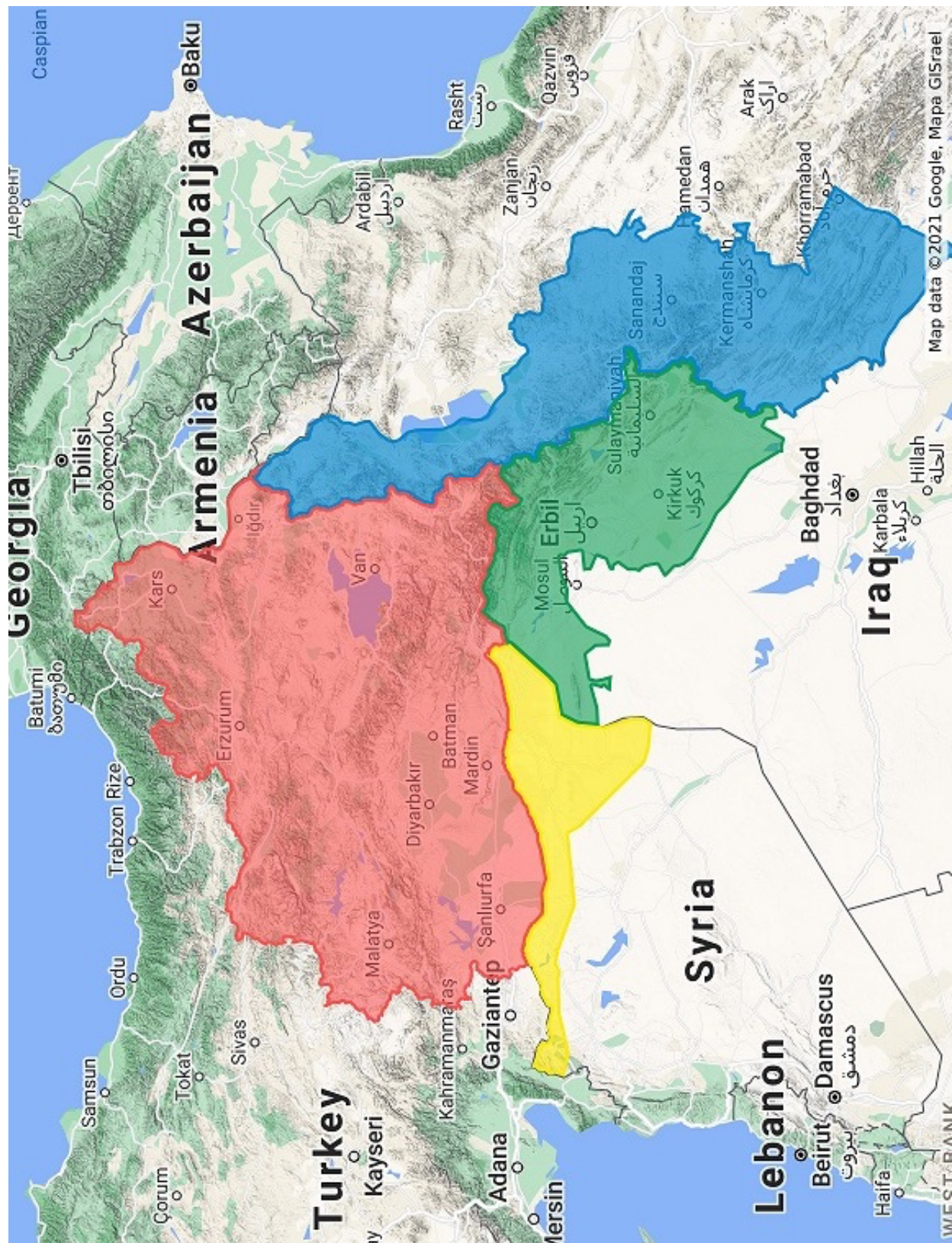


Figure 0:1 Map of Kurdistan. The red area shows Northern Kurdistan and Turkish state borders. The yellow area shows Western Kurdistan and Syrian state borders. The green area shows Southern Kurdistan and Iraqi state borders. The blue area shows Eastern Kurdistan and Iranian state borders. Taken from: <https://dckurd.org/2021/12/21/why-washington-finds-foothold-in-kurdistan/> [accessed 20 April 2022]

Acknowledgments

During my PhD interview, when I was warned that writing a PhD thesis is an alone process and asked whether I was ready for that, none of us had an idea how literal that loneliness could be. A pandemic isolating the whole world accompanied the two years of my PhD journey. Despite the inevitable solitude of watching the seasons change in front of the window of my apartment when writing most parts of this thesis, I never felt lonely.

Reza Banakar was my principal supervisor in the first years of my project. We lost Reza in 2020, but his guidance was with me till the end. Besides hundreds of things that I learned from him, replacing the sadness of his loss with the joy of having the chance to meet him, he provided me with an inspirational academic role model. Reza had an endless passion, curiosity, and enthusiasm for learning, teaching, discussing, and reading. He was always very confident to challenge and modest to be challenged. He always listened. He always knew the best questions to ask. He was always interested. I know that he was very curious about where this project would arrive at. This thesis is dedicated to him. His passion for learning keeps inspiring me. I am very lucky to be his student.

Ida Nafstad was first involved as a co-supervisor in my project and has become my principal supervisor. Ida has, from the start, been very enthusiastic about my project. She got as excited as I did with each spark of an idea throughout the project. I know that having such a supportive academic mentor is rare. Her supervision has been decisive and motivating for the accomplishment of this thesis. I am grateful beyond words for your guidance and companionship, dear Ida. Having someone to trust without any reservation or need for filters was priceless. You had that perfect balance in opening spaces for my independent work, allowing me to find my work rhythm but making me always feel like a part of a team at the same time. Speaking of our team, I would also like to say a big thank you to my co-supervisor, Martin Ramstedt. The topic of this thesis was first inspired by an assignment I wrote for his course back in my Master's studies in Oñati in 2013. Years later, our roads crossed again when he became my co-supervisor in the final years of my PhD studies. Despite his involvement in my project in the final stages, it was the most critical time of my writing phase. Our discussions, his suggestions, rich knowledge of the field, and support helped me to a great extent in shaping this thesis as it is today. Thank you so much for everything, Martin. You made me feel understood in our every single conversation. Thanks to their critical and

encouraging insights, I always felt relieved after our supervision meetings with this great team of supervisors, even during the most exhausting times in the final stages.

I am also deeply grateful to a number of scholars who detailly have read and given me valuable feedback on the manuscript at different stages of the research. I am very thankful to Tobias Kelly, who thoroughly read my final seminar draft, provided feedback, and helped me see my manuscript from a different perspective through our discussion and his engaging comments and questions during my final seminar. I am also very thankful to Ole Hammerslev, in his position as my internal committee member, who also detailly read my final seminar draft and provided me his insightful feedback. Both of their constructive critiques supported me a lot in finalizing the thesis. Helle Rydström, one of my discussants in my mid-term seminar, read my draft detailly and gave me her feedback. Her questions helped me significantly when making decisions during the research phase marked by confusion. The same goes for my PhD colleague Marie Leth-Espensen whose sharp eyes and critical comments were very valuable not only during my mid-term seminar but also throughout the way. She has always shown her solidarity and been very generous with her feedback in every phase of my research. Seda Kalem's and Hildur Fjóra Antonsdóttir's insightful discussions of my start seminar draft provided me with important questions to look for answers to during my fieldwork. Hildur was then a PhD colleague who later became a doctor, and her support was not limited to my start seminar discussions, for which I am very grateful.

It goes without saying that besides my discussants in the seminars, most of my colleagues at the department read my drafts and provided me their comments during the seminars, and inspired me with their research interests. Thank you so much to them all, for collegiality and support, including but not limited to: Isabel Schoultz, who read all my seminar drafts and asked important questions in my seminars; Håkan Hydén, who was so kind in sending his written comments, especially after my final seminar; and Diana Kudaibergenova, Rustamjon Urinboyev, and Måns Svensson who participated in my supervision in the earlier stages of my research. Especially, I am greatly indebted to Amin Parsa and Martin Joorman for being such great colleagues and friends. Thank you so much, Amin, for your critical insights, friendship, and solidarity, and Martincim for your endless generosity in sharing your experiences and all the discussions, conversations, and support.

Talking about collegiality and friendship, I am grateful for all my fellow PhD students. I always felt their support in every single step. But especially, besides those I already mentioned, thank you so much, Oscar Björkenfeldt, for

everything but especially for translating my pages-long ethics application. I know what time pressure means when doing a PhD, and you did not hesitate for even a second when I needed your help. There are two very special people without whom this journey would not be similar. I do not have enough words to express my gratitude for having Nicolás Serrano Cardona and John Woodlock with me during this journey. We spent long hours discussing each other's works. I still keep all the photos of the maps drawn on the board that would mean nothing to someone else, but they would clearly trace them in the following pages of this thesis. Dear Nico, I do not know if I could even imagine a better roommate. You know what your friendship means to me, but besides all, I am not sure if this thesis would have been the same without you. Our conversations always started with a question from either of us: "can I interrupt you for five minutes?" And they were never shorter than a couple of hours, and each minute of these numerous conversations echoes in some ways in this thesis. But, sorry, could we keep it down? Some of us were trying to do some work over here: no one else than John. *Dostum*, you also know. But besides all, thank you so much for pop-ins, support, friendship, all the fun and solidarity, love and care, reflections, suggestions, and discussions. You two, we did it! And we will do many other things together. But for now, "so long, and thanks for all the fish."

During my PhD studies, I was fortunate to experience teaching some excellent students, especially in our Master's Program in Sociology of Law. Thank you all! I do not know if I was a good enough teacher, but it is for sure that I learned a lot from you. From October to December 2021, I had a chance to return to the International Institute of the Sociology of Law, Oñati, seven years after completing my Master's, as a visiting PhD student. Sharing the residence with a fantastic batch of Master's students and visiting scholars, having the chance to present my work to them, and getting inspired by their research interests was a unique experience. Thank you so much, Deo, Debora, Itzi, Malena, Juan Martin, Kian, Ella, Laura, and Mireya! Also, many thanks to everyone working at the institute for turning Oñati into an exceptional place. And, of course, thank you so much, Jonna Rennerskog, for making all our reunions inspirational encounters even without chocolate and *tinto* since 2013.

There is one very special academic figure whose courses introduced me to social theory and, specifically, the sociology of law. Many thanks to dear Erdoğan Yıldırım for shaping my research interests back in my undergraduate studies at METU and setting the perfect example of how a lively academic environment should be. I am also greatly indebted to Karl Nafstad for his thorough reading of my final draft and for helping me out with the proofreading

of the thesis, and to dear Zehra Doğan, a very talented artist, for kindly agreeing for my use of her lovely picture as the cover of the thesis.

I am very lucky to have a family teaching me to fight for what I believe, even if it is with them. My mum, Nihan, and dad, Aydın, have been supportive of every decision I made. *Annem, babam, her şey için teşekkürler!* And Cana, my sister, my friend, my partner in crime, with your endless knowledge, you have always inspired me and been a mentor. Thank you very much. *Sizi çok seviyorum!*

I also have the greatest friends with whom the distance means nothing. You know, dear Gonca and Aydan! We have started our journey together that took us to the different parts of the world, and you are still there not only behind a screen during our regular online dates – which feel much closer than some in-person meetings – but also as the very first listeners of whatever I thought and readers of whatever I wrote for last fourteen years. And of course, Saliha, your creativity, passion, and courage keep amazing me even after eighteen years we shared. Without you three being my emergency line, I would not know if the stuckness throughout writing this thesis could be that easy to overcome. I am thankful to you for every single touch of yours to my life and work. Tarık, probably there is no meaningful order of words in any language that can convey my gratitude to you. When reading this thesis, I know you would feel like you have listened to an audiobook version of it before. Besides millions of other things, thank you for the hours-long discussions on a single sentence. Without our discussions and your support in every possible way, this journey would nothing be similar. Now I am back!

During my fieldwork, I met some amazing people who became dear friends, making Amed another home for me. Nilüfer, Neval, Mustafa, Mehtap, Derya, and Erkan, thank you so much for everything! Your friendship and support were irreplaceable. And dear Kekik, I hope you are happy wherever you are! I would also like to say a big and warm thank you to the Human Rights Association Amed Branch and Diyarbakır Bar Association for all their support during my fieldwork. Last but not least, I owe my sincere gratitude to my research participants. They welcomed me into their lives and shared their stories. I have learned a lot from each of them. Dear all, *gelek spas dikim!* I hope I have done justice to your stories, efforts, and the causes that mean much to you. This thesis is also dedicated to the women of Jinwar as a symbol of the future you have told me that you aspire to: for women, for life, and for freedom.

Malmö, April 2022

Preface

In Turkey, it is possible to see references everywhere—from wall writings, lines from movies, lyrics of songs, daily conversations to academic debates—to the well-known phrase mostly attributed to Ibn Khaldun: “Geography is destiny.” In these references, this deterministic role assigned to geography is usually used to describe the despair of not being able to escape from blues, worries and chaotic sadness attached to the place one was born into. The despair you cannot escape no matter where you go. Can we really not escape from the social and historical dynamics attached to the geographies we were born into? Do we carry them with us wherever we go? Is it really the geography that is the destiny, or ourselves? This quote, more than a strictly structuralist interpretation, highlights that we are always born somewhere and that place is the one that influences, structures and restructures us, the one with which we continuously negotiate and struggle. It points at the relations, ideas, languages, affections and structures established and re-established; in short, a social and symbolic field that encompasses geography. Besides all its academic motivations, this thesis can be considered giving me one of the spaces where I struggle with the geography and identity I was born into and through which I negotiate myself.

Having happened to be born in Izmir, Turkey, as Turkish, this struggle and negotiation is shaped by the Kurdish issue. This thesis does not attempt an analysis of the Kurdish issue. It does, however, emphasize that the Kurdish issue has a character that organizes geographical and social space and produces subjectivities. It simultaneously positions, produces and reproduces the masses identified with Kurdishness and Turkishness in different ways. This issue has transformed, and continues to transform, Kurds and Kurdistan and Turks, or those who define themselves as Turks, and western regions of Turkey in different ways. For those identified with Turkishness, war, violence, displacement and a state of emergency in Kurdistan are far away and normalized. It becomes a spectacle that either gives pleasure with a sense of victory, leads to pain and sadness or is met with indifference – without being completely comprehended that it is one of the strongest components of their identity as well. Kurdishness is either a dangerous Other or associated with a victimized, oppressed society – both facilitate a Kurdish imaginary of Turks shaping Turkishness with nationalist ideas, feelings or an arrogant privilege. The Kurdish issue is multilayered and reproduces the social and psychic in violence, conflict and unequal relations. It creates multidimensional and

complex effects in different spaces, times and bodies and even disconnects the times and spaces of Turkishness and Kurdishness. In this respect, the issue relies on a colonial relationality between Kurdishness and Turkishness, whose history has exceeded a century and shaped both subjectivities on an asymmetrical surface and still continues to do so.

This different formation of time-space is notable in the different references and nostalgias surrounding the 1990s, when the war was at its most intense and Northern Kurdistan was being ruled by the State of Emergency Governorship. The memory of the 1990s is remarkably fragmented. It is the source of an “old Turkey” nostalgia for the nationalist, Kemalist Turks who romanticize the 1990s and all the imaginaries it brings from the songs, TV shows and everyday lives since they mark the beginning of “new Turkey” when the AKP (Justice and Development Party – *Adalet ve Kalkınma Partisi*) got into power and shook the status quo of the Kemalist elite in 2002. In contrast, the same period refers to chaos, war and systematic violence in Northern Kurdistan, marked by enforced disappearances, unidentified murders and a state of emergency – and nothing remarkably different from the “new Turkey.” I spent my childhood in Izmir, western Turkey, in the 1990s without even knowing about the ongoing war. When my mother warned me to avoid kicking the empty cans in the street, I did not realize that it was due to her paranoia imposed by the mainstream media headlines on the possibility of bomb attacks with the cans thrown on the streets in western urban centers. I did not realize that everything surrounding the city was under the shadow of the war. At the age of eight, for example, I was participating in the “Student’s oath” with these lines that we had to recite every morning in school:

I am a Turk; I am honest, and I am hardworking.

My law is to protect younger ones, respect my elders, and love my homeland and nation more than myself.

My mission is to rise, to progress.

My existence shall be dedicated to the existence of the Turk.

Geography was in action. While my peers in Northern Kurdistan were witnessing systematic night raids in their homes by soldiers and were not able to go to school in most parts of the region, as the schools were closed due to the war, I was exposed to paranoias, highly powerful symbols and national imaginaries without even realizing it. I was being shaped by this ignorance. When I was in third grade, we got a new teacher appointed to Izmir from Amed, where she had completed her obligatory public service. Although it makes me upset to think and reflect on all that now, I am somehow thankful to her as it was via her that I realized something was wrong. One day, she joyfully

told us her memories of seeing “our heroic soldiers” killing a Kurdish child the same age as me back then. That day is still very alive in my memory. I still remember how shocked I was, going to my parents and asking: “What is a Kurd, and what is so bad about it?” It was a classroom with forty-eight students in a public elementary school in central Izmir, which, I realize when I think about it now, was probably full of Kurdish children as well. There we were, probably experiencing this teacher’s words in very different ways. They were most possibly being made to believe that they were disposable, whereas, I was being taught that my life was more valuable than that of my Kurdish peers.

Years passed. I became politically active in organizations and social movements. Moving to Ankara at the age of eighteen reshaped my perceptions. I met different people from different cities, backgrounds and geographies. Such heterogeneity was a relief for me as a politically engaged teenager after the homogenous portrayal of Izmir with an image of a Kemalist, nationalist, secular city wherein everybody seemed to be on the same page. I studied sociology at a university known for its student movements and their contribution to its academic culture of critical thinking. In the last year of my undergraduate studies, in 2013, country-wide uprisings known as the Gezi Park Protests broke out. The groups participating in the protests calling for the resignation of government ranged from Kemalists, ultra-nationalist groups, Kurdish political movement, feminist activists, LGBTI+ movements, trade unions; groups that gathered only against the government, not knowing what to do and how to talk with one another if their demand for the resignation of the government succeeded. Even before the protests were able to reach that point, years-long subjectification processes and the destiny of geographies haunted the protests and they were eventually absorbed as the groups started to talk with one another with the sovereign reflexes attached to their subjectivities without accomplishing imagining a new community.

Such reflexes embedded into subjectivities preventing us from coming up with new discourses raised many questions that I introduced into my critical academic practice as I continued in academia. Back during my undergraduate studies, despite having hours-long discussions on justice drawing on philosophers from centuries ago, in my courses we were not mentioning the ongoing century-long colonial domination and then almost 30-year long war and violations – a silence which inevitably triggered my research interests. I came to realize that it was almost impossible to conduct any social research in Turkey that does not touch upon the Kurdish issue, as it has been haunting and shaping every socio-political realm. When I continued my master’s studies in the sociology of law, it became clearer. Speaking of law could not be possible without considering its limitations drawn by nation-state building, nor was

considering justice possible without looking into experiences shaped by these colonial relationalities and exposures during the war.

I decided on my master's thesis topic after realizing that the pattern of disregarding the competing discourses that absorbed the Gezi uprisings were also dominating the peace process that was ongoing back in 2014. That is how I ended up studying the memory of war and peace and their contesting discourses in Northern Kurdistan. I also placed my own memory under scrutiny as I believe peace would not be possible without us born into Turkishness questioning how much of our self-confidence was owed to Kurdish imagination. Maybe the thesis I wrote was not covering these all in a way I would have preferred, but the fieldwork I conducted in Şırnak, Northern Kurdistan, for that research project completely changed reflexivity from a category to be checked when conducting social research to a life-long learning activity for me. I realized what I was overlooking even when already knowing the limitations of official history. It was the limitations of my own history which was shaped together with official history. These reflections revealed how the Kurdish issue and its multidimensional and complex colonial relationalities shaped me. Associating these experiences with my readings in different fields of social theory, and thanks to the encounters I had during many fieldworks I conducted either for academic or professional reasons when working for NGOs after completing my master's, I was able to reflect upon the subject positions offered me within this colonial context.

The way I thought of and attempted to conduct social research, and the meanings and values I attributed to it, were shaped within this context, which inevitably and eventually informs how I contextualize and problematize the present research, my doctoral thesis, in the first place. Therefore, this thesis is produced in this colonial context and carries all the emotions, meanings, ideas, confrontations and, of course, gaps, limits and deficiencies it reveals. Critical academic performance can be considered as one of the ways that can show the multidimensional aspects of such a colonial context. It may have the power to reveal what is not seen, even if it does not have the power to change this on its own. I do have a belief in its transformative potential, at least in its influence on the transformation of my experiences. Therefore, I consider social research a political/practical activity in a broad sense. Being transparent, I can say that such a belief motivated the writing of this thesis.

Methodologically, this thesis can be considered an outcome of the ethnographic fieldwork I conducted in Amed between April-September 2019, whereas epistemologically, and thus experientially, it transcends any spatiotemporal limits by revealing the spatiotemporal embeddedness of these epistemologies, experiences and limitations. In other words, all the dialogues

I engaged in and experiences I went through are (re)contextualized by the traces of colonial relationalities dating back to the late-19th century shaping subjectivities. For the last four years, this research provided me with not only unique encounters and chances to listen to various experiences and personal stories, but with a confrontation with all those relationalities producing my own self that is also historically conditioned and open to new historicizations drawing on different narratives.

Focusing on these experiences, this thesis reveals competing, contesting, negotiating, collaborating narratives in Northern Kurdistan and power and resistance dynamics shaping the experiences and shifting the very becomings of law and justice. The following chapters reveal how the nation-state building enables the exclusions of subjectivities, experiences and truth; how the resistances use the state law to communicate excluded subjective experiences and aspirations of justice; and how the experiences, tracing their own formulations of justice, engage in making various legal settings. Notwithstanding the destinies of geographies, dynamics in Northern Kurdistan reach far beyond the places and locations and its drawn boundaries.

The voices that come forward in this thesis are only a few out of many. I know that I miss out on numerous stories and narratives that would be worth telling. My ambition, however, was never to write the anatomy of war in Northern Kurdistan, but to reveal the dynamics behind the portrayal of modernist dichotomic stable constructions of subjectivities, experiences and formations of law and justice. I want to convey these narratives on justice that tell us something beyond the very place: how the particularities of experiences in Northern Kurdistan can reveal the monolithic constructions of modernity – nation-states and modern law everywhere by revealing the significance of the particular, historically embedded, socio-political dynamics and local responses.

I devoted the space provided by this preface for transparency and self-reflexivity practice as the scratches behind the scenes of this research journey. Even though the question of whether the geographies are our destinies remains contested, spaces and experiences beyond those destined provide writing motives to this thesis and inform my justice pursuits.

Chapter One

Introduction

It was May 12, 2019, the 186th day of hunger strikes initiated by Kurdish political prisoners, and the seventieth day of daily sit-in protests of Peace Mothers¹ for the hunger strikes. Rather than the park set as the meeting place, I was in Amed long enough to learn where to go for protests. Since I arrived in early April, the park at the city center was blocked by tens of armored vehicles, police buses prepared to be filled by possible detainees, and by hundreds of riot police. So, I directly went to the juncture where the police had been stopping the mothers since the first day of their protests. It was more crowded than the other days. It was Mother's Day, and the street was full of activists, journalists, representatives from human rights organizations and bar associations. Mothers were sitting in the middle of the road with their white muslins covering their heads. They were surrounded by lawyers wearing their court robes with white muslins tied around their necks. I sat on the pavement by the group until a police officer approached me and asked whether I was inside or outside. He pointed out the crowd when I looked at him, trying to understand what he meant, and he continued: "...of the circle. You should be either inside or outside the circle." Then I looked at the 'circle' and realized the division. Mothers were sitting in the middle, circled by lawyers standing. After the lawyers, there was a crowd which, in turn, was surrounded by riot police. The circle was as literal and explicit as the police officer meant. I looked at him and told him that he was right, passed by the outer circle of police, and joined the crowd.

¹ *Dayîkên Aştîyê* in Kurdish; a women's civil rights movement consisting of the mothers of the PKK (Kurdistan Workers' Party – *Partiya Karkerên Kurdistan*) guerrillas and Kurdish political prisoners asking for non-violent solutions and peace.

The circle was visible due to the spatial organization enabled by different actors. Through their emplacements, performances and symbols used, these interwoven circles were made explicit. In this spatial organization, it was particularly the white muslins that were enabling a symbolic division. Mothers sitting on the road were all covering their heads with white muslins, which is a part of the traditional clothing of Kurdish women. As a gendered cultural practice, when they take off their white muslins and throw them to the ground, fights should immediately stop, as the 'honor' of the family and society is symbolically attached to the white muslins of women. Them being thrown to the ground conveys the message that this fight destroys not only the honor of the families but also Kurdish society as a whole. If the parties in the fight insist on their hostility, they are excluded from their social networks. However, this local cultural symbol of peace-making has widened its meaning throughout the war in Northern Kurdistan. It has become the political symbol of Kurdish mothers who have lost their children during the war and their call for 'honorable' peace.² Mothers gathering to throw their white muslins in front of state institutions became a widespread protest pattern, reformulating motherhood in Northern Kurdistan as a political subjectivity at the same time (see Chapter Eight).

Lawyers surrounding the mothers' sit-in protest were participating in the mothers' call through white muslins tied around their necks while conveying the message that they are there as lawyers with their black robes that they are required to wear in the courtroom. They were taking over the role of advocates for the mothers, which was also made visible through their emplacement – almost like a protective shield surrounding their sit-in protest. A visibly less homogenous crowd surrounding the lawyers consisted of journalists, activists and anybody else who came to show solidarity with the mothers' sit-in protest. The crowd was surrounded by riot police preventing protestors from moving any further. Only journalists and photographers from mainstream media channels were standing outside the police circle, marking their difference from journalists standing inside. During the Peace Mothers' sit-in protests, divisions through these emplacements and symbols were making the boundaries visible. Therefore, when the police officer asked me whether I was inside or outside

² The demands for peace carry this emphasis on 'honorable.' This emphasis gained an even stronger tone after the collapse of the peace process in 2015, as the process was criticized for being insufficient to open paths for confrontation. The Turkish state tended to run a unilateral process focusing only on the ceasefire and disarmament of the PKK without establishing mechanisms for confronting the violations and crimes committed at the hands of its own agents.

the circle, he was not only referring to a physical positioning but an epistemological one that also informs the inquiries of this thesis.

This scene from my fieldwork illustrates the profiles of my research participants in the roles they bring forward in the thesis—human rights lawyers, institutional representatives and activists, and inhabitants of Amed—and a particular appearance of the notions I explore throughout their performances and narratives. This thesis concerns the interaction between space, power, resistance and law and justice by addressing two major interrelated issues: naming and attribution of meaning. By tracing various namings and attributions of meaning in Northern Kurdistan, I attempt to understand not only the Turkish state's mechanisms and its highly legalized ethno-nationalist citizenship regime's strategies to produce exclusions and the tactical uses of the same mechanisms by the Kurds turning everyday life into a field of resistance. I also look into the emergence of large-scale mobilizations in Northern Kurdistan that are not merely defined by their counter-hegemonic characteristics but are constitutive of their as-powerful regimes that also form their own excluding constraints. I explore these issues by tracing the meanings and names attributed to space, power, resistance and law and justice based on my ethnographic material collected from April to September 2019 in Amed, Northern Kurdistan.

A decisive aspect of my ethnographic analysis is a recontextualization that I engage over and over again with each empirical chapter. Therefore, I do not take space, power and law as accepted givens nor load any virtuous or ethical values to the connotations of resistance and justice. Rather, they inform my ethnographic exploration and lead my recontextualizations, working as empirical categories. By tracing the namings and attributed meanings to these notions, I attempt to present an ethnography of law and justice in Northern Kurdistan in its multiple embodiments.

Power and resistance are the two significant sources in the embodiments of law and justice in the context of Amed. That is not to say that power and resistance are binary categories detached from one another. They are interwoven, hard to differentiate, and make one another in their encounters. As elaborated on by the theory chapter (Chapter Five), resistances are indeed embodiments of power as well. Throughout the thesis, I operationalize resistance to make sense of power trajectories and differentiate the power interplays of the struggles contesting the power interplays of the authoritative sovereign bodies from the power interplays organized in different forms beyond a mere countering. In other words, to reveal the disembeddedness of such binaries from the everyday experience, I strategically operationalize a

power-resistance binary leading me to grasp the nuances of the changing and shifting roles the research participants embrace.

These changing and switching roles, taken in the power-versus-resistance binary, also load different meanings to law and justice. Amed is a remarkable city for tracing these switches. It is the military-administrative headquarters of the Turkish state for the Turkification of Northern Kurdistan, the center of Kurdish uprisings since the early 20th century (Özsoy, 2010, p. 14), and the capital of Kurdistan. These three provide three different, yet interrelated, histories to Amed. Historicization, therefore, plays a significant role in making the loaded meanings explicit, as can also be traced in the two different namings of the city that is officially named Diyarbakır. The namings of Diyarbakır and Amed historicize the city in different ways, as Chapter Three makes explicit when presenting the research site. Different historicizations of the city inform its present constructions. These three historicizations are indeed competing, leading to three different portrayals of the city. One portrayal is the dangerous conflict zone with the threats raised by the 'terrorists' surrounding the city. Another construction of Amed is a site for constant suffering and state violence, whereas the third portrayal draws on an insistent emergence of 'free life,' making Amed a city carrying a symbolic role wherein political ideals are put into practice. These three present constructions of the city depend on "particular, rival, interpretations of its past" (Massey, 1995).

These different portrayals are not detached from one another, even when one requires the exclusion of another. Every exclusion is contingent upon a categorization of what to exclude. In their narratives and everyday conduct, the research participants oscillate between these historicizations that not only lead to different constructions of the city but also facilitate any form of spatialization. I use spatialization to refer to the saturation of different interpretations, narrations, perceptions, affections, understandings and even imaginaries, as the opening scene from the Peace Mothers' protest exemplifies. Spaces are impregnated with meanings attached to power and resistance. Regardless of the profile with which they participate in this research—either as lawyers, activists or merely inhabitants (see Chapter Four)—the research participants engage in different spatializations throughout with which they switch their roles in the power-resistance binary.

In their narratives and everyday conducts, they make themselves as excluded quasi-citizens (Chapter Six), grieving relatives resisting an enforced mourning hierarchy (Chapter Seven) or powerful actors enforcing their own ideals (Chapter Eight). Organization of power interplays gets apparent in these changing constructions. Power is embodied in the hegemonic central power of the state (Chapter Six), gets organized in resistance countering this hegemonic

power of the state (Chapter Seven) or resonates in the emergences of different ideological mechanisms removing the state's hegemony and putting the state in a position of resistance (Chapter Eight). In other words, different historicizations research participants engage with bring different experiences on the surface through which they make themselves. Narrative as performance allows me to trace these changing positions and explain how the research participants give the same object, place or notion different meanings and names or give similar names to different objects.

Meaning attribution is understood as an epistemological interference. This interference is informed by how research participants experience and utilize particular objects, places or notions, and so accordingly redefine them. On the other hand, naming appears to be more of an ontological interference. Research participants engage in an ontological interference, either by naming particular objects, places and notions different from their 'accepted' names or by detaching names from their attributed objects and giving these names to different objects. Meaning attribution and naming trigger and are triggered by the saturation of different interpretations, narrations, perceptions, affections, understandings and imaginaries. Therefore, they make spaces and spatializations explicit as well. Meaning attribution and naming are at the core of how research participants understand, utilize and experience law. It is at that point the law turns into an ethnographic object of analysis and spatialization into an analytical tool (see Chapter Four).

As the empirical chapters elaborate, I understand law through how it is referred to. These references are informed by how the law is experienced and, therefore, depend on the participants' shifting roles in the power-resistance binary. Their making of themselves as excluded quasi-citizens informs their understanding of law as what the state utilizes to exclude them further. Law's form is the state law, and the participants make sense of it by positioning themselves outside of it (Chapter Six). This meaning is attempted to be redefined by incorporation aiming at a contestation. Herein the form of the law still stands as the state law, though its attributed meaning shifts, and the law regains its meaning through its tactical use as a tool to be used against the state (Chapter Seven). Besides the attribution of different meanings to the law shifting the state law's functions, naming different operations as law—within this context it is an 'ethical-aesthetical regulation'—changes its very form as well. In this, the name of the law is appropriated from the state and embodied as an ethical-aesthetical regulation, forming its responsible ensemble ranging from people traditionally equipped with a role in dispute-resolution to the political-ideological mechanisms forming their commissions and courts (Chapter Eight).

The everlasting question of the relationship between law and justice is given different answers that are also informed by these changing meanings and forms of law. Justice, freed from all its attributed ethical connotations, gains its meaning as a tool for the state to derive its legitimacy (Chapter Six), as a claim utilized to contest the legitimacy of the state law (Chapter Seven) or as what is used to provide legitimacy to the mechanisms to which the function of legality is attributed (Chapter Eight).

This thesis is theoretically informed by Michel Foucault's analytical toolbox as elaborated in the theoretical chapter (Chapter Five). Particularly, his strategical use of historical nominalism facilitates me to understand the nuances triggered by these different historicizations that remarkably dominate the narratives I collected. These complexities that appeared throughout the research are introduced into an organized, analytical framework with Foucauldian tools – rather than following strict conceptualizations – without falling into the trap of the dilemma of categorization that is both deemed necessary in social research but is also inherently reductive. Practices of meaning attributions, making an epistemological interference to the supposedly naturalized meanings of the objects, and the naming that engages in a different materialization working as an ontological interference, find their analytical tools from Foucault, particularly from his understandings of truth and subjectivity and the interlinked 'game of truth' which he defines as the interplay of the rules assigning trueness or falseness to propositions, statements and discourses (Foucault, 1998c, p. 460). His instrumentalization of 'games' facilitates me to make sense of the attribution of different meanings. I operationalize 'games' to sort out different historicizations, shifting discourses, subject positions embraced, meanings assigned to law and assignments of justness and unjustness to different experiences, mechanisms and actions – which I call 'game of justice' – that emerge throughout the analysis of the empirical material. These historicizations, meanings, subjective emplacements and games of justice are compiled in a meaningful analytical framework drawing on a Foucauldian truth-subjectivity regime.

Before elaborating on the aim and research questions of this thesis, I want to make a few remarks on the particular use of the notion of the state, also evoked in this introduction. Despite all these changing, challenging, ambivalent and contested meanings, names and forms, there seems to be a compromise regarding the fixed meaning and name attributed to the state. Inasmuch that all the states are discursively equalized in the particular form of the Turkish state, as a few research participants explicitly emphasized, aspiring for a state would make them similar to Turks (see Chapter Eight). I argue that this fixed, even essentialist, definition is facilitated by the remaining positions

of the research participants in their relation to the state. They do not see themselves as equal participants of the Turkish state, as they are excluded from all its mechanisms as long as they are identified as Kurds, nor do they want to comply with its citizenship regime (Chapter Six). The state appears to be something they always contest (Chapter Seven). I would, however, argue that the main drive in reducing the state into an essentialist, unnuanced category among the research participants, is their complete rejection of any kind of state, resonating in the ideal socio-political organization they aspire to. The forms of organization emerging in everyday life performatively and discursively avoid any kind of state-like institutions (Chapter Eight). In other words, the state is not assigned different meanings, nor does any kind of state imaginary inform the political, ideological aspirations that prevent research participants from attributing the name and meanings of the state to different organizational models or mechanisms. They define the state from their experiences of being exposed to it. Therefore, the state finds its ultimate meaning as the Turkish state, and it gains a fixed, even personalized, meaning. Teachers, schools, barracks, soldiers, unknown perpetrators, police; all of its institutions and functions are discursively reduced to the notion of the state – the state that they are excluded from, resist and do not want.

1.1. Aim, Research Questions and Purpose of the Study

The overarching aim of this study is an ethnographic exploration of the ways in which the relationship between law and justice is formulated in Northern Kurdistan, in order to understand how different subjective experiences relying on different historicizations inform the converging and receding formulations of law and justice. I analyze law and justice as ethnographic objects whose form and function are contingent upon being named and attributed meanings. As an ethnographer, to achieve this overarching aim I analyze locally embedded emergences, shifting meanings, values and categorizations as they surface in everyday life while delving into research participants' tacit, underlying assumptions characterizing their discursive making of themselves and subject positions as well as their discursive shifts making the challenges, ambivalences and conflicts found in these positions explicit.

Not only Amed, but also Northern Kurdistan in general, provides a remarkable field to trace multiple and shifting interplays informing meaning attribution and naming, starting with its very name. Being officially named as

Eastern and Southeastern regions of Turkey, it is spatialized within the national borders of the Turkish state. This spatialization generates subject positions through assimilationist, colonial policies of the enforcement of Turkishness as the only recognized subjectivity.

Another mainstream naming is an ambivalent ‘the region (*bölge*).’ The journalists, scholars, activists, lawyers and researchers critical of the Turkish state’s policies refer to Northern Kurdistan as ‘the region’ when they get on mainstream channels. Despite having seven geographical regions officially named in Turkey, ‘the region’ is a specialized name to refer to Northern Kurdistan, which actually has two officially named regions (Eastern Region and Southeastern Region). This naming can be considered as used by those who do not want to comply with the Turkish state’s naming while still trying to remain in an ‘acceptable’ position. The naming of ‘the region’ is also frequently used by the lawyers and activists I interviewed who are used to this naming in their professional conduct. As can be followed by its naming as ‘the region,’ there is a different subject position enacted taking place both inside and outside of Turkishness – a subject who both contests and incorporates. This subjectivity relies on the experience of being excluded and, in order to be included, engages in a tactical utilization of mechanisms producing exclusions.

The third naming is attributed by taking Kurdistan as the point of reference, which I also deploy: Northern Kurdistan. At the risk of stating the obvious, the naming of Northern Kurdistan enables the emergence of what is unrecognized. Being divided within the national borders of the four different states of Turkey, Iran, Iraq and Syria, Kurdistan is marked by clashes, collaborations and encounters of different subject positions, though all these compiled under the naming of Northern Kurdistan make a claim of existence.

In other words, naming is political and reveals the reference points and the historicizations relied on. My deployment of the naming of Northern Kurdistan is a political and ethical choice, but also indicates my ontological positioning in nominalism and enables me to engage with different historicized appearances besides the naturalized equipment of the states with the power of naming. It also shows my epistemological position by situating me within a particular epistemic context making this naming possible, therefore signifying the meanings, experiences and knowledges I prioritize over others. Besides presenting my ethical, political, epistemological and ontological positions, this naming is also methodologically strategic as it is inclusive of all experiences and subject positions generated by different namings, thereby making different epistemic contexts engaging in different namings of the geography accessible. In other words, by using the naming of Northern Kurdistan, all these different operations get visible. Working as a geographical reference, it enables access

to the experiences of exclusion, between contestation and incorporation, and of emergences making statements of existence.

To this end, each of the three empirical chapters looks into the subject positions, meanings, ‘games of justice’ and historicizations enabled by and enabling these three namings, illustrated through being assigned to the geography (Northern Kurdistan), to understand the different formulations of law and justice. In other words, each of the three chapters draws on different epistemic contexts and, therefore, spatializations to be able to answer the following research questions in turn:

- How does Turkishness shape state law?
 - How does state law participate in the formation of national subjectivity and the Other?
 - How do formulations of justice inform operations of state law?
- To what extent do justice aspirations in Northern Kurdistan comply with state law?
 - How are subjective experiences incorporated into state law?
 - How does state law shape subjective experiences?
- How is everyday life organized socio-politically beyond the state in Northern Kurdistan?
 - How is law formulated and institutionalized beyond the state?
 - How do formulations of justice inform operations of the law beyond the state?

The research questions raised can subsequently be unfolded as attempting to reveal i) exclusions of the modern spatiotemporal boundaries of the nation-state, its law and instrumentalization of justice, ii) subjective experiences forming justice aspirations in Northern Kurdistan and their translations into the experience-distant language of state law, and iii) the formulations of law and appearing and disappearing mechanisms attributed with the function of legality in Northern Kurdistan beyond the state law. Characterized as an ethnography of law and justice, I explore law and justice as embedded in different epistemic contexts. These contextualizations, engaged in by each empirical chapter attempting to answer these questions subsequently, include a number of lengthy descriptions and explorations of the spaces, spatializations and events; kinds of “thick descriptions” (Geertz, 1973) that convey an in-depth and nuanced understanding of experience. Although many things have changed since Geertz (1973) advocated for a “thickness” in ethnography, the context required for this thickness remains. Therefore, each empirical chapter unfolds the relationalities under inquiry by engaging in a recontextualization, defining

the spatial boundaries of these contexts, enabling me to provide the thickness of the context.

Even though these contexts empirically appear, they are analytically compiled with the lenses provided by the Foucauldian toolbox, leading me to make sense of these contextualizations as enabled by truth-subjectivity regimes that define what is sayable within themselves and reciprocally make subjects (see Chapter Five). Despite the overarching operationalization of the Foucauldian truth-subjectivity regime, different theoretical insights that are epistemologically compatible with Foucauldian toolbox—particularly ‘Necropolitics’ by Achille Mbembe (2019), ‘State of Exception’ by Giorgio Agamben (1998, 2005) and ‘Subversive Repetitions’ by Judith Butler (1997a)—also underpin the different empirical chapters’ inquiries, to make sense of the particular empirical themes that appear.

As elaborated in the methodology chapter (Chapter Four), my analytical strategy is spatializations that I understand as the saturation of experiences, interpretations, narrations, perceptions, affections, understandings and imaginaries, and I use boundaries as analytical tools in their tracing. However, different methodological operationalizations inform different empirical inquiries to be able to answer the question concerned. Particularly, the second empirical chapter answering the second research question (Chapter Seven), analytically operationalizes ‘translations’ to be able to answer the incorporations of subjective experiences into the experience-distant form of state law. Beyond being experience-distant, the subjective experiences under inquiry in that chapter are informed by a different epistemic context than the one in which the state law is embedded. Therefore, incorporation is facilitated by translations of experiences from the epistemic contexts they rely on to the realm of the state law. This, I argue, is engaged in by lawyers as the actors emplaced between two different epistemic contexts being both Kurdish and legal professionals (see Chapters Four and Seven).

The analyses of this thesis not only contribute to an ethnographically informed understanding of the relationships between law and justice, power and resistance, naming and recognition, but by detaching justice and resistance from their ethical and value-loaded meanings they also facilitate a de-romanticization of these notions. By embedding these binaries into the social contexts in different ways and revealing the multiplicity of their epistemic contextualizations, I attempt to reveal the disembeddedness of dichotomic binaries and modern categorizations, drawing on their multiple epistemic contextualizations. This thesis attempts to accomplish its overarching aim to understand the multiplicity of subjective experiences and historicizations

challenging binaries. In this way, the challenge resonates with the societal relevance of the thesis and informs its overall purpose.

Colonial relationalities can be traced back to the late 19th century, and the war has been ongoing for more than 37 years in Northern Kurdistan. Even during the Peace Process that eventually collapsed in 2015 after lasting two years, however, it is called an armed conflict rather than a war. Naming is at the core of recognition, and aspirations of peace cannot be realized unless it is named and recognized as war. War and peace dichotomy is highly embedded in a nation-state-centric formulation—a formulation that argues wars can occur between equal parties, in this case states. This formulation implicitly dominated and eventually led the peace efforts to fail. Peace still informs the aspired future in Northern Kurdistan, so much so that it has turned into a politically dangerous word to be criminalized by the AKP government (see BirGün, 2016a; Duvar, 2018). Peace is formulated, claimed, and aspired insistently in Northern Kurdistan but always carries an adjective in front: ‘honorable peace.’ I can therefore formulate the purpose of this research as helping out the enablement of the paths for sustainable and honorable peace in Northern Kurdistan by presenting different accounts, namings and meanings without whose recognition a peaceful solution cannot even be imagined. Beyond a liberal peace thesis disregarding the experiential dynamics and conceptualizing peace through passive compliance, I hope to contribute to the aspirations of peace by showing the nuances of experiences and contextualizations – beyond monolithic constructions that should be dissolved in order to make the paths for peace efforts possible.

1.2. Situating the Study

This study aims at an ethnographic exploration of how the relationship between law and justice is formulated in Northern Kurdistan in order to understand how different subjective experiences relying on different historicizations inform the converging and receding formulations of law and justice. It is therefore in conversation with multiple bodies of literature and situated in a multidisciplinary approach to the ethnography of law and justice. In this section, I visit the literature on critical legal and socio-legal studies, particularly their approach to the connection between law and justice. I also look at the empirical studies in particular contexts of political violence, trace justice and space in studies conducted in Northern Kurdistan and review ethnographies of the Middle East. By arguing for its necessary articulation in

the ethnographic inquiry of law together with the sociology and anthropology of law, I then review the body of literature on legal geography. This review situates the present thesis in the intersecting boundaries of critical legal geography, sociology of law and anthropology of law, puts it in conversation with the latest poststructuralist phase of critical legal studies, and informs the inquiries considering the necessary analytical tools and theoretical approaches to fulfill the knowledge gaps signified. This approach will hopefully contribute to the literature on political violence in Northern Kurdistan beyond the humanist project, the literature on law and justice with a thick context, the literature on justice and space with a spatial analysis of justice and the area studies on the Middle East with an ethnography of Northern Kurdistan.

“The impossible demand for justice [is] the maddening accountability to a timeless law,” Douzinas and Warrington (2005) write, equalizing justice to transcendent, divine law, to “law of law” to refer to justice’s inevitable link to the law despite its empirical non-existence, joining postmodern thinkers pointing at its (im)possibility (Derrida, 1992; Kennan, 1990; Lyotard, 1988). The relation of justice to law constitutes one of the key debates in the history of thought from the Ancient Greeks to the postmoderns, a debate that indeed can be traced back to the etymological origin of the word of justice, coming from *jus* meaning law (Knight, 1963, p. 1), informing natural law thinkers’ arguments that law defines justice (Hobbes, 1958) and so justice also defines law, and the laws that are not just are not actually laws (Aquinas, 1988; Finnis, 1990; George, 1993; Hittinger, 1987).

In critical legal studies, justice changes from what defines and is defined by law to what informs the critique of the law. Except for the structuralist one, the different phases in this movement all share this reference to justice as a critique. Earlier phases informed by Marxism underline the class injustice informing the law as a tool for economic domination, so justice is not necessarily alien to the law but to its current content (Bankowski & Mungham, 1976; Fine & Kinsey, 1979; Griffiths, 1977; Klare, 1978; Mathieson, 1980; Schlag, 1990). The latter structuralist phase problematizes the form of law rather than its content. This shift from content to form leads to the loss of interest in the question of justice. It is replaced by a concern in law as power and politics, a critique targeting law with all its categories, institutions and manifestations (Edelman, 1979; Gabel, 1984; Kennedy, 1976). In the last poststructuralist phase, domination is understood as textual, the politics of law is historicized and the previous desire to escape from the law is replaced by advocacy for institutional radicalism, reintroducing justice as a distinct characteristic of the politics of critical legal studies (Goodrich, Douzinas & Hachamovitch, 2005). Some scholars in this phase are informed by ideological

solidarity with excluded groups and minorities (Williams, 1991), while others criticize this tendency accusing it of producing a “pragmatic version of oppositional orthodoxy,” saying “the pursuit of marginality is not an end in itself nor is the status of outsider the only possible or even plausible existential fatality left to the critic of law” (Goodrich et al., 2005, p. 14). Most scholars in the latter poststructuralist phase are legal scholars who teach law, and in some cases, they even participate in lawmaking—including Costas Douzinas, a significant name in this latest phase and a previously elected member of the Hellenic Parliament. Therefore, they aimed at not only criticizing but transmitting law and legal institution by understanding marginality as not the end of problematization but the starting point, strengthening the focus on the relation of law to justice and arguing that “[t]here was never law without a genuine—or hypocritical—appeal to justice and concomitant critique of existing institutions” (ibid., 2005, p. 15).

This thesis engages in an inevitable conversation with the latest poststructuralist phase of critical legal studies, as it concerns the law, legal institutions and justice also being informed by poststructuralist insights. Their suggestion on departing from marginality and exclusion is insightful also in problematizing monolithic exclusion and overcoming the “moralization of politics” (Fassin, 2012) promoted by some studies on political violence in Northern Kurdistan.

The moralization of politics informing the humanist project depoliticizing precariousness informs various empirical studies conducted in Northern Kurdistan. Violence exposed by Kurdish political prisoners in torture chambers (Z. Üstündağ, 2013), mutilation of PKK guerillas’ bodies by the Turkish army (Bargu, 2014), dead bodies of children kept in freezers in the curfews during the urban warfare in 2015 (Zengin, 2015) and Northern Kurdistan as a cemetery without gravestones with ungrievable deaths (Özsoy, 2013), despite providing insightful images for Northern Kurdistan, fixes a gaze on depoliticized precariousness. Even though my research participants remarkably narrate similar images, their stories depart from those rather than arriving at them. That is to say; they collectively make a powerful political narrative over these accounts. In similar contexts of political violence in Northern Ireland, Palestine, India—from the Mumbai attacks to the massacre of Sikhs, commemorations in the US after 9/11 and military occupations in Sri Lanka and Bangladesh—there is a significant body of literature on the anthropology of violence shifting this gaze with the specific codes and practices of resistances and remaking the ordinariness of lives in times of violence (Aretxaga, 1995, 2001; Buch Segal, 2016; Das, 2007, 2011; Das,

Kleinman, Lock, Pamphile & Reynolds, 2001; M. Jackson, 2011; Peteet, 1994; Valentine, 1996; Visweswaran, 2013).

Coming back to the poststructuralist scholars in the latest phase of critical legal studies, I would argue that their approach can enable what anthropology of violence achieved in the contexts of political violence for critical studies in sociology and anthropology of law. It can provide a broader gaze through which not only legal violence and exclusions of law (see, e.g., Göral, 2021; Kurban, 2018; Yonucu, 2018) but also their experiences, political resonations and ordinariness that may even lead to the transition of law can be understood.

Notwithstanding the valuable insights of critical legal studies, it is significant to highlight that they are initiated as a critique of legal orthodoxy among legal scholars. In other words, these various discussions can be considered as already informing socio-legal studies, which are characterized by an empirical study of law inevitably triggering going beyond legal orthodoxy, enabling asking questions about law from outside of it. To a large extent, socio-legal research already fosters a critical understanding of the law (Banakar, 2015, p. 44). Therefore, the dialogue this thesis engages in with the critical legal studies, rather than providing critical insights, informs me with a particular form of critique. Departing from the exclusions of the law and legal system takes me to various empirical and methodological discussions on the question of justice.

These empirical discussions are articulated in socio-legal studies. Cotterrell's question of whether "socio-legal research can say anything about justice" (1995, p. 297) found its answers in a compelling body of literature, engaging in the empirical contextualization of justice, moving beyond both the philosophical debates and merely theoretical focuses informing the advocacy of the critical legal studies. I will look into this literature under three categories concerning their approach to the boundaries of law and of justice.

A body of literature on justice in law draws on a particular form of law and the form that justice takes and looks into the legal procedures and processes, compensations, and punishment (Manning, 2012; Renner, 2021). Some empirical studies scrutinize justice in law by contextualizing justice within law's everyday operations, practices of legal institutions and particular implementations of law to reveal the moments when justice is done, through various empirical focuses ranging from policing, marriage laws, pornography regulations to the Uniform Civil Code of India (Anwar, 2021; Cohen, 2009; Cott, 2009; Dahiya, 2021; Sarat & Kearns, 1993; Taussig, 2009). Therefore, they move beyond the procedural restraints and draw on an ethically informed form of justice and a broader understanding of law including its different fields of implementation and everyday operations. Most of them reveal a distance of

law from justice, showing the law as an instrument for injustice (Brennan, 2006; Firestone, 2010; Winterdyk, 2003) and that “legal justice is always unjust” (Sarat & Kearns, 2009, p. 14). Shklar (1990) argues that law becomes the “realm of injustice” in most cases, although injustice should not be the starting point when analyzing, while the empirical research on the possibilities of access to justice and criminal justice mostly point at the unmet legal needs (Alkiviadou, 2022; Dahlvik & Pohn-Weidinger, 2021; Fritz-Mauer, 2022). Another group moves beyond the realm of law as the context for inquiry into justice. They do not focus on justice in law but on the connection of justice to law, drawing on a plural understanding of justice and a firm form of law, most notably the relation of distributive and social justice to the rule of law—showing the incompatibility between them either by not attributing any value to justice and understanding social justice as a threat to law and liberty (Hayek, 1982), by drawing on a moral account in the justice formulation and considering the rule of law as its retrenchment (Barnett, 1988; Unger, 1977) or by underlining the inadequacy of distributive justice (Ackerman, 1980; Heller, 1987; Sandel, 1982; Walzer, 1983).

Therefore, the existing literature can be considered to have three tendencies. They either adopt a firm understanding of the law and procedural justice within that, take a broader view of law into account from everyday operations to implementations revealing unjustness of legal justice or draw on a socially embedded form of justice in the form of social and distributive justice and law as in the rule of law pointing at inadequacies. In other words, to inquire about the connection between law and justice, they first adopt a starting point and preliminarily define the scope of one of them to contextualize the other within that scope. Whereas in legal anthropology, there is a broader understanding of the scope of justice and a plural understanding of the law, such as Merry’s well-known studies that inquire into the alternative dispute resolution mechanisms revealing the connection of subjective formulations of justice to legal consciousness (1990) and that contextualize justice within the local to understand the enactment of international human rights law by local cultures (2006). Therefore, socio-legal research can be considered as requiring a point of convergence with the anthropological insights to broaden the understanding of the law and pluralize the formulation of justice in its inquiries.

When the disciplinary scope of the review is expanded toward the empirical studies informed by sociology and anthropology of law, social anthropology, sociology and political science, and narrowed with a focus on Northern Kurdistan, a similar tendency of contextualizing justice to make it be studied empirically is seen. There is a compelling body of literature concerning Turkey and Northern Kurdistan, contextualizing justice in different ways.

A large body of literature informs its understanding of justice with the experiences of Kurds and contextualizes it within the Turkish state law, collectively revealing a “non-justice” (Kurt, 2021). This non-existence of justice takes different forms according to its particular contextualizations. This form is either an ethnocultural justice of the Turkish nation-state as a coerced civic nationalism (Smith, 2005b), a procedural justice excluding Kurds (Akboğa & Sahin, 2021) or an unjust legal justice marked by the failed promises of restorative justice and reparation (Biner, 2012, 2013). Most notably, criminal justice is revealed either in the form of the political justice of the Turkish nation-state targeting Kurds (Bayır, 2013; Kaynar, 2021) or through counterterrorism laws exceeding their boundaries working as an instrument of elimination (Başer, Akgönül & Öztürk, 2017) by the studies engaging in such experiential information and contextualization. This non-existent justice further raises the question of the relation of justice to violence answered by a historicization of the discursive attachment of “violence” and “justice” to the acts of the Turkish State and the Kurdish movement, showing that the state violence is formulated as a non-violence to sustain its just portrayal (Günay, 2013).

The contextualization of justice then moves to the international law and courts, mostly focusing on the enforced disappearance and internal displacement cases heard by the European Court of Human Rights (ECtHR), revealing the limits of transnational and supranational justice (Kurban, 2007, 2016, 2018, 2020) and the inefficiency of the ECtHR verdicts on violations by the Turkish state in triggering changes in the domestic law’s unjust legal justice (Çalı, 2010).

The studies conducted on justice between 2013 and 2015 have a shared focus on transitional justice, peace, confrontation and reconciliation due to the ongoing Peace Process in that period. They look into the mechanisms of “proto-transition” in Turkey as a “conflicted democracy” (Budak, 2015) and the relationship between truth, justice and peace (Bakiner, 2013; Vibe, 2015). The studies focusing on transitional justice after 2015, on the other hand, either raise a critique of transitional justice drawing on the collapsed mechanisms’ failed responses to forced migrations and village evacuations in the 1990s (Jongerden, 2018) or shift their focus to the Kurdish diaspora’s role in triggering conflict resolution and transitional justice throughout the different stages of the Peace Process (Başer, 2017). There is also a growing literature on the confrontation and reconciliation between Kurds and Armenians triggered by the public apologies and confrontation mechanisms established by the Kurdish political movement concerning the Kurds’ participation in the Armenian Genocide. These studies question the possibility of historical justice

enabled by these confrontation steps (Harutyunyan, 2015) and take the Armenian Genocide as a reference point for the present violations in Northern Kurdistan, revealing a shared narrative among Kurds underlining the present violations exposed as a “curse and a form of divine justice of the Armenian Genocide” (Çelik, 2020; Çelik & Dinç, 2015). They also show the significance of the Armenian Genocide in the Kurdish collective memory, simultaneously informing justice narratives in Northern Kurdistan and leading to collaboration and the formation of a collective counternarrative of justice among Armenians and Kurds against the Turkish state (Halstead, 2021; Koinova, 2019; Üngör, 2014).

A compelling body of literature changing the contextualization of justice from the relationship with the different mechanisms of the Turkish state to the social embeddedness of justice in Northern Kurdistan also moves away from “non-justice” in different forms. It reveals multiple forms of justice embedded in the social context of Northern Kurdistan. One of these forms is gender justice. Gender justice is also revealed by tracing formulations of justice in the activism of mothers in the actions of Saturday Mothers and Peace Mothers (Göral, 2019; Karaman, 2016) but mostly takes a broader focus on the Kurdish women’s struggles for gender justice (Merdjanova, 2021), the influence of discourses on gender-based equality and justice within PKK in triggering gender justice (Al-Ali & Taş, 2021) and the significance of the gendered violence Kurdish women were exposed to during the war in developing a justice narrative relying on gender (Gökalp, 2010; Şimga & Göker, 2021).

The contextualization of justice in Northern Kurdistan and beyond the law reveals a significant characteristic of social justice. Studying the formulation of social justice that is informed by and informs a “Kurdish-led radical democracy” through the political discourses of HDP (Peoples’ Democratic Party), Tekdemir (2019) emphasizes that this participatory formulation of justice enables a counter-hegemonic bloc transcending Kurds and Northern Kurdistan and embraced by the Turkish grassroots, social movements and left-wing discourses. Moreover, social justice highly informed by this discourse on the participatory radical democracy generated by the Kurdish movement is revealed to trigger a discourse transfer, through a “redeployment of strategies and rhetoric,” to Turkish feminist movements and, most remarkably, to the LGBTQI+ movements that currently constitute one of the most visible forms of activism in Turkey (Sandal-Wilson, 2021; Yavuz & Byrne, 2021). This discourse transfer is not surprising, as the Kurdish movement can be considered as introducing a third discourse to the socio-political realm of Turkey that had been previously exclusively shaped by the two contesting discourses, reflected in the large number of studies focusing on this

contestation between Kemalist nationalist, secular modernity and political Islam (Göle, 2010; Navaro-Yashin, 2002; Özyürek, 2006; Smith, 2005a; White, 2002). Moreover, the focus on social justice enables a trace of the locally produced discourse of the Kurdish movement on the global stage, making comparisons possible, particularly between the Kurdish movement, PKK, and Zapatista movement, EZLN, in Mexico due to similar organizational models and strategies enabled by similar emphases on social justice (Al, 2015; Gambetti, 2009b; Mostafa, 2021).

Therefore, drawing on this review of empirical studies inquiring about justice in different ways, I can say that despite the great number of studies, there seems to be a relatively limited understanding of law in the form of the Turkish state law and through domestic and international courts. They all reveal a non-justice when informed by the Kurds' experiences, manifesting an apparent distance between law and justice. Whether this gap closes when the understanding of law gets broadened and becomes plural remains understudied. Throughout my review of the literature, I could find only one study conducted in AANES (Autonomous Administration of North and East Syria, Rojava), Western Kurdistan, on the peace committees active in conflict mediation. This research points to an interconnected formulation of law and justice, drawing on the committees as legal bodies and justice in the form of popular justice (Knapp & Jongerden, 2020).

The present thesis situated in this body of literature on justice in Northern Kurdistan aims at an ethnography of law and justice. The review touched upon a large number of studies. However, they focus on contextualizations of justice within a relatively narrow field of law or particular social domains and actions, similar to the previously presented socio-legal literature on law and justice, and either limit or disregard law in their inquiries. This, I would argue, is a tendency caused by what Ortner (1995) calls "the problem of ethnographic refusal." She points to the lack of an ethnographic perspective in resistance studies leading to binary oppositions, compartmentalization of the context and categorization of the thickness (see Geertz, 1973), monolithic definitions and a lack of nuance in the portrayal of subjectivities being handled merely as either resisting or dominating. Similarly, this body of literature on law and justice lacks ethnographic perspectives. They present a fragmented understanding of justice by contextualizing it within narrow domains, compartmentalizing the thickness of the context, leading to a discontinuous trace of justice, in different forms, despite being informed by similar experiences (as all these studies were informed by the Kurds' experiences). Therefore, notwithstanding the valuable insights offered by these studies, what leads similar experiences to formulate different forms of justice, and what

triggers its changing connections to the different sources and forms of law, is understudied. Despite the presence of ethnographic approaches adopted by some of these studies (e.g., Biner, 2012, 2013; Çelik, 2020; Çelik & Dinç, 2015; Göral, 2019), they produce shorter textual products in the form of articles and book chapters focusing on a thinner context within a larger ethnographic study conducted, and, so, compartmentalize the thickness of ethnographic research within the narrower focuses of these articles and chapters.

Within the corpus of ethnographic studies conducted in Northern Kurdistan, presenting a broader and multifaceted context with lengthy descriptions in the forms of monographs is seen to be intensely situated within cultural studies with a focus on oral cultural traditions and, so, Kurdistan in general (see Allison, 2010; Kristiansen, 2009; Wendelmoet, 2016). In the different fields of research, however, ethnographies can be considered to be growing relatively slowly, mainly in social anthropological studies on the relation between Kurdish identity-making and the politics of death (Özsoy, 2010), cultural politics of reconstruction in Northern Kurdistan with a focus on Kurdishness, Armenianness and Turkish state-making and Kurdish nation-building (Şengül, 2014) and in legal anthropology on terrorism trials and Kurdish political prisoners against the backdrop of the “war on terror” characterizing the Turkish state’s reframing of the war in Northern Kurdistan (Hakyemez, 2016).

When a broader regional glance is adopted in the review, it can be said that the ethnographies of the Middle East have a special focus on the anthropology of political violence, wherein Palestine and the settler colonialism of Israel holds an exceptional place (Abu El Haj, 2001; Buch Segal, 2016; Hajjar, 2005; Kelly, 2006; Khalili, 2007; Nashif, 2008; Perdigon, 2011; Peteet, 1991, 2009). Having said this, studies on justice within the context of political violence and colonialism in the Middle East also significantly focus on Palestine, drawing on access to justice, criminal justice and international law and local, international and transnational bodies and processes and plural legal orders (Kearney & Reynolds, 2013; Kelly, 2005; Khalil, 2009; Nafstad, 2016, 2018). Therefore, the exceptional focus on Palestine within the context of the Middle East and a relatively low number of ethnographies on law and justice in Northern Kurdistan with a more extensive contextualization loyal to the thickness of ethnography signifies a knowledge gap in the existing literature.

Such a thickness provided by ethnography transcends disciplinary boundaries. Bens and Veters (2018) suggest that the traditionally set disciplinary boundaries between the sociology of law and anthropology of law have currently become porous. They propose a deliberate transgression of these boundaries for an ethnographic study of law. A transgression, I may add,

that is significant for an ethnographic inquiry of the embedded, local, shifting and changing connections of justice and law as well. Bens and Veters (2018) underline that this transgression requires several points of convergence enabled by socio-spatial analyses of law, its places and spaces as ethnographic objects—a point of convergence that remarkably manifested itself when I reviewed the studies on space and spatial analyses conducted in Northern Kurdistan. Even though they do not touch upon justice in their inquiries, except for Göral's study on the limits of legal space as the limits of justice (2021), their analysis shows significant similarities with the literature on justice, signifying the promise of a spatial analysis of justice in enabling an understanding of different forms of justice as they appear through different spatializations.

Studies on Turkish nation-state building and territorialization, crafting the space, stabilization of borders, geopolitics of national identity construction (Çakır, 2014; Gambetti & Jongerden, 2015; Gündoğan, 2011; Jongerden, 2009; Kezer, 2015; Öktem, 2003; Rygiel, 2002) and the spatialization of authoritarian governmentality in Northern Kurdistan (Borsuk, Dinç, Kavak & Sayan, 2022; Genç, 2021) hold a great place in the literature. They collectively show the eliminations and exclusions through space making and spatial strategies. Against this backdrop of elimination, literature on enforced disappearances, forced migration and displacement also adopts a spatial approach (Gulick, 1998; Stefanovic, Loizides & Parsons, 2014; Taş, 2022) similar to those looking into resistances and the decolonization efforts in response to eliminations and exclusions (Gambetti, 2005, 2009a, 2009b; Watts, 2010; Yıldırım, 2019).

Shifting the focus from nation-state building and resistance to it, research focusing on reclaiming spaces shows the emergence of gendered spaces in Northern Kurdistan (K. Clarke, 2010; Erel & Acik, 2020; Harris, 2008; N. Üstündağ, 2019), pointing at the different meanings gender gains in different spaces and contexts. Beyond Northern Kurdistan, gendered spaces with a distinctive feminist feature are revealed as more concrete autonomous spaces in the organizational structure of AANES, Rojava (Western Kurdistan) (Shahvisi, 2021) and as a determinant aspect in the change in the border-making of Syria (Vignal, 2017).

This literature, therefore, reveals similar empirical themes to the literature on justice reviewed earlier, from elimination enabled by the nation-state's space-making and the non-existence of justice within Turkish state law to the gendered spaces and gender justice. This link can be understood by drawing on the similar social contexts these bodies of literature rely on. Drawing on the allegory of the mirror to refer to the justice, in their edited book, K. M. Clarke and Goodale (2010) underline that the justice reflects and distorts the

surrounding socio-political dynamics and struggles. In this way, it gets a particular appearance in particular conditions. This suggestion can be considered as shifting the tendency in the literature from contextualizing justice within particular domains to using the discursive formulations of justice to understand the surrounding dynamics – in a way linking the multiplicity of justice to the empirical emptiness of the word unless being used discursively. This shift from multiple contextualizations of justice to the use of the discourses formulated with references to justice to understand the multiplicity of the contexts provides a significant lens to understand the similarities between the literature on justice and space conducted in Northern Kurdistan, as well. Justice reflects those who discursively formulate it, on the one hand, the spatial analyses show the boundaries taken as the initial point of analysis, on the other. Therefore, a comparative review of these two focuses in Northern Kurdistan raises crucial questions concerning the spatial aspects of changing forms of justice. Following the suggestion of Bens and Veters (2018) concerning transgressing and converging the disciplinary boundaries between sociology and anthropology of law and the significance of spatial analysis in this, I can suggest introducing legal geography to this convergence as it provides significant methodological insights for the spatial analysis for an ethnography of law and justice.

The body of literature in sociology of law and critical legal studies with an interest in spatial aspects strengthens interdisciplinary connections between law and geography and constitutes a multidisciplinary field of inquiry. This significant body of literature has an interest in understanding the role of law in spatial contexts, ranging from city and neighborhood levels (Blomley, 2004; Cooper, 1996; Frug, 1980, 1993; Moran & McGhee, 1998; Philippopoulos-Mihalopoulos, 2007; Stanley, 1996) to regulation in geography and public space (Blomley, 2011; Goodwin & Painter, 1996; Gulick, 1998; Killian, 1998; Mitchell, 1997; Tickell & Peck, 1995) leading to a number of edited books compiling the shared concerns on law and geography in various empirical focuses (Benda-Beckmann, Benda-Beckmann & Griffiths, 2009; Blomley, Delaney & Ford, 2001; Braverman, Blomley, Delaney & Kedar, 2014; Holder & Harrison, 2003). A great extent of this literature makes connections between the political concerns of critical legal studies and the critical geography scholarship, generating a field of research named by Nicholas Blomley and David Delaney as critical legal geography (Blomley, 1994, 2006; Blomley & Bakan, 1992; Delaney, 2003, 2004). Critical legal geography can be understood as strengthening the empirical focus on law in critical legal studies with the insights it provides on “law in space” and “space in law” (Delaney, 2003). That is to say, with this body of literature, the law can be handled as an

empirical object in its particularity that has been overlooked by the critical legal studies that mostly approached law as power and politics, and critical legal geographers highlight that despite being “social and political, [law] is not society and politics” (Braverman et al., 2014, p. 15). Critical legal geography, I would argue, is an important aspect in providing thickness to ethnography and a significant field of research that participates in the convergent multidisciplinary boundaries of sociology and anthropology of law, attempting an ethnographic inquiry of law and justice. This thickness then facilitates not a holistic portrayal of a context but the inquiry of multiple spatial contexts within a particular field.

This thesis is situated in these intersecting boundaries of critical legal geography, sociology of law and anthropology of law and is in conversation with the latest poststructuralist phase of critical legal studies, inviting a departure from exclusion and marginality rather than arriving at it. Being informed by this invitation, I hope to contribute to the literature on political violence in Northern Kurdistan beyond the humanist project. Being situated in these intersecting boundaries compiled within ethnography, on the other hand, I hope to contribute to the literature on law and justice with a thick context enabling the introduction of a plurality of law in its meaning and form and multiple forms of justice into empirical studies. By focusing on Northern Kurdistan, I hope to contribute to the existing but fragmented literature on justice and space with a spatial analysis of justice. Lastly, this research contributes to the area studies on the Middle East mostly focusing on Palestine, with an ethnography of Northern Kurdistan that is an understudied focus.

1.3. Outline of the Study

This section outlines the thesis’ chapters and describes the main content of each. Including the introduction, the manuscript is organized into nine chapters.

Chapter Two—*Socio-political background*—presents significant socio-political and historical moments setting up an initial context and providing the reader with significant references that appear in the ensuing chapters. This chapter is a compilation of the key events, incidents and socio-political changes in the history of Turkey and Northern Kurdistan, following the empirical references and reviewing the relevant academic sources, credible news outlets and NGO reports and databases. It is organized under five sections. The first section presents the late nineteenth and twentieth century

that refers to the Ottoman-Turkish modernization process. It is followed by tracing other historical moments and events, namely the post-1980 coup d'état and the following state of emergency in Northern Kurdistan that lasted until 2002; post-2002 and the peace process that lasted until 2015; post-2015 and urban warfare, and, finally, the failed coup d'état in 2016 followed by a countrywide state of emergency that eventually led to a change in the governmental system to an executive presidency in 2018. Throughout the thesis, references and connections to this chapter setting up the initial socio-political background are apparent.

Chapter Three—Research site: *“When we understand why Diyarbakır is actually Amed...”*—narrows down the socio-political background and contextualizes the research by presenting the site where I conducted my ethnographic fieldwork. After a quick look at Kurdistan and Northern Kurdistan, this section puts forward the political, historical and socio-cultural significance of Amed. Following a clarification drawing on a historical backdrop of the two different namings of the city Amed, which is officially Diyarbakır, I present the dynamics and agenda of the city when I arrived there to conduct my fieldwork.

In **Chapter Four—Methodological considerations**—I present the methodological framework of the study, organized under five sections, namely: ethnography, on the methods and empirical material, analytical process, analysis of space and spatial analysis and, finally, ethical considerations. The first main section of the chapter makes explicit the approach adopted towards ethnography and ethnographic contextualization by this research, provides theoretical positioning held by this ethnography and continues with a problematization of everyday life. In the following section, I elaborate on the data collection methods employed within the context of the ethnographic study and the empirical material generated by them. I present how the participant observations are conducted and how I engage in observing my participation, three sets of semi-structured interviews, including life-history narratives collected from thirteen inhabitants of Amed, eight interviews conducted with human rights lawyers and four interviews I conducted with four different representatives from different human rights organizations. The presentation of the documents collected from the archives of the Diyarbakır Bar Association, Human Rights Association Amed Branch, and the online database of the European Court of Human Rights as the third method employed by this ethnographic study finalizes the second section and takes me to the third one presenting the analytical process. This third section describes how I organized, coded and reduced my data. I further unfold the data analysis by introducing the analytical tools informed by the theory into the data analysis

and how Foucauldian insights participated and were operationalized in the further steps of the analysis. This chapter is finalized by reflecting on the ethical considerations touching upon the discussions on anonymity, confidentiality, reflexivity, positioning and giving back in a research setting.

Chapter Five—*Theoretical framework*—presents the overarching theoretical framework by elaborating on the Foucauldian toolbox, and is organized into seven sections that unfold the analytical tools and strategies informing this research. The first section introduces nominalist ontology, Foucault's use of nominalist intervention as an analytical strategy and the angle nominalism enacts for the inquiries of this study. The second section introduces 'games' into the toolbox by drawing on the triangle of power, knowledge, subject, and the 'game of truth' and 'truth-subjectivity' regime, together with a presentation of their operationalizations within the scope of this research. When I introduced 'games' in the toolbox, the later steps of the analysis revealed a 'game of justice,' which I also added into the toolbox for further analysis. As a result of the analysis and as a tool for further analysis, the 'game of justice' moves between this theoretical framework and the empirical material circularly and is presented in section three. The fourth section, informed by nominalism and by drawing on games, presents the discursive and non-discursive practices triggering 'becomings' of the things that do not actually exist. These practices gain their materiality by the *dispositif* presented in the fifth section. Despite already engaging its discussion, section six gets a closer look at power as well as the state in Foucault's works to reveal his analytical strategy of nominalist intervention facilitating him to engage in his well-known analyses of power. The final section introduces law into the power-knowledge locus and traces law in Foucault's works to show that the nominalist strategy marks law as always in becoming.

The following three chapters are empirical ones, each attempting to answer subsequent research questions. Each chapter engages in a recontextualization and so draws on different spatializations. **Chapter Six—*Fixed on the ground: Within the borders of Turkishness***—engages in mapping the power-knowledge interplays of the Turkish nation-state that colonizes the power and so immobilizes subjectification and truth regime, and the role of the state law throughout. In this way, it reveals this regime's exclusions and limitations drawn to accomplish the homogeneity ideal of the nation-states. It presents lengthy discussions considering subjectification and space to discuss how state law operates when restricted by a centralized power-understanding and when differences are excluded for the sake of a monolith national subjectivity categorized within the accepted citizen. These relationalities reveal the sources of legitimation enabled by the Turkish nation-state to disclose the justice

narrative it adopts within itself. **Chapter Seven**—*Lost in translation: Subjective experiences from justice aspirations to legal categories*—moves towards the realm of the experiences excluded by the truth-subjectivity regime of Turkishness. This chapter draws on the spatialized power-knowledge grid of Turkishness revealed as saturated and even petrified by the previous chapter, and follows the attachment of justice to particular aspirations and claims in Northern Kurdistan to trace the formation of a collective resisting Kurdishness subjectivity, contesting one of Turkishness and subjective experiences framed by this. Resisting subjectivity and the ways it informs the justice aspirations, the games of justice (of Kurdishness) threatening the justice narrative of Turkishness from which it derives its legitimacy are followed to reveal the forms these experiences take when translated into the experience-distant legal categories. To illustrate these translations, I follow two empirical themes of death and mourning and home and displacement. **Chapter Eight**—*Truth, justice, and law in stateless settings*—goes beyond the Turkishness truth-subjectivity regime and state law. It focuses on truth-subjectivity regimes in Northern Kurdistan activating different becomings of law and justice. I attempt to understand in which forms everyday life gets organized socio-politically in Northern Kurdistan, beyond the state, and what kinds of dispositives it forms within the truth-subjectivity regime enacted by the exclusions of state and state-like without a state apparatus. Therefore, by moving beyond epistemological strategies and experiential deficiencies of the state law portrayed as almost a transcendental-like inscription between individuals, this chapter traces contingent appearances of spatializations, subjective positions and legality and legal settings in Northern Kurdistan, in the everyday life of Amed.

In **Chapter Nine**—*Conclusions*—I present a broad, final panoramic view of this research. I first revisit the research questions to present summaries of each of the three empirical chapters. This chapter then interlinks all inquiries by revisiting research aims to discuss whether they are achieved. I then revisit the purpose and situate the inquiries of this research within a broader socio-political context to discuss how these aims accomplished facilitating this thesis to attain its purpose. The chapter is finalized by looking into the potential contributions of these discussions to the existing literature, and the limitations of this thesis by presenting my suggestions for further research.

Chapter Two

Socio-Political Background

Providing a research background prior to the presentation of the empirical chapters is a challenging task for this study since it is methodologically informed by a continuous contextualization and historicization, which attempts to present particular snapshots that are indeed historically conditioned but never ultimate or frozen. Therefore, I avoided calling this chapter ‘the historical context,’ even if it presents the particular historical moments setting up the initial context. The empirical material enables the compilation of these historical moments presented in this chapter. There is a consensus among the research participants considering the significance of these historical moments, even though they utilize these periods to engage in differing comparisons and historicizations. Therefore, by following these historical references among research participants, this chapter aims at enabling the reader to get familiar with these particular events and breaking points in the socio-political realms of Turkey and Northern Kurdistan that appear throughout the study. This chapter is neither a contextualization nor a historicization but a descriptive presentation of these historical moments. Nevertheless, this description inevitably engages in particular problematizations and recognitions that different narratives can portray in different ways. These problematizations, and so also the descriptions, are indeed informed by my epistemological and political position. By gaining the key events and moments from the empirical material, I conducted a review of the academic literature, credible news sources and NGO reports and databases, whereas my testimonies and first-hand observations of some of these events, along with my general knowledge of these, also inevitably inform the presentation. Throughout the empirical chapters, the connections to this chapter that sets up the initial background are

apparent in the research participants' contextualizations, elaborations and problematizations.

This chapter is organized into five sections. The first section presents the Ottoman-Turkish modernization process of the late nineteenth and twentieth century. It is followed by the sections tracing other key historical moments and events, namely the post-1980 coup d'état and the following state of emergency in Northern Kurdistan that lasted until 2002; post-2002 and the peace process that lasted until 2015; post-2015 and urban warfare and, finally, the failed coup d'état in 2016 followed by a countrywide state of emergency that eventually led to a change in the governmental system to an executive presidency in 2018.

2.1. Ottoman-Turkish modernization process

Ünlü (2018) introduces the “Turkishness Contract” as a category, being inspired by Mills (1997) who suggested white privilege as a global socio-political system based on a ‘racial contract’ signed and renewed repeatedly according to the requirements of different historical contexts. The racial contract is reproduced by an ‘epistemology of ignorance.’ Whites are made ignorant of the socio-historical construction of their whiteness and the privileges provided by that. In other words, they are made “unable to understand the world they themselves have created” (Mills, 1997, p. 18). By doing a parallel reading, Ünlü (2018) argues that those ignorances, in the Turkish nation-building context, can be revealed by the conceptual tools of ‘Turkishness’ and the ‘Turkishness Contract.’ He suggests these tools for the problematization of Turkishness and its construction. He defines Turkishness as consisting of certain positivities that are the ways of thinking, being affected, looking, seeing, hearing and perceiving; and of certain negativities that are the ways of not thinking, not being affected, not looking, not seeing, not hearing and not perceiving—Turkishness as a way of seeing is therefore formed by a systematization of not-seeing and omission of any other ways of seeing (ibid., 2018, p. 50). He defines three contracts signed throughout the modernization process, produced by various negativities, which are the Muslim, Ottomanism and Turkishness Contracts, all in line with the requirements of modernization (Ünlü, 2014, pp. 58-73), whose breaking points are reviewed by this section looking into the Ottoman-Turkish modernization process in the late nineteenth and twentieth century. Akyıldız (2012) defines Turkishness, similar to Ünlü, as the repertoire of hearing, thinking, affection and values, and marks the late Ottoman and early Republican period for its

formation through the biopolitical practices of ethnic cleansing and population engineering that resulted in the equipment of Turkish ethnicity with some privileges and priorities that cannot even be suggested to be opened up for discussion (pp. 15-20).

Prior to this, the Ottoman Empire consisted of many ethnic and religious groups, including Turks, Greeks, Serbs, Croats, Albanians, Bulgarians, Arabs, Assyrians, Armenians and Kurds, to name a few. Being a Caliphate, Islam was the dominant ideology of the non-national Ottoman Empire, and nationalist ideas were almost non-existent until the nineteenth century, whereby the population of the Empire was divided into the two major categories of Muslims and non-Muslims. Non-Muslim communities were organized as various *millets*³ functioning as autonomous nations, and Muslim communities—Arabs, Turks, Albanians, and Kurds—were homogenized as a single *millet* and equal members of the Islamic Umma regardless of ethnic origin, language or political affiliation (Azarian, 2011, p. 115). This system of the Empire submerged the ethnic differences of the Muslim groups in their broader Islamic identity (Goldschmidt & Davidson, 2010, p. 116). Therefore, the ideas spread out after the French Revolution did not lead to the emergence of a Turkish national subjectivity, since Turks had a complicated self-image situated between being a Turk, Muslim or an Ottoman (ibid., p. 115) under the influence of the *millet* system.

The Ottoman-Turkish modernization process can be dated back to the Tanzimat era that lasted between 1839-1876. Tanzimat means "regulations, reforms" that guaranteed life and property rights, instituted tax regulations, outlawed execution without trial and other liberal reforms that recalled the French Declaration of the Rights of Man and the Citizen (1789). The two edicts declared during this era asserted the equality of Muslim and non-Muslim Ottoman subjects, drawing on a strong unity in Ottomanism, unlike previous periods. The new ideas and thoughts brought by the edicts impacted all state institutions. The Tanzimat movement aimed to reform the Ottoman state administration according to Western standards and ensure that the state administration was used effectively and powerfully from a single center (Doğan, 2014). By reducing the power and authority of the ruler in the state administration, the authority is given to reformist bureaucrats. Although the Tanzimat era came to an end with the proclamation of the constitutional

³ Meaning nation and referring to the system in which non-Muslim communities functioned like autonomous nations within the state. I prefer to use *millet* when referring to this system in the Ottoman Empire to avoid mis-conceptualizations when inquiries into nation-building are part of the discussions.

monarchy in 1876, it got articulated into the modernization process. Reformist intellectuals and bureaucrats named 'Young Turks,' who emerged in the 1860s towards the end of the Tanzimat era, were later organized under 'the Committee of Union and Progress' (CUP). CUP took over the rule of the Empire through a military coup in 1908. The gathering of the Young Turks hints at the early formation of Turkishness as a category since they entitled themselves as Turks despite their multiethnicity. Rather than Turkish nationalism, however, early periods of CUP were characterized by Ottomanism, which adopted the idea of autonomous but harmonious unity and recognized ethnic, linguistic and religious differences as long as they were loyal to the state. In time, CUP evolved into becoming more Turkish in its political orientation, promoting the idea of Turkish superiority. In the later periods, the loyalty to a territorial land was remarkably ethnicized. The Turanian understanding of bringing together all Turkic language speakers under Ottoman rule replaced Ottomanism and Islamism (Azarian, 2011; Goldschmidt & Davidson, 2010; Mehmet, 1990). The gradual formation of the national identity accelerated through the mechanisms of violence and biopolitical strategies.

The Young Turks were positivists and believed in the social sciences' transformative force (Ünlü, 2014, p. 62). Starting in 1913, they began to draw the ethnic map of Anatolia with intense sociological, ethnographic and statistical studies, and the information collected was used for the 'efficient' planning of deportations, massacres and assimilation policies whose ultimate aim was to form a "suitable population component" in Anatolia (Dündar, 2008, p. 102). Following these biopolitical strategies, CUP organized the Armenian Genocide in 1915. Although the exact numbers cannot be reached, as the confrontation mechanisms are still not established due to the systematic denial of the Turkish State and since there was also a high number of displacements and 'conversions' among Armenians (see Chapter Six for further inquiries on the 'conversions'), it is projected that at least 664,000—and possibly up to 1.2 million—Armenians out of the 1.5 million Armenian population within the Ottoman Empire lost their lives (Sarafian, 2011, pp. 9-10). Besides the massacres costing the lives of hundreds of thousands, CUP further committed the destruction of large Armenian and Assyrian communities through the mass transfer of Kurds to Western Anatolia and the resettlement of Muslim populations from the Balkans into the Armenian and Assyrian provinces (Akçam, 2004, p. 12) through an operation that took place on three scales (Naimark, 2011, p. xvi). Framework decisions were made at the center, at the very top by the central government of the CUP; local governors executed and interpreted these decisions; and, on the social scale, individuals participated in

murders and plunders. Therefore, the first layer of sovereignty can be considered as defined through religion and equated to Muslimhood. The conditions for the population-formation varied over time. A decade later, CUP, which initiated the first biopolitical mechanisms for forming a population, provided the national ideology and most of its political cadres to the Turkish Republic, despite its collapse in 1918.

The ideology of CUP was manifested as the national ideology by the ‘War of Independence’ (1919-1923) against both the Ottoman Empire and the presence of European states in Anatolian cities as agreed by the Armistice after the First World War defeat of the Ottomans. Thus, the transition from the Ottoman Umma to the Turkish Nation eventually began (Öktem, 2003). When Misak-ı Milli (National Oath), the manifesto of the War of Independence, was proclaimed on January 20, 1920, territories including Anatolia, parts of contemporary Greece and Bulgaria and small parts in Georgia, Syria and Iraq (Mosul and Kirkuk) were claimed as lands to be taken and protected (Doğanay, 2001). The Grand Turkish National Assembly was established in Ankara on April 23, 1920, as the ‘ultimate sovereign body’ of the nation to be territorialized on these claimed lands.

Even though it is commonly believed that the founding ideology of Turkey, Kemalism, and secularism eliminated religion from the public sphere in Turkey, the new regime’s understanding of nationalism was shaped by the influence of the Ottoman millet system, as the founding ideology of the new regime, Kemalism, officialized Islam and took it under the control of the state (Mehmet, 1990, p. 121). Even though the formation of official Islam is most visible through its institutionalization by the state, Turkishness is also constructed as the bearer of Islamic motives. Significantly, following the establishment of the Assembly, this Ottoman legacy of Islamic brotherhood was visible. Muslim groups were privileged enough to claim the right to be included in the social contract of the prospective modern state with their various ethnicities. As the largest of these groups, Kurds were in a more privileged position and promised autonomy in the new regime. “Building a local government in the land inhabited by Kurds” was a part of the Kurdistan policy of the Ministry of Council in 1921 (Yeğen, 2009, p. 598)⁴. With the proclamation of the Turkish Republic in 1923, however, the discourse on the

⁴ In a secret meeting of the Grand National Assembly, its chair and the future leader of the country, Mustafa Kemal, stated this clearly: “The general principle is that the various Muslim elements living in the country... are genuine brothers who would respect each other’s ethnic, local and moral norms (laws)... If one thing is certain, it is this: Kurds, Turks, Laz, Circassians, all these Muslim elements living within the national borders have shared interests.” (Minutes of Closed Session Vol.1, as cited in Yeğen, 2009, p. 598)

Kurds' right to self-rule changed radically. Unlike the 1921 Constitution, the Constitution of 1924 was clearly stating in its preamble that:

Our state is a nation-state. It is not a multi-national state. The state does not recognize any nation other than Turks. There are other peoples who come from different races (ethnic groups) and who should have equal rights within the country. Yet, it is not possible to give rights to these people in accordance with their racial (ethnic) status (as cited in Yeğen, 2009, p. 599).

The identity based on the Islamic brotherhood was also abandoned with the removal of the Caliphate on March 3, 1924. It was replaced by Turkish nationalism and the national subjectivity operationalized to unify the Turkish nation and the state: Turkishness. That was the destruction of the last historical bridge between Kurds and Turks. The Kemalist understanding of nationalism, which called upon everyone to adopt being a Turk and to meet in a common origin, became fixed in the legal as well as the social and political spheres. This is well illustrated by the famous saying of Mustafa Kemal: "How happy is the one who says I am a Turk." It was a call for all different ethnicities to be equalized in Turkishness, and it built up a common ancestor as their origin, whereafter the Surname Law was adopted in 1934 and the ancestor became officialized. Mustafa Kemal was given the surname of *Atatürk*, which, following its direct translation, symbolically pointed to that common origin of all: 'the ancestor of the Turk.' All those nation-state building practices created a dominant-nation ideology in a multi-ethnic society. The citizenship of the country was equated with being a Turk. All the successive constitutions since 1924 clearly state that: "Everyone bound to the Turkish state through the bond of citizenship is a Turk." This discriminatory and assimilationist definition (and practice) of citizenship considered different groups as prospective-Turks (Yeğen, 2009, p. 597).

The Turkishness subjectivity was still not purified from all impacts of Islam, but instead emphasized religious, ethnic, linguistic and historical homogeneity. Therefore, Turkishness is defined by its ethnoreligious limits, by also reducing Muslimhood, Sunni Muslimhood, into itself. Throughout this formation, the Sunni Islamic patterns, discourses and practices were nationalized, militarized and articulated into the national identity. This turned Sunnism into a component of Turkishness, and, in this way, it was used to limit and forbid any other Sunnism performances beyond its form embedded into Turkishness. In other words, the broader identity of Muslimhood, which was submerging the ethnic varieties before, was reproduced as a component of Turkishness through the definition of more acceptable ways of performing it.

These ‘more acceptable ways’ were in line with the Westernization ideal attached to Turkishness. From the clothing to the change in the alphabet from Arabic to Latin, social life was regulated for a more Western image. The prohibition against wearing a headscarf and hijab in public institutions that began in practice then provided a legal framework after the 1960s, and the ones resisting this modern Western revision of Islam were labeled as pre-modern and reactionary. In being a component of the prevalent subjectivity, it was used for the domination of the non-Sunnis while marking Sunni non-Turks, mostly the Kurds, as pre-modern, reactionary, tribal elements to be cleared out of the population. The Alevi⁵-Kurds’ intersectional subjectivity emphasized throughout their narrations collected within the scope of this study (see Chapter Six) portrays this contradiction. Although the massacres committed by paramilitary groups organized by the state towards Alevis mark different decades of Republican Turkey⁶ as an indicator of the imposition of pure Sunnism, the Westernized, modernized image of Turkishness was presenting itself as a secular alternative to the Alevis, making them hostile to their Kurdishness.

The inscription of Sunnism into Turkishness by the image of the modernized Westernized Sunnism as a component of Turkishness, and the non-Turkish Sunnism as savage, violent and reactionary facilitated the temporality of the Turkishness that originates from its own historical narration, further imposing Turkishness as the only possible way of being “contemporaneous” (Santos, 2014, p. 273), while the rest are marked as the backward remnants of the Ottomans. On the other hand, the modern nation is defined as the only scale to reach the “universal,” which is the “dominant scale of the Western modernity” (ibid., p. 274). The Constitution’s preamble also indicates this by emphasizing the goal of “being an honorable member of the world nations.” Therefore, the lack of nationalization of a group under a state is marked as pre-modern and tribal. With the Westernization of Sunnism through its modernization by Turkishness and the Turkishness’ self-categorization as a nation that is the valid scale enabling communication with the universal and global, new layers are engraved into the Turkishness.

⁵ Alevism is a heterodox and syncretic belief that bears traces of heterodox Sufism. Its place in Islam is controversial. While some groups consider it as a sect of Islam, other groups argue that it is the bearer of pre-Islamic religions such as Zoroastrianism and Manism. It is a common belief system among Turks, Kurds and Arabs in Anatolia.

⁶ Dersim Massacre in 1938, Maras Massacre in 1978, Çorum Massacre in 1980, Sivas Massacre in 1993.

Kurds have not been included as Kurds in the social contract since the establishment of the Turkish Republic in 1923. Between 1923 and the 1990s, the Kurdish entity had been entirely rejected, denied and only accepted as a form of Turkishness. The Kurdish rebellions in the twentieth century, especially those in the wake of the declaration of the Turkish Republic in 1923, were primarily to resist those denials reflecting on the legal bans on the Kurdish language, clothing, folklore and use of Kurdish names, as well as the words "Kurds," "Kurdistan" and "Kurdish." Northern Kurdistan remained under a state of siege until 1946, after the proclamation of the republic.

2.2. Post-1980 coup d'état and the state of emergency

In the ongoing (38 years long, as of 2022) war in Northern Kurdistan, at least 40,000 individuals, most of whom were Kurdish guerillas and civilians, are estimated to have lost their lives (Özsoy, 2010, p. 1), remarkably shaping the socio-political landscape of Turkey.⁷ After the 1982 Constitution drafted by the military junta that seized power in 1980, excessive state violence towards leftist and Kurdish movements increased. The 1982 Constitution strengthened and institutionalized a militarist, ethno-racial formation of the Turkish state (Belge, 1997, p. 113) beyond what it has been in practice since the establishment of the Republic. The attachment of Turkishness to citizenship has been fortified by a constitutional provision defining Turkishness over citizenship since the very first constitution of the Republic in 1924. After the 1980 coup d'état, however, the language, culture, socio-political demands and even the existence of the Kurds were denied. The already existing bans on the Kurdish language were expanded, and Kurdish was legally banned also in private life. Due to the denial of Kurds and the Kurdish language in its entirety, the "law on legally banned languages"—active until 1991—banned all the languages that were not the first official languages of the recognized states, in public and private spheres, to be able to ban Kurdish without recognizing its existence. Since the law was lifted in 1991, Kurdish has been restricted within

⁷ According to the Turkish Parliament's Human Rights Commission's report published in 2013, whose access has been prevented after the collapse of the peace process in 2015, between 1984 and 2012, 7,918 members of Turkish armed forces, village guards and public servants, 22,101 PKK guerillas and 5,557 civilians lost their lives (Parliamentary Report of the Commission of Human Rights, 2013, as cited in Göral, 2021, p. 802).

the private sphere due to the continuing legal obstacles surrounding different public domains in different ways.

In this entirely militarized, ultra-nationalist atmosphere marked by systematic torture, unidentified murders, assassinations and military attacks, the PKK (Kurdistan Workers' Party – *Partiya Karkerên Kurdistan*) founded in 1978 as a Marxist-Leninist organization for a liberated socialist Kurdistan⁸ declared its armed existence in 1984 with its first attacks in Eruh and Şemdinli, Northern Kurdistan, manifesting this guerilla warfare as an anti-colonialist struggle targeting both the tribal, feudal dynamics of Kurdish society and culture itself and, in particular, the colonial rule of the four states of Syria, Iran, Iraq and Turkey in Kurdistan.

The official discourse of the Turkish state was at first formed around despising PKK and portraying it as insignificant by referring to it as “a few thugs” or “a bunch of bandits” soon to be repressed by the Turkish authorities (Cemal, 2003, p. 77). By the end of the 1980s and beginning of the 1990s, however, it became clear that it was no longer possible to treat the situation simply as some clashes with “a few thugs.” This became especially visible in the early 1990s as the support for PKK increased remarkably, reflected in both popular support and the number of people participating in the guerilla forces. Besides the armed struggle, increasing popular support also echoed in other socio-political realms – appearing as demands for equal citizenship rights. By calling these new actors participating in the juridico-political arena as the “new collective challengers,” Watts (2010) points out this change emphasizing the Kurdish politicians getting active at the local and countrywide scales and the demands raised by them forming a new political realm contesting the practices and discourses of the Turkish state. These “new collective challengers” enabled a competing narrative/formation of truth against the official one that was denying even the physical existences of the Kurds (pp. 51-53).

Through pro-Kurdish political parties⁹ gaining a significant influence in the political arena, these narratives formulated around the disclosure of the practices of the Turkish state in Northern Kurdistan and the demands for individual and collective rights for Kurds became visible within the juridico-

⁸ Their ideology and goals have later evolved towards democratic autonomy and *Democratic Confederalism*, significantly influenced by communalism, as elaborated on later in this chapter.

⁹ HEP (People's Labor Party – *Halkın Emek Partisi*), established in 1990, was the first of the pro-Kurdish parties picking up the tradition from their predecessor after its closure by court decisions. Turkey's political realm witnessed the establishment and closure of seven political parties starting with HEP up until the establishment of HDP (Peoples' Democratic Party – *Halkların Demokratik Partisi*) as the eighth party taking over this heritage in 2013.

political realm introducing the political arguments of decentralization of power and participatory democracy at all levels. Some groups within Turkish civil society who were having difficulties producing any discourses within the dualistic polarization of the political arena stuck between Kemalist conservatism and Islamic conservatism embraced these arguments. That is why this narrative introduced by the Kurdish movement into Turkey's juridico-political realm has been referred to as the 'third-way' since then. Therefore, these narratives and demands dispersed and created a significant impact all over the country, which reciprocally reformed the Kurdish movement as institutionalized in the urban contexts as well, together with forced and voluntary migration to Western Turkey from Northern Kurdistan (Göral, 2021, p. 802). Grassroots organizations sharing these newly formed narratives increased visibly, and the pro-Kurdish parties began to consistently gain remarkable electoral success in local elections (Bozarslan, 2002, p. 841; Çiçek, 2015, pp. 335-358; Güneş, 2013, p. 183). Besides these changes within Turkey and Northern Kurdistan, regional dynamics in the Middle East in general, as well as in the global stage—such as a rising emphasis on the discourses of democracy and human rights, and the political dynamics emerging in the post-First Gulf War atmosphere—had a direct influence in rendering the Kurdish movement. The impacts of the projected autonomy of Southern Kurdistan, in Iraq, in shaping the aspirations in Northern Kurdistan also cannot be overlooked (Yeğen, 2006, p. 35). This was eventually achieved as the regional government formed in 1992 was recognized by the constitution of Iraq in 2005. Therefore, against the backdrop of this spread influence, support of the PKK, the Kurdish political movement and the discourses and narratives formed by them, the Turkish State could not continue with its strategic portrayal dismissing the influence of the PKK and so acknowledged the severe threat that the Kurdish freedom movement constituted for its centralized power and sovereignty. Since then, the PKK has been listed as a 'terrorist organization'¹⁰ by the Directorate General of Security, and a different approach to counterinsurgency—which is as systematic and dispersed as the movement's influence—has been adopted. In other words, to protect its centralized sovereignty, the Turkish state with its military and political elite adopted strategies and mechanisms that are decentralized.

In 1978, a countrywide "state of siege" was declared and extended by the military junta up until 1987. However, the "State of Emergency Act," prepared

¹⁰ In Turkey, the Grand National Assembly has never declared a list of designated terrorist organizations. Instead, this classification is done more arbitrarily by the Directorate General of Security without an assembly decision.

by the 1982 Constitution and enacted in 1983, was implemented to form an “OHAL (State of Emergency – *Olağanüstü Hal*) Regional Governorship”¹¹ in Northern Kurdistan in 1987 despite the removal of the countrywide state of siege by the first elected government following the junta rule. For fifteen years, from 1987 to 2002, the state of emergency in the region was extended every four months for a total of forty-six times with the decision of the Assembly, making a total of twenty-four uninterrupted years of a state of exception in Northern Kurdistan. The OHAL governorship was given extreme powers, such as:

[T]he evacuation of certain settlements, prohibition of the settlement, restriction of entry to and exit from certain settlements, suspension of education at all levels, restriction or suspension of entry and exit of all foodstuffs and animal fodder in the region, right to use all means and tools of communication within the borders of the region and to confiscate them if deemed necessary. (Göral, Işık & Kaya, 2014, p. 18)

Equipped with these extensive capabilities, the OHAL governors—also called the ‘super governors’—undertook all the legislative, executive and judicial powers through their authorization to enact statutory decrees suspending and substituting state law. Six different OHAL governors held office until November 30, 2002, when the state of emergency was lifted – or, rather, given a break as elaborated later in this chapter. Reports estimate that four thousand villages were burnt down and entirely destroyed, 55,371 individuals were detained and more than four thousand village guards assigned by the military committed crimes ranging from rape and murder to robbery and plunder, all resulting in impunity, throughout the fifteen-year-rule of the OHAL governorship (see, e.g., Amnesty International, 2002; Human Rights Watch, 2002; İnsan Hakları Derneği, 2009; Türkiye İnsan Hakları Vakfı, 2003; U.S. Department of State, 2003).

The National Security Council declared its new security strategy entitled “Territorial Dominance and the Expulsion of the PKK from the Region” in 1993 (Göral, 2019), resulting in a remarkable increase in arbitrary and extrajudicial executions, enforced disappearances and forced migration (see,

¹¹ This region initially covered eight provinces: Bingöl, Amed, Elazığ, Hakkari, Mardin, Siirt, Dersim and Van. Adıyaman, Bitlis and Muş provinces were later included as neighboring provinces. After Şırnak and Batman were elevated to the status of provinces in 1990, the number reached thirteen. When Bitlis’ status was changed from the neighboring province to the OHAL province in 1994, the Governorship took its final form, covering almost the entire Northern Kurdistan.

e.g., Alpkaya, 1995; Ayata & Yüksek, 2005; Göral et al., 2014; Jongerden, 2007, 2009). This decentralized strategy adopted against the backdrop of the sovereignty crisis of the Turkish state is particularly marked by the organization of the paramilitary groups under the umbrella of JITEM (Gendarmerie Intelligence and Anti-Terror Unit – *Jandarma İstihbarat ve Terörle Mücadele*). It was members of JITEM who perpetrated these extrajudicial executions, unidentified murders, kidnappings and enforced disappearances, even though the state authorities denied its operations and existence until the mid-2000s, during which time previous JITEM members gave testimonies on the crimes they committed in the 1990s. JITEM was organized with the collaboration of military officers, village guards who were Kurdish villagers assigned and armed by the military and so-called “repentant groups” consisting of ex-PKK guerillas who turned back and made agreements with the state to act as informants.

With this then-hidden collaboration, JITEM turned the 1990s into chaotic years. White Toros cars used for the kidnappings (of Kurdish civilians, journalists, politicians, novelists and singers – alleged members or supporters of the PKK) perpetrated by JITEM members in civilian clothes became the symbol of state violence in the region, marking the 1990s as the ‘era of white Toros.’ These kidnappings resulted in 1,353 enforced disappearances after the 1980 coup d’état¹² according to estimates by the Truth Justice and Memory Center’s report published in 2014 (Göral et al., 2014, p. 21).

¹² Even though most of the reports and databases on the enforced disappearances take the 1980 coup as their starting point, the coup and the following junta rule was neither the first nor the last systematic use of enforced disappearances by the Turkish state. We can go back as far as April 24, 1915, when 234 Armenian intellectuals were forcibly disappeared during the Armenian Genocide. Moreover, in the early republican period, the state continued to carry out enforced disappearances against opponents - the most famous case being the enforced disappearance of the novelist and journalist Sabahattin Ali in 1948 (Göral et al., 2014). It is also important to note that by referring to the perpetrator of the enforced disappearances as the state, I follow the definition formulated by the convention drafted by the United Nations Human Rights Committee on Enforced Disappearances (2010). The convention suggests that enforced disappearances are perpetrated by state-relevant actions – not only by the hands of the “agents of the state” but also, and most commonly, by “persons or groups of persons acting with the authorization, support or acquiescence of the state.” It is a broad definition, covering such acts carried out by paramilitary forces or the agents of the counter-guerilla apparatus.

Estimated number of disappeared persons by year	
1980-90	33
1991	18
1992	22
1993	103
1994	518
1995	232
1996	170
1997	94
1998	50
1999	76
After 2000	33
Unknown date	4
Total	1,353
Table 1: Taken from Truth, Justice, and Memory Center (Göral et al., 2014)	

As shown in Table 1, the increase in enforced disappearances after 1993—the year that the National Security Council declared its new security strategy—is remarkable. It is important to highlight that these numbers are just estimations based on the studies conducted by human rights organizations drawing on their extensive research based on the collection of the testimonies and petitions submitted to the prosecutor’s office since an official record regarding the number of the people disappeared ‘under custody’¹³ does not exist.

Not only enforced disappearances, but systematic torture, extrajudicial executions and arbitrary unregistered detentions were also all perpetrated by JITEM units in Northern Kurdistan. The only official numbers regarding these crimes committed by JITEM units were recorded by the

Commission of Human Rights report in Assembly in 2013. As mentioned earlier, access to this report is banned as of 2022, but “the commission reported that 2,872 people were killed by ‘unknown assailants’ and 1,945 by extrajudicial killings” (Parliamentary Report of the Commission of Human Rights 2013, p.113, as cited in Göral, 2021, p. 802).

A blanket of impunity shielded the perpetrators of JITEM units’ crimes. During the 1990s, none of the official perpetrators were tried or convicted. Although relatives of the disappeared insistently submitted petitions (Chapter Seven elaborates on that through its inquiries), their attempts were equally insistently refused by prosecutors refusing to accept petitions, throwing them in the garbage bin or, in some cases, ‘reminding’ petitioners of the power of the state and applicants’ weakness, threatening them (Göral et al., 2014).

¹³ It is possible to see the references to the enforced disappearances as ‘disappearance under custody’ throughout the text, especially in the excerpts taken from the interviews. In Turkey, since those forcibly disappeared were often disappeared after being taken into custody from their homes, workplaces or public spaces, disappearances are generally referred to as ‘disappeared under custody.’ Even though it has been changing among human rights organizations in recent years to follow the international terminology, it is still a highly used expression.

2.3. Post-2002 and the peace process

The year 2002 is mainly referred to as the incorporation of Turkey into neoliberalism and democratization. This is when the AKP (Justice and Development Party – *Adalet ve Kalkınma Partisi*) came to power alone, which provided this pro-Islamist government extensive autonomy to capture and rebuild the “national security state apparatus” (Ercan, 2019, p. 112). Still, 2002 was a year that focused on seeking solutions for the Kurdish issue. Official approaches to the Kurdish issue were determinant in both the content and scope of the legal changes made for the EU (European Union) adjustment process, including the removal of the death penalty and the legal obstacles surrounding education and broadcasting in Kurdish.

The Kurdish Opening was declared in 2009 as a democratic initiative process claiming to launch a project aimed at improving democracy, freedom and human rights by the AKP government. In 2013, the Kurdish Opening turned into a peace process involving rounds of negotiations with the imprisoned leader of the PKK, Abdullah Öcalan. During these negotiation steps from 2009 to 2015, until the peace process failed, the initial concern of the AKP government was the disarmament of the PKK (Yeğen, 2015). The AKP government supposed that the PKK could be dissolved by these conflict management tools employed through negotiations (Ercan, 2019, p. 114) without taking further confrontation steps. In other words, even though the peace process was promising in terms of the ceasefire, the commissions established for investigation, organized meetings between Abdullah Öcalan and state representatives and the democratization package regulating certain socio-political practices¹⁴, this process was still a sterile process for the government.

Legal cases on disappearances, displacements and unidentified murders were not opened, perpetrators’ names were not revealed, victims’ sufferings were not touched, legal changes for the recognition of equal citizenship rights were not undertaken. The government declared itself the only actor in the process and stated its demands without applying the initial idea of the reconciliation – confrontation. Besides those, an undeclared state of emergency was being practiced in the Kurdish provinces despite the ceasefire. The Military Security Zones¹⁵ in Northern Kurdistan were widened, working as a

¹⁴ The democratization package covered recognizing the letters q, x and w occurring in the Kurdish alphabet, unlike Turkish, on signs and names and abolishing the student’s daily vow of allegiance starting with “I am a Turk.”

¹⁵ See *Law on Military Forbidden Zones and Security Zones*. No.2565 (1981).

state of emergency in practice. The construction of the gendarmerie and police stations in the region also increased and accelerated.

Meanwhile, the Kurdish political movement, with its spheres expanding from the socio-political realms to the armed struggle of the PKK, got more harmonized throughout the peaceful atmosphere between 2009 and 2015 and, through its discourses focusing on accomplishing a sustainable peace, gained a broader legitimacy in the eyes of the Turkish leftist movements and public as well. Pro-Kurdish parties' left-wing alliance was formed with numerous feminists, ecologist and LGBTI+ activists and movements, more than twenty socialist parties, various trade unions and the labor and rights-based NGOs under the umbrella of the HDK (Peoples' Democratic Congress – *Halkların Demokratik Kongresi*) in October 2011, leading to the establishment of the HDP (Peoples' Democratic Party – *Halkların Demokratik Partisi*) as a left-wing alliance political party one year later. Moreover, the struggle of the Kurds in Syria organized under armed groups with organic bonds to the PKK, the YPG (People's Protection Units – *Yekîneyên Parastina Gel*) and the YPJ (Women's Protection Units – *Yekîneyên Parastina Jin*) against the IS (Islamic State) and other jihadist movements in Syria, and, particularly, Rojava (Western Kurdistan), had a significant influence on the mobilization of the Kurdish movement in Northern Kurdistan as well. All these prevented the containment of the Kurdish movement by a series of negotiation meetings as was planned by the AKP government during the peace talks (Ercan, 2019, p. 115).

The anticipated electoral success of the HDP in the then-upcoming general elections turned it into a target for the nationalist groups and AKP supporters. The HDP, along with its party members and buildings, were subjected to gross hate crimes, massacres and attacks ranging from attacks on their campaign bus in Erzurum, killing the driver of the bus, systematic attacks on their party buildings, setting them on fire, and the attack by IS suicide bombers of a rally in Amed resulting in the death of five party members and the injury of more than four hundred people on June 5, 2015, two days before the general elections. Despite these systematic attacks, on June 7, 2015, the general elections were marked by the tremendous electoral success of the HDP, which made the AKP government lose its one-party rule for the first time since 2002. In order to remain in power, Recep Tayyip Erdoğan, the leader of the AKP and then prime minister, formed a coalition—a “war hawk coalition” (ibid., p. 115)—with the far-right ultra-nationalist party MHP (Nationalist Movement Party – *Milliyetçi Hareket Partisi*), the nationalist bureaucratic elite and deep state actors, which hastened the collapse of the peace process and rekindled the war and the 1990s atmosphere of fear. With this radical change, a coalition

government failed to form after the June 7 elections, and the country as a whole witnessed one of its bloodiest and most chaotic periods between the June 7 elections and the snap elections scheduled for November 1, 2015. All this established an environment of fear and paranoia, resulting in the AKP returning to power alone and reestablishing its one-party rule following the November 1 elections, as elaborated in the following section.

The failure of the peace process and its underlying reasons is the subject of some studies that mostly problematize it by referring to the elections, changing political positions and the local power mechanisms established through the municipal governments (see, e.g., Aydın & Emrence, 2016; Gunter, 2016) through the adoption of a primarily structural approach while overlooking the discursive formations by the Kurdish movement. These mostly policy-oriented approaches towards understanding the peace and its failure draw on a liberal peace thesis conceptualizing the peace by disregarding the experiential dynamics. Unless the discursive embeddedness of war and peace into the subjectivities are unpacked, however, it is not really possible to form well-functioning confrontation mechanisms and, hence, a sustainable peace.

2.4. Post-2015 and urban warfare

As mentioned earlier, the PKK has changed its goal for an independent socialist Kurdistan to ‘Democratic Confederalism’ advocating against the prevalence of the nation-states globally, starting with the objective of a ‘democratic autonomy’ recognized by the states of Turkey, Syria and Iran in the first place. This goal of democratic autonomy coined by Öcalan resembles the communalist ideology; it refers to a different organization than the classical approaches to autonomous political structures appearing within nation-state borders. “Democratic autonomy,” Öcalan (2017b) suggests, refers to a new understanding of “political revolution” by seeking the dissolution of the centralized political and military power of the nation-states. It aims to accomplish a decentralized organization based on the self-rule of the smallest locals through an equal representation of all its components (including ethnic, religious, sexual, and gender). This ideological change led to the reformation of the units of the Kurdish movement in a decentralized way. Before the declaration of the ceasefire by the PKK and the Turkish state in 2006, the YDG-H (Patriotic Revolutionary Youth Movement – *Yurtsever Devrimci*

Gençlik Hareketi)¹⁶ manifested its establishment as an autonomous, self-regulated body bound to the PKK, organizing at the neighborhood level in urban contexts followed by the formation of neighborhood assemblies and justice commissions (see Chapter Eight).

When the ceasefire ended in the summer of 2015, and the Turkish military launched airstrikes targeting PKK bases, the possibility of non-violent paths towards peace was understood to be exhausted. Against this backdrop, these formerly established local administrative and security units—Peoples' Assemblies—initiated a self-governance campaign and manifested self-proclaimed autonomies in fifteen urban centers in Northern Kurdistan in August 2015, followed by opening ditches and building barricades around the neighborhoods to protect the residents from the anticipated state violence (Ercan, 2019, p. 111). This campaign broadly gained popular support in these urban centers and resulted in the participation of thousands of young people from these neighborhoods in these self-defense units. The Kurdish freedom movement, through the declarations of the KCK (Kurdistan Communities Union – *Koma Civakên Kurdistanê*), stated that the existing state institutions were no longer recognized as legitimate by the locals and that they have the right to self-defense if targeted by military forces (Koma Civakên Kurdistanê, 2015a). This self-government campaign, however, was countered by an extensive and destructive counterinsurgency by the Turkish state, resulting in thousands of deaths, detainments and displacements. The only available numbers report 3,000 deaths (more than 400 unarmed civilians) between June–November 2015 (Mandıracı, 2017) and more than 500,000 people forced into internal displacement between June 2015 and December 2016 (United Nations Refugee Agency, 2017) (Chapter Seven elaborates on the urban warfare in Sur). In September, the KCK unilaterally agreed on a ceasefire in the urban centers following proposals by the European Parliament (Koma Civakên Kurdistanê, 2015b).

The new paths towards peace attempted to be enabled through mass protests. With the involvement of all the democratic components from the left-wing parties to other social movements and NGOs, a countrywide March for Peace was organized in Ankara on October 10, 2015. Buses full of people from all over the country went to Ankara to participate in the march, making it one of the biggest rallies organized in the last decades. The March was attacked by IS suicide bombers, killing 109 demonstrators. The Ankara Massacre, and the previously mentioned Amed Massacre, were not the only suicide attacks

¹⁶ YDG-H was reformed as YPS (Civil Protection Units – *Yekîneyên Parastina Sîvîl*) in 2015 after the Turkish military's counterinsurgency operations.

perpetrated by the IS during that period. On July 20, 2015, left-wing groups gathered to participate in the reconstruction of Kobanê, Rojava (which had been entirely destroyed during the IS occupation lasting until being freed by Kurdish forces) in Suruç (the Urfa district in Northern Kurdistan neighboring Kobanê) to make a press-briefing before going to Kobanê. This was also attacked by IS suicide bombers, killing 33 activists.

The IS attacks getting almost systematic in the wake of the collapse of the peace process cannot be considered independent from the Turkish state's involvement and position in the Syrian civil war. Explicit military, political and logistic support by the Turkish state for the jihadist armed groups in Syria, the ongoing armed struggle of the Kurdish forces against the IS in Syria and the new dynamics of radicalization (Lawson, 2016) emerging and echoed through the effects spread by the jihadist groups involved in the Syrian civil war (Gunter, 2015) introduce the lenses to look into these attacks by the IS in Amed and Suruç, as well as Ankara, as it was later exposed that these attacks were perpetrated despite intelligence provided prior to the massacres (BirGün, 2016b; Taştekin, 2019).

2.5. State of emergency in 2016 and the change in the governmental system to an executive presidency

Under the devastating atmosphere of the suicide attacks, urban warfare, the impacts of the Syrian Civil War in the juridico-political realm and Erdoğan's concentration of power moved the system in Turkey even beyond the one-party rule to a one-man rule, as the opposition refers to it. These enhanced the monopolization of power and degraded political and civic pluralism (Akman & Akçalı, 2017, p. 578). Against this background, Turkey, pace by pace, was dragged into an authoritarian regime. The fictionalization of the enemy (Mbembe, 2003, p. 16) intensifying the hysteria of 'being surrounded by internal and external enemies' settled into the country by the Erdoğan regime asking for more and more authority to overcome these "threats to national security" (Akman & Akçalı, 2017, p. 578). This discourse gained an even firmer tone after the failed coup d'état attempt on July 15, 2016. This attempt is still a controversial topic. Many claims are raised regarding the Erdoğan regime's purposive neglect of the provided intelligence – letting the coup be attempted, in a controlled way, to strengthen its powers (BirGün, 2020). The coup was initiated by a former ally of the AKP, the Gülen movement, an organized religious cult, whose presence and cadres in the military, and also in

the bureaucratic spheres and particularly in the judiciary, which had been set up by the AKP government in the first place (see Glombitza, 2021; Milan, 2016; Rogenhofer, 2018). Erdoğan later referred to this failed attempt, which was repressed in one night, as “the grace of Allah” (2016), overtly pointing at the possibilities that this failed attempt provided him to fortify his power. This was witnessed after the declaration of a countrywide state of emergency on July 21, 2016, which was extended seven times every three months for a total of twenty-one months.

Starting with the state of emergency, statutory decrees requiring only Erdoğan’s approval has become the primary source of law within the Turkish penal system in practice, resulting in the imprisonment of the parliamentarians of the opposition parties, especially the HDP, including its co-chairs, more than 70,000 students, more than a hundred journalists, human rights activists and lawyers, and the dismissal of thousands of academics, teachers and medical doctors from their institutions (Human Rights Watch, 2018). The Municipal Act changed with the 674-numbered-Statutory Decree enabled the government to assign trustees to municipalities. Following this change, almost all the municipalities of the HDP were assigned trustees, and their elected mayors were arrested, charged with being members of a terrorist organization.

Being equipped with limitless legislative, executive and judicial powers canceling any other control mechanisms, Erdoğan put a “de facto presidential system” into practice in Turkey, exceeding the limits of his presidential powers defined by the constitution (Akman & Akçalı, 2017, p. 579). In order to provide a legal framework for this de facto presidency, a bill for a constitutional amendment in the governmental system was designed, proposed and accepted by the majority of the AKP and the MHP in parliament, setting a referendum for April 16, 2017, under the state of emergency rule. The results of the referendum were 51-49% for the ‘yes’ vote with the controversial decision by the Supreme Electoral Council accepting non-stamped ballots as valid, which eventually resulted in the constitutional amendment – changing the governmental system of the country into a presidency and withdrawing the functions of the parliament. Therefore, when the state of emergency was lifted on July 17, 2018, it was only on paper, as the state of emergency turned into a rule in this new governmental system, officially transforming the country into the regime of Erdoğan. The statutory decrees that became equated with the demands of Erdoğan continue to substitute the laws as of 2022.

As described above, until the 1990s, the Kurdish entity and language had been entirely rejected, denied and only accepted as a form of Turkishness. However, after the 2000s, a new period of “exclusive recognition” (Saraçoğlu, 2014) begun, and this is still ongoing. This new period of exclusive recognition

results in discrimination by marking Kurdish ethnicity as evil, reflecting the obstacles surrounding the use of Kurdish. Despite the removal of all legal bans on the use of language after the 2000s, different social and legal obstacles are used to criminalize the Kurdish. Despite being currently legal, the use of Kurdish, when used in public domains ranging from the oral defenses at the courts to parliament speeches, is criminalized in practice as the language of terrorist propaganda referring to the anti-terror law. Therefore, despite the changing policies, laws and practices, Kurds have been systematically excluded from politics and social life due to a widespread fixed Turkish nationalism, which is constantly reproduced within society through the ideological apparatus of the state (Kirişçi & Winrow, 2004).

Chapter Three

Research Site: “When we understand why Diyarbakır is actually Amed...”

By drawing on the historical references provided by the previous chapter, this chapter briefly provides a presentation of the research site, Amed, wherein I conducted my ethnographic fieldwork from April to September 2019. After a quick look at Kurdistan and Northern Kurdistan, this section puts forward the political, historical and socio-cultural significance of Amed. Following an explanation drawing on a historical backdrop of the two different namings of the city Amed, which is officially called Diyarbakır, I describe the city’s significance for the Kurdish movement and touch on the dynamics and agenda of the city when I arrived there in April 2019 to conduct my fieldwork.

Kurdistan is the politico-historical name of the geography encompassing Upper Mesopotamia and the region up until the Erzurum-Kars Plateau in the north and the Zagros Mountains in the east.¹⁷ In the region, Kurds had autonomous emirates and semi-autonomous administrative units under the central rule of the Ottoman Empire. With the collapse of the Ottoman Empire after the First World War, Iraq, Syria, Jordan, Palestine and Lebanon became colonies (mandates). Kurdistan was not established as a state on its own but was divided instead. The southern lands were left to Iraq under British mandate, the western lands were left to Syria under French mandate and the Northern lands were regarded as part of modern Turkey. The eastern part of Kurdistan went through another process of being under the control of Iran since the mid-17th century (Beşikçi, 1991, pp. 62-63). Even though there have been

¹⁷ See map, in Figure: 0:1.

different practices and struggles in these four parts of Kurdistan¹⁸, they share the experiences of being colonized. From politico-legal domination to the economic exploitation of their resources and labor and the social and cultural erasure that the Kurds have been exposed to were colonial practices. What is different from the traditional sense of colonialism is the status of being a colony. Kurdistan was not recognized to even be regarded as a colony, despite being, as Beşikçi defines, an “interstate colony” (1991, p. 61).

This research focuses on Northern Kurdistan (*Bakur*), which officially refers to the eastern and southeastern regions of Turkey. Throughout the study, however, there are inevitably also references to the other parts. Since it also has a significant impact on the contemporary politics in Northern Kurdistan, Rojava’s¹⁹ self-proclaimed autonomous administration (currently also known as AANES, Autonomous Administration of North and East Syria), that consists of one-third of Syria since the defeat of IS by Kurdish forces in March 2019, is particularly emphasized by the empirical material collected. The fieldwork for this research lasted five months in Amed, the symbolic capital of all of Kurdistan. Amed is not only symbolically considered as the capital but is also treated as one in practice. It is the cultural and political capital of Kurdistan and, particularly, the center of political organization in Northern Kurdistan.

I want to begin with a clarification on the naming since it is possible to see Diyarbakır and Amed used interchangeably throughout the text. The city is officially named Diyarbakır, and a remark made by one of its inhabitants during an informal conversation provided the title for this chapter: “the day we understand why Diyarbakır is actually Amed, then we can hope for social peace.” I attempt to briefly show two different reference points adopted in naming the city, what they symbolize and what kinds of historicizations they enable, which I continuously come back to in the following chapters.

¹⁸ It is significant to note that the Soviet Union used to have Kurdish provinces within the borders of Armenia, and some groups argue that Kurdistan actually consists of five pieces, including the provinces now in contemporary Armenia. However, there are no more Kurdish inhabitants in those provinces due to the forced resettlement policies applied. Those policies led to the mass transfer of Kurds to Central Asia in 1944 (Beşikçi, 1991).

¹⁹ *Rojava* means West in Kurdish and refers to Western Kurdistan. It is common to see the naming of the regions after their Kurdish meanings. Therefore, *Bakur* (North), *Başur* (South) and *Rojhilat* (East) are the names referring to the other parts of Kurdistan.



Figure 3:1 Bilingual sign for the Amed/Diyarbakır Metropolitan Municipality, April 2019.

It is possible to trace the conflict regarding the naming of the city in everyday life, from wall writings to the signs of institutions. While on Kurdish signs, it seems that the naming of Amed is more acceptable, as Figure 3:1 shows with the bilingual sign of the Metropolitan Municipality referring to the city as Diyarbakır in the Turkish sign and Amed in the Kurdish one, the wall writings saying “here is Amed” in Turkish were being refreshed every day as Amed keeps getting crossed out, as Figure 3:2 illustrates. In other words, Amed is used as the Kurdish translation of Diyarbakır, and when it is used to refer to the city in a Turkish sentence, then it gets a reaction.



Figure 3:2 The photo on the left shows a wall writing saying “Here is Amed” in Turkish. In the one on the right, Amed is crossed out leaving only “Here is” on the wall, May 2019.

Therefore, it is significant to look at where these names originate from to understand the spatial divisions within the city. Is it only a linguistic fight between Turkish and Kurdish names of the place? When we go deeper, it

becomes apparent that this is not the case, as Diyarbakır is not a Turkish-originated name, nor is Amed proven to be Kurdish.

Located in Upper Mesopotamia, Amed is a historical city founded in 3000 BC by the Assyrians as *Amida*. The oldest record that can be found on the city's name is the inscription of *Amid* or *Amidi* in 200 BC on the sword of the Assyrian King Adad-Nirari. References to the city can also be found in the registries of the Roman and Byzantine Empires. In their records, the references to the city's name at that time change among *Amid*, *O'mid*, *Emit* and *Amide*. The Turkmen tribes that later came to the city called it "Black *Amid*," referring to the valuable black basalt used in the architecture of the city (see Bennett, 1998; Gunter, 2010). It is believed that it was after the arrival of the Arabic tribes to the city that it was named as *Diyar-i Bekr*, meaning the place of *Bekr* and referring to the second Caliph Abu Bakr. During the rule of the Ottoman Empire, the semi-autonomous administrative unit of the province is remained as *Diyarbakir*, though the central city, now the Sur district, was still being called *Amid*. After the proclamation of the Turkish Republic in 1923, the name of the province remained Diyarbakir until it was officialized as Diyarbakır by the Turkish Language Society, following Mustafa Kemal's demand²⁰, in 1937 (Bennett, 1998, p. 13). Therefore, rather than being the Turkish and Kurdish names of the city, Diyarbakır and Amed refer to different historicizations of it.

It is significant to note that the city's naming is less controversial than the other Kurdish settlements in Northern Kurdistan, whose names were changed during the Turkish nation-state building following a number of massacres. One very strong example can be traced in the naming of Dersim, a Kurdish-Alevi province in Northern Kurdistan that was officially renamed as Tunceli, meaning 'the bronze hand,' symbolizing the state's power in 1935 under martial law. Tunceli is also the name of the military operation that killed tens of thousands of people in 1938. The Dersim Massacre (Tunceli operation) is recognized as a genocide of the Kurdish-Alevi inhabitants by many scholars (e.g., Beşikçi, 1992; Bruinessen, 1994). Therefore, adopted naming is strongly revealing and connected to a political positioning regarding the massacre in the

²⁰ There are two popular claims about this demand. One group argues that this demand was for it to sound more Turkish-originated due to the linguistic rule of 'palatal harmony' in the Finno-Ugric and Turkic languages which requires a word to contain either all back vowels or front vowels and that the compound words assimilate when articulated according to the last syllable of the initial word. In other words: *bekir* should assimilate according to the vowel of the 'a' in the last syllable of *diyar* according to the rule, even though the word of *diyar* overtly is not Turkish-originated. The other claim draws on the word of *bakır* which means copper in Turkish and suggests that his demand was to reformulate the name of the city as the place of copper by removing the reference to the second Caliph Abu Bakr.

Dersim context. In comparison, the attachments are not that strong in Amed. Referring to the city as Diyarbakır is much more acceptable, unlike the other examples, and does not openly show a political attachment since Diyarbakır (Diyarbakir) is also a historical name of the place before the Turkish nation-state building. Therefore, in the following chapters, it is possible to see that some research participants name the city Diyarbakır. However, the Kurdish freedom movement particularly promotes the naming of Amed to refer to the memory of the city that goes back to the era before the Islamization of Anatolia. This historicization attaches a meaning to the word of Amed as well. Although such a meaning is not found in its old or current usages, Amed is popularly believed to mean ‘the freed place’ in Assyrian and is introduced into Kurdish with that meaning (see Gunter, 2010; King, 2013).

The political and cultural memory of Amed is one of the main motivations behind its choice as the research site, together with its symbolic significance mentioned above. Until the beginning of the 20th century and the Ottoman-Turkish modernization process, the city also had a large Armenian and Assyrian population. The first homogenization step of the Ottoman-Turkish modernization process targeted non-Muslim populations in the Armenian Genocide in 1915.²¹ The Armenian Genocide, and the dechristianization policies in general, caused the destruction of the city’s large native Armenian and Assyrian communities and their cultural heritages to facilitate the Islamization of the city. Muslimization was not the only part of this process, but the ultimate target was to create the Turk’s homeland (Öktem, 2003, p. 3) that aimed at purification which eventually targeted the non-Turkish populations. Therefore, the 20th century also witnessed several Kurdish rebellions and their bloody repressions. Amed became both the center for the early Republican Kurdish uprisings and the military-administrative headquarters for the Turkification of Northern Kurdistan (Özsoy, 2010, p. 14).

The first Kurdish rebellion of the early Republican period (1923-30) was initiated by Sheikh Said in 1925 in Amed and lasted for three months. It was also repressed in a bloody way like its predecessors, and Sheikh Said and 45 of his friends were publicly executed by the Court of Independence, established by Mustafa Kemal, in Dağkapı Square in Amed. Sheikh Said and his friends’ dead bodies were interred in a mass grave around Dağkapı Square, still unmarked to this day (Özsoy, 2010, p. 103). Amed remained the center

²¹ The socio-economic, political and ethical consideration of the Armenian Genocide, which caused the deaths of more than one million Armenians, stands as a broad field. The literature on it consists of a highly significant academic body of work (see, e.g., Akcam & Kurt, 2012; Altınay & Çetin, 2013; Çetin, 2004; Dündar, 2008; Kevorkian & Papoudjian, 2012; National Archive of Armenia, 2014; Sarafian, 2011).

both for the Kurdish freedom movement and the aggressive purification policies of the Turkish state in the 21st century. By becoming the political and symbolic center of the PKK, whose armed struggle is accepted as triggered by the systematic torture and extrajudicial killings and the hunger strikes and protest suicides countering these practices in the Diyarbakır Prison after the 1980 coup d'état (Zeydanlıoğlu, 2009, p. 37) it accordingly witnessed the harsh repression by the state as a part of its broader policy followed in Northern Kurdistan. Correspondingly, the city has been ruled by a regional OHAL governorship until 2002, marked by thousands of enforced disappearances, mass detentions, systematic torture and unidentified murders. All these consolidated Amed's status as the informal capital of Kurdistan, also in the eyes of outsiders (Özsoy, 2010, p. 15). This became especially apparent during the peace process declared in Amed in March 2013, during Newroz celebrations, with a letter sent by Öcalan. The letter declaring the beginning of the process was met with great enthusiasm by the millions participating in the celebrations. During the peace process, Amed also gained diplomatic significance as one of the two centers along with Ankara that the process sustained, implying its semi-recognition as the capital. The diplomatic visits from EU representatives and the ambassadors of several foreign countries also covered Amed besides Ankara until 2015, shortly before the peace process dissolved.

This memory of intense power interplays from repressions to resistances in the city, from the Armenian Genocide to the Turkish nation-state building and the Kurdish freedom movement, has become significant in the subjectification processes in Northern Kurdistan, making Amed a remarkable field to trace this multilayered memory. This memory is evident in the political engagement of the city's inhabitants. Amed is referred to as the "castle of the Kurdish political movement," reflected in the vote rates of the pro-Kurdish parties, which, for example, increased up to 80% vote rates of HDP in some districts of Amed in the local elections in 2019 (see Yüksek Seçim Kurulu, 2019). However, besides the elections, everyday life in Amed is highly politicized. The coffee houses wherein the elders spend most of their day are called the "academies of politics," wherein intense political readings and discussions concerning the political agenda are engaged. The neighborhood with many coffee houses together is referred to as the "Supreme Political Council" by locals. It is possible to trace political references in the names of the shops ranging from the names of the locations of the PKK bases to the historical references contesting the ones enforced by Turkification. Conversations among people sitting in the streets of their homes are always on the latest political agenda, so much that it is possible to get updated concerning the breaking news only by

walking in the streets. Neighborhood reading groups are also quite common. This makes inhabitants not only politically engaged and updated but also highly knowledgeable on some social theories, regardless of the level and type of the education they received, leading to people from different cities of Northern Kurdistan to jokingly refer to Amed inhabitants as ‘philosophers.’ Such networks also become visible in the collective political actions in the city. It is possible to see shutter-down strikes to protest a particular violation with almost all shopkeepers’ participation.

Besides its historical and political significance engraved into the city’s memory, Amed also provided a linguistic advantage to this research. The Kurdish language provides a crucial axis of resistance in the context of nation-state-oriented policies. Despite the practices of renaming places in Turkish, the original Kurdish and Armenian names are used in the daily life of Amed. This makes it possible to trace the memory through language, for example in the mass graves through the original Kurdish and Armenian names of their locations. Since Kurdish was prohibited for a long time, it presents a preserved field of memory. Kurdish has been reformulated as the source of the counter-narrative and spatialization in the region. *Newala Kuştiya* (Stream of Dead), *Şikefta Xwîni* (Bloody Cave) and *Newala Qetlê* (Stream of Massacre) are just a few examples from Amed that mark the mass graves through language. Although the places have been destroyed physically, they remain through the language.

Considering its demography, Amed has a large urban and rural population totaling 1,756,353 inhabitants according to the census conducted in 2019 (Türkiye İstatistik Kurumu, 2020). The most remarkable difference between its urban and rural areas is the use of language. Although the mother tongue of its population is the Kurmanji dialect of Kurdish, in the urban settlements the use of Turkish in everyday life is more common, especially among the children. Most of the population in urban Amed is bilingual, although it is quite common to see communication problems between the children and their grandparents. While the elders speak in Kurmanji, most of the children do not know their mother tongue in the central districts of Amed, unlike in the peripheral districts and villages (Birgül, 2015, p. 26). This difference between the urban and rural settlements hints at the spheres to which these languages are attributed. The influence of Turkish is much more visible in urban settlements, especially in a metropolitan city such as Amed, as mentioned. When I compare the everyday life in central Amed, not only with its rural settlements but also with the small cities such as Şırnak, wherein I conducted a previous ethnographic study in Northern Kurdistan, this difference gets even more remarkable as in Şırnak, the everyday life was almost entirely flowing in

Kurdish, unlike central Amed. Even though it is an empirical question, it would not be misleading to argue that this points to the meanings attached to these two languages. Turkish is urbanized by being the only official language, language of trade, industry, education, and business, whereas the years-long bans on the Kurdish language and its restriction within the private sphere— even after the removal of the legal bans— by being prevented from being used in the public spheres, in general, leads Kurdish to be the language of the rural.

The population of Amed is shaped by three major immigration waves. It was primarily for economic reasons in the 1970s, whereas during the 1990s it was due to the war. The one in the 1990s was the most striking wave due to the forced displacements and villages burnt down by Turkish security forces and by the hands of JITEM. This wave tripled the population of Amed in the 1990s, although the migration to Western Turkey and Europe was also very high (Gambetti, 2009a, p. 100). The third immigration wave, which also dramatically affected the population, happened after the collapse of the peace process in 2015. Amed has become the second home for the internally displaced Kurdish population in the region once again, after the urban warfare initiated in fifteen urban centers in Northern Kurdistan. The historic urban center of Amed, Sur district, is one of the places in which urban warfare lasted the longest.

Against the backdrop of the self-proclaimed autonomies in fifteen urban centers, including Sur, and counterinsurgency initiated by the Turkish military, the urban warfare in Sur was accelerated even more after the murder of Tahir Elçi. He was a human rights activist, lawyer and the chair of the Diyarbakır Bar Association and was murdered in Amed on November 28, 2015, during a press briefing he organized to prevent the destruction of the Four-Legged Minaret, a symbolic historical artifact under great danger due to the military operations. His murder remains unidentified to date, although it took place during live broadcasting. Following his murder, the armed conflict was spread in the Sur district of Amed.

The curfews in Sur lasted for 103 days, and the warfare resulted in the deaths of ninety Kurdish militants and civilians²² (Halkların Demokratik Partisi, 2016, p. 80), sixty-five Turkish soldiers and police (International Crisis Group, 2016, p. 20), destruction of six neighborhoods and displacement of more than twenty-four thousand people from Sur alone, while across the region the figure is likely to be around half a million (Amnesty International, 2016, p. 5). After the

²² These numbers are still not certain, considering that these are based on recorded deaths. After the cessation of warfare, human remains were found under the wreckage of demolished houses and by the banks of the Tigris River.

warfare, seventy percent of the Sur district was displaced (Halkların Demokratik Partisi, 2016, p. 63), and the state initiated gentrification projects in the demolished neighborhoods. The satellite view of Sur before and after 2015, in Figure 3:3, shows the level of destruction.

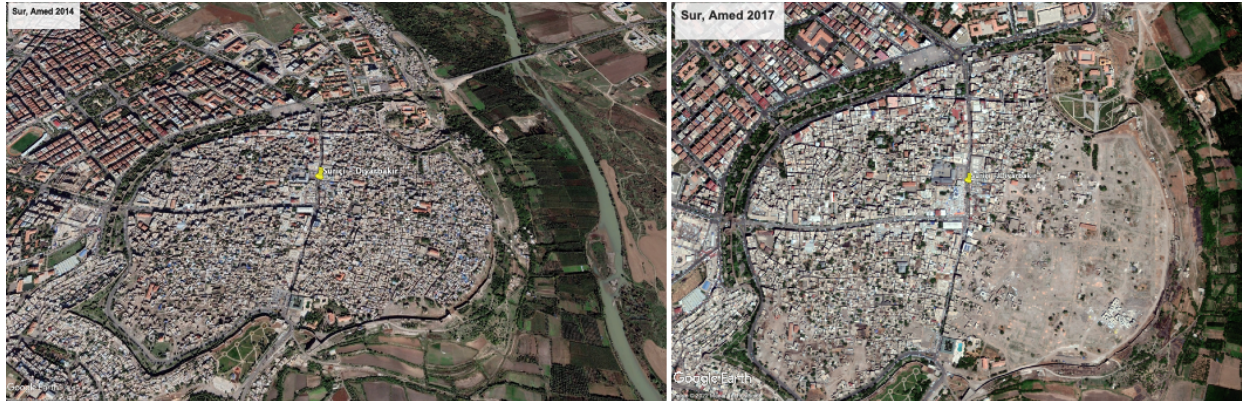


Figure 3:3 Satellite view of Sur before and after the destruction in 2015-6, Google Earth.

The repressive policies and practices were systematized after the collapse of the peace process. Due to the coalition between the ultra-nationalist MHP and the AKP, the state of emergency and the eventual change in the governmental system, they primarily targeted the Kurdish movement. When I arrived at Amed for my fieldwork on April 4, 2019, the situation was significantly impacted by this picture, with hundreds of military control points within the city, concrete blocks surrounding the state institutions, armored vehicles as a part of everyday life and Turkish flags and photos of President Erdoğan all over, resembling a city under occupation (see Figure 3:4). The two significant points on the city's agenda were the local elections held on March 31, 2019, in which the HDP mayors were elected back to office in all the municipalities assigned trustees, including the Metropolitan Municipality of Amed²³, and the hunger strikes and protest suicides that were ongoing in prisons.

²³ The newly elected mayors were also removed from office and arrested five months later. The government assigned trustees to the municipalities once again.



Figure 3:4 Turkish Flags and Photos of Erdoğan, Amed, April 2019.

Hunger strikes with the participation of more than seven thousand political prisoners and five hundred activists all around the world, demanding an end to the years-long solitary confinement of Abdullah Öcalan by securing him regular access to his family and lawyers, lasted for two hundred days, during which eight political prisoners lost their lives due to their protest suicides. Hunger strikes ended following the call of Öcalan, who was allowed to be visited by his lawyers and family members. The period of hunger strikes was marked by regular sit-in protests by the Peace Mothers, a civil rights movement founded by the mothers of PKK guerillas and political prisoners, adopting an anti-militarist stand asking for peace and non-violent solutions in the Kurdish issue all over the country. The Peace Mothers became a part of the everyday life of Amed for three months, illustrated by the scene from one of their protests shared in the introductory chapter (see also Chapter Eight).

My plan to extend my fieldwork to the peripheral districts and villages was postponed for three months because of the ongoing military operations and curfews in the rural areas, most of which were declared as military security zones to which entrance was restricted. When I could find a chance to visit some villages and rural districts, the operations were still ongoing despite the removal of the military security zones. Deciding on the research site in this study was neither random nor based merely on feasibility. It was also a

significant methodological concern to answer the research questions raised. I attempted to provide a broad picture of the city within this section. The living memory of the city, subjectification processes and spatializations evident make the city one of the most remarkable fields to trace the relationalities in question.

Amed is a big city with large urban and rural settlements gathering dynamics in Northern Kurdistan that can be individually traced in different forms in smaller cities. In Amed, being a metropolitan area, large-scale state institutions have significant visibility in the city center. The intensity and size of such institutions provide Amed with a large population of state officials appointed to the city from different parts of Turkey, reflected in the segregation of the residential areas. As Chapter Seven will illustrate, Amed currently has multiple city centers whose social life is separated from one another. Soldiers and state officials appointed to the city ranging from judges, and prosecutors to teachers, to name a few, mostly form their own residential areas marked by gated communities with particular social facilities. This visible segregation makes the influence of Turkishness more accessible to trace. On the other hand, the particular districts have their own networks, forming stateless settings apart from the surrounding large-scale state institutions (see Chapter Eight). Moreover, during my fieldwork, while in the city centers, the daily life was flowing with a lively social life, in the peripheral districts and villages, as I mentioned, there were ongoing military operations and armed clashes. Therefore, there is evident segregation of and contestation between these multiple daily lives of the city. This was told me that remarkably felt especially during the urban warfare in Sur when the social life with concerts and a vibrant nightlife continued in different city centers despite the intense armed clashes ongoing in Sur, which is even within walking distance from these locations. This multiplicity of daily lives and relationalities of different webs of power and resistance embedded in various and complex forms in Amed led me to engage a recontextualization over again to answer each research question raised, marking the methodological significance of the choice of Amed as the research site for this study.

Chapter Four

Methodological Considerations

This chapter, organized into five sections, specifies the methodological considerations of this study. Drawing on ethnography and ethnographic contextualization, I provide the theoretical positioning held by ethnography in this research and continue with a problematization of everyday life. The second section presents the methods employed by this ethnographic research, namely participant observations/observations of participation, semi-structured interviews and document collections, and the empirical material they generated. The third section makes the analytical process explicit. Drawing on the analytical tools whose theoretical imprints are presented in the following chapter, the discussions continue in the fourth section, on analytical concerns, possibilities and analyses by introducing noncontainer space into the analysis to facilitate both an analysis of space and a spatial analysis, following the presentation of the “triad of power-knowledge-space” (West-Pavlov, 2009, p. 149) and *dispositif*. The discussion of the empirical appearance of boundaries that in turn enables various analytical possibilities is briefly discussed in the first subsection of this section. This presentation of space, analysis and boundaries is followed by the inquiry of law through its spatialization. This chapter is finalized by its last section on ethical considerations, raising questions concerning reflexivity, positionality and ‘giving back’ to the field.

4.1. Ethnography

I arrived in Amed on April 4, 2019, and left on September 3, 2019. I rented a room with the help of my friends in Amed in an apartment in the city center

and became housemate to two women and two cats. During these five months, I made friends, gained some daily routines from walking at the park close to the building I lived in and becoming a regular at a café, volunteered for some NGOs supporting them in some daily tasks, found myself with good neighbor relations, enjoyed the active social life of the city, drank liters of smuggled tea, traveled to distant villages and stayed overnight at some, joined protests, sometimes had long walks alone by the Tigris River and the historic narrow streets of Suriçi that had survived demolishment, gave a city tour to my friends visiting Amed for the May Day demonstrations, travelled to different cities in Northern Kurdistan, finally could visit Dersim for the first time for a one-night camping trip by the Munzur River, met activist groups, was a guest at their tables and discussed for hours, conducted interviews and participant observations, spent hours at the Bar Association and Human Rights Association collecting documents or just having conversations, witnessed the assignment of trustees to the municipalities and understood it from the soldiers raiding the apartment of our downstairs neighbors working at the municipality at 4 am before it was on the news. Where was the field? When was I in the field conducting my research? When was I conducting observations or just spending a calm day with my friends?

There is no ethnographic field that simply exists, waiting to be discovered with its concrete boundaries. Rather, it emerges through constructions (Amit, 2000). During ethnographic fieldwork, trying to distinguish the personal from the research-related is not only challenging but illusionary, similar to the illusions of ‘entering’ and ‘leaving’ the field. Ethnographers are in the field, and, at the same time, they are the ones who construct the field. It is very much embedded in their very understandings and associations. Therefore, I understand the field as “performed” (Coleman & Collins, 2006). It emerges within shifting boundaries “through a play of social relationships established between ethnographers and research participants that may extend across physical sites, comprising embodied as well as visual and verbal interactions” (ibid., p. 12). The field is constructed differently every time through these relationalities. Performances can be repeated or transformed in time and, even without the physical presence of the research participants, construct and evoke the field not only during the research but even in the writing process (ibid., p. 12).

This thesis, therefore, is a continuous ethnographic contextualization, starting with its field that is constructed and evoked in each phase. From design to data collection and analysis, writing to reading, it attempts (and invites) a (re)contextualization. It is indeed inductive in the sense that it draws on the empirical material, yet circular as I was already familiar with Amed, had

conducted previous ethnographic research in Northern Kurdistan and already had some theoretical frameworks in mind which all constructed the ‘field’ in the research design, enabling a panoramic view (Fetterman, 1998, p. 94) prior to the fieldwork. Some parts of this initial view are either strengthened or removed. New views are added or articulated in each step, from data collection to analysis and writing. Even though this thesis is the final textual product of this circular process, it is not a finalized product or an ultimate portrayal. It instead attempts to present a processual, dialogic, dynamic and relational account. It is open to have different views attached, be assigned different meanings and contextualized differently. Therefore, this study is not finished. It is and will always remain open to further contextualizations. It is characterized by its loose ends, hence is loyal to “ethnographic writing,” which, Graeber (2009) suggests, is theoretically and socially informed but goes beyond both of their constraints by revealing their contours (p. vii).

This movement going beyond the constraints of both the social and the theoretical by revealing their contours also informs my positioning in the discussions regarding the place of theory in ethnography. Indeed, “ethnography is a constant surprise [that] gives rise to fresh theoretical insights as it evolves” (Flood, 2005, p. 51). However, to what extent a theory-free preliminary ethnographic research design is possible or even whether theory is at all desired in ethnography is an everlasting discussion shaped by ethnography’s travel across different disciplines. Whether an ethnography that is not driven by theory leads to an analytical flaw prioritizing the ethnographer’s own moralistic stand without a critical distance from research participants (Wacquant, 2002) or ethnography should combine social theories at hand with local knowledge (W. J. Wilson & Chadda, 2009) characterizes the debates on the weight of theory in ethnography. I adopted a circular relationship with the theory throughout.

I argue that a theory-free preliminary research design is not possible in practice when taking the researcher’s already existing theoretical competencies and knowledge into account, and this does not necessarily harm the inductiveness of ethnography. As Fetterman (1998) says, “the ethnographer enters the field with an open mind, not an empty head” (p. 22). Therefore, by having theoretical frameworks in mind prior to the fieldwork—inevitably, I would argue—I let them be shaken by the field, and, eventually, theory played a role in making sense of and revealing the contours of the social context. Reciprocally, the new analytical insights that stood out in the analysis of the ‘social context’ reformed the theory, disclosed and expanded its contours. In other words, not only the analysis but also theorization is circular. Therefore, I think neither theory nor ethnography has strict constraints that place them

either completely embedded or entirely segregated. I understand the theory as an ‘observational angle’ – rather than strict conceptual patterns – to which ethnography contributes with more perspective. Ethnography as the “instrument of knowing” (Ortner, 1995, p. 173) is not only informed by but also informs theory with the knowledge(s) it reveals.

4.1.1. Contextualizing everyday life

Many things have changed since Geertz (1973) advocated for a “thickness” in ethnography. Since then, the thickness has been attributed to different characteristics ranging from detailed descriptions to the richness of the material, from the multiplicity of microscopic depictions to holistic portrayals, but the context required for this thickness remains. A thick context of everyday life, I would suggest, can be enabled through a problematization of everyday life that turns relationalities into ethnographic objects to be looked at in the inquiries. In other words, I do not follow a classical ethnographic approach that attempts the discovery of the hidden, as I am informed by an ontological and epistemological positioning arguing that there is nothing behind the appearance. Appearance is already complex, as it is subjected to relationalities. Therefore, appearance (and disappearance) substitutes the ethnographic objects in this study’s inquiries, and these inquiries become interested in revealing rather than discovering.

By understanding law and justice as ethnographic objects drawing on such an ethnographic approach, I was able to analyze them as they surface in everyday life and the meanings and forms they are attributed – in their multiple appearances and disappearances. On the one hand, law and justice, turning into ethnographic objects, convey meaningful information concerning the subjects who produce and reproduce them by attributing new meanings and names. Inquiries into the webs of relationalities – wherein these meanings and names are enabled – facilitate revelations of law and justice in their particular forms, on the other. Against the backdrop of the research aim formulated as the exploration of the ways the relationship between law and justice is formulated in Northern Kurdistan in order to understand how different subjective experiences relying on different historicizations inform their converging and receding formulations, ethnography becomes a suitable methodology. Ethnography of law and justice in its multitudinous and complex appearances can reveal the dynamics of the contexts wherein they are (re)produced. By analyzing locally embedded emergences, shifting meanings, values, and categorizations, ethnography enables to answer the research questions raised. Each of the three questions focuses on particular dynamics in Northern

Kurdistan, ranging from the exclusions by the Turkish state, resistances to these, and large-scale mobilizations through the widespread influence of the Kurdish freedom movement. All these relationalities are socially embedded in the daily life of Amed and can be accessed in their complex connections and segregations by drawing on an ethnographic approach. Therefore, ethnographic analysis conducted by this study engages in a recontextualization, as mentioned, and problematization of everyday life.

In order to engage in an everyday life problematization, I am informed by Atkinson's (2015) definition of everyday life. He breaks everyday life into its components to enable its problematization. According to him, everyday life is *skillful*. Therefore, it has knowledgeable social actors. There is knowledge produced locally, which is accessible to its social actors. So, the *locality* is another aspect of everyday life. The local here is not understood in a container space nor merely topographical, but it is indeed spatial in the sense that it links its actors to one another through shared knowledge by hinting at a network among them. Everyday life is characterized by not only its locality but also *physicality*, since the social actors have bodies that are made competent in terms of techniques and practices to carry out the particular everyday conduct of that locale. Its physicality moves beyond the bodies and places to a broader form of *materiality* that includes any material artifact used in the conduct and organization of everyday life. Social actors are situated within "densely coded and richly nuanced systems of semiotics," (ibid., p.17) which makes everyday life *symbolic* at the same time. Languages, discursive formations, texts, forms of speech acts, narratives and any other performances, either spoken or ritualistic, are parts of everyday life's interactions and are produced by various meanings that are not fixed but in a circular production. So, everyday life is *performed*. Affections, memories, language acts and the other dimensions that make up the social identities are performative, that is to say that they are not given nor coincidental, but the self is always social and enacted within everyday life. By further drawing on the *temporality* of everyday life, which is not always a clockwise lapse, everyday life is characterized by its own rhythms, cycles and time patterns. Temporality is also contextual and makes its own (every)day based on its particular flow that is not necessarily linear (ibid., pp. 16-18).

I suggest that a contextualization of a particular everyday life tracing the forms of skills, social actors (subjects), knowledges, locals, particularities, spatializations, embodiments, materials, symbols, performances and temporal patterns is what makes this research ethnographic. A complex grid of relationalities appears by reflecting on these components of everyday life and disappears from the very surface of that everyday life. Therefore, by tracing

these reflections on these components, a reveal can be facilitated and, by a (re)contextualization engaged through disappearances, the web of relationalities making these appearances possible can be understood. What I attempt by using ethnography is to trace the multiplicity with snapshots of the movements and dynamicity taken through everyday life contextualization. By tracing the clashes, collaborations and relations between these snapshots of everyday lives, I aim to provide an ethnographic mapping. These snapshots rely on the empirical material presented in the following section, its organization and reorganization (multiple times).

4.2. On the methods and empirical material

The data collection for this research is mainly conducted during a five-month-long ethnographic fieldwork in Amed, Northern Kurdistan, from April to September 2019. Data collection methods are shaped throughout the fieldwork, even though the participant observations and two sets of interviews were planned to be conducted in advance. The empirical material took its shape after the fieldwork, however, and so it reflects the oscillations and the movements within the research site since I attempt to trace and cover details appearing during my fieldwork to capture the complexity of everyday life. During my fieldwork, I came to think of Amed as a spatial labyrinth. The density of networks, ways of becoming and the ongoing daily routines that both reflect and hide the intense political agenda are attempted to be captured by multiple data collection methods that generated various kinds of empirical material.

Although ethnographic fieldwork is mainly characterized by enabling an engagement with the daily life contexts, allowing a multilayered, local, contextual analysis, it advocates for the engagement of different, mostly qualitative, methods to reach the details. I employed three main methods in my data collection: participant observation, in-depth interviews and document collection – despite the extent of the complementary sources of data collected to deepen the contextual understandings and used mostly for descriptive purposes or enhancement of the contextualization under inquiry rather than being included in an in-depth analysis. This section draws on the methods implemented for the data collection and presents the forms of empirical material they generated. The methods employed are presented under the following three sub-sections addressing my concerns, access and the empirical

material produced by participant observations, in-depth interviews and document collection.

4.2.1. Participant observations and observations of participation

One of the main data collection methods employed by this research is the participant observations conducted both on specific occasions and spontaneously throughout the fieldwork. These settings for the participant observations were accessible for me from the very beginning of the fieldwork as facilitated by my acquaintance with the city and the field, which also provided me with contacts that I either personally knew or was introduced to by a friend before I arrived in Amed. Indeed, my access got even more feasible over time, prompted by ethnography.

The specific occasions involve the following: four cemetery visits with the families of guerillas who lost their lives, two of which were conducted on the first days of both Eids – *Ramadan* and *Qurban*; two visits to the *dengbej*²⁴ house during which songs were recorded and then transcribed; two visits to mass graves; participation in one condolence in a mourning-house; almost daily participation in the sit-in protests of the Peace Mothers during hunger strikes and weekly participation in the gatherings of the Saturday Mothers.²⁵ A larger part of my fieldnotes, however, is based on spontaneous observations. Living in Amed for five months made the organization of a café, wall-writings, traffic flow, songs played onboard public transportation, billboards, street musicians and any small details coming to mind as parts of a daily routine to take place in my notes. The surrounding details of the interviews, which were mostly conducted in the respondents' homes, also form an extensive part of

²⁴ *Dengbêji* is a Kurdish oral cultural tradition. The etymology of *dengbêj* comes from the Kurdish words of *deng* (voice) and *gotin* (to tell) (at present tense: *dibêjin*) (Bochenska, 2005). It can be described as singing stories without musical instruments, usually improvised.

²⁵ Following the example of the 'Mothers of the Plaza de Mayo' in Argentina, mothers of victims of enforced disappearances made a call for regular silent action, asking for "disappeared to be found and perpetrators to be punished." They are called Saturday Mothers and are currently also known as Saturday People. They gathered every Saturday at Galatasaray Square, Istanbul until 1999 when they had to take a break due to the constant police attacks. In 2011, Saturday gatherings started again, this time together with the relatives of the disappeared in Cizre, Şırnak, Amed and Batman, Northern Kurdistan. During my fieldwork, Saturday Mothers/People in Amed used to gather in the Human Rights Association conference room due to police barricades surrounding the park where they usually gathered.

my fieldnotes, together with the daily routine in the HRA (Human Rights Association) Amed Branch and one other rights-based NGO.

Throughout the fieldwork, I took field jottings mainly in a small notepad or, when not possible, I recorded my voice or took notes on my phone on a daily basis, then translated them into detailed field notes during the evenings. This generated more than a hundred pages of field notes at the end of the five months. My main goal in undertaking participant observations was to map everyday life—of the city, of a particular social setting, of a specific occasion—adopting the understanding of the everyday life I introduced in the previous section. I preferred to mainly use a notepad because I also had some drawings and sketches. I either used these sketches as reminders and translated them into written notes in the detailed fieldnotes or took their photos and pasted them in the document where I was keeping my field notes before tearing the pages, which I was doing after their translation into detailed fieldnotes for ethical concerns (as elaborated in the following section).

Participant observations are considered the primary source of data collection for ethnographic inquiries. However, they are also controversial both ethically and methodologically. Therefore, it is significant to acknowledge its paradoxical characteristics that have been long discussed by ethnographers, which eventually introduced reflexivity as an inseparable component of the ethnographic practice and, in particular, participant observation. The positivist suggestion of accuracy believed to be provided by an objective recording of the ethnographer based on her observations is indeed problematic when the multiple formations within everyday life and the limits of objectivity in such an intersubjective way of data collection are considered. Reflexive turn in ethnography introduced the observation of participation into the participant observation through which the ethnographer regards the qualitative observation of her/his own participation as a part of the ethnographic knowledge production (Tedlock 1991). Through this, the dichotomy and hierarchy between the researcher and “researched” could be overcome, leading ethnography to gain a new shape that is dialogical and reflexive (Clifford 1986; Crick 1982; Rubel & Rosman 1994). The suggestion of a dialogic relationship between the researcher and research participants rather than the one-sided narration of the ethnographer attempts to give more space to the voices of the research participants replacing the authoritarian monologue of the ethnographer. The “reflexive turn” also calls for the introduction of the experiences of the researchers into the ethnographic text by recognizing the impact of their presence in that particular social context (Bostan, 2020).

Following and adopting these arguments, and in order to avoid falling into a positivistic paradox, I attempted to engage in a self-reflexive practice in a

dialogic way. I tried to engage in the observation of my participation by keeping a field diary each day. That was particularly significant when this research's inquiries, especially those drawing on subjective experiences, were considered. By further reflecting on who I was and how I felt and on the possible projections making me feel that way in that particular context, the field notes I took are further problematized, and their contextualization added another layer through the recognition of the various positions I held and my changing presences. Therefore, in my diary, I wrote about anything that I avoided writing in my field notes – ranging from my feelings, initial interpretations, personal reflections, interrogations, emotions and affections, and the informal conversations I engaged in on that day. I was committed to writing in my diary daily, so even if I did not feel like writing, I still wrote a few sentences, which generated numerous pages, setting a complementary source of data besides the field notes. During their storage, and more meticulously throughout their organization after the fieldwork, I gathered different types of empirical material. I aligned them with the notes from my diary taken on the day of collecting that particular material whenever possible. In this way, the analysis was prevented from getting deprived of that multidimensional characteristic, which, especially in the analysis of the interviews and the observations conducted on the specific occasions presented earlier, provided significant insights, as discussed in the following section on the analytical process, including my personal memories recalled throughout the fieldwork and noted down in the diary. They resonate with some anecdotes I shared throughout the thesis, which enables me to be more dialogic and add a layer to the narratives I collected with my experiences of similar periods that these narratives draw on.

4.2.2. Interviews

In addition to the ethnographic observations, I conducted a total of twenty-five semi-structured interviews, of which thirteen were with inhabitants of the city without looking after any other characteristic rather than gender balance, eight were with human rights lawyers and four were with representatives holding different positions in various human rights institutions. Before each of these three interview sets, I prepared a guideline consisting of some points that I would like to cover during the interviews, but did not formulate any questions in advance or become strictly bound by the guideline as the respondents mostly steered the interviews. The guideline also changed after every single interview, as I either removed or added new points that emerged from not only the already

conducted interviews but also under the influence of the ongoing ethnographic fieldwork.

4.2.2.1. Semi-structured life-history narratives

I did not follow a sampling for the first set of interview data consisting of thirteen interviews, but the intersubjective relations facilitated by ethnography led to the interviews' arrangements in the research. Therefore, it was hardly a selection of the research participants since it was more interactive than a one-sided selection. Participants selected me back. Since my purpose was to collect subjective experiences that cannot be categorized, I did not look after a specific characteristic other than a gender balance among research participants. Even though this thesis does not rely on a gendered analysis, its attention to power relationalities cannot ignore the gendered constructions of these web of relationalities or influences in the multitudinous experiences. Particularly in Northern Kurdistan, such gendered constructions are very strong, as the literature reviewed in the introductory chapter when situating the study showed. Also, the previous research that I conducted for my master's studies in Şırnak, Northern Kurdistan, revealed the significance of the interplay of gender dynamics by drawing on the gendered memory of war, peace, and resistance. These gendered constructions operating by marking the state violence as articulated in the patriarchal violence are reflected in the organization of Kurdish institutions. There is a co-chair system in the Kurdish organizations, requiring a woman and a man to hold the positions at all levels collectively. This system is widespread, including in the political parties such as HDP, among others, that have co-chairs and co-spokespersons, the co-mayor system enforced in the municipalities where HDP candidates are elected, and the administrative units of the NGOs working actively in Northern Kurdistan to name a few. Therefore, despite avoiding engaging in a sampling, I was sensitive to the gender balance among respondents, eventually shaping this interview data set consisting of seven female and six male research participants, all of whom defined themselves as Kurdish (see Table 2). Attention to the gender balance not only enabled access to different experiential dynamics but also facilitated this study to reveal concrete gendered formations presented by the inquiries of particular chapters.

Pseudonym	Gender	Age	Length of the Interview
Berfin	Woman	37	69:09
Fatma	Woman	45	124:12
Sabiha	Woman	38	62:56
Serap	Woman	31	112:20
Zozan	Woman	48	78:09
Viyan	Woman	44	42:26*
Naze	Woman	62	64:05
Abdullah	Man	39	82:08
Baran	Man	33	101:50
Berat	Man	60	54:42
Mahir	Man	35	71:22
Mehmet	Man	52	73:53
Mustafa	Man	42	46:38*
*These minutes are based on the audio recordings of my notes, not the interviews themselves. Both marked interviews lasted longer than an hour.			
Table 2: Research participants of the first interview data set			

When considering the socio-political atmosphere, trust was the first thing to be established between the respondents and me. Therefore, the interviews I conducted at the beginning of my fieldwork were facilitated through people regarded as trustworthy in Amed and with whom I had prior contact, such as human rights activists. In time, through the occasions I participated in, and the people I met, reaching out to the research participants became easier as they also got to know me. Even though I stayed in one of the central districts of Amed, I regularly traveled to the peripheral districts and villages when possible and conducted interviews in different parts of the city. The migration waves characterizing the population of the city reflect in the

profile of the research participants of this interview set as well. Most migrated to Amed after the 1990s from different parts of all of Northern Kurdistan, and some can be considered new residents who moved to the city in the last few years. Those from Amed, even if they were currently living in a central district, were mostly from the villages of Amed migrated to the city center again after the 1990s, making the experiences from different parts of Northern Kurdistan possible to access in the interview data.

The ways I arranged interviews also inevitably informed the profile of the participants. The networks, initial contacts, the occasions I participated in, resonate in the profile of the participants. For example, my regular participation in the Saturday Mothers' gatherings and Peace Mothers' protests enabled some regular participants on these occasions to join in my research as respondents. My regular contact with the lawyers from the Bar Association and Human Rights Association and certain other NGOs put me in touch with some of their clients and applicants, resulting in their participation. Moreover, some professional networks that I reached out to for collecting documents for the background also shaped the respondents' profiles, specifically a forensic scientist and an architect whose narratives were not only limited to their

professional conducts. However, I also conducted some spontaneous interviews, as in the case of two respondents whom I met simply by walking in the street and ending up getting invited for some tea in their homes. They set a good example for ‘participants selecting me,’ as they were the ones asking to be interviewed after our long conversation at their house. Most respondents, however, I met before in a different social setting where we arranged a date for our interview. I remained in touch with all the respondents throughout my stay in Amed, and we met at least one more time, and even regularly with some, after the interview, which facilitated their active involvement in my ongoing research.

Moreover, the political engagement and the awareness of the inhabitants of the city, mentioned in Chapter Three on the research site, are also reflected in the profile of the respondents. All the respondents of this set of interviews identify as patriotic – which is used to describe the political stance in line with the Kurdish freedom movement among Kurds and carries more of a left-wing anti-colonial, rather than a conservative-nationalistic, connotation, unlike its widespread use.²⁶ Even though I did not look after this identification when arranging the interviews, it was also not surprising. The influence of the Kurdish freedom movement is powerful in Amed as the intense political engagement of the city and the emancipatory mechanisms with a widespread social influence (see Chapter Eight) reflect – leading to one of the portrayals of Amed as the ‘freed space’ wherein political ideals are put into practice mentioned by introductory chapter. Therefore, being politically active, all the respondents, regardless of being from urban or rural settlements or their social and educational backgrounds ranging from university studies in different disciplines to lack of any formal education, are highly knowledgeable in particular topics. This can be traced in the references they make throughout their narrations to different social theories in order to connect their experiences to broader socio-political dynamics analytically.

Eleven of thirteen interviews were conducted in the respondents’ homes, one in a café and the other in the respondent’s office. Eleven of the interviews were conducted entirely in Turkish, while one was entirely in Kurdish and one was in both languages, as preferred by the respondents. My fluency in Kurdish could also be one of the reasons for their preference, as the only interview I conducted entirely in Kurdish was with a respondent who did not know Turkish. Even though I might be considered fluent in Kurdish, I am still unfamiliar with particular local expressions and phrases and so on, which

²⁶ Patriotic is further revealed as a truth(-subjectification) regime in the inquiries of Chapter Eight.

generally set the tone and flow of the interviews. Eleven of the respondents consented to the audio recording of the interviews, and two of them disagreed. Their disagreement was not due to a lack of trust, but both of them had some confidential personal reasons that they shared with me, and they even elaborated on these during the interviews, which I avoided noting down. So I had eleven transcripts directly from the audio recordings of the interviews and two from the audio recordings that I made right after based on the notes I took during the interviews.

I prioritized the acknowledgment of complexities of life when collecting life-history narratives, rather than engaging in the compartmentalization of life as ‘personal life,’ ‘work-life’ and so on, which are mostly used in autobiographical studies (Goodson & Numan, 2003, as cited in Germeten, 2013, p. 614). I wanted to be led by the respondents for them to freely ‘make’ their lives in their narratives, intersecting their life and expectations for life (Germeten, 2013, p. 613). Therefore, my initial themes in the guideline were broad and vague, without any formulated questions. I brought these themes into the interviews according to the respondent's profile. However, I always began with a question formulated in a way making them begin with their childhood memories, such as a simple ‘where are you from.’ The other themes also covered experiences of some periods that I initially considered significant, ranging from the OHAL governorship to urban warfare. Similar to ‘childhood,’ these themes are introduced by different questions according to respondents rather than being directly asked. In this way, I did not limit participants to a certain historicization, and they answered these questions either in line with the theme in my mind or by engaging in an entirely different periodization. In other words, I made use of the guideline as a list of the themes to be covered in different ways.

Therefore, these life-history narratives were mainly driven by the ways respondents chose to share their stories to reveal their subjective experiences and how they place these experiences in the context of their life-histories – how they historicize their lives in their narrations. The disadvantages of the life-history narratives are mostly discussed by referring to the inability to “recall lives” and that they are “recreations” (Germeten, 2013, p. 613) – characteristics that can be considered an advantage for this study as I am not concerned with the ‘lives’ of the respondents and looking for an accurate ‘portrayal’ of life. I am rather interested in how they remember their lives, how they make their lives through these memories and construct themselves in their narratives, how they negotiate their ‘selves’ and attach meanings throughout.

Through their dynamicity across the boundaries of life, experience, story and history, life-history narratives allowed me to look into the formulations of

the respondents, what they consider truth to be shared in the interview context and how they move across these dynamic interplays while historicizing their lived experience. Such stories have the power to show the ways that their narrators make sense of not only their lives but also the world (Eastmond, 2007). The ways that respondents contextualize their lived experiences by placing them in a broader historical context revealed the meanings attached to them and the lenses through which they look into truth, justice, injustice, resistance, power and subjectivity, connecting subjective to social, political to subjective. Remembering, narrating, historicizing and remaking memory are interwoven in the life-history narratives. They connect a past to a present that reciprocally reshapes that past. They are also dominated by respondents' references to justice, which was not one of the themes I included in the guideline. Therefore, 'justice' that ends up being at the core of this thesis is introduced by the respondents. In none of the interviews did I formulate a specific question on 'justice' unless participants noticeably introduced it into their narratives, and when they did, I asked rather broad questions, mainly asking them to elaborate on their narrations. They narrated justice in different ways and by attaching different temporalities – in the present, by drawing on a past, aspiring for a future. These interwoven temporalities are enabled by the characteristics of the life-history narrative, which is open to the formation of temporalities as it itself oscillates between past, present and future. Therefore, 'justice' took its present place in the thesis later in the analysis, remarkably appearing as something used to describe many different experiences, exercises, functions, feelings, statements and judgments in different tenses. The same goes for similarly sweeping notions such as legality and legitimacy. They are introduced by the respondents, and their meanings are attached to the narrative itself in different ways.

Life history narratives are remarkably underused in socio-legal studies despite their interlinked intellectual, social and political roots (Bryson, 2021, p. S74). They are mostly employed for writing legal biographies of "white, male, heterosexual judges and barristers," even though they actually can contribute to socio-legal studies with a "multi-vocal alternative" (ibid., p. S77) to inquiry into the relationship between law and society by revealing "the 'thick' meanings attached to individual lived experience and the privileging of the interviewee's narrative over preordained scholarly suppositions." (ibid., p. S84) Life history narratives can "sidestep the law" by providing access to sensitive narratives outside the state and, at the same time, can enable an engagement with the law for the societies in transition by opening up spaces for truth and revelation (ibid., p. S86). Due to their potential of both sidestepping and engaging with the law, the collection of life history narratives

helped me greatly in answering the research questions that are contextualized by the exclusions engaged in Turkishness and state law, experiences informing justice aspirations, and their translations into the state law and the emergences of large-scale mobilizations. They facilitated me to look into the limitations of the state law, subjective experiences, and the complex relationalities prevailing in my research site. As mentioned above, it is through the narratives engaging in different formulations of justice could this study bring the multiple appearances under the question of justice. Later in this chapter, the power of life history narratives is further elaborated by drawing on their analytical contributions.

4.2.2.2. Semi-structured in-depth interviews with human rights lawyers

The interviews of the second set were conducted with eight human rights lawyers active in Amed, whom I gained access to through the Bar Association and Amed branches of the HRA (Human Rights Association) and TIHV (Human Rights Foundation of Turkey – *Türkiye İnsan Hakları Vakfı*). The initial plan was to reach out to the research participants of this set via my contact with the bar association only. It became difficult to distinguish these initial contacts, however, as the human rights lawyers registered in the bar were exclusively also active in the human rights organizations. Even though my initial access to the research participants was facilitated by the Bar Association, in time, through HRA and TIHV, social gatherings and the respondents of the first interview data set introducing me to their lawyers, this data set gained its eventual composition of participants. Therefore, all the respondents of this data set happened to be a member of a human rights organization, even though it was not a particular characteristic that I was looking for when reaching out to them. I additionally engaged in informal conversations with many more human rights lawyers.

Besides them being human rights lawyers active in Amed, I was only attentive to the years and types of their professional experience in the selection of the research participants in this set (see Table 3). In this way, I was able to collect professional experiences from different scales, including at the ECtHR (European Court of Human Rights) and from different periods presented in Chapter Two. These periods had direct influences on the judiciary, appearing in different forms of assize courts, reciprocally reflecting on the characteristics of the legal fight engaged in by the human rights lawyers. DGMs (State Security Courts – *Devlet Güvenlik Mahkemeleri*) were the specialized courts by the hands of whom the legal violence in the 1990s was perpetrated. DGMs, whose delegation had to involve one military judge until 1999, were established after the 1960 coup and reopened by the 1980 junta rule and remained open until 2004. DGMs were followed by ÖYMs (Special Assize Courts – *Özel Yetkili Ağır Ceza Mahkemeleri*) established by the anti-terror law, which were also eventually shut down in 2014. Despite the closure of the assize courts equipped with special authorities, the judiciary of the assize courts remained under the influence of the changing dynamics of political power, which is especially reflected in the case files that are subject to the law in the fight against terrorism. In other words, despite the removal of the special assize courts, the special treatment to particular files remained (Chapters Six and Seven elaborate on this).

Pseudonym	Years of Professional Experience	Length of the Interview
Deniz	18	41:23
Derya	18	72:58
Rezan	14	61:37
Hiva	35	52:36
Avsin	26	48:21
Heja	15	50:03
Devrim	10	62:41
Umut	6	47:34
Table 3: Research participants of the second interview data set with lawyers		

Two of these interviews were conducted at the human rights organization that the participants are members of, and the remaining six were conducted at their offices. All the interviews were conducted in Turkish following the participants' preferences, and one of the respondents drew on this preference by saying that "it is easier to talk in Turkish when talking about our legal profession since we are trained and gained experience in Turkish." It is also significant to note that all eight respondents emphasized that they are Kurdish during our interviews.

My aim when deciding to conduct interviews with human rights lawyers was to understand their motivations in engaging in an intense legal fight against the state by using state law in a social context wherein the trust in law and state is

almost nonexistent. The use and status of (state) law can be unfolded through the position that lawyers hold in the intersecting relationalities of power, legal elites, law, and society (Hammerslev, 2013, p. 462). This position provides a significant methodological lens also in the context of Northern Kurdistan, wherein the use and status of state law appear in different ways ranging from legal violence at the hands of the state and judges and prosecutors to the legal fight against the state at the hands of human rights lawyers. In other words, I decided to conduct interviews with human rights lawyers to understand these multiple uses of the law by different actors, which is a significant axis to answer the first two research questions, both asking about particular uses and statuses of the state law – first within the power dynamics of Turkishness, and then within the power dynamics of the resistances against the state. Lawyers contribute to inquiries with their experiences with the members of the judiciary and in specific case files. However, the identification of lawyers as Kurdish, a characteristic that I was not attentive to for this data set, enacted a different angle and facilitated a further analysis through the appearance of lawyers in a transitive subjectivity. Lawyers are revealed to be subjected to various subjectification regimes taking place within the modern state law system as lawyers and being the carriers of the subjective experiences of Kurdishness simultaneously. Therefore, analysis of the lawyers' interviews enabled a contextualization to understand the translations of experiential dynamics of a subjectivity regime, of Kurdishness, to the experience-distant language of state law defined by its limits – excluding the former – and contributed with a significant axis to the inquiries engaged in to answer, especially, the second research question (see Chapter Seven).

The initial guideline I prepared for this data set consisted of broad themes based on experiences in different periods marked by the changing judicial systems and experiences at the different scales from domestic courts to the ECtHR. I did not formulate any questions in advance but was informed by these broader themes. I formulated questions under these themes throughout the interviews. However, my experience of conducting interviews with lawyers was more challenging than conducting the first set. In the beginning, they all adopted a supposedly very neutral stance, and their answers were mainly drawing on general, unnuanced textbook descriptions or particular theorizations without any personal accounts. Even though how they discursively operationalize particular definitions could generate interesting analyses depending on the context, within the scope of my project it was not sufficiently fulfilling my aim of conducting interviews with human rights lawyers in the first place. My aim was to understand the sources and motivations in actively engaging in the legal documentation of human rights

violations generating hundreds of petitions submitted to the prosecution office annually. Therefore, I was much more visible and verbal in the first parts of the interviews with the lawyers and asked them questions that enabled them to elaborate on, illustrate, problematize the definitions or generalizable comments they made. In all the interviews, these questions radically changed the rest of the interview. The formulations they engaged theoretically got blurred when they elaborated on them and radically shifted when they gave examples leading to interesting analyses attributing lawyers to a methodologically significant role within the context of this research as vehicles between two subject positions.

4.2.2.3. *Semi-structured in-depth interviews with institutional representatives*

Institution	Length of the Interview
HRA Amed Branch	95:04
TIHV Amed Branch	78:15
TAYAD Amed Branch	45:02
X Women Association	41:29
Table 4: Research participants of the third interview data set	

The third interview data set is conducted with four institutional representatives from different non-governmental organizations (see Table 4). This set of interviews was not planned to be conducted in advance but was shaped by the fieldwork. During the document collection from the HRA archives, I realized the members' shared narrative of particular cases

documented by the institution. Therefore, I understood the significance of institutional memory in shaping such narratives and decided to conduct some interviews with particular institutions whose memory, I believe, is settled within an organizational culture. I conducted interviews with four respondents from four different non-governmental organizations, which I refer to as the institutional representatives – although I do not consider them as the absolute representations of the institutions.

I conducted the first interview with a representative from the Amed Branch of HRA (Human Rights Association), the largest NGO active in human rights advocacy with its twenty-nine branches and three representative offices in thirty-two provinces in Turkey and Northern Kurdistan. The area of influence of the HRA is highly strong in Amed, particularly in legal aid resulting in hundreds of applications to the association annually. Being founded in 1986 by human rights activists, the HRA has a strong institutional memory.

The second interview was conducted with a member of the Amed Branch of TIHV (Human Rights Foundation of Turkey – *Türkiye İnsan Hakları Vakfı*), founded in 1990 by the HRA and human rights defenders. It is one of the most

influential NGOs working actively in the prevention of torture, the treatment and rehabilitation of the victims of torture, and advocacy of prisoners' rights in Turkey and Northern Kurdistan with its treatment and rehabilitation centers in four referral centers in two provinces.

The third interview is conducted with a volunteer of the Amed Branch of TAYAD (Solidarity Association of Prisoners' Families – *Tutuklu ve Hükümlü Aileleri ile Dayanışma Derneği*). TAYAD is a human rights NGO established in 1986 by victims of torture, their relatives and friends, and activists opposing the military regime following the 1980 coup seeking to prevent the illegal detentions and systematic human rights violations in prisons. The association, which has volunteer networks and centers in Turkey and Northern Kurdistan, is known for initiating tens of hunger strikes to protest torture in prisons. Its activities are frequently halted by police intervention and court decisions.

The final interview is conducted with an association (X Women Association) volunteer active in feminist advocacy. I will not provide the name or the particular field of activism that the institution is engaged in for ethical concerns as it is a small-scale institution whose revelation would risk the anonymity of the respondent of that interview. However, this institution also has a strong social influence and a significant institutional memory.

Since all these four NGOs are well-established institutions, very active in the particular fields of human rights advocacy for a long time, and equipped with solid documentation mechanisms, this set of interviews contributed to the study with the narratives on a documented memory of human rights violations and forms of activism in different periods. These significantly informed the inquiries attempting to answer the second set of research questions asking about the incorporations of the excluded experiences in the realm of state law. Because these institutions have well-established mechanisms of legal aid and – as can also be traced in the life history narratives collected within the scope of the first interview data set – inhabitants of Amed apply to them when they experience a violation rather than turning to official mechanisms.

For this interview data set, the guideline I was led by mainly draws on the particular cases involving the relevant institute. In this way, the connections that the respondent makes to the institutional memory are enabled. All these interviews are conducted at the relevant institutions. They are all conducted in both Turkish and Kurdish. Even though they are mostly in Turkish, it is quite a pattern that the respondents switch to Kurdish, mainly when referring to a dialogue engaged in Kurdish or some Kurdish expressions and phrases to define certain emotions.

4.2.3. Documents

The fieldwork and the surrounding practices generated many documents and visual materials, which are impossible to be entirely covered by this section or the analysis. Therefore, most of the documents generated by the fieldwork or collected by relying on the references that appeared throughout the interviews or ethnographic observations are used as complementary sources enabling the contextualization(s) of the analysis of the empirical material. They range from the maps of mass graves drawn by extensive research conducted by the NGOs, raw quantitative data on the dismissals of the state officials by the statutory decrees and internal displacements following the urban warfare in 2015 collected by a research center, the statistics from the NGOs on the enforced disappearances, newspaper articles, visual materials, city development plans before and after the destruction of Sur in 2015, the photos taken during the fieldwork and social media platforms, particularly Twitter, websites, podcasts and broadcasts. However, I relied on mainly three sets of documents in the analysis, drawing on an ethnographic contextualization.

The first set consists of ten filed documentations of human rights violations committed by state agents, collected from the archives of the HRA Amed Branch. In selecting these files, I was considerate regarding how these cases were prevented from making it to the court in order to understand the strategies and mechanisms used for their prevention. Each of these files consists of the applicants' petitions submitted to the HRA based on their own narration of the exposed violation, the reports written by the HRA based on the interviews conducted with the applicants, the criminal complaints written and submitted by the lawyer members of the HRA to the prosecution office and a final report covering the rejection of the petitions that storify the whole process from the beginning to the end. This set of documents provided remarkable insights in not only understanding the mechanisms used by the state to prevent these justice demands from making it to the court, but also the translations engaged in by different actors as the files involve the narrations of the applicants, the second-hand report written by the HRA and, finally, the translations of these into criminal complaints to the prosecution office made by lawyers.

The second set of documents consists of legal files collected from the archive of the Diyarbakır Bar Association. In the selection of the files, I was attentive to two characteristics. Five of these files cover cases initiated by people exposed to violations by state agents, so they portray the use of the law "against the state" (see Eckert, Donahoe, Strümpell & Biner, 2012) and provide insights when answering the second set of research questions. The remaining five files are cases subjected to the 'law on the fight against

terrorism,’ initiated by the prosecutor, portraying the use of law by the state, so contribute to the inquiries attempting to answer the first set of research questions. All files trace the case from beginning to end, including their court records and verdicts. Five of these files also include the courtroom observations conducted by human rights organizations, and three of the files are finalized by the ECtHR verdicts whose documentation is also filed with the case. While further drawing on the translation of narrations into legal objects, these files also provide insightful data to understand the discursive formations in different legal scales and by different actors and, hence, the various uses of the law.

The final set of documents is the ECtHR files. Among the 211 cases against the Turkish state that I downloaded from the database of the ECtHR, I particularly focused on the verdicts of 69 cases that are all on enforced disappearances. In selecting these cases, I was attentive to the year of the verdicts to be able to understand the changes in the verdicts of the ECtHR on the enforced disappearances during different periods. Even though all cases are on enforced disappearances from the 1990s, the verdicts are from different times. Different dates of the verdicts, despite the similarity of the cases, revealed a change in the ECtHR’s discourse from the early 2000s to the last decade, which is emphasized by the lawyers during our interviews as well. I focused on profiling these files in the analysis, as elaborated in the following section. Therefore, I looked at the year, place and the number of people that each case concerns and the ECtHR verdicts on these cases. Profiling these 69 cases enabled an analysis concerning the area of influence of the enforced disappearances. This set of documents and profiling contributed to the inquiries held to answer the second research question, as the ECtHR is the final step of the intense legal fight initiated against the Turkish state. This set of documents also strengthened the contexts for the analysis of the semi-structured interviews, as the ECtHR has a remarkable place in the experiences and pursuit of justice among relatives of the victims of enforced disappearances, lawyers, and activists.

4.3. Analytical process

Data analysis and coding is a “decision-making process” that is particular to the individual context of the research at hand (Elliott, 2018). I considered that a sterile coding would dehumanize my empirical material and reify my relationship with the data within the context of this study that attempts at a

dialogic and relational ethnography attentive to experiential dynamics and multiple appearances of similar notions. The research questions that this study attempts to answer draw on three different webs of relationalities informed by Turkishness, resistances, and the organization of space beyond the state and have a particular focus on subjectivities and experiences. Therefore, in order to trace these webs of relationalities drawing on different historicizations and spatializations in a single body of data generated by the same empirical materials, I followed a circular analysis by engaging in a coding repeatedly, without limiting the analysis with a focus on “density, frequency, and size of data pieces to be coded” (ibid., p.2850) and by avoiding reaching ultimate conceptualizations. That is also why I have not used any data analysis software in the storage, organization, and analysis of my data. Although such software could have been helpful in different aspects and studies, I did not consider them the most suitable tools for this research material. For example, my interview material is characterized by analytically meaningful language switches (from Turkish to Kurdish or vice versa), allegories used as substitutes for significant notions, sarcastic references and different names respondents give to similar notions, which would not have been easy or even possible to grasp through a “sterile” coding. Neither could the meanings that particular gestures, pauses and laughter add to sentences have been included in the analysis in a meaningful way.

In the case of the interview data, manual analyses were convenient as I conducted and transcribed a total of twenty-five interviews, each lasting 60-65 minutes on average. The most voluminous empirical material is generated by my field notes, field diary and documents, resulting in hundreds of pages. Coding my field notes via software would have been reductive. My plan from the beginning was a manual analysis. Therefore, I kept this material accessible and easy to organize for my manual analysis. Depending on the context in which they are kept, their structure differs. These different structures range from lists consisting of bullet points, for example, when including the notes on the profile of the actors participating in a particular event or the objects placed in a room, to the sketches I drew to remind myself of a particular spatial arrangement and long detailed descriptions of a scene. Coding via software could have missed the nuances of these different structures in my fieldnotes. I have not used my field diary, as I elaborate on shortly, for an individual analysis, but to introduce reflexive dimensions into the analysis of the other empirical material. Software coding could be most useful for the analysis of the documents, especially after being sorted according to their types. However, I mostly facilitated the analysis of the documents for profiling, providing a general understanding rather than an in-depth individual analysis. Therefore,

their manual analysis was not an exhaustive task despite the size of the material generated.

My organization of the material and the coding was initiated simultaneously with their collections. The initial organization of the material was sorted according to their collected dates when possible. In this way, for example, I had a multidimensional scene from a day by bringing together the interview conducted that day (if any), the field notes on the place where the interview was conducted and my personal reflections on the interview written down in my field diary. Coding, on the other hand, is first initiated by the questions, topics and themes that I deemed significant through the data collection. This reflected in the changes in the guidelines of the semi-structured interviews, introduced points for observation for my participant observations and added some characteristics that I looked into when collecting the documents. In other words, data collection and the initial steps of the data analysis went hand-in-hand.

After the data collection was completed and the empirical material reached its final form, I began my analysis by keeping their organization according to the dates, weeks and months. In order to understand the relationalities of power, resistance, law, justice, and subjectivity informing the research questions I raised, I asked questions to my data such as: What is going on here? What is interesting? Why is it interesting? What is missing here? These questions were to understand the particular appearances and disappearances of the relationalities as they surface in everyday life documented in different ways by my empirical material. These questions found their answers from a rough comparison of different types of empirical material, enabling me to look at the scenes from my fieldwork from different perspectives. Therefore, I was able to develop a comprehensive understanding of, e.g., what is said in the interviews, how I felt about interviews, what is missing in the interviews that can be found in the context, what is going on in a particular event and what kind of feeling that atmosphere evokes. Therefore, this initial organization provided me with both a broad picture of my fieldwork in general and the first themes for the analysis of each individual interview data set.

These first themes were mostly spatial in the sense that they drew on large dimensions on what happens where and what makes these things happen in these places. Home, street, differences between urban and rural organizations and happenings informed some of the themes that I introduced into the in-depth analysis of the interviews. Besides that, the periodical characteristics of life-history interviews, starting with my first question regarding childhood memories, also informed their initial analysis. Together with the places, I looked into the periodization that the respondents engaged in. Even though

they all start with their childhood memories, the rest of the interviews are oriented by the connections that respondents make. Therefore, as the second theme, I followed these periodizations and looked into shared characteristics of the respondents engaging in similar periodizations, leading me to gain some typologies such as the tendency of the respondents with children in making connections between their own childhood memories and their children's and the tendency in connecting the 1990s to post-2015 among the respondents who were forcibly displaced twice. These typologies then introduced the theme of historicization by connecting personal memories to broader socio-political events. These themes and typologies provided me with the initial analysis of the life-history narratives. I then started my coding process. The keywords I introduced into my interview guide from beginning to end provided me with the first codes. I looked into how respondents make sense of these notions ranging from the state, law, court, home, war, peace, the PKK, military and so on. I asked my data: how do respondents understand these notions; what meanings do they attribute to them; what kinds of social actors do they link to which keyword; how do they categorize and characterize; are there any changes in the meanings they attributed; according to the initial themes and typologies, for example, are there any different meanings and understandings concerning these keywords according to the periodizations, typologies and historicizations helping me to find the discontinuities and continuities in their narratives; how do they say what; what feelings do they convey and why do they say these things? After sorting out these in a meaningful manner, I then analyzed the interviews to look into whether there were any different names they used to refer to these keywords. I gained new keywords, engaged in new coding, asked similar questions numerous times until I succeeded in reducing my data into a map. Even though it did not only consist of concepts but actors, profiles, institutions, names, events, themes and strategies, I used what is referred to as a 'concept map' for my data reduction. A map as a schematic tool facilitated my data reduction in a framework, showing the interconnections, constructed oppositions and causal links (Daley, 2004).

I then continued with the analysis of the interviews I conducted with lawyers. Following the initial themes that appeared after the broad analyses of all the fieldwork material and the related themes that popped up in the analysis of the life-history narratives, I first looked at whether there were any references to such themes in this data set. Later, I followed the same analytical process of following the periodizations and historicizations lawyers engage, their understandings, ways of referring, categorization and characterization of the keywords and themes I introduced into my interview guideline from beginning to end. These included relationships and experiences with the judiciary and

clients, legal fields, understandings of law, justice and the legal profession. I gained new keywords and engaged in different coding until I had a second concept map into which I reduced my data from my interviews with lawyers. I analyzed the interviews I conducted with the institutional representatives individually to understand the specific portrayal of the institutions by following the same coding, resulting in four different rather simple concept maps based on four interviews.

Having six different maps based on my interview data, I started with an in-depth analysis of my fieldnotes. Starting with the first themes that appeared after asking some questions of the fieldwork data, I unpacked these themes and their characteristics with an in-depth analysis by asking further questions. I then reorganized my fieldnotes by following particular categorizations of spontaneous events, regular events, daily routine scenes, homes, streets, occasions, and under these categories I looked into the disruptions, possible reasons for these disruptions, particularities and shared characteristics of a series of events, occasions, the main determinants in a spatial arrangement, institutionalizations, conversations, the contexts of conversations, contextualizations in conversations, patterns informing the routine, patterns signifying the extraordinary and so on. However, I particularly looked into the boundaries that caught my special attention during the fieldwork and asked my empirical material what the boundaries are in the spatial arrangements of the city, in the particular scene of an event, how they are initiated, what they signify, what they disrupt, what they contain and what they exclude. By gaining new and narrower themes after these questions, I asked further questions triggering new themes over and over again until I reduced the data into five concept maps, each drawing on a category: everyday routine, Saturday Mothers' regular meetings, homes, protests, NGOs, as well as a compilation of particular scenes based on particular cases. After reducing the field notes, I reviewed the themes, events, and occasions that popped up by the individual analysis of the field notes in my field diary, copied the maps generated by my analysis of the field notes and further added my personal reflections to them.

For the analysis of the documents, I first organized them under sub-categories according to their similarities, for example by bringing the verdicts on similar cases of the Constitutional Court together to engage in profiling. This profile is, at first, based on the appearances of the documents. In the verdicts of the courts at the same scale, for instance, I looked into the length of sections, the number of quotations and sources of these quotations. I later looked into the final verdicts and formulated new sub-categories based on this profiling that shows, for example, how long the justifications are for what

kinds of decisions on which topics. I then engaged in further profiling by looking into the numbers of actors in that document. In the cases of enforced disappearances, for example, I looked into the numbers of applicants and the numbers of disappeared persons the case concerns. In the final stage of profiling, I analyzed the tacit template of the documents behind their appearance. To illustrate; by looking into the first sentences of each paragraph under each section, I enabled a different profile of the flow of arguments to become explicit. Specifically, for the documents involving courtroom observations conducted by the NGOs, I compared the observations and the recordings of the same trials to see the similarities and differences between how the events were observed and how they were recorded. This profiling provided me with a rough analysis. I used most of the documents I collected in a rather descriptive manner, enhancing the background and the findings of the broader analysis. I also looked into particular themes, however, especially when they appeared significant by the analysis of the other materials. For example, when a theme appeared in the lawyers' interviews concerning ECtHR decisions, I looked into these patterns from the documents I collected or traced the changing appearances of particular themes and notions in the documents. In other words, I did not engage in an individual in-depth analysis of the documents rather than profiling and comparisons of courtroom observations and trial recordings, but analyses of the other empirical material informed the characteristic of my document analysis in particular ways.

After the individual analysis of each type of empirical material and their reduction into concept maps, I turned back to analyzing the empirical material in its entirety. I looked into the similarities, differences, patterns and broader or narrower themes in the concept maps. As the analysis progressed, spaces and narratives, meanings and forms, names and places, events and feelings came together under some groups, appeared outside any grouping or gathered under broader themes. The interconnections, oppositions and trajectories represented by the maps emplaced these under similar relationalities, opposing formulations or as disconnected independent groups, ending in a larger, smaller-scaled map representing relationalities of individual analyses of all the empirical material. Each group placed on this map provided me with a web of relationalities that seemed to be related, interdependent or entirely segregated, enabling me to link each research question to one web of relationalities which I ended up understanding as a particular spatialization. Adopting spatialization as an analytical strategy, I conducted further analysis by adopting analytical tools informed by the Foucauldian toolbox. In the following section, I will present the analytical framework informed by the Foucauldian toolbox and unpack them in the following chapter on the theoretical framework.

4.4. Analysis of space and spatial analysis

Following the analytical process reduced my data into a large, small-scaled map, in the further step of the analysis, I made use of Foucauldian insights. The notions introduced into the analytical framework in this section are elaborated on in the following chapter on theory. Therefore, this section only presents their analytical operationalizations in the later steps of data analysis. Foucauldian insights are mostly thought of as incompatible with ethnographic approaches. It is not surprising when considering the birth of ethnography as a colonial tool embedded in modernity in contrast to Foucauldian insights that raise a critique of modernity oscillating across modernity and postmodernity (Tamboukou & Ball, 2003, p. 3) and structuralism and poststructuralism. This oscillation reflects in Foucault's works that do not reject the structures but underline that there is no given frame of interpretations nor a fixed structure with the power of structuring all the other structures. Rather the omnipresence of power-knowledge relationalities restructures them in every encounter. Therefore, I believe that the Foucauldian insights would be in tension with a classical ethnographic approach that heavily draws on the discovery of the hidden meanings and given structures promoted by modernity. The reflexive turn in ethnography and critical insights the approach gained, however, facilitated the problematization of the sole interpretations of the ethnographer that had been believed to rely on an objective recording before. These changes in ethnography lead to the use of the Foucauldian toolbox in the ethnographies, particularly in those focusing on educational settings (e.g., Hill, 2009; A. Jackson, 2013; Tamboukou, 1999, 2003).

As mentioned earlier, I also do not rely on a discovery of the hidden in my ethnographic inquiries but attempt to reveal the particular appearances as they surface in everyday life. In this attempt, recontextualization (of everyday life) becomes a decisive aspect of the ethnography conducted within the scope of this research. Such an ethnographic approach has many points of convergence with Foucauldian tools in its epistemic concerns. They both i) problematize validity and universality claims made by the scientific knowledge, ii) rely on a contextual critical approach, iii) transgress the container boundaries of the theoretical and methodological systems, iv) focus on bringing forward the excluded voices and subjects, v) emphasize the significance of the body for social analysis, vi) acknowledge the politically loaded aspect of research (Tamboukou & Ball, 2003, pp. 3-4), and vii) draw on spatial dimensions.

Following the analytical process presented in the previous section, Foucauldian insights provided me with tools to make sense of the (concept) maps that the initial steps of the analysis produced. The recontextualization

informing the initial steps of my research design by drawing on epistemic pluralities led me to formulate the research questions, while the methods employed and the analysis conducted revealed the complex relationalities between these contexts. Drawing on the frequently evoked boundaries throughout my fieldwork and analysis, I came to understand the connections and ruptures between these contexts that the initial analysis revealed by the map into which it reduced the data, as spatial and each web of relationalities as making up spaces. In other words, spatialization becomes the analytical strategy to make sense of my empirical material. Therefore, the shift from the analysis of space to a spatial analysis informs the ethnographic inquiries of this study. This shift is facilitated by and reflects on a spatial understanding that is not only contained by its materiality and discursive, social, political, and cultural formation at a given time but also exceeds places and locations and the restraints of the social and political, and cultural formations and linearity. It does not refer to a metaphorical space that does not exist empirically. On the contrary, as mentioned earlier, these spatial relationalities are brought to the surface by my analysis of the empirical material. Therefore, this approach instead refers to a noncontainer view of space that does not understand it merely as a determining parameter but as an active and transforming actor.

While a container view draws on a space that is “absolute, inherently bounded, and a neutral backdrop (or context) for fixed elements,” noncontainer understanding approaches space as “dynamic, changing, infused with agency, and as that which is continually being re(con)figured by discursive-material practices.” (A. Jackson, 2013, p. 839) This noncontainer view of space transforms space from a given unit of analysis or starting point to a form of analysis: spatial analysis. It is at that point that the spatial analysis found its tools in the Foucauldian toolbox. Foucault’s tools, unfolded later in this section and more detailly in the following chapter, in combination with the ethnographic focus on experience and reflexivity allowed me to (re)contextualize the complex relationalities surface in everyday life, in their shifting spatialities, to answer the three research questions each requires attention to different epistemic contextualizations of the same research context.

Foucauldian power-knowledge relies on a noncontainer space. What enabled Foucault to link knowledge to power, in the first place, was space. The hyphen points to a spatial encounter. What enabled Foucault to link knowledge to power, in the first place, was space. The hyphen points to a spatial encounter. Despite the container view of space adopted by his early writings, facilitating him to gather the organization of knowledge conjointly with power operations, his latter works introduce space into the locus of power-knowledge (see Foucault, 2001). This introduction exceeds an understanding of space where

knowledge and power come together and suggests a space that is at the same time made by these power-knowledge relationalities, which West-Pavlov (2009) refers to as a “triad of power-knowledge-space” (p. 149). Therefore, this spatial model is dynamic, productive and relational as it makes and is made by the webs, networks and grids of power-knowledge. These networks do not have restraints. Instead, they are expanded, multiplied and spread in and through spaces and spatial power-knowledge techniques, and engage in making new spaces through their reconfiguration. This (re)configuration provides the analytical framework for this study. In order to discuss the analytical contributions of a noncontainer space, it is significant to present its empirical becomings in the first place. Even though the following chapter elaborates on it, it is important to touch upon the notion of *dispositif* briefly also here, as it refers to empirical becomings by the very articulation of the word. *Positif* points at the ‘empirical’ whereas the prefix *dis-* erodes the latter’s stable ground and characterizes it in a processual ‘becoming.’ This linguistic play confuses the English translations of the notion. English translations refer to it either as ‘apparatus’ (focusing on the positif) or as ‘disposition’ (focusing on the arrangement) (see Crano, 2020). In other words, *dispositif* contributes to analysis with a context (apparatus) and facilitates its engagement in a continuous contextualization (disposition) at the same time.

The “triad of power-knowledge-space” (West-Pavlov, 2009, p. 149) marks a complex grid of resistances, coercion, mechanisms, technologies, strategies, production, subjectification and, hence, ways of seeing, acting, perceiving that altogether contribute to materialization and structuralization. This materialization and structuralization further produces objects and subjects by arranging their emplacements within this complex grid – and therefore reciprocally participates in the production of new grids through this objectification and subjectification. In other words, it is material and structural but also in a continuous reconfiguration of this materiality and structure. It is to inquire about these complex relationalities that Foucault coins the notion of *dispositif*, to highlight that they are also systematic as much as being complex and processual. Articulated into Foucault’s nominalism informing the ontological positioning and analytical strategy of this research, as made explicit in the following chapter, *dispositif* facilitates consideration of social reality not as universal and always-there as a homogenous whole but through movements, becomings and as a dynamic “heterogeneous ensemble” (Foucault, 1980e, p. 195). Therefore, it does not exist before its operation (West-Pavlov, 2009, p. 150). It is through this analytical potential of *dispositif* that the present study shapes its further ethnographic analysis. I both look into the materiality (*positif*)—characterizing inquiries as an analysis of space and

the becomings, movements—and dynamicity—characterizing the inquiries as a spatial analysis—making me better understand the relationalities the map generated by my data analysis. The former facilitates a reveal of the embedded relationalities in a space and what makes this embeddedness possible. The latter, on the other hand, uncovers disembeddedness and enables a trace of relationalities engaging in spatializations.

Dispositif is a part of the truth regime. It provides not only its materiality to a truth regime via an apparatus but also the “games” played within – which both legitimize that regime and always carry a potential to delegitimize it via disposition. Therefore, *dispositif* provides a toolbox to reveal the subjectification as well. Scrutinizing power relationalities drawing on a noncontainer space, whose space and spatialization function is revealed by *dispositif*, “enables one to grasp precisely the points at which discourses are transformed in, through, and on the basis of relations of power” (Foucault, 1980e, pp. 69-70). “The points” in here refer to circulating and reconfigured subjective experiences making subjects act in a certain way and, therefore, point at where the “games” appear connected to these discursive and material practices and tactics of the subjects. As the subjectification is also processual and the subject is not a passive receiver, she reproduces power-knowledge relationalities as well by being responsive to any boundary attempting to contain her subjectivity. Since subjectivity is in a co-constitutive relationality with the power-knowledge(-space), subjects would be responsive to the containment of any of them (see the discussions on the agency of the subject in the following chapter). Therefore, together with *dispositif*, I introduce boundaries as analytical tools to reveal spatializations, facilitating the emphasis carried by the *dis-* to appear empirically. Through a trace of shifting boundaries, not only interiors but also exteriors, not only continuities but also discontinuities, not only articulations but also ruptures can empirically be studied.

4.4.1. Boundaries

Boundaries appeared empirically throughout the ethnographic fieldwork and data analysis and were introduced into the toolbox for further analytical purposes. Through the density of a spatial arrangement, boundaries became visible, and by being introduced into the analytical framework they gained the additional analytical potential to reveal spatializations reciprocally. Despite the noncontainer space Foucault relies on, he points at the boundaries as well, for example when suggesting that it is the “multiple forms of constraint” that produce truth as a thing (Foucault, 1980g, p. 131). In other words, by drawing

on the empirical appearance of the boundaries, and further analytical possibilities gained from the Foucauldian toolbox, it can be argued that the spaces of games (of truth and justice) are marked by the boundaries that appear through the saturation of games and the ensemble of relationalities making these games possible. Therefore, boundaries are indeed constraining as an ordering practice, yet they are not stable or fixed but shifting, appearing and disappearing following the relationalities of the power-knowledge-space, and so transitive and transformative. In this way, boundaries remarkably informed my ethnographic contextualization by enabling me to freeze particular spatial arrangements. A trace of boundaries enabled me to mark subjective experiences, and, by following these subjects across these appearing spatialities, various becomings emerged, hinting at another spatialization.

A trace of boundaries characterizes the ethnographic contextualization engaged in by this study. This trace focusing on their appearances or disappearances (making spatialities) in everyday life facilitated distinguishing between complex, interwoven and multiple regimes of truth-subjectivity (and justice). The movement of exclusion, penetration and contestation among these dispersed spatialities is marked by different boundaries framing different subjective experiences. Therefore, they reveal the game of justice and facilitate an exploration of what becomes law (and law becomes) through its spatialization. As law always (becomes) is embedded in (a) truth regime (see Chapter Five), it appears to be consistently responsive to these justice games – to find a ground for its legitimation.

4.4.2. Spatialization of law

The inquiry into the deployment of law (becoming) within an apparatus of a truth regime and the relationalities it engages in there introduces its spatialization both as a matter of inquiry and an analytical strategy into the methodological framework of this research. Such a deployment is local, capillary and, similar to power, reaches “into the very grain of individuals, touches their bodies and inserts itself into their actions and attitudes, their discourses, learning processes and everyday lives” (Foucault, 1980e, p. 39). What and how law becomes, how it operates within the regime it gets coordinated with and how it shapes subjectivities are crucial questions to be looked at through its spatialization and responsiveness. The trace of boundaries, exclusively relying on ethnographic observations, was one of the techniques I adopted to see these spatializations. Whenever a boundary appears, there are saturated spatial relationalities (of power-knowledge). Whenever it disappears, there is a shift in power-knowledge relationalities – a

shift that appears to be facilitated by the games, which Foucault (1998c) outlines by referring to the ‘game of truth’ as the interplay of the rules assigning trueness or falseness to propositions, statements and discourses (Foucault, 1998c, p. 460), and which I further use to understand the games of justice, as the following chapter on the theoretical framework elaborates.

Building on this, I also engaged in tracing the games to reveal this shift and changes in law’s becomings, forms or meanings. In order to trace these games (of truth and justice), I largely relied on the life-history narratives (together with the ethnographic observations). Narratives mark the subjective experiences and so also the justice aspirations. Justice aspirations hint at the rules of the game within that subjectification regime. Games are further traced through their interaction with the other regimes (of truth and justice) by primarily relying on the documents and interviews conducted with lawyers who appeared as the vehicles for games attempting to reach out to the truth regime beyond their realm. Therefore, translations refer to the operations of changing the attributed meanings to enable incorporation into the realm of state law described through its excluding characteristic. When the subjective experiences are taken from one epistemic context (experience-informed daily life in Northern Kurdistan) to another epistemic context (of the state law), they are distorted. By looking into the translations, transformations, strategies and tactics, I could engage in an ethnographic mapping of law in its relationality as something that circulates through the lived experience and practices within and across truth-justice-subjectification regimes.

When the law is deployed within a truth regime and becomes a *dispositif*, it becomes characterized by its determinacy (provided by the apparatus and rules of the game) and its responsiveness (to other games threatening its legitimacy). That is to say, the law is both determinant—as its legitimation is already provided by the rules of the game (of truth-justice) played within—and responsive because different games threaten it with delegitimation. This further inscribes legitimacy into the grid of relationalities in a processual becoming as a legitimacy-to-come. The function of legitimation is attributed to the operations of *dispositif*, which is characterized by collaborations, contestations, negotiations and competition as it is in itself in the process of unmaking what it makes. What Foucault means by saying that law always tends to go “ever farther into the outside into which it is always receding” (1990b, p. 34) offers insights to understanding the movement of law by being responsive to justice aspirations coming outside of the truth regime in which it is embedded.

4.5. Ethical considerations

Considering the ongoing conflicts in the research site, the subject matter of the interviews and the sensitive occasions I participated in, this research requires a high level of ethical engagement in every phase. In this politically, psychologically and legally sensitive research process, even momentary neglect might have triggered risks regarding the research participants' and my own safety and security. I have therefore been reflexive and ethically committed in every phase of the research. This section is devoted to the presentation of these ethical considerations.

This research is approved by the Ethical Review Board of Sweden (*Etikprövningsnämnden*) to ensure that the data handling is in line with the ethical guidelines.²⁷ Based on the guidelines, only the data processing—the phase of the research conducted in Sweden—is reviewed and approved. For the data collection, there are not any official permissions required regarding the academic research conducted within the social science disciplines by the authorities in Turkey. Prior to my fieldwork, however, I got in touch with the Diyarbakır Bar Association and Human Rights Association Amed Branch. By informing them of my research and plan for handling the data that prioritizes confidentiality, I got their approval to reach out to their members for the interviews through their institutions and gained access to their archives.²⁸ For the data collection and storage during the fieldwork, I still mainly followed the Ethical Review Board of Sweden's guidelines but was also sensitive to the contextual dynamics of my research field, which required some different considerations than those suggested by the Board.

Anonymity and potential harm to the participants have been carefully considered in this study. All respondents of the interviews were introduced to the content and aim of my research without any deception. Their participation was based on oral informed consent. All the interview participants also consented to the interviews being audio recorded and that the files would be transcribed and anonymized, except for the two respondents of the first interview data set. As they did not want to be recorded due to the sensitivity of the positions they hold, I instead took notes and recorded my own voice right after the interviews based on these mnemonic notes to be able to remember the details better than simply relying on the rapidly taken notes. In these

²⁷ Ethical Review Board of Sweden, with registration number DNR: 2019-02373.

²⁸ Letter of Permission by the Diyarbakır Bar Association dated 2019-01-20, number 2019/443; Letter of Support by the Human Rights Association Amed Branch dated 2019-02-25.

recordings, I anonymized the respondents and any identifiable information they provided and removed the narratives on their sensitive positions that were making them uncomfortable to be recorded in the first place. All participants were also informed that they could withdraw a particular part or withdraw entirely at any time, during or after the interview. The reaction of three of the respondents when I explained this and asked for their consent to be audio recorded is worth noting here. All three of them comfortably gave their consent to be recorded, telling me the same thing along the lines that, even if I wanted to, I still could not reveal any information that the state does not already know about them and that it should be me who should be worried about being recorded. Their remarks pointing at the surveillance mechanisms of the state were actually informing my main concern throughout my fieldwork. Therefore, I avoided keeping any hard copies of my notes and typed and stored them in encrypted online files together with the audio recordings and my field diary every evening. I avoided keeping them on my hard drives, as these would be more noticeable in a risky situation during my fieldwork. I transferred them to an encrypted hard drive when I arrived in Sweden, as required by the guidelines provided by the Ethical Review Board.

For the participant observations, during the observations taking place on particular occasions, I introduced myself and my research, making other participants aware of who I was and asking their consent for notetaking. Some of these occasions were regular, such as the gatherings of Saturday Mothers or Peace Mothers' protests, and these groups became familiar with me and my research in time. There were some other 'arranged' participant observations I conducted with people already familiar with me and my research, such as the condolences and cemetery visits. Other occasions, such as the visits to the *dengbej* house, were already open for public recording. I was ethically sensitive while taking notes for the spontaneous participant observations during the day. They are mainly on the flow of daily life and spatial arrangements, and do not involve anything sensitive or requiring consent when involving people and behaviors. The homes I had visited mainly for interviews also became settings for my observations. Therefore, explaining my purpose, I asked the homeowner's consent not only for the interview but also for taking notes on the organization of the home. Without exception, they not only consented but also showed me the other rooms, sometimes strengthening their narratives during our interview by some references to particular arrangements in the home. Regarding the documents collected, only the petitions I collected from the archives involved sensitive information that I anonymized by using the acronyms of the institution I collected it from, followed by a numbering e.g., DBA 1-10, HRA 1-10).

Coming back to the interview data, for anonymization purposes I only referred to the relevant demographic characteristics of the research participants throughout their transcription. Participants' anonymity is protected by providing only either their gender or profession, depending on the context. I use pseudonyms for the interview participants. Only the genders and ages of the interview participants are revealed for the first data set. Participants' professions are not stated in the information given with pseudonyms, though some professions are revealed when relevant by the text. In these parts, I do not use pseudonyms but only the professions to avoid any possible disclosure of the participant's identity by presenting their gender, age and profession at the same time. For the second interview data set, consisting of the interviews with the human rights lawyers, gender and age were not found relevant to be revealed during the analysis. Therefore, all of the pseudonyms given to lawyers are unisex names, and, instead of their ages, I provide the number of years they have been active in the profession. Throughout the text, when necessary, I still use the pronouns of 'he' and 'she,' but arbitrarily without an attachment of gender, as the pronoun of 'they' confuses the flow in some parts. In other words, the same pseudonym given to a lawyer can be seen interchangeably being referred to as both 'he' and 'she' in the text. The third interview data set contains the interviews conducted with four institutional representatives. They are referred to by the name of their institution, without any references to their demographic information. Only the interview with the representative from the woman's association is referred to as X rather than the institution's name, considering that it is a small-scale institution unlike the others, so revealing the association's name might have risked the participant's anonymity. Since there are tens of small-scaled women organizations active in Amed, anonymity could be achieved.

With its four central and thirteen peripheral districts, in addition to 807 villages, and a total population of 1,756,353, Amed is a metropolitan area that reduces the risk of an easy disclosure of the research participants, as the fieldwork is conducted in almost all of the districts and many of the villages. For keeping the field as broad as it is, I either change or omit references to the places in the interviews if they are not significant for the analysis. At the same time, there are also crucial references to places I avoided presenting together with any identifiable information on the research participants.

Further ethical considerations focus on reflexivity and positionality, since these were my main concerns while conducting my fieldwork in Northern Kurdistan as a Turkish researcher. This sometimes became an emotional burden on specific occasions.

4.5.1. Reflexivity and positionality

The war in Northern Kurdistan is referred to as the ‘Kurdish question’ in the political realm of Turkey, which literally ethnicizes the question. So it is significant to emphasize that the Kurdish question is not only a political question. It is characterized by the determined limits of geographical and social spatializations. This question has the capability to position, produce and reproduce Kurdishness and Turkishness simultaneously but in different forms. In other words, it reveals what determines the forms of subjectification. Therefore, it has been transforming Kurds, Turks and geographies. It both ethnicizes a space and spatializes an ethnicity. It is multidimensional and complicated, considering its impacts on the spaces, temporalities and bodies, and multilayered in differentiating the temporalities and spaces of Turkishness and Kurdishness. The social is, in this regard, in a continuous reconstruction within complex relationalities. The Kurdish issue forms both of these subjectivities on an asymmetrical surface. Therefore, I cannot be safe from such interrogations. The first-person pronoun that I mostly prefer to use in this text is to acknowledge the presence of an ‘I.’ I am also not exempt from the relationalities of power, domination and resistance that make the subject—an I—in a particular space and time, particularly in the context of this study whose projections offer a subjective experience to me as well.

As a Turkish woman doctoral student coming from Sweden, these interrogations occupy a significant part of my research process. The insider-outsider dichotomy is not sufficient to define my position, as it is insufficient to point out any position. My thoughts on the ‘fieldwork at home’ was further problematized by reflecting on home together with the insiderness and outsidership. Was I at home? Hardly. Would I be at home if I conducted that research in my hometown? Barely. Was I an outsider whose attached identity had strong connotations on the inside, who was made simultaneously with that inside and could speak the same languages as the insiders?

In this sense, reflexivity is not only a methodological but also an ethical concern of this research process. All the more so, it is not only a choice but a must when considering the intersubjective aspect of the research. The fieldwork forces the research process to be reflexive in all ways. Besides the ones with the institutional representatives, lawyers and those I conducted with respondents I had met before our interview, the interviews followed a remarkable chronological order. Respondents begin our interview by supporting their stories with a certain kind of evidence: either a photograph, a legal document or some statistics. They all seem very careful about what they say, and adopt a more formal and evidence-informed language at the beginning

of the interviews. Their narrations gain a more affectional tone right after highlighting my identity:

Of course, we also want peace. Forget about everything; I would love to also see the emancipation of Turkish people. Well, you are also Turkish, do not take it personal, but they did not understand, rejected to see us, did not want to give up their privileges. —Berfin, life history interview

We did not want anyone to do wrong. We did not want Turks to make more mistakes. You also may be a Turk, but I will say it anyway. They did not understand. They did it again. It was wrong all over again. When they were pulling down my house... when they were throwing us out of our houses... when they were burning people to death in the basements... when they killed my son... No one said anything. No voice was raised by the Turkish people. —Fatma, life history interview

I believe that the Turks should ask for peace even more than us. We have a belief, a reason to die. But they do not have a reason. Now, I am saying it even if you are a Turk. Turkish soldiers die for nothing. We die for a cause. —Baran, life history interview

These excerpts from three different interviews are representative of the interview data in showing the change in the tone of the respondents and their emphasis on my identity. I regard this change in the tone and emphasis as a confrontation. A confrontation is needed to eventually form an environment of trust to eliminate any kind of filters, both for the respondents to be able to share their very personal stories that inevitably have an emotional tone and for me to be able to think more about the meanings attached to my presence in that context. This confrontation leads to acceptance. In one way or another, they all show their acceptance as we continue our interview. They do it by referring to some other layer of my identity:

Although you are from Izmir, you know what it means to be a woman in this geography. At least you can understand it. —Sabiha, life history interview

I trust your sincerity. I believe it because you are here. You being here tells a lot about your political stance. —Abdullah, life history interview

Well, if there were more sociologists asking such questions like you, that are curious about what is really happening, then I could be more optimistic. —Mahir, life history interview

All the participants highlighted a layer of my identity which they could relate to and believed would enhance my understanding of them. Besides my gender, political opinion and the academic field, my age was also highlighted, even though it was my gender that was emphasized most by, particularly but not exclusively, women respondents in the phase of what I would call acceptance. After this phase, the tone of our interviews is radically changed. It becomes evident that the environment of trust is formed, they accept me and they feel more comfortable showing their affections and talking openly.

Our interviews begin with our given identities by the context. I was not only non-Kurdish but Turkish, a carrier of the sovereign identity, which made them only Kurdish correspondently. Our identities were based on dichotomies. Our relationships were not free from these binaries constructed by the years-long subjectification processes which shape Kurdishness and Turkishness. They all began by talking like in their prior encounters with other sovereign actors, such as the judges and police, soldiers and mainstream journalists. That is why they tried to remain formal and felt like they needed supporting documentation for their statements. As we continue our conversation, the interview process gains its intersubjective characteristics. These interviews turned out to be a shared experience between the respondents and me. Multiple layers of our identities are revealed. Although I have regarded reflexivity since the beginning of my research process, these multiple layers stated by the respondents were lacking in my prior reflections. I realized that my reflexivity was dominated by the dichotomy between being an insider and an outsider. In this context, however, I realized how interwoven the positions are. The reflection of intersectionality is inevitably enhanced by my fieldwork. Challenging the insider-outsider dichotomy, I adopt an approach that is emphasized as the “partial insiderness” by Sherif (2001, p. 438), arguing that the unstable positions, shifting and ambivalent boundaries between people involved in a research process either as a researcher or a participant becomes a significant part of the inquiry itself as it very much reflects on the formulations of knowledge and the engaged interpretations in the research. This is because nobody can be entirely an insider or an outsider of a context, but rather oscillate across them without completely being one of them since there are also no stable insides or outsides. Every researcher would have certain presuppositions and hidden assumptions engraved into their subjectivities that are required to be overcome and/or acknowledged to enable an understanding. It is more helpful to talk about shifting positionalities based on the fieldwork experiences, and making them a part of the research itself, rather than the oppositional binaries of insider-outsider that exclude one another. In other words, I was reminded by my research participants that there are no absolute insider or outsider positions.

4.5.2. 'Giving back' to the field

Even though the research process is a relational, shared experience, in social research, the one who 'takes' more is the researcher in most cases. I also took time, stories, guidance and support from my research participants. They welcomed me into their homes, invited me to dinners and breakfasts, made time to accompany me to different places, shared their social contacts, experiences, gave me rides to distant locations, introduced me to their social networks. Some thought as much as I did about the possible interesting places, people and events for my research, most of them offered their most generous and sincere companionship throughout my research. I can say that I was fortunate to have that many people by my side.

"Giving back in a research setting" is a highly discussed ethical and methodological consideration that has almost as many answers as the number of people writing about it. Some researchers consider it within the scope of the research project and suggest that aiming to improve the research participants' lives with the research findings would 'give back'. Another group of researchers is activists engaged in the struggles they study and 'give back' by informing their activism with their research. Some scholars tie 'giving back' to the moment of 'taking,' and point at the exchange in the research field by helping out the relevant everyday conduct of the site. For some, it is the very act of taking that already facilitates giving by opening avenues for participants' expression, saying that participation in a research project may be a "healing process" by giving voice to those silenced (Gupta & Kelly, 2014).

Reading about each of these, I reflected on my own experiences. I cannot make a claim of 'giving back' with the findings improving my research participants' lives as it would be an ambitious and even unrealistic promise considering the ongoing war. On the other hand, I find informing my activism with my research findings to be an inevitable consequence rather than a 'giving back,' considering that most of my participants' activism is already much stronger and more effective than mine. Also, I consider the exchanges I engaged in during the fieldwork, for example by helping out with cooking when I was invited for dinner, inviting them over in response and supporting the NGOs I collaborated with by performing daily tasks as just the basis of not only fieldwork but social interaction. Still, the suggestion that I consider myself most distant from, both ethically and politically, is the one arguing that participation in research gives voice. The voices of my participants already echo in accessible ways, and they are active agents opening their own avenues. Nevertheless, their participation in my research, very enthusiastically in most cases, can be considered an avenue they open for themselves.

One of my research participants has been calling me every two months since I came back to Sweden from the fieldwork to ask how my writing goes and when it will be completed. Also, during my fieldwork, I received many questions regarding the projected profiles of the future readers – not in a suspicious tone conveying a worry about a potential disclosure but, on the contrary, to understand the possible area of influence of the thesis. In other words, they can be considered to see their participation in my research as enacting a communication of not only their experiences but also the political ideals that mean much to them. Therefore, moving beyond a gift economy of taking from and giving back to the field, I end by framing my attempt as giving a hand by bringing the stories they want to communicate to various fields, starting with the academic circles.

Also, as mentioned, this thesis is defined by its loose ends. Therefore, its recontextualization is not limited to this very form. Some parts of it can be turned into reports that I can send to the activist groups I met and the NGOs I collaborated with for them to look into their potential use in their activities. It can also turn into a briefing for policymaking in a potential future peace process to inform policymakers about the experiences, struggles and aspirations of my participants.

This thesis can also be considered documentation of how my participants describe present injustices and their justice aspirations, which functions as memory keeping. As one of the sections of Chapter Seven discusses, the human rights lawyers I interviewed describe their legal practice as keeping the memory of the present. As the discussions unfold, they do not hope to attain justice in the present but still submit hundreds of petitions to the prosecution office annually, make long defenses in the courts and engage in an intense legal fight to document the present violations for a potential future when talking about peace would be possible. They turn the law into a site of memory and themselves into archivists. This thesis can add to the archives where they keep the memory by turning itself into one to give a hand to their efforts of memory-keeping with a different archive than the law.

Chapter Five

Theoretical Framework

This chapter presents the overarching theoretical framework of the study, which provides analytical tools introduced into the analytical framework presented in the previous chapter. I elaborate on the analytical framework by drawing on the Foucauldian toolbox. Foucauldian insights construct this framework to make sense of relationalities between truth, power, justice, law and space, which this study is interested in problematizing. It is important to note that this chapter does not provide a conceptual framework but an analytical toolbox. By adopting Foucault's understanding of theory, which is, in Deleuze's words, a "box of tools" (as cited in Foucault, 1996a, p. 208), I elaborate on the theoretical discussions to gain an observational angle and analytical tools to make sense of the relationalities rather than adopting systems of stable patterns through which a given area is attempted to be described. Therefore, theory operates like an observatory for this research and provides analytical tools and lenses for its ethnographic contextualization in the later steps of the analysis, whose process is already presented in the previous chapter.

This chapter is organized into seven sections that unfold the analytical tools and strategies informing this research one by one and together set the theoretical framework, which is the angle I made use of throughout my inquiries. The first section introduces nominalist ontology, Foucault's use of nominalist intervention as an analytical strategy and the angle nominalism enacts for the inquiries of this study. The second section introduces 'games' into the toolbox by drawing on the triangle of power, knowledge, subject, 'game of truth' and the 'truth-subjectivity' regime, together with a presentation of their operationalizations within the scope of this research. When I introduced 'games' in the toolbox, the later steps of the analysis revealed a 'game of justice,' which I also added into the toolbox for further analysis. 'Game of justice'—both as a result of analysis and a tool for further analysis—

moves between this theoretical framework and the empirical material in a circular manner and is presented in section three. In the following section, informed by nominalism and by drawing on games, I present the discursive and non-discursive practices triggering ‘becomings’ of the things that do not actually exist. These practices gain their materiality by *dispositif* presented in the fifth section. Despite previous discussions on the topic, section six takes a closer look at both power and the state in Foucault’s works to reveal his analytical strategy of nominalist intervention facilitating him to engage in his well-known analyses of power. The final section introduces law into the power-knowledge locus and traces law in Foucault’s works to be able to suggest and inform the inquiries that a nominalist strategy marks law as always in becoming.

5.1. Foucauldian nominalism

As quoted previously and providing the title for the chapter on the research site (Chapter Three), someone in Amed told me that only after understanding why Diyarbakır is actually Amed can one hope for peace – a quick remark popped into a long conversation without elaboration leaving me thinking about the different emphases hidden in the words and sentence patterns chosen. “Actually,” she emphasized, referring to an actualness that the self-evident word of Diyarbakır chosen as the unquestionable subject of the sentence does not carry – a simple change in the naming with the power of shifting the reality and triggering peace. This sentence remained with me as I continued my research and resonated with different themes in the analysis. The map I reduced my data into, that the analytical process presented in the previous chapter elaborates, brought different empirical themes together and separated others. In that map, the law in Diyarbakır and the law in Amed were different from one another. Not only the law, but many different notions that are touched upon up until now, ranging from power and resistance to justice to name some, gathered together under three themes remarkably marked by Diyarbakır, Amed and a transitory zone between them, which facilitated me to engage in a spatialized analysis presented previously. Such a significant power of the name and naming, on the other hand, signifies an ontological interference, an interference that enacts ‘external reality’ in different ways, and, so, requires an in-depth analysis.

This analysis finds its tools in Foucauldian nominalism. Beyond being positioned in historical nominalism merely ontologically, Foucault turns it into

an analytical strategy intervening in the names considered self-evident despite their non-existence in the external reality, reciprocally shaping that external reality. Therefore, his analytical strategy underlines the particularities and becomings as this chapter also unfolds. Through this nominalist intervention, Foucault disrupts categorizations and conceptualizations, which I find insightful for overcoming the separation thesis, separating law and justice through strict conceptualizations despite their inseparable experiential connection (see Banakar, 2015, p. 6), as elaborated on later in the chapter.

Even though Foucault does not get involved in philosophical discussions regarding nominalism, I will still briefly touch upon them to link these arguments to his analytical strategy. This clarification would also help me unpack the analytical framework I adopt when introducing justice and law into the power-knowledge locus following a similar nominalist intervention. I believe focusing on nominalism would make his work more accessible. It would particularly clarify his understanding of the law that has been misleadingly argued as being removed from the modern forms of government which is referred to as the “expulsion thesis” (Hunt & Wickham, 1994, p. 22) that, to a great extent, informs the implementation of Foucault’s tools in socio-legal studies (e.g., Fitzpatrick, 2013; Golder, 2012; Golder & Fitzpatrick, 2009; cf. Valverde, 2010; 2017). Since his position in nominalism enables him to engage in his well-known analyses of power, state, sexuality, madness and governmentality (Bacchi, 2020), nominalist intervention as an analytical strategy can be considered to occupy a central place in his works.

Coming from the Latin word *nominalis* which means “of or pertaining to names” (Bacchi, 2020), nominalism is ambivalent since it has at least two formulations: one of them rejects the universals and the other argues that it is formed by the rejection of the abstract objects (Rodriguez-Pereyra, 2015). Although rejection of universals and abstract objects mark two different arguments, they share an emphasis on anti-realism. While one rejects the reality of universals, the other challenges the reality of abstract objects (Rodriguez-Pereyra, 2015) – both, in a way, highlight a spatiotemporal existence (of things) that is not fixed nor given but particular or concrete. It is significant to highlight that it does not imply an overall rejection of the alleged existences of things (subjects, objects, properties and so forth) but problematizes their attributed names assigning them universality and/or factuality. Therefore, nominalism briefly argues that by naming things we dissolve them, since it is through their naming that things are made universal despite being particular or existent despite being abstract.

Without being interested in clarifying his philosophical positioning regarding nominalism or the metaphysical debates it is articulated into,

Foucault adopts this argument nominalism formulates and marks his theoretical position by turning this argument into an analytical strategy - a nominalist intervention. As his well-known analyses of power, governmentality, madness, and sexuality, among others, illustrate, he does not attempt to engage in definitions attached to the names of these notions. Instead, he considers them as mere names taking particular appearances in the different web of relationalities. He focuses his inquiries on these changing relationalities enabling the attachment of different definitions to certain names, mainly by looking into the historical-epistemic contexts of such attachments. That is why Foucault does not set up a conceptual framework in a traditional sense. The notions Foucault travels across do not have fixed meanings. Instead, they are “tactical weapons” (Valverde, 2010, p. 45), making him engage in analyses. The concepts that provide restricted patterns claimed to be applicable in different contexts are just names attributed to particular relationalities without their particularity being considered. Foucault, therefore, focuses his analytical insights on the rules, strategies and mechanisms that assign certain names—so a universality and/or concreteness—to particular relationalities rather than attempting to make singular definitions based on these names.

A nominalist intervention can be considered as an operationalization, an analytical strategy. I adopt Foucault’s nominalist strategy to understand the meaningful togetherness or segregation of the same notions that appeared in different ways under three themes in my analyses. In other words, moving beyond the similarity they gain by sharing a single name, I trace their differences in their particular position within the themes marked by Diyarbakır, Amed and the zone in between (or by exclusion, emergence and contestation, as will be clearer in the following empirical chapters), which are understood as different truth-subjectivity regimes as will be elaborated shortly. I find the nominalist strategy particularly helpful for socio-legal studies in their empirical inquiries on justice. As presented when situating the study in the introductory chapter, the existing literature mostly focuses on what particular forms of justice mean within narrow contextualizations. Nominalist interventions can be used to understand different webs of relationalities making justice take these particular forms instead of defining these particular forms of justice, that otherwise lead to strictly conceptualized forms of justice differentiated from one another with the adjectives added before the name of justice - from procedural to social justice, to name only two among many. These adjectives, I would argue, drawing on nominalism, point at a web of relationalities making justice, a non-existent abstract notion, appear in different ways. Briefly, the nominalist strategy facilitates an understanding of underlying relationalities behind the meaning-making of things assigned

certain names, within their particularity, by rejecting to define the meanings of things attached to their unquestionable ‘universal’ names.

5.2. Game of truth

The particularities of relationalities can be revealed by looking into the “game of truth,” which highlights “becomings” rather than “existents.” In order to discuss how Foucault refers to the “game of truth,” and hence the distinction between becoming and existent, marking his strategical positioning in historical nominalism, I will first elaborate on the triangle Foucault forms between power, subject and truth, as they provide an insightful toolbox through which the complex relationalities and changing subject positions in Northern Kurdistan can be analyzed. An approach based on a restricted identity would not be sufficient to make sense of the subject positions in Northern Kurdistan, which appeared as ranging from excluded quasi-citizens and grieving relatives resisting an enforced mourning hierarchy to powerful actors enforcing their own ideals since the interplay of multiple truth regimes characterizes Northern Kurdistan.

The relationalities forming the triangle of power, subject and truth resemble ‘computational fluid dynamics,’ a natural scientific method used to visualize gas and liquid flows to be able to study their influences. Power, subject and truth can then be considered liquids that take their shapes according to their encounters, such as the stream whose shape changes in its bed and reciprocally shapes its bed with its flow. Analysis of the liquid and its flow requires something concrete, which informs Foucault’s triangle model. Something that is always in a becoming requires a disruption to be analyzed as existent. Such an analysis is helpful for this research for moving away from essentialist ethnicity categories.

“We cannot jump *outside* the situation, and there is no point where you are free from all power relations,” suggests Foucault (1996b, p. 386, emphasis in original), marking his abandonment of the claim of sole repressive power. Power is not necessarily repressive but is always productive, and its main product is the subject. He never addresses the subject in its traditional meaning nor does he talk about human nature, which does not mean that he rejects the subject. It is only problematized (Colwell, 1994, p. 56). The subject is fluid and marked by the becoming through “subjectification.” In other words, an individual always in the process of subjectification becomes the subject in her encounter with power. There are no subjects prior to power for Foucault. The

subject is always within a web of relationalities between power-knowledge, subject and truth.

It is also not possible to talk about knowledge or truth apart from power. By understanding knowledge as an influence, reflection and invention of power, similar to the formation of the subject, Foucault draws this web of relationalities. These relationalities should be considered historically, as they are particular encounters that are historically conditioned. Therefore, knowledge for Foucault is not a Platonic ‘discovery’ or ‘remembering’ but an invention that is not possible detached from the power relationalities:

That knowledge is an invention means: that it is not inherent in human nature, that it does not form man’s oldest instinct. But above all that, its possibility is not defined by its form itself. The possibility of knowledge is not a formal law; its possibility arises in a space of interplay where something altogether different is involved, that is to say: instincts and not reason, knowledge, or experience; doubt, negation, dissolution, and temporization, and not affirmation, certainty, conquest, and serenity. (Foucault, 2013, p. 203)

This “something altogether different” refers to a movement beyond the oppositional binaries enabling certain modern categorizations that bear the ‘virtues’ of the ration, reason, knowledge-in-itself and certainty. He argues that knowledge does not have a given form by its universality, but, it appears, becomes (possible) within “a space of interplay,” a space that links power to knowledge with a hyphen. In other words, knowledge is embodied within a web of power relationalities and by these relationalities. It changes its form within different encounters, ‘becomes something’ different, and is therefore always in a ‘becoming,’ without a fixed form. Modernist approaches to knowledge determine its form by a fictionalization of an empty, pure place for power to operate, considering the reformation and distribution of political power in a more centralized and repressive way. In this modern condition of knowledge characterized by its absoluteness and universality, and correspondence to the truth, “a fictitious place was fixed where power is founded on a truth which is only accessible on guarantee of purity” (Foucault, 2013, p. 193). Therefore, Foucault argues that the truth under the “guarantee of purity” makes the power relations behind it invisible, and, reciprocally, a given pure truth is what portrays power as centralized and solely repressive. Consequently, truth is not universal but appears through an assignment of trueness or falseness to the propositions and discourses within certain power relationalities. Consideration of the truth as objective, factual and universal would ignore the operations of power, and exclusions engaged in by these operations would be legitimized:

The important thing here, I believe, is that truth is not outside power, or lacking in power: contrary to a myth whose history and functions would repay further study, truth is not the reward of free spirits, the child of protracted solitude, nor the privilege of those who have succeeded in liberating themselves. Truth is a thing of this world: it is produced only by virtue of multiple forms of constraint. And it induces regular effects of power ... by truth, I do not mean ‘the ensemble of truths which are to be discovered and accepted,’ but rather ‘the ensemble of rules according to which the true and the false are separated and specific effects of power attached to the true.’ ... ‘Truth’ is – to be understood as a system of ordered procedures for the production, regulation, distribution, circulation, and operation of statements ... – is linked in a circular relation with systems of power which produce and sustain it, and to effects of power which it induces and which extend it. A ‘regime’ of truth. (Foucault, 1980g, pp. 131-133)

As this passage unpacks, he considers truth in a rather different fashion and does not find the value of truth in any particular statement. The truth value of the statement does not come from the statement’s correspondence to the facts, but it rather originates from locating that statement in a regime that reciprocally makes that very regime. Therefore, it is not possible to talk about the truth beyond the power relationalities. Truth is always produced by a containment engaged in by these relationalities. For Foucault, the truth is not a transcendental-signified located in a pure, empty place according to which the world is positioned, but is within a regime induced and extended by power operations. Imagining the truth free from power may lead to the organization of the truth as a pure field of struggle. Such a field does not exist, however, nor are there any struggles that do not demand power. He emphasizes that the continuous relationship between power and truth is cyclical, and states that they attempt to construct one other reciprocally. Therefore, we cannot talk about a truth constructed in an objective, immutable field, nor can we think of the fields of thought independent of the power where the given truths are positioned. By recalling the production of the subject, this cyclical relationship cannot be separated from either “subjectification” or “objectification,” because the regime within which truth is produced is also where power, knowledge and subject encounter and make one another, disrupting each other’s flow at the moment of that encounter. The “game of truth” arises from and organizes the very interaction of them all:

[W]hat could be called the “games of truth” come into being — that is, not the discovery of true things but the rules according to which what a subject can say about certain things depends on the question of true and false. (Foucault, 1998c, p. 460)

When the continuous subjectification of an individual is disrupted at the point of encounter with power-knowledge, and the subject is produced, they all together form a truth regime, producing the truth. Therefore, that subject produced is informed by what is sayable within that regime. What Foucault refers to as the ‘game of true and false,’ or the ‘game of truth’ (*jeux de vérité*), is the interplay of the rules assigning trueness or falseness to the propositions, statements and discourses when they get coordinated with a truth regime. It points out the rules that take place within a particular truth regime and, at the same time, make that truth regime by arranging the attachment of power to true. By looking into such rules, the production of subjectivities by that truth regime appears, as this set of rules producing the truth of that regime is what problematizes and historically constitutes the existence of a subject as an experience. The constitution of subjective experiences, the transformation of individuals to subjects, marks a movement from the universal, compulsory and inevitable to the realm of the particular, contingent and arbitrary. Briefly, the game of truth is a problem related to the modes of subjectification, what defines the rules, operations and strategies of power produces the subject within a historical web of encounters.

These insights provide me with helpful analytical tools for my empirical inquiries, as can be illustrated by referring to the three portrayals of Amed drawing on three historicizations of the city, briefly touched on by the introductory chapter. These three histories relying on the Turkification policies in Northern Kurdistan, bloody repressions of Kurdish uprisings in the city and Amed as the capital of Kurdistan can then be considered as pointing at three truth regimes in the city, three particular historical encounters of power, knowledge and subject, three different sets of rules informing the attachment of power to true. My research participants, in their narratives, oscillate across these three and embrace different subject positions in this oscillation. The individuals are the same, but through these three subjectifications they become different subjects. They narrate themselves as ‘the excluded’ when drawing on the historicization focusing on Turkification and ‘the patriotic’ when drawing on the historicization marking Amed as the capital. They are informed by the games within the regimes where they become subjects. The shifts in their narratives can be traced by looking into these games. These regimes are neither stable nor transhistorical. They are based on these historicizations, which gets remarkably visible in the third subject position that research participants embrace.

The historicization marked by the Kurdish uprisings and exposed violence produces the subject as ‘the resisting.’ Resistance and power are not things but relationalities, and both are within the relationalities of power, knowledge and

subject. In other words, resistance relationalities are indeed power relationalities, and they both are omnipresent (Foucault, 1978, p. 95). What marks their difference is not their value-loaded, self-evident virtues but encounters. In this thesis, I operationalize resistance as what takes its reference from the relationalities of one truth regime and contests another truth regime to free the subject produced by the former from the subjectification of the latter (see Foucault, 1982). In this contestation, another truth regime appears in between them, marked by ‘resistance.’ To illustrate by drawing on ‘the resisting’ subjectivity embraced, its historicization relies on the bloody repressions of the Kurdish uprisings. History of Kurdish uprisings informs the game of truth and produces the subjects, whereas their violent repressions enact a different subjectification, marked by the difference between the “Kurdish martyrs” and “neutralized terrorists.” The resisting truth regime appearing in-between, due to the clash of historicizations of a particular historical condition, is triggered by ‘the patriotic’ subjects resisting to free themselves from ‘the excluded’ subjectivity. This encounter enacts a third truth regime, informed by both the others but being neither of them. Resistance of the patriotic to the excluded produces ‘the resisting subject’ within its own power interplays, which illustrates well what Foucault means by resistance being prior to power (Foucault, 1996b, p. 167). Power without resistance would be merely oppressive. Therefore, it would not be power. In other words, he does not refer to a causal link in a linear chronology, but to the triggering relation changing the forms of subjectification - a change reflected in the game of truth. The resistance of the patriotic subject is prior to the power that produces the ‘resisting subject.’ Therefore, use of the games as analytical tools facilitates me to understand the switches across these three modes of subjectification. Games signify the webs of relations within which the subject talks, acts and performs.

Deprived of a given form, Foucault argues that the forms of subjective experience are constituted, developed and transformed through problematizations. Problematization is both a form and an object of analysis for Foucault, through which he understands how particular things become problems. The relationality of subject to subjectification marks the relationality of problem to problematization. Although the products (subject in this case) can be the object of analysis, they cannot be considered fixed – making the analysis continuous as the subjectification is continuous as well. In other words, ‘the problem’ is a critical analytical tool that can be understood in the analytical process of “re-problematization,” (Foucault, 1990c) informing the recontextualization that is a decisive aspect of the ethnographic analysis in this study.

Therefore, every truth regime is also a subjectification regime, as truth is not a simple disclosure of the fact lying behind the appearance. On the contrary, it is the ability to reveal the connection, fusion, and rupture points of the knowledge and power regimes and subject within a historical context: “The subject of knowledge itself has a history; the relation of the subject to the object; or, more clearly, truth itself has a history” (Foucault, 1998a, p. 2). There is an evident connection of truth to history, according to Foucault. All truth regimes are historically conditioned and are derived from a ‘past’ by engaging in a historicization. Foucault (1995) turns ‘the present’ into an object of analysis and suggests that one needs to problematize the past by engaging in writing “the history of the present” (p. 30-31). Moving beyond the traditional, monolith understanding of history – fictionalizing a history as the only legitimate past of the present – he points at the multiplicity of the pasts. According to him, “history is only possible against the background of an absence of history, in the midst of this vast space of murmurs, that silence stalks as its proper vocation and its truth.” (Foucault, 2002, p. 5). This space is not given or stable. Contrary, similar to any construct, it requires a rediscovery of the ground, a noncontainer space. Briefly, processual becomings marking Foucault’s inquiries also inform his understanding of history. Like the production of the subject through continuous subjectification, the space through continuous spatialization, and the problem through continuous problematization, history is also produced in the process of historicization. These processual becomings produce subjects, spaces, and history within the relationalities of power-knowledge coordinated within truth regimes. Therefore, every truth regime is a subjectification regime producing subjects. Through subjectification, they saturate the meanings, affections, imaginaries, and perceptions and produce spaces. All these relationalities are also historically conditioned in a particular history engaged in by the dynamics of historicization in a particular truth regime.

Each three historicizations of Amed, which I drew on as an example for my use of the Foucauldian toolbox in this chapter, signifies the truth inscribed in that particular historicization. Therefore, these three historicizations signify three regimes of truth since there are no different truths in a particular regime. Every particular truth is produced by a particular encounter of power-knowledge and subject, and they together make a truth regime, informing the rules of the game of truth. The statements to which is attached trueness or falseness through games reveal the truth-subjectivity regime. By enabling an arrangement of the things deployed within the truth regime as true or false, the game of truth offers particular discursive practices and, therefore, a subject position to form the subject–subjective experience. Being “subjected” to these

relationalities, individuals turn into the subjects and the objects of knowledge. In other words, subject positions offered by these relationalities are prior to the subject, so the subject is always in the process of subjectification.

In this way, Foucault's tools of the game, and truth-subjectivity regime, enable this study to reveal multiple truth-subjectivity regimes in Northern Kurdistan. As elaborated on by the previous chapter, characterized by a particular encounter that makes rules informing the games and producing the truth and mode of subjectification, the truth-subjectivity regime is saturated. This saturation makes the "space of interplay" come into view. Therefore, my spatial analysis gains its tools from the truth-subjectivity regime, a regime that is spatialized by saturation. Within this insightful toolbox, boundaries that are constantly evoked throughout my fieldwork and later in the analysis gain their meanings as the constraints of truth-subjectivity regimes. As the space of "truth-subjectivity regime" is a "space of interplay," it is dynamic and so noncontainer, that is, in a continuous reconfiguration by discursive practices (A. Jackson, 2013), as discussed previously in the methodology chapter.

The following empirical chapters draw on three different spatializations of truth-subjectivity regimes in Northern Kurdistan and the dynamics, relationalities and interplays of each. Chapter Six makes explicit Turkishness as a truth-subjectivity regime characterized by its modern formation drawing on binary categorizations, offering Kurds a threshold of existence – by existing through being included in (as Turks) and non-existing through being excluded from (as Kurds). Turkishness engages in a subjectification of an in-between subjectivity of Turk-to-be. Chapter Seven moves to another truth-subjectivity regime whose web of power is triggered by resistances acting on the power operations of Turkishness by continuously disclosing the limitations and exclusions of its formation. The resisting subjectivity of Kurdishness is characterized by its shifts. It is shaped as a resisting subjectivity, since it takes the game of truth played within the Kurdishness truth regime as a reference to be able to act on the limitations of the Turkishness truth regime. As the games signify what is sayable within a particular truth regime, I operationalize "translation" as a methodological strategy to be able to trace the distortion of the rules informing the games within the resisting subjectification regime to be able to incorporate into the Turkishness subjectification regime to act on its power interplays. Chapter Eight moves to the patriotic truth regime within the mode of subjectification triggered by the Kurdish freedom movement. All these changing inquiries focus on the subjective experiences inscribed in different regimes of truth. Since truth regimes are set by their constraints and, therefore, render the dynamics and games beyond their realms invisible, I

engage in a recontextualization by moving across different regimes of truth, enabling a multi-perspectivity.

5.3. Game of justice

My analysis showed different references and formations of “justice,” different formations that are spatialized together with particular modes of subjectification. With a nominalist intervention, the epistemic contexts, and therefore the particular power-knowledge interplays, revealed the naming of different exercises, practices and exposures as just and unjust in different ways. This attachment of justness and unjustness is informed by the rules that also inform the game of truth. Therefore, based on my empirical analysis, I introduced “justice” into the power-knowledge locus, within the interplays of the truth regime.

The singularity of justice inscribed into particular truth regimes appeared as discursive and experiential, revealing the “the rules according to which what a subject can say about certain things depends on the question of” (Foucault, 1998c, p. 460) just and unjust. By drawing on the empirical material and game of truth, I informed my analysis (of these rules, attachments and organizations of the statements) with what I call the “game of justice.” As discussed previously, I operationalize the theory as an observational angle without restricting conceptualizations and adopt a circular relationship with it throughout my inquiries. “Justice” is first introduced by my empirical material into the study. In other words, I did not have any theoretical understanding of justice prior to the analysis. Throughout the analysis, it appeared in different formulations together with all the other notions gathered under particular themes as the knowledge produced by ethnography. When the analysis gained its tools from Foucault in the later steps, I came to understand these different formulations of justice as connected to the game, turned them into an analytical tool added to the framework and engaged in further analyses by using them to understand the multiple subjectification regimes in Northern Kurdistan. In other words, the game of justice is both a result of the analysis and a tool for further analysis in a circular manner.

Foucault (2014) argues that truth-telling is telling justice, implying the parallel discursive production of truth and justice within particular regimes. The games are informed by the rules within these particular regimes that reproduce their constraints. Games also threaten the regimes, however. At this point, by drawing on the games, Foucault’s understanding of the subject can

be unpacked. Foucault's understanding of the subject as produced by power has been mostly interpreted as a removal of agency. I would, however, argue that Foucault's approach to power is neither repressive nor container. It is productive and omnipresent. "Power is not a thing" (1996c, p. 410). As such, it is also embodied through its subject production and in that encounter. Therefore, its trajectory can be shifted through subjective performances. This understanding of the subject does not refer to a lack of agency, but a different understanding of agency through "self-technologies," enabling individuals to perform a series of operations on their own bodies and souls, thoughts, ways of acting and modes of existence, either by their own means or as triggered by others. They thereby transform themselves, and reciprocally trigger the direction and character of power relationalities. Subjectification is not triggered by being subjected to a negative repressive power but by productive power relationalities facilitating subjects to form their self; "make their selves" through self-technologies, consciousness and self-knowledge(-power) (see Foucault, 1988). In other words, individuals position their various forms of experiences as a field of truth belonging to them by constantly acting on the power relationalities offering them subject positions. This act reproduces them as different subjects by these new trajectories of power. Agency, in Foucault, can then be considered through the subjective performances turning individuals into the subjects of their experiences. Briefly, power produces the subject and the subject produced shifts the power interplays and is reproduced over and over again.

'Games' signify and make explicit this agency of the subject. In the 'game of truth,' the reference to 'game' is not only informed by the truth but also erodes its realm. Game not only points at the historicity, particularity and contingency, but also marks that the suggestion and practices assigned trueness—became the truth—are fragile and can always change through its reflections on daily life as repetitions, insinuations, practices and subjective performances. A shift in the attachment of trueness enacts a different truth regime. Throughout my analysis, justice, reproduced through games of justness and unjustness, reveals these discursive strategies shifting, eroding or reproducing a particular embodiment of justice.

The power of the subject acting on the power producing herself through games further reveals the form of agency in Foucault's work. His suggestion underlining that "the target nowadays is not to discover what we are but to refuse what we are" (1982, p. 785) points at this power of the subject. This suggestion implies that the practices of the self are not self-evident, and points to the field of subjective experience against a self-substance. These fields of experience come remarkably into view throughout my empirical inquiries.

Kurdishness, formed as the monolithic identity of ‘the Other,’ appears on the threshold of existence in Turkey’s juridico-political realm (see Chapter Six). It is defined within the constraints of an identity fixed at a transitive becoming. This blurry and ambivalent position to which is attached a new meaning by the Kurds, acting on that subject position restricted within an identity and appearing in different ways throughout the empirical material—which I made sense of through drawing on Foucault’s tactics (1978) and Butler’s (1997a) “subversive repetitions”—both referred, in a way, to the strategic appropriation of the mechanisms or categories belonging to a particular regime to shift it.

Repetitions, insistences and tactics are discursive and performative appearances of the power of games to erode the truth and/or justice. They echo in different scenes from the empirical material. The lawyers’ tactics of calling the police from the police station to make unregistered detainees register (Chapter Six), Kurdish political prisoners’ insistence on making oral defense in Kurdish in the courts despite its denial (see Chapter Eight), Peace Mother’s embracement of motherhood category restricted within the private sphere to make a public expression (see Chapter Eight) and insistence in mourning among the relatives of the forcibly disappeared by opening up spaces in daily life are just a few examples among many. They reveal different modes of subjectification, informing different games operating to erode the realm of truth and justice. In other words, these games further reveal the dynamicity, condition and fragility of truth and justice. Therefore, rather than a substance and advocacy for a substantivized subjectivity, my inquiries showed repetitions, tactics and the erosions of the truth through games problematizing ‘the given’ and producing new fields of subjective experience. This empirical context focusing on subjectivities, practices, injurious expressions and movements showed that none of these are top-down, single-centered fixed variables but equipped with tactics, subversive repetitions and fields of resistance, and that where there is strategy, there are tactics, where there is an authoritarian sovereign, there are daily insistent repetitions and where there is power, there are resistances.

5.4. Becomings

An inquiry into the realm of the subjective experience requires revealing its formation by the interaction of the discursive and non-discursive practices, as the discursive practices reveal the game of truth and the mechanisms attach a normativity to the statements that poured into discourse via games. Production

of ‘the terrorist subject,’ presented by the inquiries of Chapter Six, can be used as an illustration of this interaction. Turkishness produces a particular knowledge of terrorism, for example through textbooks, historical research and statistics. This knowledge is assigned truthness and carries a claim to the truth. Non-discursive practices inscribed into the material organization of this produced truth, it being the courthouses, barracks and schools, work to attach a normative quality to this produced knowledge on terrorism and draw the constraints of that knowledge. The subjective performances falling within these constraints are produced as ‘terrorist acts,’ and the performing subjects are reproduced as the terrorist subjects.

Foucault’s analyses concentrate on madness, sexuality and delinquency. When knowledge about a behavior pattern based on research areas such as psychology, psychopathology and criminology is produced, it carries a claim to truth. Non-discursive practices, on the other hand, make such propositions that claim truth to be applicable. While disciplines such as psychology, psychopathology and criminology activate the fields of knowledge, hospitals, mental clinics and prisons set boundaries and constraints based on the knowledge “produced” through “scientific” research. Therefore, the field of subjective experience or self-practice, e.g., mental illness, is formed through these truth-claiming propositions and normative systems. Through these discursive and non-discursive practices, meanings are assigned to particular behaviors and put into action, turning subjects into objects of knowledge. An important note is that even self-knowledge and the knowledge of the self are not independent of the game of truth, and the practice of the self is the meaning that we attribute to our own existence based on such fields of knowledge and normative systems. This relationality between the normative and discursive constitutes one of the areas where Foucault directs his attention. By asking how sexuality is normative on the one hand and poured into the discourse on the other, for example, he engages in a problematization:

What is at issue, briefly, is the overall “discursive fact,” the way in which sex is “put into discourse.” Hence, too, my main concern will be to locate the forms of power, the channels it takes, and the discourses it permeates in order to reach the most tenuous and individual modes of behavior, the paths that give it access to the rare or scarcely perceivable forms of desire, how it penetrates and controls everyday pleasure ... (Foucault, 1978, p. 11)

This explanation points out the formation of the experience of sexuality based on discursive and non-discursive practices or fields of knowledge and power, invoking individuals as subjects and constituting subjective experiences. The point requiring an emphasis here is that it is historically established that

individuals become the subject of that experience. In this respect, the aim is not to talk about sexuality as an autonomous field but to reveal its deployment. This emphasis on the deployment rather than the field-in-itself is not specific to sexuality, but a shared concern of all the inquiries Foucault engages. When introducing governmentality, in one of his lectures, he underlines deployment and connects these arguments to his ontological positioning:

The question here is the same as the question I addressed with regard to madness, disease, delinquency, and sexuality. In all of these cases, it was not a question of showing how these objects were for a long time hidden before finally being discovered, nor of showing how all these objects are only wicked illusions or ideological products to be dispelled in the (light) of reason finally having reached its zenith. It was a matter of showing by what conjunctions a whole set of practices—from the moment they become coordinated with a regime of truth—was able to make what does not exist (madness, disease, delinquency, sexuality, etcetera) nonetheless become something, something however that continues not to exist. (Foucault, 2008, p. 19)

In the passage quoted above, deployment is described through a reference to getting “coordinated with a regime of truth.” In other words, the deployment, articulation into and coordination with a truth regime is what enables a “set of practices” and rules, the game of truth enabling a temporary spatial organization/arrangement to make things appear—‘become something,’ while remaining non-existent—as they are just names assigned to particular discursive and normative practices which are dissolved at the moment of being named.

The division between becoming something (*devenir quelque chose*) and existing (*exister*) put forth by Foucault in this passage refers to “two ontological positions of historical nominalism and natural realism” (Oksala, 2012, p. 28). Marking his ontological positioning in historical nominalism, and therefore through ‘becoming,’ he argues that “madness, disease, delinquency, sexuality” and governmentality do not exist as a part of reality, like natural things, but they “become something” when deployed within a truth regime. In that regime, they are inscribed into a web of relationalities and marked out in reality by a set of practices (2012, p. 28): the ‘real’ practices.

These analytical tools, ontologically marked by becomings, facilitate me to make sense of the complex relationalities and dynamics revealed by my analysis. They enable me, for instance, to move away from the essentialist identity categories mentioned before. Therefore, as empirical chapters unfold, I do not draw on Turkish and Kurdish ethnicities nor understand them as mere subject positions. Instead, I look into their various becomings within different

relationalities Both, then, find their meanings in different ways in their particular inscriptions and markings. Turkishness becomes a sovereign subjectivity or a disciplinary promise when marked through the schools, for example, or it becomes a condition of citizenship when inscribed in constitutional provisions (see Chapter Six). On the other hand, Kurdishness becomes a political consciousness when inscribed in the territory, becomes an experience shared through memory practices or a claim when it is linked to the Kurdish language (see Chapter Eight). ‘Becomings’ also help me see various becomings of justice through different games. More than discursive attachments of justness and unjustness by games, justice becomes something when marked out in reality. For example, it becomes through the procedures of the legal system or when inscribed into the content of the laws (see Chapter Six), through the decisions made by Justice Commissions and People’s Courts (see Chapter Eight) or the attachment of unjustness to particular real practices making ‘injustice’ become something being marked by an attack, displacement or enforced disappearances, whereas justice remains discursive as an aspiration (see Chapter Seven).

5.5. Dispositif

As discussed in the previous section, Foucault’s concern is never on the meanings of these things since they would not mean anything as they remain non-existent despite becoming something within a truth regime – as is well portrayed in his lectures covering various theories by different thinkers. What is remarkable is that throughout his lectures (see, e.g., 2003, 2007b, 2008, 2013), he does not handle these theories through what these thinkers argue or mean, but he discusses the epistemic contexts making them formulate such arguments. Such epistemic contexts are the bearers of multiple institutional, administrative and disciplinary mechanisms through which power infiltrates and configures knowledge within structures, and also constitute the subjectification since it is through such structures that power operates within a social body (offering subjective experiences and so the subject positions to individual bodies).

This set of discursive and non-discursive practices, mechanisms and institutions, and their tactical productivities and strategical consolidations putting this strategical relationality into practice, is referred to as *dispositif* by Foucault. It is possible to see different notions, such as apparatus and deployment, used to point out *dispositif* in different English translations of his

work. As these English translations focus on either the practice or the materiality, unlike the notion of *dispositif* which covers them both (elaborated on in Chapter Four when presenting the analytical contributions of the notion), I prefer to directly use *dispositif* when covering both the practice and mechanisms, deployment when referring to the practice and apparatus when pointing out the mechanisms and materiality marking these ‘things’ out of reality when they are deployed along. These preferences’ nuances are apparent in my reference to the state throughout the thesis. I use state apparatus when referring to the particular material organization of the state and its different institutions in a particular historical condition to reveal, for example, the deployment of law within the state. On the other hand, the state is also revealed as a *dispositif* of Turkishness. So, it is characterized by a dynamicity that can be traced through the status quo change in the post-AKP period, revealing a shift in the deployment, including of the law, in the inquiries of Chapter Six.

Dispositif is formed by the relationalities within a truth regime and participates in making things (to become something) that do not exist. In other words, it is through the disclosure of such an apparatus and its deployment that Foucault adopts nominalism as an analytical strategy dissolving the universal portrayal of things by attributing them a contextual and contingent existence in the form of a becoming:

The point of all these investigations concerning madness, disease, delinquency, sexuality ... is to show how the coupling of a set of practices and a regime of truth form an apparatus (*dispositif*) of knowledge-power that effectively marks out in reality that which does not exist and legitimately submits it to the division between true and false. (Foucault, 2008, pp. 19, emphasis in original)

Therefore, instead of the metanarratives that modern thinking relies on for the legitimation of the discourses (Lyotard, 1984, p. xxiv), he attributes this function of legitimation to the *dispositif* (of power-knowledge), which can be regarded as making a structure whose appearance is contingent upon the changing power-knowledge relationalities. Unlike the metanarratives, which cannot be found directly in the discourse or empirical world, *dispositif* is the “ensemble” of discursive and normative. It produces its spaces, properties and temporalities. It both arranges the relationalities and is itself a “system of relations,” as he suggests:

What I am trying to pick out with this term is, firstly, a thoroughly heterogeneous ensemble consisting of discourses, institutions, architectural forms, regulatory decisions, laws, administrative measures, scientific statements, philosophical, moral, and philanthropic propositions—in short, the

said as much as the unsaid. Such are the elements of the apparatus. The apparatus itself is the system of relations that can be established between these elements. (Foucault, 1980b, p. 194)

Even though he refers to the law as a property of the ensemble making *dispositif*, a detailed reading of Foucault enables situating his remarks within the broader context of his epistemological and ontological position. Drawing on this reading, I tend to see Foucault's understanding of law as more of something that does not exist unless it becomes something within a particular truth regime, which eventually becomes a part of the *dispositif* through its formations and deployment. The final section traces whether law is a *dispositif* or 'becomes' an apparatus of law when deployed within a truth regime in Foucault's works. This provides analytical tools for understanding the changing meanings and forms of law revealed by my analyses, appearing in different functions or forms in dispositives of different truth regimes. Therefore, *dispositif* helps me engage in the spatialization of law as presented in the previous chapter. Before this tracing, however, I touch upon the nominalist intervention Foucault made to power and state in the following section to establish the groundwork.

5.6. Power and state

This section focuses on Foucault's nominalist intervention when introducing power within the web of relationalities presented above. Despite the introduction of the truth-subjectivity regime and game of truth into the theoretical framework, the intervention he adopted in the first place to free power from the constraints of juridico-discursive power is not yet discussed. Therefore, after elaborating on this intervention, I trace his nominalist position also in law in the following section finalizing the chapter.

The repressive, centralized understanding suggests that power marks a given position that an individual or an institution can undertake. Since Hobbes and the social contract tradition, it has been under a juridical guarantee while simultaneously providing the juridical guarantee – functioning almost like a self-legitimizing field, despite its legitimacy provided by its reliance on the metanarratives of truth and justice. In this context, the traditional approach understands power through either “legitimacy and consensus or ... constraint and violence” (Lemke, 2012, p. 10). Foucault (1978) describes this as a juridico-discursive model of power, whose primary characteristics are: “the negative relation,” “the insistence of the rule,” “the cycle of prohibition,” “the

logic of censorship” and “the uniformity of apparatus” (pp. 82-84).²⁹ According to him, the “juridico-discursive” model of power is problematic, as it treats power as a negative element, whereas, considering power as only restrictive means ignoring its productive characteristic discussed in the previous sections:

[P]ower would be a fragile thing if its only function were to repress, if it worked only through the mode of censorship, exclusion, blockage, and repression, in the manner of a great Superego, exercising itself only in a negative way. (Foucault, 1980a, p. 59)

In this context, the first result of Foucault’s power analysis is that the power is not only oppressive but also productive, and the juridico-discursive model of power as the source of the oppressive characteristics causes a unidirectional and possessive understanding. Therefore, abandoning the discourse of oppression means also abandoning an analysis based on instruments of power such as the contract, consent and legitimacy. Foucault replaces these terms with strategy and technology (1980c, p. 184). Another critique Foucault raises against the juridico-discursive understanding is that it substantivizes power. Drawing on his historical nominalism, he suggests that there is no such thing as power and that “power is relations; power is not a thing” (1996c, p. 410). When the power is substantivized, spread from a particular center, it gets colonized into this centralized portrayal and defined over this centralized sovereignty. Foucault’s power analysis goes beyond this narrow context, however, and suggests that power performs in fields that are not considered before:

Between every point of a social body, between a man and a woman, between the members of a family, between a master and his pupil, between everyone who knows and everyone who does not, there exist relations of power which are not purely and simply a projection of the sovereign’s great power over the individual; they are rather the concrete, changing soil in which the sovereign’s

²⁹ While the negative relation shapes the limit and lacks influences over power, “the insistence of the rule” refers to the feature of the power that dictates its law. “The cycle of prohibition” describes the power’s employment of the law of prohibition. “The logic of censorship” refers to the three forms of application in three different layers of power. “The uniformity of apparatus,” on the other hand, claims that power is exercised in the same way at all levels and institutions (Foucault, 1978, pp. 82-84).

power is grounded, the conditions which make it possible for it to function. (Foucault, 1980c, p. 187)

In other words, power is not an abstract force captured by a sovereign but rather is a relationality that produces concrete objects leading to a continuous shift of what makes such grounds for the sovereign to appear historically. Therefore, power analysis can be initiated by not looking into what power is or who holds it but by inquiring about the relationalities making these objects and carriers of power possible, as it is not substantive, has neither a stable place nor a certain carrier. On the contrary, it itself is a form of relationality and can only be understood within this relationality. He strategically uses nominalism to strip power from the abstract centralized portrayal substantivized by being equalized with a centralized sovereign. He argues that:

One needs to be nominalistic, no doubt: power is not an institution and not a structure; neither is it a certain strength we are endowed with; it is the name that one attributes to a complex strategic situation in a particular society. (Foucault, 1978, p. 93)

His critique is that understanding power as negative, juridical and substantive reduces power to the question of state (or institution). As the state is not a given object, it cannot be merely reduced to deceptive or ideological influences. The state is rather understood as “transactional reality” (*réalité de transaction*) (Foucault, 2008, p. 297): “that is to say, a dynamic ensemble of relations and syntheses that at the same time produces the institutional structure of the state and the knowledge of the state” (Lemke, 2012, p. 27). In other words, his approach toward the state is also nominalist:

I do not think that we should consider the ‘modern state’ as an entity which was developed above individuals, ignoring what they are and even their very existence, but, on the contrary, as a very sophisticated structure, in which individuals can be integrated, under one condition: that this individuality would be shaped in a new form and submitted to a set of very specific patterns. (1982, p. 783)

Foucault argues that this traditional understanding of power and politics regards the state (institution) as the major domain by overlooking the wideness of the field through which power performs. Instead, he suggests an understanding of power that is not only referring to the questions of the state apparatus, the ruling class or hegemony but to the microscopic range of powers that operates on the daily behaviors and bodies of individuals (Foucault, 2007a,

p. 48). So the question of power is more comprehensive than the state (institution) question because the institutions are not the roots nor the sources wherein the power emerges; they are only some of its instruments.

As mentioned previously in the introductory chapter, and elaborated in Chapter Eight, this study does not engage in an analysis of the state; the state did not appear as a nuanced category throughout my analysis. It is revealed in different forms but always in a similar meaning assigned over the experience of being exposed to it by research participants. Statelessness is not what attributed negative meanings but what is aspired to (see Chapter Eight). In other words, it is not statelessness they narrate as the source of their exclusion but the state (see Chapter Six). Despite the multiplicity of institutions and actors of the state changing in the different periods narrated, the state as ‘transactional reality’ (Foucault, 2008, p. 297) remains as what is being exposed. Therefore, the state participates in the analysis in a rather unnuanced way and as only one of many instruments of power operations. Even though the state does not appear in different meanings, power operations instrumentalizing the state do. The empirical chapters reveal different operations of power that also circulate through instruments of the state. These power operations appear in different forms revealed by Foucault’s and Achille Mbembe’s power analyses as biopower, disciplinary power and necropower.

Biopower, for example, comes into view through the Ottoman-Turkish modernization process (see also Chapter Two) through biopolitical strategies of making a population by drawing on a defense of society, as Foucault’s analysis reveals to be the motto of the continuous war targeting the ones left outside by the norms and by marking them as ‘enemies’ characterizing the modern biopower (2003). A population component over Turkishness is formed through statistical studies, positivistic methods and extensive research for planning genocides, massacres, forced displacements and mass deportations. The disciplinary power circulates, for example, through schools that are considered part of the state by research participants (Chapter Six) through its strategy of normalization (see Foucault, 1995). Necropower, on the other hand, is operationalized mainly to understand power relationalities revealed by Chapter Seven. Destruction of graves and cultural artifacts, abduction of dead bodies, enforced disappearances, mourning hierarchy and a constant state of dying – as the respondents describe the curfews during urban warfare– mark some necropolitical strategies circulating through the Turkish state that controls life via death, not only through killing but also exposing to death (see Mbembe, 2003).

The state is not the only instrument that these forms of power circulate, however, particularly disciplinary power, as Chapter Eight reveals that the

disciplinary strategy of normalization circulates through the discursive influences of the PKK, nor are these three the only forms of power revealed by analyses. As the following chapters unfold, the power that circulates through singular encounters appears in different strategies and technologies and by the instrumentalization of various mechanisms.

5.7. Law-in-becoming

This section finalizes setting up the theoretical framework informed by the Foucauldian analytical toolbox, drawing on an introduction of law into the power-knowledge locus, following Foucault's nominalist intervention. As the previous section set up, Foucault argues that always imagining power in a juridico-discursive mode does not question "the principle which held that law had to be the very form of power, and that power always had to be exercised in the form of law" (1978, p. 88) and what is needed is "advancing little by little toward a different conception of power" (p. 91). In other words, although he tears the power away from its reductionist juridical categories, he does not explicitly elaborate on emancipating law from its institutionalized, statist categorizations. The above-quoted emphasis on law and power appears only in favor of the analysis of power. That is why most of the literature on Foucault's position on law is marked by controversy. However, looking into the tools and the nominalist intervention he applies, his understanding of the law can also be traced. That, I would suggest, is in line with his ontological positioning in historical nominalism.

One of the most influential works regarding Foucault's understanding of law belongs to François Ewald (1990), who argues that the "juridical power" and "juridico-discursive power" on which I elaborated above refer to a power-knowledge system. Ewald (1990) suggests that Foucault's thoughts facilitate a distinction between "law and its formal expression" on the one hand and "the juridical" on the other (p. 138). Here it is significant to remember the emphasis made by Valverde (2017) to comprehend this distinction fully. She points at the confusion caused by some English translations of Foucault's works. Recalling the translation of the "juridical mechanisms" from one of his lectures (see Foucault, 2007b), she objects to the translation, highlighting that *juridique* in French means "legal" in English: "in the phrase 'legal studies,' that is pertaining to the law in general rather than to a particular law; arguably, the English text should read 'legal' rather than ... 'juridical.'" (p. 25)

Valverde's remarks and the distinction Ewald argues that Foucault facilitates hint at another understanding of the law (the juridical) that is more than its formal expressions and legal mechanisms. This can be considered, I may add, as pointing at the difference between Law and the law and Foucault's nominalist approach. Law (with a capital L) is abstract and universal and therefore is just a name and does not exist until it is coordinated with a truth regime and becomes the law by being inscribed in the materiality in many different ways—coded laws, constitutions, courts, regulations and commissions—as elaborated on by the empirical chapters.

What kind of an analytical tool we get when the same nominalist intervention Foucault adopts is implemented to dissolve Law within its particular becomings as the law requires further reading. This reading provided me with tools to see 'what Law becomes' (when deployed within a truth regime) and 'what becomes law' (when the function of legality is attributed to different material practices and legitimized by *dispositif* of different regimes) throughout my analyses. By enabling these analytical lenses, I could free the analysis from the constraints of the spatiotemporal of the nation-state and its law and reveal various becomings of law inscribed into different mechanisms and marked out in reality through different practices.

Even though Foucault's analyses focus on power, it is possible to trace different becomings of law within different power-knowledge systems throughout these analyses. For example, it appears as being equalized to the sovereign in the times of monarchical power, any breach of law is considered a crime committed against the very person of the sovereign in this power-knowledge regime. The crime is then a failure of a personal relationship between the subject and the sovereign. As the social control mechanisms are not yet developed in that historical condition, the only outlet left for the sovereign to exercise, to re-enact his power, is his right to kill. Foucault argues that "law cannot help but be armed, and its arm, par excellence, is death; to those who transgress it, it replies, at least as a last resort, with that absolute menace" (1978, p. 144). Therefore, at that point, the law becomes through configuration between law, death and sovereignty within a relationality, an operation, a historical appearance that equalizes it with the sovereign and death.

On the other hand, in his inquiries focusing on modern societies, the law becomes something else. The emergence of modern societies is marked by a transition from "symbolics of blood" to the "analytics of sexuality." In that transition, he puts "the law, death, transgression, the symbolic, and sovereignty" on the side of the blood and "the norm, knowledge, life, meaning, the disciplines and regulations" on the side of sexuality (Foucault, 1980c, p.

148). This configuration he engages in is mostly considered as his expulsion of law from the “modern forms of government” (Hunt & Wickham, 1994, p. 22). Contrary to the arguments of this expulsion thesis, however, what is actually disregarded in these modern forms of government is the law as the sovereign command of death. Therefore, the law is not really expelled but ‘becomes something else,’ as it is something more than its particular formal expressions. Through further interplays between law and power, beyond the juridico-discursive model, the law can be understood within various power-knowledge systems rather than as a set of formal expressions, institutions or rules (Valverde, 2010, p. 55).

Within the web of relationalities of disciplinary power, Foucault (1995) argues that disciplinary institutions “in the space and during the time in which they exercise their control and bring into play the asymmetries of their power, they effect a suspension of the law,” yet continues annotating “that is never total ... Regular and institutional as it may be, the discipline, in its mechanism, is a ‘counter-law’” (p. 223). These remarks are far from scratching out the law. Instead, they emphasize its ‘becoming’ (something else) that counters the previous equalization of law to the sovereign by becoming a disciplinary mechanism. Ewald suggests that it is significant to recognize the emphasis made by Foucault in distinguishing the “legal system as a set of institutions from the type of power that is often exercised through them” (Valverde, 2010, p. 55). It is within the mechanisms of normalization through which the power of the legal institutions is exercised in modern societies (Ewald, 1990, pp. 157-159). For example, it becomes “the penal system” that “makes possible a mode of political and economic management which exploits the difference between legality and illegalities” (Foucault, 1980f, p. 141). Law, against the backdrop of the disciplinary power, I suggest, becomes something by being marked out in reality through the practices of disciplinary institutions.

Another becoming of law in modern societies can be traced through the relationalities of biopower. In contrast to the suggestions of some of his readers arguing that norms replace law within the relationalities of biopower, Foucault (1978) has a significant remark hinting at its becoming something else again, something that is not replaced by norms but operates “like” norms (p. 144). The enhancement of legislation accompanies mechanisms of normalization of biopower. The norm, then, is not contrary to the law itself nor replaces it, but normalization threatens only “the institution of law as the expression of a sovereign’s power” (Ewald, 1990, p. 138), which again highlights a different becoming of law. In other words, while the normalization processes of biopolitics discard the repressive, unidirectional, sole determinant feature of legal institutionalization, the promotion of life by biopower challenges the

configuration of law, sovereign and death by the monarchical power. This becoming of law further complicates the legal objects it produces. Law is not as apparent as the command of a sovereign body in modern societies. Legal institutions exercise their power through the spread of mechanisms of normalization, as Foucault (1990b) suggests that “the presence of law is its concealment” (p. 33), further elaborating on a (different) presence of law made to become through the practices of spread mechanisms.

Drawing on these readings, I suggest that Foucault engages in a nominalist intervention in the law as well, revealing its different becomings rather than expulsing it from the modern domains. By moving from these different power analyses shaping law’s becomings in different ways, such as a law-as-sovereign command (in monarchical power-knowledge), law-as-disciplinary mechanisms (in disciplinary power-knowledge) and law-as-norms (in biopower-knowledge), it can be argued that the distinction between *existent* and *becoming* marking Foucault’s ontological position also informs his understanding of the law. Law is not only defined by its constraints of repressive negative power but is actually within the power-knowledge locus. It does not exist, one can argue, but becomes something when getting coordinated with a truth regime. Further drawing on his suggestion that the “presence of law is its concealment” (Foucault, 1990b, p. 33), it only appears when it is marked out in reality by a set of practices (Oksala, 2012, p. 28). The “real” practices are concealed as it is only inscribed into something concrete rather than having a concrete presence by its own.

Foucauldian nominalism hinting at law-in-becoming would contribute to socio-legal inquiries, as the socio-legal research attempts at replacing “either parts of the law or the law in its entirety, into its socio-cultural and historical contexts” (Banakar, 2015, p. 96). The introduction of Foucauldian nominalism as a strategical intervention informing the inquiries of law will therefore initiate an analysis focusing on a continuous contextualization of law within an *episteme* as something different in various truth regimes. Law appears when it is deployed along with a truth regime and gains its legitimacy from the *dispositif* of that particular regime. This function of legitimation transferred to a *dispositif* is based on the strategies and technologies of power rather than the contract and consent advocated by the repressive power understanding (Foucault, 1980c, p. 184). A particular truth regime forms its *dispositif* as an “ensemble” of discursive and normative practices and made by the spaces, properties and temporalities it produces; therefore, when the law is coordinated within that particular truth regime, it is deployed in its *dispositif* as well, which would “legitimately submit it to the division between true and false” (Foucault, 2008, p. 19). At this point, the law becomes a part of the game of truth, shaped

by it as it is subjected to similar strategies and technologies of power, making the rules of that game of truth played within.

Adopting this positioning of Foucault turns the law into a never-ending empirical question – an empirical question that would be attempted to be answered by adopting the analytical tools provided by the game of truth, truth-subjectivity regime, strategies and technologies of power and *dispositif* made by an ensemble of discursive and non-discursive. In other words—similar to power—the law is not a thing but a relationality and also requires a continuous analysis for its different becomings to be revealed.

Introducing law as an empirical question enabled me to make sense of the problematizations that this study attempts. During the ethnographic fieldwork of this study (made explicit by the previous chapter), even though my initial glance was already based on epistemic pluralities as inevitably offered by the nature of the inquiry in question, I still had a hard time distinguishing between the grids of different dynamics since they appeared as interwoven or entirely segregated, in conversation or complete rejection, negotiation or contestation. It became hard to freeze and name these changing dynamics continuously made by these different engagements, ruptures or discontinuities. During the analysis, I attempt at a couple of namings to make sense of these different operations of the Kurdishness to Turkishness, facilitating particular fields to appear and disappear as law. I first tried to name it ‘counter-legality,’ which appeared like drawing only on the attribution of legality that does not problematize state law and its constructions. This naming introduced another monolithic subject position to Kurds, asking them to be equalized within a substantivized resisting subjectivity that is only described by its countering to Turkishness – which did not go beyond producing another binary opposition. Later, I attempted to see it as offering an alternative law, which also fell into the trap of drawing on the prominence of the nation-state law by appearing just as an alternative to it, which was not sufficient to reflect these complex nets and movements my fieldwork revealed. Later still, I realized the problem was not the names but the very effort of naming. I should have stripped law from all the assigned meanings articulated into its name instead of looking for other namings to refer to the other dynamics that would inevitably legitimize and take the already assigned meanings to law for granted.

This approach gained its tools from Foucauldian nominalism. It turned law into an empirical question to be answered in the particularity of each inquiry by applying the tools borrowed from the Foucauldian toolbox - such as the truth regime, the game of truth, subjectification, *dispositif* and strategies and technologies of power. Drawing on these tools, I came back to my empirical material for my ethnographic analysis informed by a continuous

recontextualization previously presented, which did not only reveal different becomings of law in a different form than the state law (see Chapter Eight) but also different becomings of law within the field of state law by being marked by different practices attributing different functions and meanings to it, such as an archive to keep the memory or a tool to be used against the state (see Chapter Seven, cf. Chapter Six).

Therefore, in the following empirical chapters, to be able to trace these different becomings of law, I engage in lengthy analyses and descriptions of the particular power-knowledge interplays, truth-subjectivity regimes, historicizations and their spatializations. As the law is introduced within the locus of power-knowledge through this analytical strategy, its analysis requires the analyses of the power-knowledge interplays, truth-subjectivity regimes they make and the games informing them to be able to understand becoming of law when it gets coordinated with that particular truth-subjectivity regime.

Chapter Six

Fixed on the Ground: Within the Borders of Turkishness

“But you shouldn’t confuse Turkish race with the Turkish nation,” said Mahmut judgingly to Mahir, “Turkish nation points at Turkishness, nothing to do with racially being a Turk. Turkishness and the Turkish race are absolutely different things. If you just look at the word of Atatürk³⁰, you can understand this easily. The ancestor of the Turk. Not of the race, but the nation.”

“Who the hell is this guy,” someone on the other side of the table shouted, then turned to Mahmut with a calmer voice and asked: “Could you define what Turkishness is? The Atatürk example was not clear enough to me.”

Mahmut answered, “it is not a race; it is an ideology. It has multiple elements.”

“What are these elements, and how many are there? Is there a Turkishness Determination and Qualification Institute that I can check its standards via? I am Kurdish. How many elements do I need to carry to join the club?”

Mahmut got puzzled and, with a hand gesture meaning that he was done with that conversation, mumbled: “You really cannot enter into philosophical discussions, can you,” said goodbye only to Mahir, and left the table.

“Who the hell was that guy?” the same man repeated his question.

Mahir: “Never mind, such a jerk, Ugur’s teacher though.”

“Of course, a teacher. All are the same,” sighed someone else at the table, “teaching introduction to the philosophy of Turkishness.”

The first man discussing with Mahmut asked me, smiling, “You’re Turkish, tell me, how many elements are checked ideologically?”

“Three,” I answered, joining his joke, “I am philosophically skeptical.” We all laughed, decreasing the tension at the table.

³⁰ Atatürk means “the Ancestor of Turk” in direct translation which was given to Mustafa Kemal after the adoption of the Surname law in 1936.

Before Mahmut came and intrusively sat at our table, the conversation was already tense; we were talking about the case notification Mahir received earlier that day, asking for his prosecution under article 301 of the Turkish Criminal Code for degrading the Turkish nation, concerning a newspaper article he published. I met Mahir in Sur early that morning, and after he showed me some places that could be interesting for my research, we went to that coffee house to meet some of his friends, planning to conduct our interview afterward. That is when Mahmut, who was just appointed to Amed as a new graduate teacher, including of Mahir's brother, joined us without even getting invited to the table. Right after hearing Mahir saying "This racist law," he grabbed a chair and got involved in the conversation by saying that Turkishness is not pointing at a race but an ideology, so a law that 'protects' the Turkish nation, which he argues is defined over Turkishness, is not racist but ideological.

Mahmut directly refers to 'Turkishness,' even though article 301 was amended in 2008, replacing Turkishness with the Turkish nation, as it was a controversial article that had been discussed for a long time, especially after the assassination of Hrant Dink, an Armenian journalist, who was murdered by a 17-year-old nationalist. Following one of his newspaper articles on the Ottoman-Armenian diaspora referring to the Armenian Genocide, Dink was prosecuted under this article for 'degrading Turkishness' in 2006 and received a six-month suspended sentence. After his prosecution, he began to receive hate mail and threats and was subsequently assassinated in January 2007. His assassin defended himself in court saying he was 'offended' by Dink's article. Even though he was sentenced to imprisonment—to a relatively low one due to his age—all the documentation and evidence that later revealed the involvement of intrastate institutions in the organization of Dink's assassination are concealed, leaving the perpetrators of Dink's murder unidentified (Karakaş, 2021). Mahir's newspaper article, which was also prosecuted under article 301, despite the amendment in 2008 replacing 'Turkishness' with the 'Turkish nation,' was on the gentrification projects in Sur after the urban warfare in 2015. So, despite the amendment of the article, the vague and broad implementation of it, defining the scope of the degradation through the statements on the Armenian Genocide or urban warfare and gentrification projects, remained. Mahmut's objection, referring to Turkishness as something broader, rather an "ideology," and has elements within, are, therefore, worth being traced. Under the section entitled "Degrading Turkish Nation, State of Turkish Republic, the Organs and Institutions of the State," the article states:

A person who degrades the Turkish nation, State of the Turkish Republic, Turkish Grand National Assembly, the Government of the Republic of Turkey, and the judicial bodies of the state shall be sentenced to a penalty of imprisonment for a term of six months to two years. (CCT, 2004:301 § 1, amendment 30/4/2008-5759/1)

The above is the amended article, but by looking at the cases even after the amendment, it can be seen that the criminalized discourses are still those mentioning the Armenian Genocide, Kurdistan, intrastate structures and violations perpetrated by state agents. This article draws the limits for the freedom of speech guaranteed by the constitution. One of the lawyers I interviewed, Hiva, is also prosecuted under the same article following his remarks on the Armenian Genocide and Kurdistan. He points out that the textual formation of the article merely says something, and implementation of it is meaningfully broad by criminalizing particular discourses, and he continues:

The scope of the law didn't really change. Before the amendment, the article's motives were defining Turkishness by pointing out the common culture unique to Turks. What does it mean? That also defines the nation. The nation consists of citizens, and citizenship becomes the definition of Turkishness in the constitution. Here is the problem. In the narrow sense, legally speaking, victims of a crime can only be real persons. Who is the victim in here? It is not clear, totally vague. Yes, in all crimes, everyone constituting the society and having the right to live under the rule of law, in a peaceful society, is suggested to be a victim. Although this so-called crime is arranged among the crimes against the state's security, the victim of the crime here is not the state – or not only the state. Who is the state anyway? The state is defined over Turkishness. The nation is also. How can it be degraded? How can a degradation threaten the security of the state? Meaningful questions whose answers become apparent when we look into the criminalized statements. —Hiva, lawyer, interview

Hiva's remarks focus on the victim of this 'crime.' Dink's assassin's defense at court based on being 'offended' by this so-called crime of "degradation" perpetrated by Dink, appears as an embracement of this victimhood. Building upon the questions raised by Hiva, what Turkishness is, how it brings the nation, state, subjects together, what its elements are, and how it leaves particular discourses out offers a significant axis to adopt when attempting to answer the first research question and its sub-questions on which this chapter focuses its inquiries:

- How does Turkishness shape state law?
 - How does state law participate in the formation of national subjectivity and the Other?
 - How do formulations of justice inform operations of state law?

Unlike the following chapters, the analysis I conduct to answer these questions moves between binaries. In other words, the questions are attempted to be answered by a dichotomic reading that maps the exclusions by drawing the boundaries that not only define but also attempt to stabilize what is inside. Instead of the multiplicity and complexity of all excluded, this chapter reveals the fictional binaries and boundaries excluding them.

Therefore, I engage in mapping the power-knowledge interplays of the Turkish nation-state that colonizes the power and so immobilizes its subjectification and truth regime through state law. In this way, I attempt to reveal this regime's exclusions and limitations drawn to accomplish the homogeneity ideal of nation-states. In other words, by drawing on the modern project of nation-states as only possible through the colonization of power, as of knowledge (Santos, 2018, p. 8), I will look into how (state) law functions when restricted by a centralized power understanding. The differences are excluded for the sake of a monolith national subjectivity categorized within the accepted citizen. All these relationalities would also reveal the sources of legitimation enabled by the Turkish nation-state and disclose the justice narrative it adopts.

This chapter traces the different forms that the boundaries of Turkishness appear to draw on its dispersed mechanisms to remain stable, decentralized strategies to enhance the central sovereignty, responsiveness of law to sustain its determinacy, shifting boundaries to facilitate the naturalization of nation-state borders and the instrumentalization and becomings of justice within these relationalities. Therefore, it first engages in lengthy discussions on the subjectivity, subjectification, and space within the borders of Turkishness in order to problematize what is portrayed as naturalized and given. These problematization and lengthy discussions, drawing the context by looking into the subjectification and space, enable me to trace the meanings and functions attributed to state law and the becomings of justice, so the connection of justice to law, in this chapter.

This chapter is organized into three sections; each looks into the components of the colonization of power-knowledge relationalities by revealing Turkishness, subsequently: as a truth-subjectivity regime, as a spatial arrangement, and, finally, what is in a co-constitutive relationality with state-law triggering the becomings of justice in its instrumental formulations

through procedural and substantive justice. Nation-state borders participate in the inquiry as preventing different spatialities from being seen through constructing a homogenous, contained and container space of nation-state territory. This chapter's inquiry, therefore, focuses on the exclusions, limits and discontinuities facilitated by monolithic constructions of the Turkish nation-state and operations of power in action, making this petrified, fixed, stabilized system that facilitates state law to participate in the production of exclusions relying on various formulations of justice disembedded from the subjective experiences.

6.1. Turkishness as truth-subjectivity regime

My meeting with the Turkish state is as old as my consciousness. It was always in our village with its soldiers, tanks, helicopters. I knew who the enemy was ever since I could remember. It was in the school with teachers who had no difference from soldiers. They were there to beat, to humiliate us. They were also the enemies. Well, they were also the state ... But when I went to Eskişehir [a Turkish province in Central Anatolia] to study at the university, everything got more complicated. There were these weird looks on faces when you speak in Turkish with a Kurdish accent. People were clicking their tongues with dispraise when you speak in Kurdish. These are least of all, not even mentioning the fellow students getting organized to beat us and so on. But these made everything more complicated. They were not the state. They were not working for the state, not representing it. Yes, there is a state – a state that perpetrates terrible crimes with its actors. It was the enemy that I could point out up until then. But after I went to Eskişehir, I realized that it was not as simple. The enemy was not that clear because the perpetrator was not clear either. There was something more than that. —Baran, life history interview

That 'something more' is not only used to point at something more than the state by Baran. Instead, Baran first hints at it as something that provides a shared way of acting for the state apparatus as well. It appears as such in his reference to the state equalizing soldiers and teachers. Therefore, he refers to something that provides the state apparatus a homogeneity in defining the perceptions and behavioral patterns within all its institutions. Not only soldiers and teachers but also barracks and schools are placed in this homogenous whole. This homogeneity provided by that 'something more' also makes the state remain as the perpetrator. Despite changing governmental rules since the 1990s—the period Baran mentions in his childhood memories—it is the state that he could point out as the "enemy," implying the stability and continuum

of this ‘something more.’ Therefore, this something points out a system that defines/makes the state, its actors, its continuum and, finally, those who participate in it in a certain way. Although he calls it more unclear and complicated than the concrete appearances of the state apparatus, he can detect and experience it by being excluded from or marked as different within it. Baran’s narration continues by telling me that he eventually had to leave Eskişehir and come back to Amed to continue his education.

Baran’s is not an individual story. Maybe out of coincidence, maybe it is that common making this more than a coincidence; right after the interview with Baran, I met some friends at a café. The table got crowded with people joining us. That afternoon I met a young man in his early twenties, who had just transferred his enrollment from his university in Istanbul to Amed after studying there for a year. When I asked him why, his answer echoed that ‘something more’ pointed out by Baran:

I knew about all that racism and so on, and I was ready for that. But I saw that we are moved and affected differently even with people who seem kind and friendly. It’s not possible for them to understand you in any way, and you cannot understand them either. How can they be so blind to everything going on in this country? I couldn’t believe that it was that different and, in the end, I couldn’t make it there. —Informal conversation, July 2019.

His remarks were similar to Baran’s. They also highlighted a realization after moving to another city from Amed, after an encounter with the Turks who are not only soldiers or teachers but fellow students. His remarks included affections and different ways of seeing determining understandings. After that dialogue, I made connections to the interview that I conducted a few hours ago with Baran not only because of the similarity of the experience of the enrollment transfer but also the similarity of encounters, making them experience that there is something more. That was a shared experience among most respondents who moved to another city to study. Mahir, who is two years older than Baran, begins his narration with similar memories of meeting the state in his early childhood in the 1990s, and continues with narrating a similar experience, a realization, after moving to Malatya, which is a city with a large Turkish population in Northern Kurdistan, for his high school education:

Mahir: What I learned from my childhood experiences already had an impact on my emotional world. But on the level of consciousness, I understood it in high school. Since 1996, I was used to going to Istanbul to work in the summers and earn my own money. But I did not see the Kurdish-Turkish conflict very well there. You tend to see

the conflict there as more class-based when you work in construction. You cannot understand when all workers are Kurdish, and employers are Turkish. It seems like more of a class thing. But when did I realize that conflict? I noticed it there when I went to high school in Malatya. From the bad looks and marginalization there, I saw it very well. I got shocked. I got depressed because of identity confusion. Do I make myself clear? I mean, I started to question, what did I do to these people? Why did they exclude me as a Kurd? They were excluding us. They were beating us. I was going downstairs to the cafeteria in the dorm one evening. They took my friend next to me and beat him out of nowhere. I got very angry. So, I asked, why are you beating him? One of them told me that I would be next. Then this never-ending bullying. He was seeing me during the meals at the cafeteria of the dorm, telling them to give me less food. And the attendant in the cafeteria was giving little. Indeed, they killed that humanity inside of us. They made us monsters with that nationalism... that grudge... arrogance... I don't know, whatever you call it. So, I learned from there.

Me: What was the thing you learned precisely?

Mahir: That I am Kurdish. Of course, I knew that I was Kurdish. But that the state is not the only enemy of my Kurdishness. Students were attacking us because we danced the [Kurdish] *halay*³¹. School principals, teachers were protecting them. Cops were threatening us when we went to the police station to report them. Everybody, everyone, protected them. They were all standing in the same place. We were elsewhere. That's what I learned. —Mahir, life history interview

This excerpt from Mahir's interview begins by differentiating the "emotional world," shaped by childhood experiences, from a (political) consciousness (see Chapter Eight) that facilitates him to give meanings to these affections and make sense of his experiences as a child. He attempts to define what he was exposed to in Malatya, the source of exclusion, violence and marginalization. He calls it "nationalism," followed by a hand gesture meaning he took it back, calls it "grudge" and "arrogance" both followed by the same gesture, and finally says "I don't know, whatever you call it," implying that he also cannot define it in a precise way, unlike his clear explanation of the practices he was exposed to. What he could not exactly define was something that gathers systematic practices, nationalism, grudge and arrogance all, eventually placing

³¹ *Halay* is the name that refers to a folk-dance category in Anatolia. It has different styles performed by different peoples ranging from Turks, Arabs, and Kurds. Mahir refers to the style performed by Kurdish people here.

“everybody” in the same place by excluding them. When I asked him what he learned precisely, Mahir’s immediate answer was that he was Kurdish, and he then unpacked that remark by pointing at ‘the Others’ and their practices marking him as different. Mahir’s reference to his Kurdishness appears as expanding boundaries by this ‘mirroring,’ making him realize the emplacement of his Kurdishness outside a homogenous whole that all the other actors, institutions and practices are a part of. It points at an arrangement that marks a dance style (*halay*), a language (Kurdish), a subjectivity (Kurdishness) as evils to exclude. He, similar to Baran, points at a realization of a shared way of acting which excludes him as he is marked as different. Perpetrators are multiple, but they appear as serving one similar, broad ‘something else.’

Throughout the interviews, most respondents have similar references to such a systematic exposure that can be detected as experienced but cannot be defined as clearly since the perpetrator gets blurry due to its changing appearances as different state agents, institutions and actors, and the perpetrated practice changes its forms from exclusion, violence and marginalization to bullying. The source of exposure is dispersed, but the ways to expose are shared. Significantly, the respondents I interviewed as part of the first set expressed this similar exposure by the hands of different actors, institutions or discursive practices with repeated references to ‘reduction,’ ‘singularity,’ ‘uniformity’ and ‘oneness’ of these multiple actors, discourses and institutions. After sharing a life story that draws on a violation they were exposed to, most respondents make such references to place these personal stories in a broader context that they believe points at the reasons behind these violations, and, hence, the perpetrator. In other words, most respondents conclude their narrations, which consisted of various stories from their childhood memories to more recent experiences, by referring to the remaining perpetrator despite the changing political powers, governments or changing appearances of that perpetrator.

Sabiha’s relevant references characterize all her narration from beginning to end. She is a 38-year-old respondent who spent her childhood in the late 1980s and early 1990s in Northern Kurdistan, marked by the violence of the OHAL governorship ruling the region. She is also one of the Sur inhabitants who experienced the violence of the Turkish security forces during 2015 urban warfare, including the curfews and forced displacement with her two children. Therefore, rather than following a chronological line, her narration jumps from her early memories to more recent ones through the connections she makes between her own childhood and her children’s. That made me ask if she could compare these different times. Her answer points out this enduring perpetrator.

She highlights her following remarks as a summary of our hour-long interview and of all the other stories I would possibly listen to:

The approach of the state has always been monist. I mean, it has been like this for the last hundred years. They only changed their instruments and techniques to reduce everything into one. They changed their discourses, maybe. But the aim was always the same, despite even the change in the status quo, all the changing governments – one nation, one language, one flag, one land! With governments that capture all the instruments of the state, like the founding government and AKP government, this idea reaches its most destructive level, of course. —Sabiha, life history interview

Sabiha describes what she means by ‘reduction of everything into one’ through the institutionalization of monism in the form of the (nation-)state and its instruments. Her reference to “one nation, one language, one flag, one land” is actually a national motto that has been used by different actors forming the government since the early-republican period. The founding violence is expressed as ‘destruction’ enacted through the instruments of the state and as a continuous exercise. This continuous exercise of the founding violence can be considered reproducing what makes the state as well. Sabiha’s choice of the pronoun ‘they’ here reveals her positionality and hides the particular actor(s) at the same time by pointing out a plural Other. It demonstrates that she is not included in this ‘they.’ It can be considered that she uses the ‘they’ pronoun standing for the state. The choice of a plural pronoun referring to a singular noun is to point out the multiple actors with shared behaviors and discourses within the state. In other words, it can be read, again, through the reduction of ‘everything’ into ‘one.’ The choice of ‘they’ is remarkably apparent in all the narrations I collected. When the respondents narrate a violation that they are exposed to, they, without exception, name the perpetrator as ‘they.’ A ‘they’ who can be pointed out as the perpetrator but cannot be named.

Similar to Sabiha, Deniz also refers to “monism” and points at the continuum of the state apparatus despite the changing instruments and practices. Deniz is one of the human rights lawyers I interviewed. Throughout our interview, she refused to follow a chronological order as well when talking about the influences of different political powers on the judiciary. All the other lawyer participants, except for Deniz, attempted a periodization when sharing their experiences with the judiciary. Therefore, I was curious regarding this different pattern characterizing her narrative. When I asked her if it is possible to periodize and compare, her answer was remarkable not only in referring to this monism and continuum but also by focusing on the continuum of the state despite the focus of my question on the judiciary:

People were comparing this period of ditches [urban warfare in 2015] with September 12 [1980 coup d'état] on this right to life and torture issue, especially this post-July 15 [failed coup d'état in 2016] with September 12. I have never made such a comparison. I wouldn't because each period has its own peculiarities. But the structure never changes. So, we are not in a worse position than September 12, nor in a better one. Because the mind of the mechanism called state has not changed, that is because of that monist mentality. Sunni Turks, the essential elements of these lands, have never left their duty to protect and watch over this understanding. Time is changing. Technology is changing; accordingly, the torture methods are changing, so the character of struggle is changing. There is an issue called civil death right now. You are expelling people by decree, taking away their social security, preventing them from working in a private business; a different understanding compared to previous times. But this understanding has evolved into today's modern society. It is 2019. You live in such a global era. Well, you'd have a hard time explaining this to the rest of the country and the rest of the world; let's say if you follow the same strategies you used in the 1980s. Then what you are doing, just changing the form. But the mind never changes. I'd never compare. This state in 2019 is the same state as the one in 2002, and it was the same in 1980. The method can change, the way it is applied can change, but the mind doesn't change. —Deniz, lawyer, interview

Deniz points at a structure whose continuum is provided by the mentality/mind, way of thinking, of the state protected by Sunni Turks. Unlike the other respondents I quoted so far, she points at and names the “they” more openly by revealing the connections she makes. Unpacking her remarks, one can argue that ‘the something more’ suggested by Baran is reformulated as the mentality/mind and structure “watched over” by Sunni Turks – the subjects who produce and are produced by this structure, those who expand their singular subjectivities by turning it into the subjectivity regime of this “monist mentality.”

All these indicate the definition of Turkishness made by Ünlü (2018) as formed by particular ways of thinking, being affected, looking, seeing, hearing and perceiving by excluding all the other ways (p. 50) and facilitated me to reveal Turkishness as a truth-subjectivity regime, as that ‘something more.’ Turkishness as a truth regime engages in subjectification, offering certain behavioral patterns to those who participate, reflecting the “weird looks” and “tongue clicks” mentioned by Baran. Some subjective experiences are coded within Turkishness, highlighted by the informal conversation I engaged in with references to the different ways of being affected and by Mahir when suggesting that his experiences shaped his “emotional world,” which are

beyond the experiential dynamics coded within Turkishness, making those who participate in Turkishness blind to these affections.

Turkishness also appears as the 'one' into which everything is reduced. It is revealed to be the hyphen facilitating the connection of nation to state by naming and characterizing them both. It connects the different institutions within a *dispositif* of the state – a heterogeneous ensemble of institutions, discursive practices and engraved relationalities that gets homogenized within an apparatus. Turkishness makes the state and defines the condition for the individuals to be integrated into this state apparatus (Foucault, 1982, p. 783). Turkishness as the regime of the state and state as the *dispositif* of Turkishness become the source of symbolic and physical violence towards Kurdishness (and any other excluded subjectivities). They altogether reshape the domination in a particular and, accordingly, invisible way. Therefore, Turkishness founds itself and the state simultaneously through its mechanisms and strategies engaging in a game of truth. These games become most visible in the attachment of the sovereignty to its subjectification regime. Therefore, through the institutions of the state and its disciplinary mechanisms, Turkishness produces these more spread forms of sovereignty. It unfolds the centralized state and builds more dispersed mechanisms producing the same thing (Turkishness) in different forms. Therefore, coming back to the previously mentioned reference to the perpetrators by the respondents with the pronoun of 'they,' Turkishness' multiple components can be revealed: from the instruments of the state, legal mechanisms enhancing the knowledge and subjectification regime, to the subjects that were born into or participated in this sovereign regime of Turkishness either voluntarily or forcibly through the violent mechanisms of its vertical formation. In other words, Turkishness, as a truth regime, is reproduced by various mechanisms and techniques. Revealing Turkishness as a truth regime facilitated me to further use it as an analytical tool. By looking into its formation through a particular encounter of power-knowledge(-space) makes visible the power relations and techniques hidden behind its naturalization and consideration as given.

6.1.1. Turkishness subjectivity as compartmentalized sovereignty

Such limits on seeing that border Turkishness appeared step by step throughout my fieldwork, making me reflect on the limits on my seeing and understanding. What were the mechanisms in practice for me, someone who also spent her childhood in the 1990s but in Izmir, Western Turkey? How were these mechanisms operating to tame a subjectivity by offering it a sovereign identity equipped with privileges? These questions made me recall many memories,

the most significant one being from one of the very first history classes I took. I was going to the fourth grade, and in the class our teacher was talking about the ‘entrance’ of Turks to Anatolia after the Battle of Manzikert in 1071. It was the first time I heard that expression, which I would hear many more times later with the same sentence pattern: “The gates of Anatolia were opened to Turks.” I, most probably out of that child reflex to disrupt the class, asked, “Who opened them?” The teacher answered, “Sultan Alp Arslan.” Then I insisted, “but if it had gates, someone should be inside. Who was already inside?” At the age of nine, when I was thrown out of the class instead of receiving an answer, I thought my secret agenda of disrupting the class was revealed, which I later understood was not the case. I was actually violating a shared silence agreed on by Turkishness with that question.

The passive sentences formulated in history classes have a purpose. Silences mark the boundaries of Turkishness subjectivity by defining the questions that can be asked by omitting those that cannot, by coding what is sayable by marking what is not. Subjectification is characterized by the rules of the games within Turkishness, and subjectivities are produced as a discursive performance. Turkishness engages in subjectification by taming the particularities of the subjects by the imposition of the sayable/unsayable things within its regime. Therefore, limits and boundaries of Turkishness subjectivity are drawn by its exclusions. It is significant to problematize Turkishness, as a subjectification regime, within the relationalities of sovereignty as well. This problematization can reveal the movements within, which are characterized by the formation of violence. That would provide a context in which the violence enacted by sovereign Turkishness can be unveiled. Within that context, the potential of Turkishness as a power passing through the bodies and producing subjectivities becomes more explicit. While Turkishness works as a “psychic power” (Butler, 1997b), making those born into or participating in it ignorant of their privileges and priorities, it operates as a form of domination and violence for those left out. Turkishness operates on the affections and opinions of the masses identified with itself, while directly acting on the bodies of the excluded by turning into symbolic and physical violence. Accordingly, the construction of sovereign Turkishness is made possible by the boundaries drawn between those recognized and those excluded. Since the monolithic construction of the national is fictitious, recognition is possible only through nonrecognition. Nonrecognition of multiple components, on the other hand, is only possible by compartmentalization of this sovereign subjectivity. Through compartmentalized and dispersed sovereign practices, the centralized sovereignty of the state is enhanced. Therefore, to infiltrate sovereign violence into each encounter, different layers were highlighted at different times,

offering the carriers of these layers the ‘pride’ and, hence, the practices of the sovereignty, whereas its privileges were kept for ‘real’ Turks (the emphasis on the ‘real’ Turks is elaborated on later in this chapter).

Coming back to these different layers of sovereignty highlighted in different historical moments and events presented in Chapter Two in the light of this, it was not surprising for me to witness how embedded is the memory of the Armenian Genocide into the Kurdishness in Amed, as the Kurds were offered that sovereign pride attached to their Muslimhood in the early 20th century as well. Kurds’ participation in sovereign practices appears as an engraved traumatic memory into their subjectivity, probably something more remarkable in Amed as thirty percent of the city’s population was non-Muslims, including Armenians, Assyrians and Chaldeans, before 1915 (Çelik & Dinç, 2015). The narrations I collected show that the memory of the Armenian Genocide is significant in the formation of Kurdishness subjectivity as a confrontation with having participated in the sovereign violence.

“It is not because we are very virtuous,” said Berat when we were talking about this confrontation remarkably embedded in the discourses in Amed. “You know that saying: we shouldn’t have let the first Armenian get beaten,” implying the Armenian Genocide as the very first reason for the violations in Northern Kurdistan today, by pointing out that this compartmentalized dispersed sovereign violence, in the end, enhanced the centralized sovereignty of the Turkish state which eventually targeted them. As we continue our interview, Berat added ‘conversion’ to the reasons for the significance of the genocide in the living memory of the Kurds:

My grandmother had tattoos on her face and hands in different shapes and patterns; especially, one on her wrist that looked like a plus sign. When I was a child, I always asked questions about her tattoos, but she hated talking about them. When I think about it now and talk to my mother, I realize it was actually a cross. I understood that my grandmother was a survivor of the Armenian Genocide. She got married off to my grandfather when she was a child. She was an Armenian who was then Muslimized to survive. But she never spoke about those. She never told us. We were finally able to talk about these things with the momentum generated by the political discourse of the Kurdish movement. If you are going to produce another historical interpretation that contests the official history, it is impossible not to remember your own involvement. As I said, all these discourses about confrontation you’ve been hearing are not because we are very virtuous. It is because what they did with our hands at that time bounced and hit us back. —Berat, life history interview

Berat tells the story of his grandmother, whom he later finds out to be an Armenian. He connects her survival to her marriage and conversion through which she participates in Muslimhood. This survival appears problematic because he explicitly states that she was ‘made to quit’ being an Armenian to survive. It further complicates the boundaries of survival as well. The Armenian Genocide was one of the first biopolitical techniques of Turkish nation-building, the making of the Turkish population in order to form a dependent nation, and Berat’s grandmother was made to be a part of this population by quitting being an Armenian, a Christian, forcibly through genocide. Despite Berat’s choice of passive sentences in the narration of his grandmother’s marriage and conversion, this hidden perpetrator can be traced by pointing out its particularity in the formation of the population and considering its ambiguity caused by the lack of a center. In other words, Islam, as the first defined common feature of the population in formation, imposes its sovereignty and limits the survival within. Berat’s narration also reveals this by putting being an Armenian and being a Muslim as antagonist identities. In doing so, he reduces being an Armenian into being a Christian while submerging the Kurdishness of his grandfather in his broader Muslim identity, unveiling the layer to which the sovereignty was offered. The silences and forgetting were the conditions of not only Turkishness but also survival, as was the case with Berat’s grandmother, that turns breaking these silences and remembering into a condition to form a competing historical narration. Therefore, confrontation with the Armenian Genocide is embraced by Kurdishness subjectivity facilitating its truth regime to contest the one of the Turkishness.

This compartmentalization of the sovereignty is further revealed in the narrations of the Kurdish-Alevi respondents. In this case, it is not through offering sovereign pride to Kurds highlighting their Muslimhood by excluding Armenians, but by marking this highlighted Muslimhood, Sunni Muslimhood, as an evil to exclude. As presented in Chapter Two, by engraving Sunnism into Turkishness and attaching sovereignty to it within the boundaries of Turkishness, non-Turkish Sunnis, particularly Kurds, were labeled as the premodern, barbaric carriers of Sunnism in the early-Republican period. Although none of the massacres that targeted Alevis in Turkey were perpetrated by Kurds, this portrayal turned Kurds into a fictional enemy for Alevis, which Kurdish-Alevi respondents remarkably highlight by underlying that it is through these strategies that most Alevis got hostile to their Kurdishness. Viyan, one of the two Kurdish-Alevi respondents, who is currently politically active in the Kurdish movement, told me the challenges

she went through during her politicization. “You wouldn’t believe,” she said, emphasizing her political activity, and continued:

I was born into an Alevi, Kemalist, nationalist family. My Alevi identity and consciousness were developed much before my *Kurdistanî*³² consciousness. I grew up believing that I was Turkish and that Kurds would decapitate me ... You identify with wherever your first wound is. —Viyan, life history interview

Viyan’s narration is suggestive of this compartmentalization of identity formation, considering her emphasis on this hostility and fictional enemy mentioned above. From her narration, the equation of Kurdishness to non-Turkish Sunnism, whose image is drawn as savage, violent and reactionary, can be traced since the Sunnism engraved into Kurdishness was not modernized through the lenses of Turkishness. These contradicting layers of subjectivity, led by the formation of Turkishness reducing Kurdishness into this premodern Sunnism, further imply that one should quit being a Kurd to remain Alevi. Her reference to her Alevism as the “first wound” emphasizes the sovereignty attached to Sunnism experienced as symbolic and physical violence by Alevis. Both Kurdish-Alevi respondents emphasize this contradiction. Both narrations draw on the imposition of Turkishness by offering itself as a secular alternative. Since Sunnism is also engraved into Turkishness subjectivity, however, Turkishness imposes its Sunnism as well, as explicitly underlined by Serap when highlighting that it is through this realization that she reconciled with her Kurdishness. Serap is from a city whose population is mostly Kurdish-Alevi, and at the time of our interview she had been in Amed for only a couple of years. In the interview, she told me her concerns before moving to Amed, to a city with a majority of Sunni Kurds. After telling me these concerns and their possible sources like Viyan, she continued by elaborating on how she eventually embraced her Kurdishness:

Well, you know we are Kurdish, this and that. But we are Alevi, which has become much more dominant. I was even identifying myself as Turkish. My grandfather was a fanatic Kemalist, for example. He had Mustafa Kemal’s photos on the walls of his house. After a while, I began to ask. Who are we? Where did we come from? It was all out of curiosity at the beginning ... because some people and families were converted in our village. You know, those converted to Sunnism, even in Alevi villages. Then, I saw that they were

³² *Kurdistanî* is an adjective that means “Kurdistan-related.” Instead of a semantic translation, I prefer to use the word as it is to keep its spatial, geographical and subjectivity-relevant references. Chapter Eight analyzes its use as a reference to shared-subjectification processes among all four pieces of Kurdistan.

building mosques in Alevi villages. That's how I started to question. I always asked my grandfather, who are we, where did we come from, such questions. He was always answering that it is better not to know. Never ask, never learn, said he, knowing these would give you harm, screw it! When I think about it now, I can see that he wasn't actually a Kemalist. But he was so much scared of the state, and it was his way of conversion. —Serap, life history interview

Similar to Viyan, Serap describes her Alevism as a more dominant layer of her intersectional identity, but she puts a stronger emphasis on the imposition of Sunnism to Alevis, which eventually made her ask questions. In other words, she is made suspicious of her Turkishness after witnessing its practices that reject and try to erase her Alevism. Construction of mosques in Alevi villages is a widespread state practice in Turkey. Since the place of worship of Alevis is *djemevi*, but not the mosque, the construction of mosques without a community indicates a forced conversion. On the other hand, since most of the massacres targeting Alevis in Turkey were organized at the mosques (see Poyraz, 2013; Yıldırım, 2018), the construction of mosques in Alevi villages turns to be a mechanism of symbolic violence that adds a subtle threat behind the indication of forced conversion. As discussed by Berat on the memory of the Armenian Genocide, forced conversion appears again as a biopolitical technique marked by the 'silence' of the one exposed. Although Serap's grandfather remained to be identified with his Alevism, he too was made to quit his Kurdishness and remained silent to the imposition of the Sunni practices and the violence they produced targeting his Alevism. In other words, through 'conversion,' following Serap's reading, he quits not only his Kurdishness but also the living memory of his Alevism within the boundaries of Turkishness and Kemalism.

In this sub-section's inquiries, silence appears as a disciplinary and biopolitical strategy operating in two ways. On the one hand, it facilitates the infiltration of the power of Turkishness into the interpersonal, intimate relationalities in daily life, revealed by the narratives on a grandmother and grandfather whose survival were conditioned with silence leaving their grandchildren deprived of hearing the testimonies on their lived experiences. On the other hand, an "epistemology of ignorance" (Mills, 1997, p. 18) is facilitated by equipping Turkishness with sovereign privileges by offering a shared silence to those who participate in it. Therefore, understanding Turkishness as a (truth-)subjectivity regime requires looking at the fields and subjects silenced by the power either forcibly or through a collective caginess engraved into the sovereign subject positions. In other words, silence and silencing are revealed as a field of and for power that determines who may or may not speak, what may or may not be said. The silence produced by these

power strategies operates to mark and exclude particular subjectivities. The power establishes a strategic field by marking certain subjects and the realm of truth into which their subjective experiences are embedded as invisible and silent. This strategic field is shaped by concerns and conditions dependent on the imposition of a particular historical narrative that Turkishness derives its legitimacy from and serves to organize the society in a certain way by tightly regulating and controlling the subjects' daily practices and experiences. Therefore, through silence and silencing, this truth regime engages in subjectification by excluding the subjectivities and bodies threatening it.

This section also revealed the enablement of enhancing the centralized sovereignty of Turkishness through dispersed mechanisms, which I attempted to understand as compartmentalized sovereignty tracing the changing emphases on different layers of the sovereign subjectivity under different historical conditions. The formulation of a common imagined 'enemy,' promising Sunni Muslims a sovereign position, in the early republican periods, is later used to formulate them as that common imagined 'enemy' for non-Sunnis drawing on a modernized, civilized portrayal of Turkishness. In other words, dynamic subject positions are strategically used by the compartmentalization of the components of Turkishness in different times, which, in turn, facilitates the centralized portrayal of sovereign Turkishness. The following section, on the other hand, looks into the exclusions engaged in by the Turkishness to sustain its centralized portrayal. After enhancing its sovereignty by engraving and reducing all the components and layers such as Sunnism and civilized modern, Westernized imaginary into this centralized portrayal, Turkishness becomes petrified.

6.1.2. Turkishness promise as a (disciplinary-biopolitical) strategy

Unlike the previous sub-section that revealed a compartmentalization of Turkishness into its components by utilizing multiple dynamic subject positions to enhance and centralize Turkishness sovereignty, this part unveils Turkishness' homogenous centralized image as a promise that facilitates the exclusion of multiplicities through the production of in-between subject positions contained by Turkishness. This promise appears as a disciplinary and biopolitical technique that ensures docility to maintain this in-between subjectivity through either labeling differences as abnormal/unnatural or drawing the boundaries of survival. The subjectivities of the ones left inside national borders, but excluded by the subjectification regime of Turkishness, are attempted to be 'fixed' in this in-between status through a disciplinary mechanism.

Most narratives collected share an emphasis on the function of Turkishness' promise in making the respondents believe that they can participate in this sovereign subjectivity if they gain the skills it requires. The conditions for being an accepted 'normal' subject are narrated as being introduced at school by different respondents. Although the interviews mostly begin with the respondents' narrations of pre-school memories consisting of the late-night raids of soldiers, evacuation of villages and arrest of family members, the school appears to be one of the first places the respondents meet an institutionalized form of Turkishness. While they recall their pre-school memories by centralizing 'home'³³ and narrating as us (family and neighbors) versus them (enemies, soldiers), their narrations get blurry with the school. School symbolizes separation from home and the rupture of the strict division between 'them' and 'us.' The binary between the safe home and uncanny outside, familiar us and threatening them, is broken when the child is sent to school (which is 'their' place wherein 'their' language is spoken) by her family. Children meet the institutionalized Turkishness and promise of sovereign subjectivity. The narrations reveal that promise. With school, 'you can never be one of us' gets added an 'unless' at the end. The interview I conducted with Mustafa was dominated by his school memories. He was one of the Sur inhabitants who were displaced due to the gentrification projects initiated after the 2015 urban warfare and a witness of significant violations throughout. During our interview, however, he repeatedly returned to his school memories, although he dropped out after elementary school. Drawing on the significance of language in the functioning of the promise of Turkishness, he narrates:

Being able to speak Turkish was the coolest thing. Whoever knows Turkish was seen as smarter. For example, when you didn't know Turkish, you weren't able to ask for permission to go to the toilet at the school. I remember holding my pee for more than one hour when I was in the first grade because I didn't know Turkish, so that I couldn't ask. Eventually, I wet myself. Then the teacher realized and... one of my most embarrassing memories. We were stupid and dirty. That is why I was jealous of those who knew Turkish. They were... they were in a higher place than us. —Mustafa, life history interview

In this passage, Mustafa's emphasis on Turkish unveils the production of subjectivity hierarchy defined through language skills. All twelve currently bilingual respondents I conducted interviews with as a part of the first set learned Turkish after starting school. So they all emphasized the language as what excluded them in the first place since the curriculum was not designed

³³ For detailed inquiries on 'home,' see Chapter Seven.

specifically for teaching them Turkish but, in contrast, ignored that they did not learn Turkish until that age, mainly due to the policies of denial of the Kurdish language in the periods they started school. Language barriers are assigned different meanings, marking those who could not speak Turkish as "stupid" and "dirty" in Mustafa's words. His choice of a passive sentence without specifying 'by whom,' when stating that Turkish-speakers "were seen as smarter," unveils the formation of common sense through a hidden subject. This refers to more complex relationalities exposed. Therefore, the making of a 'normal' can be traced between these lines. 'Us' and 'them' divisions can still be traced in the excerpt from Mustafa's interview; this time, however, the division appears as more transitive. Even though these meanings assigned to not being able to speak a language are experienced as an exclusion from the school's everyday conduct, it is also portrayed as something that can be solved by overcoming the language barriers. In other words, drawing on Mustafa's narration, the exclusion in this context points at the same time to "a higher place" promised if they learn Turkish. Learning the Turkish language would mean getting rid of all the assigned characteristics to not knowing it, which would eventually make them "seen smarter." Therefore, this attachment of characteristics to language skills also places Kurdishness subjectivity in a transitory place which becomes remarkable in Berfin's memory on imitation and mimicking:

Our teacher was talking and talking. We weren't able to understand a single word, of course. None of us knew Turkish, and Kurdish was strictly forbidden. Not only in the class but we weren't allowed to speak in Kurdish even during the breaks. We were standing together without saying a word. Then we created a game. Child's mind! We were pretending to talk in Turkish. We were making up words and making noises as if they were Turkish. One day the teacher heard us playing this game and beat us terribly, saying that we were humiliating Turkish. —Berfin, life history interview

References to mimicking Turkish and playing games in a made-up language that sounds like Turkish do not only take place in Berfin's interview, but is a shared story among many of the respondents. Berfin's story, and these repeated patterns of mimicking the language, can be considered boundary-centered. What she defines as the "child's mind" shows the children's recognition of the boundaries excluding them. In the story narrated by Berfin, the prohibition of Kurdish is not problematized but naturalized. As a result of this naturalization and acceptance of difference, Berfin and her friends' game appears as a negotiation attempt to overstep the boundary, which is met with harsh rejection. The "jealousy" highlighted by Mustafa and Turkish-like noises that

Berfin and her friends invented as a game reveal an emulation (Memmi, 1974, p. 168) to what is 'considered and naturalized' as acceptable. While mimicking Turkish is regarded as humiliation, learning Turkish but talking it with an accent is further described as 'being ridiculous' by different respondents, including Mahir: "I always felt ridiculous talking in Turkish. Speaking Turkish with a Kurdish accent is associated with ignorance, you know. I was bullied a lot in high school, so I worked hard on my accent before going to university," he says. He continues by illustrating another form of rejection, this time despite his 'perfected' accent:

It became perfect in the end, such a perfect Turkish that even Istanbul gentlemen do not speak. It was the first week of college. I joined a student club and was very enthusiastic about showing off my perfect Turkish in the first meeting. Introduced myself, saying [switches his accent here] "I am Mahir and honored to be a part of this club." [In a very formal Turkish rarely used in daily conversations.] Someone in the room shouted, "Look at this *keko*! [Although *keko* means brother in Kurdish, it is appropriated by Turkish slang as an insult.] His appearance is *isot* [chili pepper from Urfa, Northern Kurdistan]; his mouth says his shit doesn't stink," and they all laughed at me. That guy had a strong Central Anatolian accent, by the way. He was the one with an accent, but it was still me who was being bullied and called ridiculous. They mimicked me and called me *isot* every time they saw me at the campus after that, for four years.
—Mahir, life history interview

The above-quoted story of Mahir also illustrates a negotiation attempt that gets rejected. The narratives drawing on these negotiation attempts reveal shifting boundaries keeping Turkishness fixed. Respondents tell me that they were made to believe they could reach a "higher place" if they learned Turkish but encountered accent as the new barrier when they became fluent in Turkish. When they "worked on" their accent, as Mahir puts it, this time another barrier was set. Mahir's emphasis on the Central Anatolian accent of the one mocking him and the sustained subject positions offered, despite Mahir being the one meeting 'the requirement' this time, remarkably indicate that boundaries drawn in the form of language limitations or accent operate to restrain particular subjectivities and can shift and appear in different forms to sustain the exclusions. In other words, boundaries, portrayed as barriers carrying the potential to be crossed, are actually the boundaries of Turkishness. They constantly shift by taking on new appearances to continue excluding what they left out. On the other hand, when they shift they ascribe new meanings to different skills that reproduce the possibility of being overcome, making the promise continuous. In other words, boundaries not only reproduce

Turkishness but also tame Kurdishness by containing it in an in-between, processual, potential Turkishness, a constant promise of sovereignty. This promise of Turkishness operates as a disciplinary technique for an in-between subjectification, offering the subjectivities it excludes a threshold existence.

Besides such eligibility requirements, I could also trace negotiation attempts on the discursive level. Both Zozan and Abdullah share similar memories demonstrating that this promise is also stipulated to learning the rules of the game (of truth). These rules, engaging in the normalization of particular judgments by assigning them 'absolute' trueness, can explicitly be traced in the school context, as school is equipped with the power of examination in its most direct form. Examination draws on these rules and not only disciplines subjects by checking whether the games, attaching trueness and falseness, are being played along with but also falls within the center of subjectification procedures. It constitutes subjects both as effects and objects of power-knowledge and, by combining hierarchical surveillance and normalizing judgment, engages in the classification of these constituted subjects (Foucault, 1995, p. 192).

Zozan recalled the following story after telling me her daughter's, a seven-year-old first-grader's, comments concerning the destruction of Sur after 2015. She said, "We were in the downtown (Sur) for shopping and it had been only a couple of months since she started school. Looking into the construction sites surrounding Sur, she said that if Atatürk was alive, they couldn't destroy Sur." Zozan continued the unpacking by drawing on the clashes of two different narratives her daughter was exposed to, power of the school and her own experience illustrating this power:

For children, good and bad are two simple categories. She was hearing us talking about Sur and that it was bad, and she learned Atatürk as the symbol for everything good at school. What is taught at school is very powerful. She already knew Turkish before starting school, unlike me. But even for us, without even understanding Turkish, it was very powerful ... Our teacher was asking questions, we weren't able to understand, of course. I was answering every question in the oral exam by saying "Atatürk." He was always talking about Atatürk. So, I was taking my chances and answering all of the questions with "Atatürk." —Zozan, life history interview

Zozan first draws on her daughter's discursive clashes, which can be read by looking into the clashes of the games of two different truth regimes. 'Normalized judgment' appears as an attachment of 'trueness' to the heroic goodness of Atatürk that is taught at school along the official historical narrative. On the other hand, she was exposed to a counter-narrative

concerning the 2015 urban warfare in Sur. Despite the state's discourse portraying the destruction of Sur as a fight against terrorism, Zozan's daughter's narrative was informed by the conversations at home that defined it as a massacre perpetrated by the state. Leaving the discussion on the clashes and collaborations between these two truth regimes for the inquiries in the following chapter, I now focus on the second half of Zozan's story, recalling her own memory, and particularly her emphasis on not knowing the language and "taking a chance." Her emphasis on learning that Atatürk might be the correct answer for many questions that could be raised, even though she was not able to understand the content and scope of the narrative formulated around Atatürk due to the language barriers, illustrates the power of the delivery of that narrative in a way that leads children to grasp the 'acceptable' statements to make in the school context. Therefore, her remarks on "taking her chances" can be understood as another negotiation attempt. Negotiation on the discursive level is performed through playing along with the rules of the game (of truth) at the moment of the examination. Abdullah's story is very similar to Zozan's, and further reveals the power of the rules (of the game) making children engage in a similar classification of 'true' and 'false' and 'good' and 'bad':

One day the ministry [of education] sent an inspector. He started asking questions to the students. I raised my hand for all the math questions and answered them all. Then he asked if anyone volunteers to answer a social [sciences] question. No hands raised because of the fear. None of us were fluent in Turkish; how could we answer the question? He looked at me and told me that I looked like a hardworking student, so I should answer. Then he asked: "What is the capital of Turkey?" [Capital in Turkish is *başkent*, which directly translates as 'head-city'.] I had no idea what *başkent* meant, so I directly translated it to Kurdish and thought: *baş* means good [in Kurdish]. The teacher always talks about Atatürk. If he is asking for something good... Then... I answered: "Atatürk." ... He called me retarded. —Abdullah, life history interview

This excerpt further illustrates the attachment of "good" in a literal way. When Abdullah thought that the question was asking about something good after translating *baş* to Kurdish, he attempted to trace the rules he was taught at school, equalizing Atatürk with the good. His attempt is met with rejection revealed by the shifting subject positions offered to him. His transition from "hardworking student" to "retarded" after this failed negotiation attempt reveals the classifications based on normalized judgments engaged in by the examiner (inspector). Examiners, teachers, inspectors, equipped with

disciplinary techniques and the authority to make such classifications, sustain the truth regime of Turkishness by reproducing the promise. This promise operates not only through the requirements of particular skills, but also through conveying the message that, drawing on Abdullah's story, the extent of participation in the shared discourse (produced by Turkishness) is determinant in who you are (either "hardworking" or "retarded"). Therefore, the school can be considered an institution of elimination enhancing the surveillance network, equipped with the concrete technologies that the games are based on.

Notably, in the above-discussed narrations, "the technology of sign systems" that engage in a subjectification by enabling the attachment of meanings to required skills described in terms of language becomes clear. By attaching meanings to particular sign systems, being the Turkish language, accented Turkish or not knowing Turkish, the respondents' conduct is submitted to shifting subject positions squeezed at an in-between status. Moreover, "technologies of the self" are made explicit by what I call the 'negotiation attempts' of the respondents as they transform themselves (by learning the language, working on their accents or trying to adopt the discursive performances) according to the game of Turkishness to attain 'a higher place,' "a certain state of happiness, purity, wisdom or perfection" (Foucault, 1988, p. 18). All the stories that respondents shared have similar references to school. The school appears as a mechanism to tame Kurdishness subjectivity by making respondents believe that they lack particular skills and knowledges; that is to say, they are incompetent. As highlighted by the above-quoted passages, respondents do not remember problematizing any of these they were subjected. Instead, they all are made to see it as a deficiency embedded in who they are, and this deficiency is believed to be fulfilled through overcoming the barriers, being skilled enough to achieve.

On the other hand, among all the thirteen respondents of the first interview set, only Naze did not tell such a story from which such negotiation attempts triggered by this promise appeared. Naze is also the only one among the respondents who did not go to school and does not know Turkish. Her interview is free from such references to school memories or negotiation attempts. The previously described strict 'us' and 'them' division marks her narration from beginning to end. The meanings she attaches to 'normal' and 'natural' defined by and based on 'us' are not experienced as intervened by Turkishness. That, however, does not mean that she is not offered that promise. Instead, when she was offered this promise, she rejected the 'negotiation' attempt of Turkishness. In this, she directly met with the mechanisms of violence, further consolidating the division. The promise (of sovereignty) appears as institutionalized in the form of the village guard system this time:

We had to leave our village because they forced us to become village guards. We resisted leaving for years, but the level of torture was unbearable in the end, so we had to leave. They told us that agreeing to take the weapon and become village guards is the only possible way for honorable living for us. It is their understanding of honor – betraying your own people. They trick people with these promises into becoming village guards and then use them as shields for Turkish soldiers. —Naze, life history interview

The village guard system³⁴ was put into effect under the name of ‘temporary village guards’ in twenty-two provinces in 1985, right after the PKK initiated the armed struggle in 1984. This system spread to thirty-five provinces with the implementation of ‘voluntary village guards’ in thirteen more provinces in 1993 and continues to exist as a ‘civilian army’ of 80-85,000 armed paramilitaries officially appointed by the state. This system is based on the state's bargaining with mainly Kurdish tribal chiefs to make pressures on the households in Northern Kurdistan to get armed for the state (Gürcan, 2015; Özar, Uçarlar & Aytar, 2013). Another tool used systematically for forced displacements in the 1990s, besides burning villages, was the pressure to become village guards enacted by state agents and Kurdish tribes, as Naze and her family experienced. Agreeing to be a village guard and getting armed for the state as a paramilitary is further used as a promise and “the only possible way for an honorable life,” Naze’s story reveals. On the other hand, the in-between subject position is enhanced through the village guard system, as can also be traced in Naze’s remarks on the use of village guards as “shields for Turkish soldiers.” In other words, despite the promise, village guards are seen and used as disposable bodies for the state. The rejection to play along with this promise by Naze and her family turns the promise into a violent mechanism forcing them to eventually move. Mehmet and his family also experienced this violent switch of the promise made over the village guard system:

I was detained for about a month in 1993. When we finally were taken to court, they released us. We complained again in 1995 because there was an imposition on us to become village guards. We were under pressure from the Bağlar Police

³⁴ It is inspired by the Hamidiye Cavalry Regiments, active between 1890-1908 in the Ottoman Empire, implemented by arming mostly the Kurdish tribes against the Armenians and Assyrians. Hamidiye Regiments actively took part in the massacres of Armenians and Assyrians in the provinces that they densely populated. The village guard system that was initiated almost a century after the Hamidiye Regiments reactivated the tribal structure in Northern Kurdistan, this time against the Kurds themselves (see Gülşen, 2019; Klein, 2011).

Station for months. First, they said, “we'll make you comfortable. It's the easiest way. You'll get rich and powerful if you become a village guard.” Then, as we refused, tortures and threats started. They said, "If you don't agree, we won't let you live here." Then tortures... In the police station, during the house raids... They cut the bottom of our feet with a knife and made us walk on salt for days. They kept us entirely naked in icy rooms. We still didn't accept becoming village guards. It is deceiving the people, you know? It is nothing but betraying your people for money. Then they brought us to Diyarbakır in 1996. We went to the court, before the judge, six months after our detainment, then they released us. But we were in prison for six months since we didn't accept becoming village guards. The prosecutor asked for a membership [of a terrorist organization] case, but then the judge released us. After that, we couldn't return to our village. —Mehmet, life history interview

In Mehmet's story, the promise can be traced literally as the offer of comfort, wealth and power whose form radically changes when rejected. Through tremendous forms of violence, from torture, threats and raids to the legal violence that Mehmet was exposed to, becoming a village guard is even portrayed as the condition for survival. Similar to Naze, Mehmet's response to this promise and the following violence is drawn on a strong 'us' and 'them' division by defining the village guard system as “betrayal of your people.” Defining the village guard system as “betrayal” is a shared discourse in Northern Kurdistan and can be considered a counter-narrative formulated against the utilization of this system to legitimize the violations perpetrated by the state. This utilization can be traced in the speech given by Ilker Başbuğ, then Chief of General Staff, at the War Academy on April 14, 2009:

Temporary and voluntary village guards undertake a vital task and responsibility in the fight against the separatist terrorist organization. They have given 1,335 martyrs so far. The fact that the temporary and volunteer village guards participate in this struggle alongside the state is a vital indicator that the problem is not an ethnic conflict and that the separatist terrorist organization has not been able to gain the support of the region's people. (Başbuğ, 2009)

These words by Başbuğ reveal that the village guard system was also used to manifest that there is no such thing as a Kurdish issue for the state and that, in his words, it is only a 'terrorism' problem. Therefore, the system is utilized to derive legitimacy by the state through its portrayal of the popular support provided to state practices by Kurds themselves. The village guard system is multifunctional for the state. While it works as a promised sovereignty for the Kurds in Northern Kurdistan, it reinforces the feudal dynamics in the region by strengthening the tribal structures and further uses these strengthened tribal

structures to formulate a discourse on the backwardness of Kurdish society when talking to Western Turkey. Fatma, telling me that the pressures for becoming a village guard on her family made them eventually move to Amed from their village in the 1990s, also elaborates on privileges proposed despite disposable subject positions offered to village guards by illustrating it with their neighbors back in the village that agreed to get armed by the state:

They were forcing our family to be village guards. As I said, we were put under much pressure. We didn't accept. We disagreed. We said that our bread is enough for us, no one interferes with us, we don't interfere in anyone's business. We said we couldn't carry that gun; it's not our duty. We were in that consciousness ... There was much pressure. Everybody agrees to be village guards from this and that tribe, why don't you? Don't you like your state? Don't you know what the state does to those who don't like it? Such threats. Our neighbors took the weapons. They were also putting these pressures on us. But you know what? All the men of that family dropped like flies, but they also became very rich very fast. They parked the latest model jeep in front of the door in a year. Their sons won many tenders from the state. They are still a [village] guard family. —Fatma, life history interview

Tribal structures agreeing to collaborate with the state indeed enjoy the promise by being revived and strengthened with the weapons, money and authority given them by the state. They got militarized through the village guard system, enlarged their lands with the forced displacement of those who refused to become village guards, such as Naze, Mehmet, Fatma and their families and, with the opportunities provided by the state, they became the owners of major enterprises in the region (Gülşen, 2019). They were still disposable, however, even though their families enjoyed these privileges offered. Fatma's expression of "dropping like flies," chosen to describe too many deaths in a very short time in that family, illustrates the village guards' disposability for the state, on the one hand, their objectification in the eyes of those who refused to become village guards, on the other. In other words, as a multifunctional institution for Turkishness (and the state), the village guard system further engages in reproducing another in-between subjectivity that is at the threshold, hierarchically higher than Kurdishness and lower than Turkishness. At the same time, village guards are excluded by the Kurdishness truth regime as well.

Even though engagement with subjectification is similar to the school context, it operates through a very different mechanism. It can be considered more of a biopolitical strategy of promise, as it draws on the boundaries of survival and aims at a larger population rather than merely engaging in a

disciplinary normalization on individual bodies, illustrated by the harsh rejection highlighted by the respondents' narratives. Even though this promise made through the village guard system and violent mechanisms it enacts are still active in Northern Kurdistan, it mostly dominates the narratives on the 1990s as the system has now been settled and made sustainable by being based on an intergenerational inheritance embedded in the family structures. Rather than the village guard system, the promise made over collaboration with the state as an informant is highlighted by the narratives on more recent experiences. Sabiha, for example, told me that she was offered such benefits when getting detained after resisting leaving her house for three months during the 2015 urban warfare in Sur:

They offered me to collaborate with them as an informant when I got detained. They offered me fortunes, tremendous amounts of money, and a face replacement surgery in detention. Well, "we'll change your face. You've been living a disgraceful life, a pathetic life. Instead of this disgrace, we'll make you rich. You'll live a wealthy life. There's nothing to be afraid of. We'll have your face changed to ensure your security." They told me that I've been living a dishonorable, disgraceful life until that day. Such promises in the first place... When I refused, they threatened me with my children. "You'll never see these kids again," they said. "You've daughters, don't you know what we are capable of? Can't you imagine what we can do to them," they asked... threatening me, trying to convince me to agree to be an informant, a spy. I said, no matter what you do, even if I won't be able to see my children again, even if you separate me from them... When they grow up one day, they'll understand, they'll say that our mother lived, lives, an honorable life at least. They got even angrier when I said this to them. There was one dark room, an empty, tiny, dark room. "We'll lock you up there and keep you there for as long as we can. Maybe you stay there until you die. You'd die there. You'd die of hunger. You'd die of suffocation." They said, "we'll keep you there as long as possible. You are very naive, stupid," they told me, "You don't know the extent of the state's power at all. You don't know the state's capability. You have to obey to live; you have to cooperate..." —Sabiha, life history interview

The promise made over agreeing to act as an informant operates similarly to the one over the village guard system. The pressures by the state agents to force politically active people to agree to be informants is currently a systematic strategy in Northern Kurdistan. Not only in Sabiha's interview, but it is also the case in three of the documented applications I collected from the HRA's archive, two of which ask for legal aid and protection against the pressure from the police to become informants. The third one is an application made by the family of a young Kurdish man who was shot to death by the police. The family

claims that their son agreed to act as an informant after pressure and was killed by the police as the information he provided happened to be wrong. These narrations of the families, and the excerpt from Sahiha's interview quoted above, further reveal the biopolitical function of the promise of Turkishness highlighted by the remarks on 'the obligation to obey to live' and switching form of the promise from an offer of benefits to torture threat, and intimidation, reformulating itself as not a choice but a matter of life (and death).

This sub-section focused its inquiries on Turkishness' subjectification and formation of threshold subjectivities through a promise operating as a disciplinary or biopolitical strategy. On the one hand, disciplinary techniques that can be marked by the promise of Turkishness, imposing the accepted behaviors, attitudes, skills and knowledges, appeared as not only suppressing but also forming the subjectivity which is left out. Turkishness is a form of the power grid that produces subjects, and, by naturalizing this production, it hides behind the formulated normality. In other words, power exercises become invisible, making the subject believe in her agency and independence. On the other hand, the biopolitical form of the promise further participates in drawing the lines between life and death and turns into a violent mechanism offering and pointing out the conditions of survival, the highest strata still being characterized as disposable as illustrated by the village guards and informants who are easily expendable despite agreeing to play along. Therefore, through the increasing number of rejections and violent mechanisms in the disciplinary operations, the promise of sovereign Turkishness is narrated as not kept by the interviews. In contrast, in the biopolitical functioning respondents strictly refuse, and for those who agree, the promise of sovereignty is still not kept, notwithstanding the benefits enjoyed. The boundaries, therefore, are revealed as the boundaries of the Turkishness that is not possible to equally participate in as the 'real' Turks despite its inclusive portrayal. This is discussed by the constitutional formation of the legal subjectivity of Turkishness, in the following sub-section, that further produces in-between subjectivities in the form of Turks-to-be.

6.1.3. Reproduction of Turk-to-be: Turkishness as legal subjectivity

Further promises (of equal rights) are made by the formation of legal subjectivity and citizenship status. By this legal subjectification, individuals are equipped with rights and duties whose extent and scope are actually determined by modes of that subjectification which tames individuals and submits them to different subject positions within this interdependent

relationality, despite the attachment of equality for all embedded within the status of citizen. In other words, citizenship is suggested as a category to be equalized within, whereas it is formulated by power relationalities (of Turkishness) (re)producing various forms of legal subjectivities.

The boundaries of Turkishness are defined and fixed as a legal-cultural subjectivity by the Constitution. The consideration of the Constitution as a social contract that is under a juridical guarantee while providing that very guarantee draws on a traditional power understanding that is centralized, repressive and negative and approaches power through either "legitimacy and consensus or ... constraint and violence" (Lemke, 2012, p. 10). Contract, consent and legitimacy suggested as tools of power by the social contract tradition do not, however, enable a problematization of power relationalities in action behind the portrayal of this contract as consensual and legitimate. I therefore look into strategies and technologies of power (Foucault, 1980c, p. 184) to enable this portrayal. In other words, I argue that the Constitution participates in the game of truth of Turkishness as a *dispositif* that provides its legitimacy. Revealing the Constitution as a *dispositif* facilitates me to overcome unidirectional and possessive power understanding and further problematize the formation of (legal) subjectivity over Turkishness as a legitimating subjectivity by excluding other forms of subjectivities that would threaten this legitimacy.

Turkishness attached to citizenship has been discussed for a long time, and the formulation of citizenship has been found to be controversial as Turkishness is utilized to work as the reference of equality engraved into citizenship status. The controversy focused on two main arguments: The first one states that this definition is 'closed' and accordingly discriminative by pointing out a particular ethnicity. The other argument, however, holds that citizenship defined over the land by this article is 'open' and inclusive. I argue that an inquiry of the relevant articles of all three constitutions (1924, 1961 and 1982) drafted after the proclamation of the Republic would reveal that Turkishness determines and regulates blurriness between multiple subjectivities. A comparative analysis of changing formulations of the same article defining the scope of citizenship would unveil discontinuities as much as continuities, enabling a contextualization of the definition by historically conditioning it to reveal the forms of subjectification engaged in by Turkishness truth regime in different times and map the limits and exclusions of the definition.

All the constitutions (subtly) engage in a subjectification, as a *dispositif* (of Turkishness), by being utilized to define/form not only who a Turk is and is not, but also whether it is possible to participate in Turkishness, conditions to

participate in it and whether every participant is offered similar positions. In other words, the promise of equal citizenship rights made by inviting everybody to get equalized in the citizenship status is problematized as a form of subjectification engaged in by the Turkishness truth regime.

Article 88 of the 1924 Constitution, under the section entitled “Definition of Turk,” states: “Regardless of their religion and race, everyone is called ‘Turk,’ in respect of citizenship, in Turkey” (TR Const., 1924:88§1). This article’s emphasis on “regardless of religion and race” is missing in its present form in Article 66 of the current 1982 Constitution (TR Const., 1982:66§1). This is copied without any changes from Article 54 of its immediate predecessor, the 1961 Constitution, and states that “Everyone bound to the Turkish state through the bond of citizenship is a Turk” (TR Const., 1961:54§1). It is significant to look at the 1924 Constitution as the Constitution of transition, being the first Constitution after the proclamation of the Republic, when considering the omission of the additional emphasis on “regardless of religion and race.” As presented in detail by the socio-political background provided by Chapter Two, the discourse on Kurds’ right to self-autonomy radically changed right after the proclamation of the Republic. Therefore, one can argue that the relevant article of the 1924 Constitution is instrumentalized to manifest the exclusion of the previously recognized multiplicities. The 1924 Constitution is also the only one openly declaring this exclusion by recognizing its nonrecognition. Its Preamble states that:

Our state is a nation-state. It is not a multi-national state. The state does not recognize any nation other than Turks. There are other peoples who come from different races and who should have equal rights within the country. Yet, it is not possible to give rights to these people in accordance with their racial status.³⁵ (TR Const. 1924, pmbl., as cited in Yeğen, 2009, p. 599)

This excerpt from the 1924 Constitution is distinctive in unveiling the nonrecognition and invisibilities behind nation-state formation. On the one hand, it does recognize multiplicities by stating that “there are other peoples from different races,” on the other, it declares their nonrecognition and points to Turkishness as the national subjectivity to be participated in to “have equal rights within the country.” Considering the 1924 Constitution’s article 88 and its emphasis on being applicable regardless of religion and race being omitted in its 1961 and 1982 successors, previously given promises and alliances

³⁵ This excerpt is taken from Yeğen (2009, p. 599), based on his archival research. In the openly accessible versions of the 1924 Constitution the preamble is removed/censored, further strengthening the analysis presented.

formed to achieve the first steps of population-formation—the elimination of non-Muslims—are declared to be abolished. That is why its successive Constitutions do not particularly state what is invisibilized, but unlearn them by presenting only positivities; what exists while indicating negativities through a complete rejection. Therefore, in the successive Constitutions of 1961 and 1982, the relevant provision takes place under the section entitled "Turkish Citizenship" - unlike the 1924 Constitution which openly names the section as "Definition of Turk."

The preposition of "in respect of" linking citizenship to the provision is another difference of the article in the 1924 Constitution. While the 1924 Constitution engages in an explicit definition of who is a Turk supported by this preposition, in its succeeding constitutions it is revised as more embedded, presenting a complete equalization of Turkishness to citizenship. A further historical look into the 1924 Constitution would reveal this discursive strategy.

Minutes of proceedings³⁶ of the parliamentary session, wherein this article was discussed in 1924 (Türkiye Büyük Millet Meclisi, 1957, pp. 436-441), shows that the article was actually suggested to the Grand National Assembly without that preposition in the first place. The first suggestion for a constitutional provision defining Turks read "the community of Turkey is called Turk, regardless of the religions and races." Ahmet Hamdi, however, who was the Yozgat deputy back then, objected to the suggested article and asked for its revision as "Those from the community of Turkey, and accepting the culture of the Turk, is called Turk." The legislator was reluctant to share the priorities and privileges of 'real' Turkishness by making it a status that could be gained by living within the national borders. Istanbul deputy Hamdullah Suphi's following words clarify the reasoning behind the additional phrase in the article as the boundaries drawn for the "Others":

It may be our ambition to give the Turkish title to all those who live within our political borders. However, you can see that we went through a very arduous struggle, and none of us believe that the fight is over. We say: The citizens of the Republic of Turkey, of our state, are Turks altogether. On the other hand, the government struggles to remove Greeks and Armenians working for establishments formed by foreigners. We can say that they are Greeks and Armenians whom we are removing, but what if they reply to us by saying that they are actually Turks under the law issued by our Assembly. The word of nationality does not suffice to eliminate this goal in their minds and hearts. We should also add a commentary. The matter can be passed through a

³⁶ The excerpts taken from the minutes of the proceedings of the relevant session of the Grand National Assembly (Türkiye Büyük Millet Meclisi, 1957) are translated by me.

commentary. Nevertheless, here is the truth: they can never be real Turks (Türkiye Büyük Millet Meclisi, 1957, pp. 436-441)

Eventually, the commentary is added to mark "the truth," differentiating citizen Turks from "real Turks" in the article following this suggestion by Hamdullah Suphi. This shows that the additional phrase "in respect of the citizenship" points out a (real) Turkishness beyond the one that can be participated in through the bond of citizenship. With the inquiries of this provision on citizenship (and Turkishness), the Constitution is further revealed as a *dispositif* engaging in the production of the truth. In this sense, the Constitution operates as an attachment of trueness by establishing a norm and engaging in subjectification. To be subjected to the law is to be subjected to the truth as well. Through this subjection, individuals produce the truth and turn into objects of that truth production as they participate in the game of truth. The subject positions are offered within the modes of subjectivity imposed on individuals and make them subjects.

Article 88 of the 1982 Constitution defining "Turkish Citizenship" engages in this subjectification and submission to modes of subjectivity by still carrying the emphasis on (real) Turkishness made by the 1924 Constitution. In other words, this article makes the two modes of Turkishness a constitutional provision with a single statement by explicitly stating one of them while indicating the other. It does not provide a solid definition of legal citizenship but is utilized to present a framework for the Turkish nation. It illuminates the movement of absorption through its invitation to assimilation. The ambiguity and in-betweenness of non-Turkish citizens are fixed by this article defining the Turks, not the citizens. It produces blurry and in-between statuses for non-Turkish groups. In this in-betweenness, 'Others' can only be in an ambivalent existence, such as Turkish-citizen Kurds, "prospective-Turks" (Yeğen, 2009), and Turks-to-be, whereas the (real) Turks' position is manifested as stable and firm by the very formulation of the article.

The Constitutional Court interprets the formula of 'Turkish citizenship,' which was adopted by the 1982 Constitution, drawing on the equality promised to all belonging to this 'political community.' It suggests that this definition constitutes: "a unifying and integrating basis, which has been brought to ensure equality in terms of individual human rights in the Republic of Turkey, which is indivisible with its homeland and nation in a universal context, preventing any privileges being granted to any ethnic group that founded the nation and states that citizenship and national identity do not mean 'denying the ethnic

origins of citizens.”³⁷ Despite this widespread understanding advocated, the implementation provides examples of the broken promise and how being a citizen does not always ensure equality in rights as "Turkishness by citizenship" leads to a subjectification of Turkishness beyond being a citizen.

In our interview, when narrating her memories from back in the 1990s, Fatma had to recall massive violations perpetrated by state actors. After sharing these stories, one after the other, the tone of her narration remarkably raged, making me feel that she was also talking to herself at that moment and could not even believe how many deaths she had to remember when telling me her memories. At that moment she paused for a while, stared at me as if she was looking for some answers, and almost cried out the following words significantly drawing on this promise (of equality) made through citizenship status:

Why did they kill us? We didn't even understand why they were killing us ... here is my mother's, father's and brothers', my identity card. Here they are! We were also citizens. I am a citizen. My brothers were decent, hardworking people with proper jobs, my father was doing trade, they were not guilty of anything. Why did they kill us? I'm asking you now. Why did they kill us? ... We don't know what we were paying for. Then we realized that they did it just because we are Kurds. The state told us that it kills us because we are Kurds over and over again, then we got it. —Fatma, life history interview

Fatma underlines the promise of citizenship status by emphasizing ID cards and citizenship. Since she was talking about the “right to life,” which is considered a “natural right,” guaranteed to “everybody” (not only to citizens) by the Constitution (TR Const., 1982:10 § 1) as well, her emphasis on citizenship can be considered as tamed by a (legal) subjectification. Not only citizenship but even an ‘acceptable’ citizen³⁸ status is further underlined by her

³⁷ See Democracy Party (Closure) Decision: E. 1993/3 (Party Closure), K. 1994/2 (Official Gazette: 30 June 1994, 21976-repeating, p. 101 and Democratic Society Party (Closure) Decision: E. 2007/1, K. 2009/4 (11.12.2009).

³⁸ “Acceptable citizen” is a definition explicitly made by the textbooks of the compulsory citizenship classes in high schools in Turkey. Üstel, in her study, analyzes this understanding and its delivery in the curriculum and suggests that this definition describes the type of citizen who adheres to Atatürk's reforms, respects laws and regulations, accepts the family as the most fundamental value and protects and strives to develop national resources (2004, p. 252). Belge (1992) conceptualizes a similar definition as “the ideal citizen of the Republic of Turkey,” and defines him as a type of person who does not have the ability to ask questions, who has acquired the habit of obeying the authority, who, by obeying his fathers, chiefs, superiors, presidents, rulers and officials, made obedience a natural behavior like breathing oxygen. An ideal citizen does not want to get into trouble;

remarks on the “proper jobs,” “decency,” “business,” of her brothers and father who are, therefore, “not guilty of anything.” Even her outcry against systematic murders draws on this ‘acceptable citizenship.’ While problematizing law and the Constitution as a *dispositif*, Fatma's discursive practice, informed by this imaginary of acceptable citizen, points at the operation of law as a norm. Law gets integrated with the power whose object is life and body and becomes the norm to engage with control and surveillance mechanisms. In other words, norms are considered together with common ‘normalized’ standards through which disciplinary practices are internalized and reflected on discursive and behavioral patterns. These standards of appropriate behavior (discourse) are designed to correct inappropriate and misaligned ones (Hunt & Wickham, 1994, p. 49). Despite being informed by particular characteristics hinting at an ‘accepted citizen,’ Fatma’s latter remarks highlight being a Kurd as a subjectivity that is already deprived of carrying the possibility to be accepted. These remarks provide a significant axis to the inquiries on the Constitution’s truth formation behind subjectification, intimidation and reification strategies that (re)produce ‘Turkish citizen’ Kurds who have not succeeded in being acceptable enough.

All these bring the attribution of sovereignty to Turkishness into the picture again. This blurry formation of the Turkishness and oscillations attached to its definition does actually work as the production of Turkish sovereignty as a legitimating subjectivity by legitimizing its very formation as the sovereign subjectivity at the same time. The Constitution confirms the reduction of power into a particular power exercise (sovereign power) and a single knowledge (Turkishness sovereignty) produced by this power exercise. In this way, both are colonized and both of their exercises become contingent upon the requirements of the Constitution. In other words, they get petrified and portray Turkishness as immobilized. The legality is shaped by this knowledge of the truth regime, whereas the production of the Turkishness as the only legitimate and legitimating subjectivity provides the required legitimacy. This particular ensemble of power, knowledge, subject and rule by law makes various power encounters and the multiplicity of relationalities invisible. Turkishness is portrayed as centralized and harmonious, claims the truth in whose production the Constitution operates as a *dispositif* and makes ontological existence dependent on its (particular) epistemology. The sovereign Turkishness then

Belge argues and notes that it is not clear to what extent this reluctance prevents him from getting into trouble and highlights that those who get into trouble are Turkish citizens who have not been ideal enough (pp. 322-323). Citizenship and “acceptable” or “ideal” citizenship in Turkey are in the literature mostly considered as cultural citizenship reinforced by nationalist references.

becomes the absolute truth, a condition for existence whose boundaries are drawn to reduce the multiplicities into a processual in-between subjectivity of Turk-to-be.

6.2. Spatialization of Turkishness and Turkification of space

This section discusses the spatial arrangements of nation-building from the nationalization of the space to the nation's spatialization that is in an inextricable co-constitutive relationality with the former. The nation-state borders can, then, be revealed as more dynamic boundaries translated in everyday life contexts, as they appear to be the constraints of the national subjectivity as well throughout the analysis. By looking into the attached meanings and embedded narratives and discourses to the space bordered, I trace the constraints and changing appearances of these spaces – that is to say, an attempt to analyze the space by following borders in a literal sense, as in the national borders, will enable a spatial analysis since the configuration of boundaries through nationalization of space appears as enclosing the subjects. Border studies have a tendency to acknowledge the agency of the borders (see, e.g., Vila, 2003; T. M. Wilson & Donnan, 1998). Borders make and unmake things as a result of various relationalities they engage. Therefore, contrary to the common understanding, borders contribute to nation-building with an inward movement. Although the border gates are considered to open outwards to protect the *vatan*³⁹ against "external threats," they actually operate by strictly defining the interior (Özgen, 2005, p. 104) to stabilize. Therefore, this section is interested in the borders regarding their function to compartmentalize and nationalize the spaces while enhancing national categories by spatializing them following an inward movement. This inward movement is counterpoised with the "Other beyond the boundaries" (Massey, 1994, p. 169), the excluded.

The dynamics of nationalism and the making of the space constitute a primary aspect of modernity. Turkishness forms and is formed by the nation-state building and naturalized through being attached to space to claim the

³⁹ The Arabic word *vatan*, adopted by Turkish, means the place of birth, 'homeland.' It has gained a political meaning parallel to the meaning evolution of the French word *patrie*. Throughout the text, I prefer to use *vatan* instead of homeland or land only, to be able to problematize "home" in the following chapters and to emphasize *vatan* as the ethnicized, territorial land.

borders of a territorialized nation-state. All the layers inscribed on Turkishness are fixed by the production of space and material geography. The boundaries of Turkishness are drawn and enhanced by the national borders. Space's production, preservation for the survival of Turkishness, and the attachment of the temporality of Turkishness to space are traced through the particular conditions, strategies and practices that become the determinate forces in the reproduction of spatio-temporality of the Turkish nation-state. In other words, this section reveals the meanings attached to space by the nation-building to unveil the spatializations following that very meaning.

The formation of Turkishness in the late nineteenth and twentieth centuries goes hand in hand with the reorganization of geography to create *vatan* efficiently. By excluding the ones left out by its drawn boundaries, the formation of Turkishness imposes its officialized memory, a traditional linear history to reproduce its 'factuality' and 'naturalness' of the arrangement of the space and material geography. In other words, space and materiality are Turkified together with their articulation of the history from which the Turkishness sovereignty derives its legitimacy together with the enclosed subjectivity regime.

Since the 1924 Constitution, the 'indivisibility' of Turkishness and territory appears to be a constant reference in legal texts. Not only the Constitutions' relevant articles fixing the definition of the state and its territory, but also the Criminal Code has various articles that criminalize particular practices that are considered as committed against this indivisibility. The following statement kept in all the Constitutions' preambles since the one in 1924 describes what the indivisible components are: "... principle of the nation-state's indivisibility with its State, territory, historical and moral values of Turkishness, nationalism, principles, reforms, and civilizationism of Atatürk ..." (TR Const., 1982, pmb.)

Therefore, not only the state but also the Turkishness' components, its officialized historical narrative, together with Western modernity and knowledge articulated to it, pointed out by the statement on the "civilizationism of Atatürk," is defined as 'indivisible' from the territorialized space, accompanied by a sweeping phrase of the "moral values of Turkishness." As Hiva touches upon in our interview, quoted in the introductory section of this chapter, there are ongoing debates considering the definition and scope of Turkishness, particularly focusing on the criminalization of degrading Turkishness until the amendment of article 301 in 2008. In most of the references to Turkishness, it is accepted as given and widely known to strategically blur the strict boundaries of the determinacy and certainty of the criminal law. However, as a response to these debates leading up to the

amendment replacing Turkishness with the Turkish nation, the legislature prepared a preamble for this article attempting to define what Turkishness is, as briefly referred to by Hiva in mentioning the 'common culture unique to Turks.' To be able to see the scope of the indivisibility drawn by the Constitution, however, it is worth looking into this attempt to define what Turkishness is by this preamble written for Article 301 in some detail:

[With Turkishness,] no matter where they live in the world, the common existence created by the common culture unique to the Turks is understood. This entity is broader than the concept of the Turkish Nation and includes societies living outside of Turkey and participating in the same culture. (as cited in Artuk, 2007, p. 226) (translated by me)

By looking into this statement suggesting that Turkishness' borders are not the same as those of the national territory, the emphasis on the 'real Turks' ("no matter where they live in the world"), relying on an ambivalent cultural reference ("common culture unique to Turks"), can be traced. When the principle of indivisibility and indivisible components defined by the Constitution are looked at, under the light of this definition that is not constrained by the national borders, the inward functioning of the national borders becomes apparent. The definition of Turkishness is explicitly made to consist of the Turkish 'entity' beyond the borders. Therefore, the space territorialized within the national borders appears as not contained (since it can be expanded to "the societies living outside of Turkey and participating in the same culture"), but container (as it operates to exclude the non-Turkish 'entity' within), functioning inwards. Therefore, to facilitate a homogenous interior, sweeping arguments such as the "moral values of Turkishness," or ambivalent references to the "unique culture of the Turks," are required to regulate this contradiction. In other words, ambiguity of the inside is hidden behind those manifested as indivisible. Making a homogenous interior through the national borders is also significant for making that homogenous interior a distinctive nation at the universal scale. This statement on 'indivisibility' indicates a seemingly unproblematic division of space through the national borders. National borders are 'naturalized' through their making of 'the national' that is the legitimate prominent scale for recognition within the 'universal' scale. Nationalization for recognition produces fragmented, discontinuous spaces that are believed to define the distinctiveness of their interiors. Therefore, this portrayal of 'inherent' fragmentation of the space, in turn, facilitates the imposition of a particular set of power-knowledge relationalities of the nation-state to the ones left inside by the national borders while being excluded by this relevant power-knowledge system.

Turkey's national borders have twenty-six border gates opening to its neighboring nation-states, and sixteen of them, opening to the national borders of Syria, Iraq and Iran, are dividing Kurdistan. These sixteen gates are marked by different control mechanisms and images than the other ten. Mountain writings of 'How happy is the one who says I am a Turk,'⁴⁰ 'We are brave, we are strong, we are right,' and the star and crescent motifs of the national flag are drawn with white painted stones on the mountains of the border cities in Northern Kurdistan. Similarly, there are many writings around the borders and on signs with references to the border, honor and violence, whereas they are not as common at the other ten border gates. As a claim for another spatialization beyond the recognized national categories fragmenting the space, Kurdistan itself appears as a threat against the naturalized national borders. In Kurdistan, the subjectification processes are more fluid in terms of their spatializations, and Kurdishness subjectivity is within different and dynamic interplays and can be regarded as disembedded from the space claimed to be Turkified. Even though they fragment spaces, borders cannot accomplish the fragmentation and immobilization of the fluidity of Kurdishness subjectivity within the Turkishness, as discussed in detail in Chapter Eight.

While this disembeddedness and fluidity of Kurdishness subjectivity are attempted to be tamed by strategies that are also fluid and blurry within the national borders, border gates are turned into mechanisms that strictly highlight the 'legitimate' fragmentation of the space. They are equipped with images and explicit statements of the meanings attached to that space. By looking into the writings at the border posts stating that "the border is the honor," the pre-modern reference to the connection of the blood and honor is revealed as reformulated to be "modernized" following the nation-building. The blood is replaced by the border. Foucault argues that the rational, legalistic discourse of sovereignty completely abandoned the previous narration of the nation emphasizing the connection between the border and blood (2003, p. 222). However, following the translation of blood into border, by border writings, one can argue that there is not a complete abandonment of the emphasis but rather a reformulation. The blood remains a strong emphasis hidden behind the borders to draw a homogeneous image covering all the interiors (subjectivities). Therefore, the emphasis on the blood is kept in the image of an original and distinct homogenous nation. In other words, these writings

⁴⁰ A quotation from Mustafa Kemal summarizing the nationalist understanding of Turkishness. His emphasis is on "the one who says," working as an invitation for assimilation, as discussed by the previous sections.

apparent at the border gates in Northern Kurdistan operate to enhance the assignment of meaning to space; that is the homogeneity (working inwards) and distinctiveness (working outwards).

The spatial and material arrangement accompanies the officialized historical narrative naturalizing the nation despite its fictitious transhistorical construction. The space appears to be meticulously formed to accompany the nation-state's temporality restricted by official history writing adopting a particular starting point. Recalling Bennington's words, "At the origin of every nation, we find a story of the nation's origin" (1990, p. 121), what is erased from and invisibilized on the surface of the space enables a reveal of what is beyond the story of that nation's origin. In other words, the space is organized by a nation-state territorialization, and the temporality is reduced into a linear history-writing facilitating the historicization of the nation's origin. The particular ways of not seeing engraved into Turkishness subjectivity also operate as a biopolitical strategy for the organization of the space. The Islamization of Anatolia as the first step toward the formation of the population erased the Armenian, and Assyrian heritages from the fragmented space. This is described as follows by one of the respondents, an architect previously working at an institution of historical artifacts and excavations:

They [Ministry] told us that they found some ruins left from Seljuks and invited us to a site close to Kars. We went to examine on-site. If you are interested in such topics, even a little bit, I mean you don't need to be an expert, you would understand. You would see with the naked eye. Seljuks, really? We went there and saw these perfect examples of Armenian architecture. We told them that they are really valuable remains of Armenian architecture. Aww, they said, if it is that obvious, we have to bury them back! Imagine that. They don't even have a little bit of tolerance. Armenians were here. These were their lands. They were that settled that they constructed such spectacular houses. They had a very settled life, so that they even had a very particular architecture. Then, where did they go? Where are they now? All of their concern is that these trigger such questions. They have erased, and are still erasing, anything left from all these peoples who lived here. —Architect, life history interview

This passage reemphasizes silence as a political category formed and imposed by Turkishness. Ünlü (2018) argues that one of the most significant articles of the Turkishness contract is not to ask questions regarding the massacres and genocide targeting non-Muslims (*ibid.*, pp. 14-15) since it is the founding denial of the Turkish state. In other words, silence became a political category and a condition for existence within the national borders. As discussed by the previous section, 'silence' becomes the condition of both 'survival' for the ones

exposed to these biopolitical strategies and the national bond for Turks to become partners in crime through their shared silence. Therefore, “tolerating,” in the respondent's words, anything revealing what was made invisible would threaten the Turkishness contract, its history, petrified power-knowledge system and state law that are all reduced into one another. They are balanced by being reduced into one another's smallest components for the sake of stability/immobility, and therefore fragile. Revealing even one of the negativities that it constructed itself on would unbalance all the others. In other words, what is unlearned by the petrified power-knowledge system also organizes the space and material geography, since anything that can be seen would threaten what is made visible by the power exercises such as the history it wrote to make an origin for itself and its mechanism of circular legitimation through co-constitution. As we continued our interview, the same respondent also told me the following story narrating a similar reproduction of space but with different references:

They want to erase the historical and cultural memory of the city for a simple reason. They don't have that memory and history. I mean, it conflicts with what they wrote in their history books. Here is Mesopotamia, for god's sake! If you plunge your hand into the sand, you may find a historical artifact left from any civilizations found on these lands. We were working with some archaeologist friends by the Hazreti Süleyman Mosque, Urfa Gate [Sur]. And we found tiles, after working further with these, we became sure that there is a Roman bath in there! In the same area, we also discovered some remnants of an amphitheater. We needed the official permissions for the excavation of the site. The representatives of the ministry came to examine after our application. Do you know what they asked? They asked if there was anything left from the Ottomans! They said they wouldn't provide us any permissions for excavation unless we found something left from the Ottomans or Artuqids. You know, they don't exist in earlier history. Their history begins there, and they want a similar beginning for the city's history. Crystal clear! It could be Islamic artifacts, Ottomans, Artuqids, but nothing else! —Architect, life history interview

This narration of the respondent can be read as a challenge to indivisible unity, which holds Turkishness together. The respondent challenges the indivisibility of the official historical narrative of Turkishness and the space it territorialized through a historicization of the space with a geographical reference to Mesopotamia. The emphasis on the memory of the space, by using Mesopotamia as a reference point, can tear the Turkishness down since it would destroy its legitimacy by challenging its official historical narrative. Turkishness emphasizes the Islamization of the space as a reference to its linear historical narrative to position itself as a successor. This narration reveals not

only the spatialization of Turkishness but also the temporality it attaches to that space to guarantee its legitimate occupancy of the space, to show that space being inherited from its predecessors whose existence it recognizes in the description of its origin.

The strategies of nationalist reproduction and appropriation of space and time aim to fix the inscriptions of the Turkishness subjectivity on the ground. "Writing a new set of social and spatial relations on the ground" (Mbembe, 2019, p. 79) through erasing the others produces new boundaries and more dispersed control mechanisms to guard these boundaries. In other words, it is not only the border gates through which the constructed indivisibility is protected, but any small narrative, artifact, naming, any space in which a living memory is embedded are surrounded by the national borders and the border gates. Space as the "raw material of sovereignty" (ibid., p. 79) of the Turkishness is in a continuous reproduction and formation to remain in line with the requirements of sovereign Turkishness.

6.3. Justice within the borders of Turkishness

How state law participates in the (truth) regime of Turkishness, what kind of meanings are attributed to its function and how it reciprocally participates in the production of the truth appears significant for the inquiries. When the interconnected formation of the state and nation, participating in the game of Turkishness together forming its *dispositif*, is looked at, modern (state) law's function of legitimizing political power is revealed. This function is seen as linked to justice by the human rights lawyers I interviewed. Most of them argue that justice, which is carried out within a certain order, by an institutional framework within predetermined rules and through judgments made by impartial third parties, is what really constitutes the legitimating power of (state) law. By pointing at the practices enabling equality before the law as being accepted as 'just' by the citizens, they suggest that it is how political power gains its legitimacy. In other words, the law's function of legitimacy is attached to well-functioning and institutionalized procedures of the legal system. Drawing on this framework, which most of them describe as 'the ideal,' as a reference, legitimacy (concern) is revealed as what triggers various meanings of (state) law and justice within the borders of Turkishness.

The empirical material reveals three different references to justice: procedural justice, substantive justice and singular-subjective justice. The last one drawing on the singular-subjective justice appears in references to the

nonexistence of justice by this chapter's inquiries. Singular-subjective justice is informed by individual affections and experiences and is socially embedded rather than drawing on an absolute reference to the justice that is believed to be achieved through well-functioning administrative-procedural mechanisms and substantively coded laws. The following two empirical chapters unfold different appearances of singular-subjective justice, from justice as a claim made by drawing on collective subjective experiences (Chapter Seven) to a participatory form of popular justice (Chapter Eight). This section, however, only reveals the first two – procedural and substantive justice– and emphasizes that both are discursively utilized to change the legal system and/or its practices by the changing political powers to derive legitimacy and sustain the stability and continuum of the state. In other words, this section's inquiries unfold that it is through changing the rules of the game of justice (attachment of justness and unjustness) that the functioning of the legal system is changed, so legitimacy is sustained despite the shifting dynamics and threatening characteristics of games that can erode the truth produced by Turkishness.

References to the shift from procedural justice to substantive justice are used by the lawyer respondents to mark the change in the judiciary after the AKP got in power. The emphasis on certainty appears to be characterizing this shift. Heja engages in periodization and naming of these periods, drawing on certainty and predictability:

Regardless of its content, which law will be applied and how it will be applied to whom, and how it won't be applied varies from situation to situation, from conjuncture to conjuncture, today. The judiciary working procedurally okay for some can be a source of legal violence for some others. So, the transformation we are experiencing can be described as a transformation between different forms of authoritarianism, not through black and white value judgments such as good to bad, bad to good. I mean, it seems to me that there is a transformation from a legal practice, which we can call an authoritarian legalism, to another legal practice characterized by dynamic uncertainty and unpredictability, constantly producing uncertainty. —Heja, lawyer, interview

Underlining the change in the principle of certainty of the law, Heja emphasizes that despite the authoritarian characteristics of both periods, the experienced shift of the judiciary and legal system, in general, can be explained through the shift from certainty embedded in functioning procedures to an uncertainty deprived of a functioning predictable institutional framework. An authoritarian regime establishing its own laws and practicing them regularly and predictably, even if these laws are oppressive in their content, is pointed to as a regime of certainty by Heja. On the other hand, varying implementation

of law producing uncertainty in the post-AKP period is further described as dependent on whom the person is by his remarks on “how it will be applied and to whom,” and that “the judiciary working procedurally okay for some can be a source of legal violence for some others.” This emphasis can be unpacked by elaborating on the subjectivity regime of Turkishness discussed in the previous sections. Therefore, one can argue that the various subject positions that the individuals are submitted to within this truth regime can be determinant in the legal practice, that is, in Heja’s words, “characterized by dynamic uncertainty and unpredictability.” Therefore, the law exercises its function of legitimation not only through certainty but also through uncertainty. On the one hand, the regime continues procedures inscribed into and by its (legal) apparatus, ensuring procedural justice for whom it considers as ‘acceptable citizens’ and deriving its legitimacy from them. On the other hand, to sustain its continuity and stability, it operates as a mechanism of violence and elimination for those who are not considered ‘acceptable’ but rather threats. Therefore, while the legitimacy is derived from those acceptable citizens by still being predictable and procedural and allegedly ensuring justice, for sustaining this legitimacy it turns to be a mechanism of uncertainty for ‘hostile groups,’ which are not even considered citizens. There is a constant uncertainty reproduced for them. They are ensured to obey, to comply with the law by the environment of fear created by this uncertainty. This operation of uncertainty is further emphasized by Umut. By drawing on the political cases, she highlights this dual operationalization of certainty and uncertainty as tailored by the political power:

There are currently two different laws in Turkey. If there is a political issue, if the file touches politics in any way... This may be a thermal power plant case pursued in administrative court, or it may be a criminal case. For example, there may be a business case between a businessperson who does not identify with political power and a businessperson who does. The case makes no difference. Be sure that everyone who does not identify with political power is concerned about whether the decision to be taken would be legal or not. If we look at the criminal cases, files in the assize courts, we do not need to make any reservations. In almost all of them, if there is something that the political power does not like, the judiciary decides accordingly. —Umut, lawyer, interview

Umut suggests that boundaries between certainty and uncertainty are drawn by how political the case is and decided according to its issue and parties. Umut’s words on the concern of those not identified with the political power further reveal the disciplining function of this uncertainty. By saying that they are “concerned about whether the decision to be taken would be legal or not,” she

can also be considered linking the principle of legality to the principle of certainty. Coming back to the periodization of the judiciary and legal system engaged in by seven out of eight lawyer respondents, and drawing on Umut's remarks revealing the disciplining function of uncertainty, I want to quote Derya. She highlights a similar periodization with the attachment of similar characteristics when she particularly compares the judiciary in the DGM (State Security Courts – Devlet Güvenlik Mahkemeleri) to the one in the post-AKP period, but by a statement which would mark the expanding boundaries of the legal system towards uncertainty in the latter period unlike the former which, she indicates, assigned and practiced uncertainty beyond the legal system:

At least, I can say that DGMs were making judgments following their founding laws and procedures. It is necessary to talk about the difference that the judiciary went through with AKP. I can say that in the new period, the aim is to transform the state. On the other hand, in the DGM period, aim and reflex were protecting the state. There was an understanding of complying with the special or bad procedures that the state itself defined. For example, the criteria for membership of an [terrorist] organization, helping the organization knowingly and willingly, were very different in the trials made during the DGM period in our region. For you to be charged with being a member of an illegal armed organization, let's say PKK, whether you received a military-political education and a code name was looked after. At the time of DGMs, if you weren't forcibly disappeared, if you didn't become a victim of an unidentified murder, if you weren't tortured to death, so if you could make it to the court and in front of a judge somehow, you used to know what to expect, that you would be tried in accordance with the procedures, even if they were terrible. But today it's a complete mystery. —Derya, lawyer, interview

Even though Derya engages in a similar periodization, emphasizing certainty and predictability, she also elaborates on its possible reasons. It can be argued that with the AKP, Turkey experienced a change in the status quo, despite the shared experiences in Northern Kurdistan as the Kurds are the “Others” of them both. The state apparatus went through a remarkable change in terms of its cadres. In other words, despite the remaining Turkishness truth regime, the *dispositif* of that regime is in transformation, including the state and its apparatus. Therefore, Derya's differentiation between the aims served by the judiciary in these two periods as “protecting the state” and “transforming the state” points at this shift in the *dispositif*. In other words, the judicial realm is operationalized by the AKP to ensure the transformation. Her latter remarks do not only emphasize this difference drawing on certainty, but also add an annotation to this certainty previously provided by the judiciary: “if you weren't forcibly disappeared, didn't become a victim of an unidentified

murder, weren't tortured to death, if you could make it to the court ... somehow." In other words, the uncertainty introduced into the operation of the legal system in the post-AKP period is revealed as not nonexistent previously, but working beyond the juridical/judicial realm – again to eliminate those carrying the potential to delegitimize the regime. Therefore, with this transformation, one can argue that the boundaries of certainty provided by a judiciary that was hard to access 'without extralegally being killed' are expanded toward the realm of uncertainty in the post-AKP period to also be able to transform the procedures defined by the previous state apparatus.

Avsin is one of the lawyer respondents who at the same time was/is a defendant of many criminal cases. After telling me about one of his last hearings, where he was charged with 'insulting the president' and where the judge fell asleep (or pretended to do so, in his words), he recalls another hearing where he was being accused of 'turning people against the military' before the 2000s in DGM. His experience not only strengthens the periodization made based on certainty so far, and illustrated by the DGM period by Derya, but also introduces the cultural motives the AKP utilizes to disrupt the procedures leading a shift in references to justice (made to sustain legitimacy) from procedural to substantive justice:

When we were tried in the military court, we said that the court was not authorized to try us because it was a military court. Of course, our arguments were not accepted, but I remember them being seriously discussed and responded to with counterarguments. ... Undoubtedly, it was not possible to assert that in Turkey there was a constitutionally democratic rule of law at that time either. But there was one significant difference. It was possible to talk about a legal ground established with the (1982) Constitution. Based on this legality, it was possible to talk about an autonomous institution in which the military bureaucracy is included in the judicial bureaucracy, on the one hand, a government order brought to work with parliamentary democracy, on the other. Today, it isn't possible to discuss a separation based on the Constitution. We talk about a regime that does not recognize the Constitution ... amending it and aiming to completely change it to a culturally sensitive one. The local and national culture, they say. They are obsessive about local and national law. What is meant by local and national? They create an Otherness by naming the current legal system and universal legal principles as 'Western law.' In this way, they reject the procedural justice that constitutes restrictions on their political power. Because it's not their procedure, it belongs to the ex-status quo. Today we can talk about a law-state conflict. They managed to change state institutions greatly, but some minor limitations enabled by these procedures still stand. So, their effort is to eliminate these limitations on their political power. Look, they constantly talk about the cultural crisis in the law; by referring to these so-called

cultural inconsistencies, they interrupt law. That is why it doesn't have logic. When procedural justice is excluded from the discussions on substantive justice, the law's ability to limit political power is prevented. Political power can then manifest itself as the very mechanism distributing justice and derives its legitimacy as the one directly distributing justice. —Avsin, lawyer, interview

Avsin shares his own experiences in both periods in a way that supports the differences emphasizing the certainty and further elaboration on the changing *dispositif* in the current context of the juridico-political realm. Disruption of the procedures is described as connected to disruption of institutional separation of the executive and judicial bodies. By describing the DGM judiciary, as separated from the government and the representing political power through procedures defined by the Constitution, he points at the attempts of the AKP to defunctionalize the Constitution by marking it as the law of 'the Other,' the West. He therefore introduces substantive justice into discussions on the source of legitimacy when the legality attached to certainty is disrupted with arguments on cultural inconsistencies of the current laws by the political power. It is useful to briefly discuss the difference between substantive justice and procedural justice to elaborate on Avsin's point, revealing it as the source of legitimacy for political power and its interruption of laws. In a supposedly ideal functioning of the rule of law, it is suggested that the substantive and procedural justice go hand in hand, as substantive justice would be based on the substantive function of law while procedural justice would mark fair processes and procedures in place to achieve the former (see Hacımuratlar, 2008, pp. 85-86; Sancar, 2000, pp. 184-186). When references to substantive justice get disconnected from discussions on fair procedures, as Avsin emphasizes, however, it can lead to the legal production of a "zone of anomie" (Agamben, 2005, pp. 50-51) as it would provide a discretionary power to those disrupting procedures to define whether the laws in place are just and right, and to 'correct' if they are not. Therefore, Avsin argues that legitimacy is derived by marking current laws as 'not just enough' to correspond to 'cultural dynamics' and legitimately displace procedures to 'correct' the laws' substance to do justice. Through this, the political power, the AKP, participates in the game of justice via which the *dispositif* of the regime can be reproduced. In these games and displacement of procedures, institutional separation of executive and judicial fields is overcome. Boundaries between these two fields are blurred. It becomes the state itself that constantly changes and redefines these boundaries between fields. In this way, it can be determined where the law will not be implemented, which can constantly change. Through this, uncertainty is made permanent without leading to delegitimation. In contrast, it even strengthens the legitimacy

derived, as it is made dependent on this fear attached to uncertainty enabling the reformation of the apparatus. This uncertainty prevails, particularly in the criminal files. Avsin continues by illustrating how this uncertainty is experienced in practice with one of the criminal cases in which he is involved as a lawyer:

I am the lawyer of [a foundation]. Two membership [of a terrorist organization] cases are filed against the same members due to the same organizational activities of the foundation. The first lawsuit was filed in 2013. There are requests for evidence. There are electronic files allegedly abroad. The case, look, we're in 2019, is still ongoing. The second file was turned into a lawsuit in 2017. After one year in detention, my clients were released in the first hearing. Then they dissolved the court. They replaced the judges. And these new judges overturned the verdict and decided to arrest them. All this happened in less than six months. And when the first file was still ongoing. It is the same evidence and requests pending for the first file, but they did not pay attention to any of them in the second one and decided on conviction. They had to read this decision to an empty hall, as we did not join the hearing. Neither the accused nor the lawyer remained when the trial was no longer a trial. —Avsin, lawyer, interview

The irregularities in following the procedures, even the deactivation of procedures, are clearly illustrated by Avsin's experience. Starting with filing two different lawsuits on the exact same charges for the same people, none of the practices follow procedures nor does the verdict mark the case's end. The emphasis on the evidence made by Avsin actually appears as providing one of the most arbitrarily stretched procedural steps of a trial. It also reveals to be a repeating pattern in the five legal cases subjected to the anti-terror law that I collected from Diyarbakır Bar Association (DBA 6, 7, 8, 9, 10). When such shared patterns in these files are looked at, the assize courts' shift in the procedural template is remarkably revealed.

What I refer to as the template of a trial is the process that begins with the prosecutor's presentation of the indictment, followed by statements about the crime charged. After the judge reads the evidence, the prosecutor may request additional evidence based on these explanations and change his mind. The defense also makes a statement regarding the new evidence. Afterward, the prosecutor prepares the opinion, the prosecuted make their final defense and finally the court decides. This template is revealed as broken by the analysis I conducted on these five files (DBA 6, 7, 8, 9, 10), which all resulted in the defendants' convictions. In all of them, the police inquiry report directly turns into indictments, without any, even minor, changes. Then the indictment turns

into the verdict, despite some additions based on the hearing. These three steps briefly present the shared patterns of these five cases. One of the files (DBA 7) also includes courtroom observations from two of the case hearings, conducted and noted by one of the human rights organizations, which show that none of the evidence lawyers presented is heeded and that all their requests are rejected without any justification. In another case (DBA 6), the lawyer requires the judge's disqualification on the grounds of a biased attitude and is rejected again. The same file goes to the Supreme Court, which also refuses to accept the request of disqualification as a ground for reversal. By elaborating on the evidence, all the efforts of the defense for presenting the evidence, having their evidence read in the courtroom and their witnesses heard are seen to be not accepted by any of the hearings in any of these five cases I analyzed. Three out of five cases I analyzed are finalized with convictions solely based on witnesses (DBA 6, 7, 10), two of whom are secret witnesses (DBA 6, 7). Drawing on secret witnesses' testimonies, who mostly happen to be of police informants, is becoming a common feature of trials today, beyond these two cases. The last pattern revealed by these cases is on the decisions they make. The common feature of all these decisions is that they do not contain a justification. Hundreds of pages long decisions that are almost entirely quotations taken from the indictments with some minor statements added drawing on the defense's arguments and prosecutor's statements at the hearings provide only a couple of paragraphs (approximately three paragraphs in the files I looked at) of justification. These few paragraphs do not involve any legal discussions or causality links, which makes the reasons behind conviction vague.

In this vagueness, uncertainty infiltrates into encounters as a disciplinary strategy that strengthens dispersed surveillance mechanisms by creating uncertainty and ambiguity that people experience because they do not know what to expect from the legal system and live on the edge. This anxiety and fear conveyed by the uncertainty of the legal system reproduces its legitimacy reciprocally. Devrim, as a lawyer, tells me that their legal references are beginning to be based on this uncertainty and discretionary power, rather than the laws themselves, further describing it as legitimating the justice of the powerful:

When it makes a decision, the court claims it makes a just decision. On what is this decision based? Let's say the judge makes a decision, and he bases this on criminal law and states that his decision is to bring justice. So, yes, justice is to hand over the right to the right holder. But what is the mechanism that determines that right? Who determines the right holder? Who appoints this? Where does it get its source of legitimacy? Unfortunately, today we see that the

powerful is the one who decides them all. So, what is the thing that we call justice? In a way, it is the discourse of the powerful, his way to distribute, and what he defines. And, unfortunately, we accept it too. For example, we as lawyers also accuse and say, "my friend, you went too far by saying that," we also start to see the law of the powerful as the legitimate one, legitimizing what is imposed by the powerful. In international law, it is essential to be able to utter all kinds of non-violent discourse. But what do we say? For example, there was this application to the organization for legal aid, the guy tweeted that the Kurdish struggle, PKK, has made him feel, or taught, the Kurdish consciousness in a way, but there is no praise for the armed struggle. When it came to my desk, even I said "but you've gone too far." Even if there is nothing illegal in that expression, I said that. So, justice is the law of the powerful, and we also participate in its legitimization. —Devrim, lawyer, interview

By pointing at the “powerful” as who decides and defines the right, its designation and right holder, Devrim also points at the dissolution of processes and procedures balancing and distributing the authority of deciding and fairly designating them all. Through this dissolution, a blurry field in which a particular discourse becomes determinant in what justice is appears. This emphasis by Devrim can also be considered as drawing on a substantive justice that is disconnected from fair procedures. She further illustrates the function of the legitimacy of this understanding of justice, making the uncertainty a strategy, highlighting her participation in criminalizing some expressions that are actually not illegal or constitute a crime according to the law. It is significant in showing that within this ambivalent broadened field of legal practice, even the lawyers, who are critical of such practices, replace their legal references and sources with the possibly arbitrary interpretations of these laws. They are tamed to enhance the normalization of this uncertainty and turn into parties reproducing the discourse and formulation of justice of the powerful. These dispersed surveillance mechanisms engaging in subjectification through ambiguity are constantly reproduced through the arbitrary interpretations of the law. Therefore, ambiguity turns into a form of legal violence, and it is through that the legitimacy is derived. Another lawyer respondent, Umut, elaborates on this function by raising a question on the suspension of law. “You may ask why don't they suspend the law altogether, right?” she asks after we talked about different cases illustrating such an ambiguity created by the hands of law, and continues:

There is a very simple and direct answer to this question. Under modern social conditions, no political regime can survive by ignoring or abolishing the law. Why not? For the regime to maintain the minimum level of legitimacy, social interaction must be running according to certain rules, for better or worse. A

regime cannot survive if these things are not working. Such regimes always do what they want to do under the guise of law. So, when you want to cancel or disregard the election results, it is not because you lost the elections but because the YSK (Supreme Electoral Council) has detected irregularities in the elections. That's why the law continues to exist as a highly functional tool. — Umut, lawyer, interview

Umut illustrates the function of the law through the cancellation of the municipal elections in Istanbul and submission of certificates of election to the AKP candidates despite the HDP candidates winning in several municipalities in Northern Kurdistan back in 2019 by the hands of the Supreme Electoral Council drawing on the “irregularities detected.” In other words, the utilization of legal grounds rather than suspending the law is pointed to as the “guise” for the needs of modern authoritarian regimes. This emphasis also draws on the changing realm of the practice of uncertainty in the pre-and-post-AKP. Up until the 2000s, uncertainty was practiced through the suspension of the law, creating an exceptional zone beyond the law. Therefore, legitimacy was attached to the well-functioning procedures and legality defined over certainty in the legal system (even if it was difficult to access due to the broadness of this exceptional zone). In the current period, after the 2000s, the function of the legitimacy of the law is utilized to regulate such exceptions, that is to say exceptions do not take place beyond the legal realm, but the unpredictable use of law introduces the power to declare exceptions in the legal realm itself. The previously set boundaries of law can be understood by drawing on Agamben (1998, 2005), who suggests that the sovereign stands both inside and outside of legal order. The sovereign decides on the exception and suspension of law and draws law's limits by declaring that there is nothing outside. The limits of the law are defined through its exceptions, which arise as threats towards the homogeneity regulated. On the other hand, in the current legal practice, law's boundaries oscillate across rather than engaging in making a stable inside and outside. In the late-modern condition of the practice of sovereign violence creating exceptions, these exceptions are embedded in the legal practice itself, and it is through this unpredictability of law a legitimate yet an exceptional state can be accomplished. By the hands of arbitrary interpretations and formulations of the law drawing on a substantive justice stripped from the procedural one, exclusions and exceptional situations are made continuous. These practices are systematic and remarkably visible in the formulation and implementation of criminal and anti-terror laws. They not only legitimately create zones that are both exceptional and legal but also engage in a subjectification by producing the subject positions of criminal and terrorist that

further enables the exclusions of multiple subjective performances by being labeled as criminal and terrorist.

The criminal code, whose function of producing criminals without a solid definition of the crime committed, is pointed out by all eight lawyers I interviewed. By describing it as highly politicized, they all told me that it is formulated as open to respond to the changing political powers' demands. The blurriness of its text is described as intentional in preparing the ground for its arbitrary implementation. After Derya's repeating references to the 'lawlessness of the judiciary' and 'irrational accusations and punishments,' I asked him about the characteristics of the defenses he makes at these courts despite this 'lawlessness and irrationality.' His response elaborates on the function of the criminal code in setting limitations for the procedures and provisions defined by the Constitution:

First, I have to clarify one thing. Do you think that fundamental rights and freedoms are poorly regulated in the Constitution? I don't think that it's too bad. I believe that fundamental rights and freedoms are theoretically well organized. The issue is that the legislation, which is not very bad, is not implemented. There won't be any problems if the fundamental rights and freedoms are applied in their current form as the Constitution theorizes them. I mean, the impartiality and independence of the judges while performing their duties is a Constitutional provision. If you apply it, all these issues will disappear. If the judge, prosecutor is impartial and independent, he wouldn't take any orders from the executive power. However, there is such a criminal code that, with all the gaps it opens, wipes out the rights and freedoms defined by the Constitution, ruining the requirement on the judiciary's independence. —Derya, lawyer, interview

While Derya distinguishes between the theorization of the Constitutional provisions and their implementations, he places the criminal code in between this division. Therefore, he considers the textual formulation of the criminal code as providing grounds for its arbitrary implementation, on the one hand, and underlines this function in setting the limitations for the rights and freedoms defined by the Constitution, on the other. This function is most apparent in the limitations set on the freedom of expression defined as being under the Constitutional guarantee. Through blurry formulations, the criminal code gains its power to define the acceptable expressions. By adopting an ambiguous language in its textual formulation and its implementation to criminalize particular discourses, the criminal code prepares the ground to create exceptions for this constitutional freedom. Hiva tells me some examples of the use of criminal law to limit freedom of expression through charges such as the degradation of the Turkish nation, insulting the president and provoking

the public to hatred and hostility, and then problematizes the functioning of the criminal code:

The criminal code is meticulously prepared and intentionally made fuzzy. The penalties it regulates as corresponding to the offense it defines don't actually mean anything. Those criminalized by such charges are not only convicted but also shown as targets for the ones supporting the regime. Hrant Dink was sentenced to only a couple of months but then was killed. Academics [for Peace] would probably be acquitted soon, but they will be unemployable. Such a mechanism operates to label and criminalize particular people and expressions also beyond the law. —Hiva, lawyer, interview

As a mechanism of the "intentional fuzziness" Hiva describes, the code and its implementation appear as participating in the game (of truth). Turning into a tool for subjectification, the criminalized are not only criminalized within the boundaries of the law but also excluded from the (truth) regime, as his remarks on the "criminalization of particular people and expressions," and examples of Hrant Dink's assassination and the Academics for Peace indicate. The uncertainty of the shifting and changing boundaries of the law is further used to control the subjectification processes by the production of truth through legal decisions. Therefore, criminal law provides a mechanism to submit individuals to particular subject positions. In this way, those needed to be excluded and stigmatized can be legally produced as criminals.

Like criminal law, anti-terror law provides a legally firm place for power exercises to deal with ambiguous interplays. In other words, it is designed to open gaps with the help of its ambiguous textual statements for its implementation to prosecute the discourses and acts attempting to disrupt the regime, as well. For the maintenance of Turkishness that "can function only in a state of emergency" (Mbembe, 2003, p. 16) due to its continuous engagement in exclusions (to sustain its homogenous portrayal), a further exceptional zone legally producing exclusions through uncertainty is provided by the law on the fight against terrorism (anti-terror law). The law's first article defines terrorism as follows:

Any criminal action conducted by one or more persons belonging to an organization with the aim of changing the attributes of the Republic as specified in the Constitution, the political, legal, social, secular, or economic system, damaging the indivisible unity of the State with its territory and nation, jeopardizing the existence of the Turkish State and the Republic, enfeebling, destroying or seizing the State authority, eliminating fundamental rights and freedoms, damaging the internal and external security of the State, the public

order or general health, is defined as terrorism. (LFT, 1991:1 §1, amendment 15/7/2003-4928/20)

By repeating the definitions fixed by the Constitution and the actions already criminalized by the criminal code, the anti-terror law further labels the already criminalized actions against these fixed definitions as terrorism, with an additional phrase on security and public order. Therefore, the anti-terror law maintains a sphere of ambiguity, and the only solid marker of terrorism as being a member of an organization is also blurred by the second article of the law that defines the "terrorist offender":

Any person, who, being a member of organizations formed to achieve the aims specified under Article 1, in concert with others or individually, commits a crime in furtherance of these aims, or who, even though does not commit the targeted crime, is a member of the organizations, is defined as a terrorist offender. Persons who, not being a member of a terrorist organization, commit a crime in the name of the organization are also considered as terrorist offenders, and shall be punished as members of such organizations. (LFT, 1991: 2§1, amendment 29/6/2006-5532/17)

This article's emphasis on the persons that are not members of a terrorist organization but committing a crime in the name of the organization introduces the intention and shared opinion into the definition of the terrorist offender in the implementation of this article. Therefore, the criminal offense of membership in a terrorist organization does not necessarily seek membership, but actions on behalf of the organization are sufficient for the status of the offender, which further blurs the definition. Note that this emphasis on the shared opinion deemed sufficient to be charged with being a member of a terrorist organization is added to the law in 2006. This means that Derya's above-quoted example on the scope of the terror offenses in the DGM period was before the amendment. Through this amendment, the offender is defined as a broader category than the defined scope of the offense, which makes the law the reference for loosening the scope of the terrorism label reproduced legally. By referring to this loosened scope of the anti-terror law, all the lawyers I interviewed told me that nothing surprises them anymore regarding the judgments made referring to the anti-terror law. The uncertainty remarkably prevails in the cases and convictions. Deniz tells me how this works in practice and how the state utilizes the emphasis on shared opinion in the convictions:

The KCK condemned an ISIS attack, for example. Anyone condemning that attack can be charged with this ground on shared opinion. In the implementation of this law, everyone is now a terrorist. At the very least, they are sentenced for making propaganda. Now, let's imagine. They detected you in the first place. She is interviewing people here and there, goes in and out during the day, and seems like an opponent. Hmm, she is coming from Sweden; all our terrorists are already there. Why did she come? Let's detain her first. They say, let's detain first, then we can find a reason. Now they detained you and began to check. Well, bound to the academy, this university, and so on. She conducts research at the university. Academics are already dangerous. What are we going to do, what are we going to do, what are we going to do? Where should we get the evidence from? That is how the mechanism works. For example, let's say they found the news in ANF [an electronic newspaper that the KCK also uses as a communication tool to make press briefings], sharing a call from the KCK "Hey, academics working in Sweden, why don't you go to Diyarbakır and do research?" Dates don't matter. It doesn't make any difference if you've come here before KCK's statement. That's it! The evidence is solid. No more investigation is needed. The decision of the Supreme Court immediately says that ANF said so, and this person acted like that. They immediately charge you with the membership, for committing a crime in the name of the organization without being a member of the organization. They couldn't figure out something like that? Then they will charge you with propaganda. It is very easy to find. She is an academic; let's see if she's a petitioner [of the letter by Academics for Peace] first. If not, let's check her social media. What did she post about whom? Wow, Kobanê, there we go! Did she make her profile black screen on Facebook during Kobanê? That's it! The propaganda of the organization. They work like this all the time. Detain the person you think is an opponent, and then make up a crime. If you find something good, open a membership case. Otherwise, you will find propaganda material anyway. —Deniz, lawyer, interview

Deniz describes the operation and function of the anti-terror law to criminalize (terrorize) particular discourses and individuals. By illustrating it through my possible convictions, he portrays the uncertainty produced legally by the hands of the anti-terror law. The uncertainty constantly reproduced by the law appears to be multifunctional. On the one hand, it produces an environment of fear among those not identified with the current authoritarian regime to be charged with terrorist offenses. On the other hand, it settles a paranoid atmosphere for those identified with the regime through its discourse produced on being surrounded by terrorists. Therefore, this reproduced uncertainty, itself, is linked to the need for security and settles the illusory requirement of a strong authority to take necessary security measures to fight against these terrorists. Against the backdrop of this created necessity, the law's implementation gets further blurred, gaining legitimacy from this environment

of fear created for everyone, functioning and experienced in two ways. Rezan further emphasizes the law's functioning and the arbitrary interpretations of it, drawing on the 'terrorization' of a song:

You can be an [terrorist] organization member with a song. Let's say singing along a song, such as *Çerxa Soresê*, an old song which is also used by the party [PKK] for propaganda... Even if you only tap out its rhythm or whistle, it is sufficient for your conviction for membership [of a terrorist organization]. So, so many things have expanded with the patches they make regularly. Discretionary power... We can say that the courts dealing with these cases have the same arbitrariness, just like the police with the reflex of protecting the State.
—Rezan, lawyer, interview

Rezan's example of singing a song as a terrorist offense reveals the dissolution of the firm legal procedures in implementing the anti-terror law. Making the intention and shared opinion the justification of the description of the terrorist offender completely transfers the law's determinacy to the judiciary, which is referred to as always acting together with the current political powers by all lawyer respondents. With "patches," Rezan refers to amendments made to the articles. Such amendments are used to add annotations to the defined scope of the offense by using the words: "unless," "as long as," and "if," in order to open gaps paying regard to the needs of changing political atmospheres. In this way, the already ambiguous statement of the article is further blurred. His example drawing on whistling a song, which is a real case that ended with the conviction of a university student, portrays the shifting meanings attributed to particular practices. In other words, similar to criminal law, anti-terror law also works for a subjectification beyond the legal realm by participating in the games classifying particular actions, statements, individuals as labeled terrorist offenses, and offenders beyond the legal realm as well. Deniz draws on a spatialization engaged in by such games attaching the 'terrorism' label to particular spatial and subjective dynamics even if they are not charged with this offense:

In their eyes, the defenses we make in the organizational files ['terrorist organization'] also make us the language of that organization. We are all terrorists. This society is a terrorist, anyway. This society, this region, is seen as a terrorist. As soon as you open your mouth about this place, you become a terrorist immediately. ... When you take a membership [of a terrorist organization] file, you also become a terrorist. Years ago, when we entered the courtroom, one police said that the educated terrorists had come. To us, lawyers. —Deniz, lawyer, interview

Pointing out the positions changing in the courtroom, Deniz emphasizes the attributed meanings to these spatializations producing various subjectivities to exclude as ‘terrorists’ beyond the implementation of the anti-terror law. In other words, his words indicate that all these exclusions are not required to be labeled one by one due to the repeated patterns of the implementation of the anti-terror law and socio-political aspects facilitating its functioning. Instead, the repeating patterns of the terrorization function of the law categorize the forms of subjectification, knowledges and spatializations as the source of fear. Therefore, neither assigning meanings to singular cases nor prosecuting them one by one is required anymore. Instead, these certain patterns of subjectivity, knowledge and spatialization are assigned the label of terrorism. One can argue that the substantive justice stripped from the fair procedures used to legitimize the legal decisions made by not following the procedure in place also settled the truth produced by this interpretation of the substance of justice. Therefore, systematic exclusions are enabled to go beyond the legal realm's scope. The truth (produced as a reference to substantive justice) is reproduced by all participating in the games, not only by the legal bodies. In this way, an action, opinion, existence can be excluded in the form of a matter of security and an object of fear and hysteria within the regime by being terrorized. Within the field enabled by “racial hysteria,” a term coined by Butler (2004, p. 39) to refer to the function of blurry contextualization of notions of terror and terrorism, individuals are made to imagine and define the source of terror and, in the end, adopt that fictionalized enemy as the source of their fear that leads to an environment of fear.

This section’s inquiries reveal that the changing meanings attributed to the state law within the borders of Turkishness are triggered by the contextual requirements for sustaining legitimacy in different times, by different political powers. The references to substantive and procedural justice raised in different forms by the empirical material appear to be used mostly to describe the shifting boundaries of the (state) law drawn between uncertainty and certainty. It is significant to problematize the dichotomic portrayal of modern law as being drawn by the strict boundaries between certainty and uncertainty since these boundaries are empirically revealed as being drawn to exclude particular questions, statements and subjectivities. Modern law’s portrayal as “empirical certainty” and “normative coherence” (Banakar, 2015, p. 10) is also further problematized as the dynamic, processual, interwoven and shifting appearances of certainty and uncertainty are revealed to be used strategically. Uncertainty appears to be purposively produced by the law itself rather than caused by its lacks and failure. In other words, the regime utilizes the production of uncertainty through law’s function (of production of the truth,

working as a *dispositif*) to provide a legitimate source for taking ‘necessary security measures.’

Conclusion

In order to answer the first research question asking “How does Turkishness shape state law?” and its sub-questions—“How does state law participate in the formation of national subjectivity and the Other?” and “How do formulations of justice inform operations of state law?”—this chapter focused its inquiries on what Turkishness is, how it brings the nation, state, subjects and law together, what its elements are, and how it leaves particular discourses out. By mapping the relationalities of power-knowledge(-space), I attempted to trace the shifting boundaries of Turkishness to contain and enable spread, dispersed and decentralized mechanisms enhancing its stability, continuum, and centrality. This chapter's inquiries were presented in three sections that subsequently analyzed and problematized Turkishness as a truth-subjectivity regime, a spatial arrangement and in a co-constitutive relationality with state-law. Therefore, inquiries presented by this chapter only focused on the exclusions, limits and discontinuities of monolithic constructions of the Turkish nation-state.

The first section of the chapter revealed Turkishness as a truth-subjectivity regime. Revealing Turkishness as a truth regime facilitated me to further use it as an analytical tool to unveil the particular interplays and games within this regime, and its strategies and operations by the sub-sections handling this sovereign subjectivity as strategically compartmentalized to enhance the central portrayal reciprocally, as a disciplinary and biopolitical promise working to produce in-between subjective positions, and as a reference for legal subjectivity and citizenship further engaging the making of Turks-to-be. The first subsection looked into the strategic compartmentalization of its particular subjective components to offer the sovereign pride and practices (but not the privileges) to infiltrate into encounters in more dispersed mechanisms to facilitate the exclusions by utilizing forms of subjectification. Tracing the changing emphases on different layers of the sovereign subjectivity in different historical conditions showed that the dynamic subject positions are strategically used by the compartmentalization of the components of Turkishness in different times, which, in turn, facilitates the centralized portrayal of sovereign Turkishness. This subsection's inquiries also introduced silence, silencing and forgetting as disciplinary and biopolitical strategies,

engages in subjectification and enables the exclusions by defining who may or may not speak and what may or may not be said.

The following sub-section, on the other hand, presented the inquiries into the exclusions engaged in by Turkishness to sustain its centralized portrayal, and drew on Turkishness' formation of threshold subjectivities by turning itself into a promise operating as a disciplinary or biopolitical strategy. Disciplinary techniques marked by imposing accepted behaviors, attitudes, skills and normalized judgments appeared to suppress and form the excluded subjectivity, mostly appearing within the school context. The village guard system and offers of collaboration with the state as an informant, on the other hand, showed the biopolitical function of this promise as it appears to switch into a violent mechanism offering this in-between subjectivity as the condition of survival. The boundaries of 'accepted subjectivities' are revealed as the boundaries of Turkishness, further illustrating the function of the promise taming the subjectivities by placing them in an in-between position. The condition to participate in the regime equally by being a 'real' Turk, as discussed by the constitutional formation of legal subjectivity and citizenship, engages in the reproduction of Turk-to-be as an in-between subject position, is highlighted in the following and last subsection of this section.

Further promises (on equal rights) made by the formation of legal subjectivity and citizenship status, equipping individuals with rights and duties, are revealed to be determined by modes of subjectification taming individuals and submitting them to different subject positions. The boundaries of Turkishness, defined and fixed as a legal-cultural subjectivity by the Constitution as a *dispositif*, facilitated me to problematize the formation of (legal) subjectivity over Turkishness as a legitimating subjectivity by excluding other forms of subjectivities that would threaten this legitimacy. Examining the articles defining citizens and Turks in all three constitutions (1924, 1961 and 1982) drafted after the proclamation of the Republic revealed the discontinuities enabling the contextualization of the definition by historically conditioning it to disclose the forms of subjectification engaged in by Turkishness truth regime in different times. The sovereign Turkishness is unveiled as a condition for existence whose boundaries are drawn to reduce the multiple subjectivities into a processual in-between subjectivity of Turk-to-be.

The second section of the chapter revealed the nation-state borders as participating in the Turkishness truth-regime to prevent different spatialities from being seen through constructing a homogenous, contained and container space of nation-state territory. It discusses the spatial arrangements of nation-building, from the nationalization of the space to the nation's spatialization.

The nation-state borders are revealed as more dynamic boundaries translated in everyday life contexts, as they appeared to be constraints on the national subjectivity as well. The strategies of nationalist reproduction and appropriation of space and time are discussed as fixing the inscriptions on the Turkishness subjectivity on the ground. By erasing the others, new boundaries and more dispersed control mechanisms are understood to be reproduced to guard these boundaries. Not only the border gates through which the constructed indivisibility is protected, but also any narrative, artifact, naming, space in which a living memory is embedded are shown as surrounded by national borders and border gates continuously reproducing the mechanisms maintaining Turkishness.

The last section of the chapter presented inquiries on how (state) law and justice are attributed which meanings and functions within the (truth) regime of Turkishness and how they reciprocally participate in the truth-production of the regime. Legitimacy (concern) is revealed as what triggers various functions of law and justice within the borders of Turkishness. Procedural justice and substantive justice are shown as being discursively utilized to remain legitimate and protect the stability and continuum of the state despite the changing political powers and even the status quo. This section revealed that changing the rules of the game of justice (attachment of just and unjust) has changed the functioning of the legal system, so legitimacy is sustained despite the shifting dynamics and threatening characteristics of games. This section's inquiries revealed that the changing becomings of the law within the borders of Turkishness are triggered by the contextual requirements for sustaining legitimacy in different times, by different political powers. The references to substantive and procedural justice raised in different forms by the empirical material appeared to be mainly used to describe the shifting boundaries of the law drawn between uncertainty and certainty. The dynamic, processual, interwoven and shifting appearances of certainty and uncertainty were revealed to be used strategically. Uncertainty appeared to be purposively produced by the law itself rather than caused by its lack and failure.

While Turkishness engages in the construction of a homogenous nation, it is nationalized through the immobilization of the relationalities within the complex web of power, knowledge and subjectification. By adopting a dichotomic reading, this chapter revealed Turkishness as a truth regime producing monolithic categories by absorbing relationalities threatening its balance and immobility. This absorption further revealed the dynamicity of the construction of Turkishness characterized by a continuous unlearning to keep itself stable and immobile, to preserve the hyphen linking nation to state. Mapping the complex web of power revealed relationalities of knowledge,

history, law, space and subjectification embedded in the construction and preservation of Turkishness. It showed that each component is reduced into one of their exercises and made dependent on one another. They get petrified in this way, producing Turkishness as fragile and sensitive toward the games (of truth and justice), threatening its legitimacy and petrified balance. This sensitive balance of Turkishness that continuously produces exclusions utilizes disciplinary, biopolitical and necropolitical mechanisms and techniques to keep them excluded. Therefore, mapping its truth regime colonizing nation, state, law, truth and subjectivities within itself also presented a solid context for the following chapter's inquiries looking into the translation of the subjective experiences into the legal categories of this regime. These subjective experiences engage in games of justice whose inquiries would reveal various appearances of all excluded. The third reference to justice that appeared as 'nonexistent' in this chapter's inquiries is traced in its singularity by the following chapter.

Chapter Seven

Lost in Translation: Subjective Experiences from Justice Aspirations to Legal Categories

Cab driver: See? Here are the border police.
Me: Border police?
Cab driver: Yeah, don't they seem alike?
Me: Since when do they have these checkpoints here?
Cab driver: Since 2015, they put them during Sur [referring to the urban warfare] and...
[...points at the road blocked with more than five armored vehicles and tens of special team police]
When was the last time you came here?
Me: It was in 2014.
Cab driver: Many things have changed since then, sister.
[...mumbling some swearwords]
We are totally broken down psychologically.

—Informal conversation, April 2019.

The above-given excerpt from my fieldnotes is the very first conversation I engaged in when I arrived in Amed on April 4, 2019. I took a cab from the airport to the city center, and when I was asked which city center, I found out that there was more than one center now, unlike in my previous visits. In just fifteen minutes, I could observe the changes in the organization of the city. The previous green fields and croplands seemed to have been replaced by gated communities. The city's previous periphery gained a new face by being turned into a luxurious residential neighborhood with internationally well-known

restaurant chains and café franchises, marking these new neighborhoods' inhabitants as exurbanites with high living standards. I learned that the inhabitants of these neighborhoods are the judges, prosecutors and state officials appointed to the city in general, and the urban elite that moved out of the city center after the urban warfare in 2015, as the cab driver explained after seeing that I was surprised. "It feels like this happened in one night," he said. "They first started off the construction, enlarged the center, switched the center to here, then they shared these sites. One of them is mostly left to judges and prosecutors, another one is to teachers, and alike."

The conversation I quoted took place right after a checkpoint appeared in the middle of the road, with five armored vehicles and tens of police from special teams; as we got closer to the city center I used to know. The cab driver's reference to the border and the border police was not surprising considering the changing face of the city. The gated community was not only the residential sites with advanced security measures but those neighborhoods in general, the gate being this checkpoint. I was used to passing numerous checkpoints when traveling in Northern Kurdistan, but this one was remarkable since it was not at the entrance of a village, a different province or a peripheral district. It was dividing the center of the city and portraying one part as criminalized, which I understood better as I further discovered the meanings attributed to such boundary-making practices dividing different spatialities. As seen in the previous chapters, the theme of boundaries was frequently evoked throughout my fieldwork, starting with this very first conversation.

By only following the state-centered territoriality and national borders as its boundaries, producing a spatiality over the repressive colonized-and-colonizer power practice detached from and distant to experience, the previous chapter attempted to answer how Turkishness shapes the state law by unpacking Turkishness revealed as a truth-subjectivity regime that also characterizes the hyphen connecting the nation to the state. In the previous chapter's inquiries, the production of truth within Turkishness appeared to be spatialized by national borders. Both being disembedded abstract practices, nationalized and centralized rigors of power and law are revealed to pre-determine the boundaries as nation-state borders. Therefore, these borders are not only contained, constraining the territory claimed to be Turkified, but also container shifting to sustain the exclusions on which Turkishness depends.

Throughout my fieldwork and analysis, I realized that the notion of boundaries also facilitates the discovery of the in-between zones and movements across differentiated spatial arrangements since it is not only linear in making settings but also dispersed. Analytics of power is concerned with power's multiple practices and how it is exercised within specific networks of

relationalities. These networks spread, multiply, disconnect and reconnect and engage in new spatializations as they circulate through people's experiences in their daily lives. Power relations, even those that are unequal and ill-coordinated, as presented by the previous chapter through the petrified and fixed power-knowledge system of the nation-state, have reciprocal movements that "define innumerable points of confrontation, focuses of instability, each of which has its own risks of conflict, of struggles, and of an at least temporary inversion of power relations" (Foucault, 1995, p. 27). This point is particularly crucial in framing what this chapter attempts to reveal. This chapter looks into the translations of subjective experiences informing justice aspirations in Northern Kurdistan into the legal categories of the state law. It attempts to answer the second research question and its sub-questions:

- To what extent do justice aspirations in Northern Kurdistan comply with state law?
 - How are subjective experiences incorporated into state law?
 - How does state law shape subjective experiences?

In order to answer these questions, this chapter's inquiries draw on the spatialized power-knowledge grid of Turkishness whose saturated and even petrified meanings are revealed by the previous chapter. It also follows the attachment of justice to particular aspirations and claims in Northern Kurdistan and traces the formation of the collective resisting Kurdishness subjectivity contesting one of Turkishness, subjective experiences framed by this resisting subjectivity and the ways it informs the justice aspirations. In this way, the games of justice (of Kurdishness) threaten the justice narrative of Turkishness from which it derives its legitimacy and the forms these experiences take when translated into the legal categories.

Therefore, I will attempt to answer the questions raised by scrutinizing the movements between dispersed spatial arrangements through various boundary-making practices of different power relationalities getting organized in the resistances contesting the hegemonic centralized power of the Turkish State. The movement of exclusion, penetration and contestation among dispersed spatialities is marked by different boundaries framing different production and formation of legalities and experiences. They reveal a similarly complex understanding of state law by exploring what kinds of experiences belong where and how they are translated into another spatial arrangement (epistemic context). Tracing and mapping these spatialities can reveal the relevant practices of power-knowledge and, therefore, illustrate the disruptions and evasions of truth and justice. This mapping provides neither a linear nor a causal inquiry. The movements in question can be understood as translations

of subjective experiences generated by the resistances, engaging in the game of justice by raising claims into legal categories, including the translation of resisting-subjectivities that are deprived of and resist homogenization within the national subject and 'acceptable' legal subjectivities.

This chapter's inquiries are organized into three large sections. I begin with contextualizing the becoming of justice within the resistances (in Northern Kurdistan) that reciprocally informs the formation of the collective resisting subjectivity. The first section, therefore, reveals the different temporal characteristics that justice takes as something to come and forward-looking, in the form of claims and aspirations in Northern Kurdistan, contrary to its becoming within the borders of Turkishness as instrumentalized in the present time to legitimize the current procedures and/or arbitrary interpretations of the substance of the laws. The second section of the chapter is on lawyers' positions in these translations. Their transitory subject positions are revealed by this second section's inquiries drawing on their subjectification in Turkishness truth-regime by participating in the legal system as lawyers and resisting Kurdishness by being Kurdish and sharing the subjective experiences shaping Kurdishness as a resisting subjectivity. The final two sections illustrate the translation of subjective experiences into legal categories thinking justice through two themes that emerged in an intense fashion in the empirical material. Section three traces the different forms that death and mourning take, from subjective experiences to legal categories, and the final section follows the movement of attached meanings to home and displacement.

7.1. Claiming justice

The last section of the previous chapter presented three different emphases on justice that are revealed by the empirical material: procedural, substantive and singular-experiential. It merely elaborated on the first two, however, and the becomings of justice within Turkishness are revealed as references shifting between procedural and substantive justice. This discursive shift, experienced as broadening the boundaries of uncertainty towards the realm of the legal system, is unveiled to be pushed by changing requirements for sustaining legitimacy in different periods characterized by different political powers. In other words, justice can be considered to become an instrument at the hands of certain political powers. The third emphasis, on the singular-experiential justice, on the other hand, is not inquired deeply into by the previous chapter but only mentioned as 'nonexistent.' Due to the absorbing mechanisms and

strategies of exclusion, these singular experiential dynamics are overlooked and appear only in the form of the nonexistence of justice, when one is positioned within Turkishness truth-subjectivity regime and look at it from within its boundaries, as the previous chapter's inquiries did to unveil these mechanisms of absorption and exclusion. Therefore, this section's inquiries first elaborate on this 'nonexistence' and further reveal the singular-subjective justice that appeared to become a 'collective claim' organized under the (resisting) Kurdishness truth-subjectivity regime contesting the one of Turkishness.

The lawyer respondents point out this nonexistence with the words they chose to describe justice, such as "imaginary," "Sufic" or, jokingly, "only a female name" (as the word for justice is also used as a female name in Turkish). Most of them draw on metanarratives such as divine justice and absolute equality in their descriptions, including Deniz:

When people open their hands towards the sky to a god they believe in, the main issue in their prayers is justice. It is to achieve what they want. For equality... In modern legal systems, it is the judges who practice this on earth. They are the reflections of this divine justice on earth. People don't need to raise their hands to the sky in the rule of law. There must be a judicial system that can provide this on earth for justice to be done. Unfortunately, there isn't. There are no justice practitioners who internalized this understanding. They are only the people of order. They are the people of the system acting with the reflex of protecting and watching over the Republic of Turkey. So, when the situation is as such, there is no justice. There cannot be. I mean, you can't distribute it. In other words, those who built this system should think and build the system accordingly – to do justice. Justice is the most challenging thing to be accomplished. It is impossible for humans on earth to apply such divine power. It wouldn't be just. So, there is nothing called justice. —Deniz, lawyer, interview

Deniz's narration appears as oscillating across different references to justice. He first points at people's wishes (prayer) that is believed to be fulfilled by a god, a superior divine force. Unpacking these remarks with his references to justice as a tool "to achieve what is wanted," he refers to a very subjective wish. This subjective reference is followed by emphasizing "equality," a seemingly uncontroversial one, implying a supposedly absolute, given definition of equality, facilitating him to overcome the subjective reference he made by "what people want." He further transfers this equality to the realm of modern legal systems and the rule of law. Despite translating the one addressed from a god to a judiciary, he directly transfers the reference to equality as what is wanted. He first contextualizes this reference with the judiciary in Turkey

by saying that this understanding is not internalized by “justice practitioners,” who instead perform to “protect and watch over” the state and points at it as nonexistent, followed by suggesting its overall nonexistence due to the incapability of humans to apply divine justice.

On the one hand, his formulations of absolute equality, divine justice and connections of doing justice to the accomplishment of absolute equality build on a metanarrative, an overarching superior interpretation inscribed into the meaning of justice and equality. On the other hand, he supports his arguments of justice’s nonexistence by attributing a subjective meaning to justice. The previous chapter revealed that Turkishness, or its state apparatus, claims itself as the one providing patterns for interpretation of what just is, as well. In other words, discourses produced by its regime are not deprived of emphases on justice, but, on the contrary, are built on these to derive legitimacy. Moreover, as the previous chapter shows, subjects participating in the game of justice of Turkishness do attribute justness to the system they experience. Therefore, Deniz’s above-quoted description of justice can be considered a formulation of his subjective account of justice and equality as a metanarrative to be taken as a reference, following a similar operation that Turkishness engages; that is to say, attributing the value of justness to particular claims and/or structures. Therefore, his oscillating formulations can be read as concerning oscillating subject positions shaped by different systems of rules of the game (of justice). As a lawyer, on the one hand, his participation in the legal system, whose becomings within the Turkishness truth-subjectivity regime are discussed, makes him adopt the justice metanarrative of modern nation-states drawing on equality - the equality whose absoluteness is provided by the similarity facilitated by (illusionary) homogeneity. Being Kurdish himself, on the other hand, he is subjected to the justice games (of Kurdishness), making him attach justness to relatively different practices, aspirations and judgments. In order to elaborate on these dual subject positions of the lawyers in the following section, I first provide an overall framework on justice games of Kurdishness, which would reveal the rules that not only facilitate attachment of justness and unjustness but also are shared by being shaped by collective experiences and reciprocally shaping Kurdishness as a resisting truth-subjectivity regime - despite the following chapter disclosing its multiple appearances.

‘Justice’ that is revealed as an instrument for the state by the previous chapter appears to take the form of claims and aspirations in Northern Kurdistan. Its function of legitimation that is utilized by certain political powers, on the other hand, is revealed to work reversely by these claims, to delegitimize the state apparatus and justify the claims made. It is one of the most referred-to notions by the respondents I interviewed, and its embodiments

conveying these claims in various forms are visible in the everyday life of Amed. The interviews, everyday life in Amed, petitions submitted to the prosecution office and the legal cases, if they are managed to be initiated, all strongly emphasize justice when making claims. Therefore, since this chapter is interested in the translation of experiences and claims made based on these experiences into legal categories, to be subjected to state law to enable a legal fight against the state, it is significant to set a context drawing on a collective reference to justice in Northern Kurdistan. Therefore, I attempt to unveil various becomings of justice by tracing the claims, physical embodiments and documentations making references to it based on the empirical material generated by my ethnographic fieldwork in order to reveal the rules of the game of justice, the attribution of the value of justness to certain claims and unjustness to certain practices in Northern Kurdistan.

In my cemetery visits, inscriptions of ‘martyr of the justice struggle’ are observed as a shared pattern on the guerillas’ gravestones. Saturday Mothers’ weekly gatherings are named as ‘the quest for justice,’ and Peace Mothers’ slogans in their sit-in protests were mainly informed by an emphasis on ‘justice right now right here.’ Therefore, guerilla warfare initiated against the state, protests asking for the bodies of the victims of enforced disappearances and prosecution of the perpetrators and those raising their voice for the demands of political prisoners are all informed by a question of justice. These struggles make various claims, but all in the form of justice. This justice narrative is accompanied by marking the current practices’ injustices as well. In other words, justice appears to be formulated not only through what struggles formulate their narratives but also to give the Turkishness’ justice game away. Despite the becomings of justice within Turkishness, which are instrumentalized to legitimize present practices referring either to well-functioning procedures or through a description of substance enabling transgressing these procedures, justice becomes the justification for the claims made by various struggles in Northern Kurdistan. Through these games (of justice in Northern Kurdistan), the formulation of justice (by the games of Turkishness) can be threatened and delegitimized.

These threatening characteristics of the games are recognized and surrounded by visible boundaries set by the hands of the state in everyday life in Amed, enabling physical constraints (of Turkishness) to prevent the games (in Northern Kurdistan), as illustrated by the park shown in Figure 7:1. The park is colloquially named ‘the Park of Justice’ after hosting the ‘Conscience and Justice Watch’ initiated by the HDP in 2017 and surrounded by police barricades since then.



Figure 7:1 A park in central Amed surrounded by police barricades, Amed, May 2019.

Most of the interviews I conducted described justice as resistance to injustice, a call made when an injustice has occurred. That, I would suggest, is not a tautological formulation but points at different temporalities of justice formulations of Turkishness and Kurdishness. While the justice is instrumentalized of as a tool to legitimize the present practices by Turkishness (and its state apparatus), in Northern Kurdistan it is formulated to attach unjustness to these practices that had justness attached by the state, so, by uncovering the past or present practices' unjustness, justice becomes a call for the future; forward-looking and something-to-come.

Only after describing a violation of a right through injustice does the notion of justice come into view as a need, feeling, discussion or as characterizing the struggle and resistance. After referring to justice as a struggle multiple times throughout our interview, all after describing a loss, forced displacement and violation of a right, I asked Abdullah, who was forced to evacuate his village in 1993 with his family at age 13, to elaborate on what he means by justice. Since he kept formulating his understanding of justice as something to come after drawing on an unjust past and present, I wanted to see how he would describe justice. "Let me tell you a story then," he said. "A story from my childhood. Back in the village, my grandparents had a three-floored house with a large open roof." He continued:

I spent my childhood there. Our life until 1993 was good in there. It was really good. My brothers and I were running away from our home, going to my grandparents' house to play games. Our favorite place to play was its garden.

We were going there where we could have fun by staring at an ant nest for hours. There were two nests. There was a black ant nest and a red ant nest. There, we were watching, observing them. Well, the black ants used to work until the evening. On the other hand, red ants used to attack those black ants they found alone. They were killing and eating them. We used to help the black ants, out of that childhood, that sense of justice in us. We used to pick one of those red ants, throw it into the nest of black ants, and the black ants were killing it. They were throwing it out of the nest after killing. Other red ants used to take the red ant that was killed and thrown out of the nest and eat it. And maybe later, I understood. Those black ants were us, society itself. Those red ants were the system itself, that cold, wild face of the state. And we were securing justice.
—Abdullah, life history interview

This story Abdullah told me to clarify his understanding of justice once again needed an attachment of unjustness to a certain action prior to his call for (a formulation of) justice. The allegories he uses formulate justice over equity. He refers to two groups that do not have similar means, are not as powerful, and an intervention that attains justice to help the weaker ones; the society, in his words. Therefore, his story and meanings he attributed to this allegory formulates justice as a tool ensuring equity and the need for justice as a call of the less powerful. His formulation of justice connotes Foucault's argument in his debate with Noam Chomsky, wherein they discuss justice referring to class struggles. Contrary to Chomsky's arguments drawing on a just society to be formed by social struggles, Foucault insists that the struggles are not initiated for seeking justice but power, whereas, indeed, this power pursuit is framed as just. The social struggles, therefore, Foucault argues, do not only refer to a fight for justice but are also formulated as a fight against injustice, and it is not surprising or unjust if they also take violent forms when they get the power, and we may not need to refer to the notion of justice at all in a classless society (2006, pp. 51-53). In the light of these arguments, Abdullah's allegory of justice as a tool provided to attain equity for black ants, helping them to kill the red ant, reveals that the present struggles' instrumentalization of justice is to mark the powerful's practices as unjust to justify their own struggle seeking power. In other words, Abdullah can be considered as engaging in a 'game of unjust' to formulate justice.

Parallel to Abdullah's words, Fatma also strongly emphasized justice and understanding of what just is by drawing on an unjust past and present. After Fatma's son had participated in the PKK, she told me that their house began to be systematically raided by soldiers and police, and they were taken to the police station numerous times. Even if they were detained many times, none

of them were registered. During these raids, they were asked about the location of their son and were forced to call their son "terrorist:"

They took this [showing me a photo of her son] and broke its frame that day, forcing me to call my son a terrorist. I said I don't know what terrorist is, that I don't know what it means. Then they made fun of our Turkish ... just because I didn't say it, I didn't call my son a terrorist, they took me to the police station. They held and then released me, just to intimidate, didn't even register my custody. —Fatma, life history interview

Fatma's husband, Cemal, was severely beaten by the police in one of the raids. He was then taken to the hospital and stayed there for three days. Following these systematic home-raids, Cemal had a heart attack and passed away after returning home from the police station. During our interview, Fatma talked about Cemal, her guerilla son whom she eventually found out had lost his life and her life as a single mother of two young women. After telling me about those raids once again, I asked her if they ever filed complaints and submitted petitions about these raids and how the police treated them. Her answer and our following dialogue make the different games of justice, attaching justness to different claims and practices, explicit:

Fatma: We tried it once. We also had witnesses to soldiers' behaviors. But it didn't work. We wanted to press charges against them. If the Turkish state claims justice and law, if it claims to be a legal, legitimate and just institution, then it has to investigate. There will be no justice for us if it doesn't investigate. And its law won't be for us either. It won't be legitimate for us. I made this call to the prosecutor after my husband passed away because he was actually killed. Why did they take my husband and kill him? There are still people who cannot find their children's dead bodies. Why? Now they are in the hands of the state, the state knows, but the state doesn't punish the perpetrators or return the bodies. If it is justice but up to the state, then is it really justice? Many people go to the courts, and I swear that my stomach hurts. I have pain attacks. I am dizzy, nauseous, weak. The prosecution did not even start an investigation when we went with the human rights [association]. We went to the prosecution office with the lawyer. He did not even process our petition. They said it was only a part of the operation of the fight against terrorism or something. They said there was no need for an investigation.

Me: Did you have a report from the hospital?

Fatma: Of course, Cemal stayed in the hospital for three days at that time. You know, it was evident that he was staying in the hospital.

Me: So, even the report didn't help?

Fatma: It wasn't an assault report. At the hospital, they asked how they could know that he didn't fall. Even if it was really the police, it means that you resisted the law enforcement officers, and this is a crime, they said. Police had to behave this way because you didn't let them carry out their duty. They even threatened us by charging us with resisting law enforcement. Well, there is nothing here. Nothing ever works. Law does not work like that. Not one-sided, dear. The justice of the state is the justice of the fox. What will it do if you hand over the chickens to the fox? The world... We have a Kurdish expression... It says '*dinya li dora edaletê dimeşe*'... that is, the world is justice, it walks on, revolves around justice. There is no justice, so our world has stopped. It doesn't stand still either ... It is a must for justice to work the same for all. Otherwise, this law, this justice, is not for us. —Fatma, life history interview

Fatma's remarks significantly distinguishes at least two different formulations of justice that she supports with an allegory of the fox and the chicken. In this sense, her allegory is parallel to Abdullah's story on the ants in underlining the equity between two parties that do not have equal access to the tools of power. On the other hand, she unpacks this allegory by revealing the relevance of justice to the truth, subtly referring to law's function of truth-seeking from which it derives its legitimacy. As a reference to truth-seeking, Fatma emphasizes 'investigation' as the condition of 'legality, legitimacy and justice' with her sentence "if the Turkish state claims justice and law, if it claims to be a legal, legitimate and just institution, then it has to investigate." She further unveils the different subject positions they hold by her repeated emphases on "for us" when saying that there will not be justice 'for them,' law will not be 'for them,' it will not be legitimate 'for them.' She subtly suggests that the case might be different 'for others.' Further looking into her remarks and revealing the connections she makes between investigation (of the truth) and justness, legitimacy and the legality she attributes to this investigation; one can argue that the mechanisms preventing them from accessing the legal means through the hospitals, prosecutor and unregistered custodies is to prevent them from reporting the 'truth' - a truth that threatens to unveil the exclusions engaged in by Turkishness. She describes that one of the prevention mechanisms is the exceptional zone opened by "the fight against terrorism." The prosecutor's response to them, saying that it was "only a part of the operation of the fight against terrorism," utilizes this exceptional zone to open a realm beyond the law, which sustains the law's portrayal as still fulfilling its function of truth-seeking by marking some realms of truth as beyond the law, by the discursive strategies of the anti-terror law as inquired into the previous chapter.

The clash of different power-knowledge relationalities engaging in the production of different truth regimes is apparent in these different formulations of justice, the one that the state (law) claims to do and the other described through an experience of its absence. The relation between justice and truth becomes evident when the various interplays hidden within the truth games are revealed. Criminal law in particular provides a very contested field wherein these power dynamics are revealed. Since the state institutions initiate the process in criminal law, this field of inquiry portrays the challenges of such a legal fight since unjustness aimed to be attached to certain practices also legally, following legal means are articulated in founding-exclusions of the nation-state (and so Turkishness) itself. In other words, it is not possible to raise the claims referring to the accomplishment of justice within the criminal law, in Northern Kurdistan, without taming and reformulating such claims. Before absorbing these claims and subjective experiences in its legal categories, however, the state, as a very systematic organization, first tries to prevent them from gaining legal characteristics.

These mechanisms that systematically try to prevent the injured party from going to court are visible in various forms in the empirical material collected. The applications made to the human rights association (HRA 1-10) to receive legal aid are all, without any exception, formulated as a quest for justice after describing a particular violation and also clearly show how the various mechanisms work to prevent them from collecting the necessary evidence to submit along with the petitions to the prosecution office. Fatma's story portrays unregistered custodies and hospitals as some of these mechanisms. When the application forms submitted to the HRA are looked at, it becomes clear that Fatma's experience with the hospital is not an exception. The applicant of the below-given excerpt from one of the application forms describes in detail the incident when their brother is severely injured by the soldiers raiding their village and states that they do not have any other evidence to submit along with the petitions except for their neighbors' testimonies and, similar to Fatma, describes how the hospital prevents them from reporting their brother's injury:

Although we called dozens of times, the ambulance did not arrive in the neighborhood. Later, a military vehicle took my brother to the hospital. Although my brother was battered, a report of assault was not given in the hospital. Since we could not get the report, we went to [X] State Hospital this time. Here, too, they stated that they'd rather give the report to the gendarmerie, which we were later told that they didn't. —HRA 3, applications

The application forms I collected from the HRA archive explicitly show this prevention of applicants from collecting evidence on the human rights

violations, whether by hospitals, unregistered custodies or threatening witnesses. Hiva, one of the lawyers I interviewed, also tells me the following story on threatening witnesses to prevent their testimonies:

Botan was a university student. He was targeted and killed during a public event, a protest, and a witness saw it. He reached us. We were defending the victim. He reached us and said that he saw which police officer shot Botan. He said that same police officer had raided their house earlier, so he can identify and testify. When we conveyed this to the prosecutor, he said, okay, bring me that witness's statement, but don't forget that that witness was also involved in the protest. What does it mean? It means that "I will sentence that witness to 20 years." Does a witness come and testify under the threat of 20 years of imprisonment? No, of course not, he didn't come. —Hiva, lawyer, interview

By building upon these narrations, these preventions appear as being encountered when a truth regarding human rights violations perpetrated by the state agents is attempted to be documented through mechanisms of the state apparatus, may it be an assault report taken from a public hospital, a registry of arbitrary custody or official testimonies of witnesses. In other words, these mechanisms enable Turkishness (and its state apparatus) to isolate particular claims on truth (different games threatening its own). In this sense, while the state institutions operate as mechanisms, prevention turns into a strategy. Due to these prevention strategies, even if a very intense legal fight was attempted to be initiated by submitting hundreds of petitions to the prosecution office yearly, only a few can make it to the court. Mechanisms (of state) operate to acknowledge and prioritize different experiences to strategically prevent others, revealing the efficiency of strategies in distributing, classifying, analyzing and spatially placing the objects they encounter (Foucault, 1995, pp. 189-194). When prevention is used as a strategy, however, there are also tactics adopted by lawyers against it, as Umut illustrates:

Actually, I do have fun at the police station, anti-terror branches. When I learn that someone got detained, I go to the police station and ask whether they file the custody. They generally don't. In most cases, they tell me to calm down since they will let that person go, so there is no need to open a file. That is how disappearances happen. Do you know what my tactic is? I call 155 [police emergency line] from the police station. The talks on that line are always recorded, and they have to come when you call 155. When the police arrive at the police station, they have no choice but to open a file. Disappearances or torture at the police stations under unregistered custody are not old stories, you know. Still ongoing. —Umut, lawyer, interview

Umut's 'tactic,' as he calls it, of calling the police from the police station operates by using the very same mechanism through which the strategy of prevention functions. Even though Foucault (1990a) uses both strategy and tactic to reveal the power as a "multiplicity of force relations" (p. 92), they are different from one another regarding the realm of their practices. While tactics mark local force relations, strategies point at the coordination of these local forces (Lawlor & Nale, 2014, p. 486). In other words, even though strategies cannot be considered beyond coordinated tactics, it is still possible to think of tactics as separate from strategies. Certeau (1984), building on this difference between strategy and tactic in Foucault's works, emphasizes tactics' potential of turning daily life into a field of resistance. He defines tactics as those "which cannot count on a 'proper' (a spatial or institutional localization), nor thus on a borderline distinguishing the other as a visible totality. The place of a tactic belongs to the Other" (p. xix). That suggestion pointing at tactic's lack of a center facilitates, at the same time, daily life practice as a field of possibility. Power is not single-centered. It is everywhere; therefore the field of resistance is also dispersed within daily life practices. This is revealed by the tactical use of the very same mechanisms equipped with strategies in Umut's example. Daily life is not only a 'silent field of victimization,' but also a field of resistance. Coordinated and organized power trajectories within tactical uses of the mechanisms of the state give meaning to resistance as it is used within the scope of this chapter. Therefore, the inquiries in this chapter understand resistance as contingent upon an encounter with the state's mechanisms of exclusion.

This definition is contextual and a methodological operationalization I utilize to understand the organization and collectivity of the power interplays contesting the power interplays coordinated by the state in Northern Kurdistan. While the police constitutes a mechanism through which the prevention strategy is coordinated, through Umut's practice it is distorted and turned into a field of tactics against strategy. In other words, the omnipresence of power operating through dispersed mechanisms brings with it the possibility of a response from within daily life. These tactics dominate lawyers' narratives as they are sufficiently familiar with the operation of the mechanisms to utilize them, to distort their strategical operations for tactical uses. Lawyers' tactics utilize the state apparatus' realms while being informed by claims and aspirations of justice and of games (of justice) in Northern Kurdistan. Therefore, the following section looks into lawyers as translators of subjective experiences and (justice) claims into "neutralized," "rational" legal categories and different subject positions offered to them as they move across different spatialities (of Turkishness and Kurdishness truth-subjectivity regimes).

7.2. Human rights lawyers as translators

In 2015, I had a chance to work with Kurdish children within the scope of an NGO project. Without exception, all the children I had conversations with told me that they wanted to become lawyers in the future; that they will become lawyers to fight for their rights. That is a significant matter to consider when looking into formulations of justice in the interviews I conducted with human rights lawyers. That is important to keep in mind since all the eight lawyers I interviewed are Kurdish, grew up in Northern Kurdistan and have similar experiences to the respondents of the other set of interviews. In other words, lawyers are subjected to various subjectification regimes. They are familiar with the games played within both regimes by simultaneously being within the modern state law system as lawyers and being the carriers of the subjective experiences of Kurdishness. Therefore, they operate as vehicles of games attempting to reach out to the truth regime beyond their realm.

Therefore, an analysis of the lawyers' interviews enabled a contextualization for understanding translations of experiential dynamics of a subjectivity regime, of Kurdishness, to the experience-distant language of state law defined by its limits, excluding the former. Translations refer to the operations of changing the attributed meanings to enable incorporation into the realm of state law described through its excluding characteristic in the previous chapter. When the subjective experiences are taken from one epistemic context (experience-informed daily life in Northern Kurdistan) to another epistemic context (state law), they are distorted. On the other hand, analyses further reveal the challenges of the lawyers while moving across these different spatialities and when engaging in the translation of traumatic subjective experiences into an unemotional, standardized legal language. These lawyers are moving across different spatialities of power-knowledge and regimes of truth. They have a similar sense of justice as they experienced similar violations throughout their lives, on the one hand, and a belief in the law's capacity to achieve justice, on the other, since seven of them told me that it is this belief that legitimizes their profession in their eyes. In different ways, seven of the lawyers I interviewed told me that following the modern state law in an absolute manner can achieve justice, as discussed in the previous chapter drawing on their emphasis on procedural justice. Avsin described this by referring to the mechanisms of modern law:

So, what is expected from this comprehensive judiciary system is to follow these laws, not to discuss whether they are right and rightful but to implement them. This balance is what constructs the mechanism of modern law. It makes

us claim that a violation of a particular law is a violation of a certain right of ours as well. Then the expectation is that the implementation of the law is the attainment of justice at the same time. —Avsin, lawyer, interview

By pointing to arbitrary decisions made by the judiciary as the reason for the law's incapability in achieving justice, Avsin problematizes the practice of the law. The previous chapter's inquiries discuss similar arguments by lawyers in detail. For this chapter's inquiries, however, they can be seen as references to law and justice made by respondents as a legitimation of their legal professions, as a definition that rejects or delegitimizes the law would not let lawyers exercise their profession. Therefore, they point at the 'injustices' and/or 'illegitimacies' by referring to a regime that dissolves the procedures. Along the same lines, Heja suggested that the law and justice are in a co-constitutive relation:

Justice has always been one of the most significant self-references of modern law. The modern law mainly described its own value over its claim that equalizes its implementation to the achievement of justice. —Heja, lawyer, interview

Heja's definitions are not different from those of Avsin. They engage in such definitions, deprived of concrete examples, with textbook-like descriptions. The significant point is that these excerpts are taken from the very beginning of interviews. It is a shared pattern in the lawyers' interviews that their narrations at the beginning are deprived of experiences and interpretations and are characterized by mostly theoretical, professional, general definitions. As I push them with questions and ask them to illustrate their remarks, their formulations equalizing justice to a well-functioning legal system, that they theoretically formulated at the beginning, got blurred, and the challenges and tension embedded in their subject positions offered by different spatialities of different truth regimes are revealed. Before elaborating on these challenges, I want to start by sharing that single interview that did not refer to modern law's claim of achieving justice nor did it mention seeking the profession's legitimacy within this promise of modern law.

Rezan, unlike others, delegitimizes his profession by pointing out the gap between aspirations of justice and how the law works. "Justice is not a promise of the law. It is its illusion," he argues in our interview. He has been in the profession for fourteen years and has taken part in publicly well-known cases on human rights violations. He describes the beginning of his active engagement in the field of human rights, challenges he faced and decisions that he eventually had to make, as follows:

Then, in 2006, something happened, such a series of incidents in Diyarbakır, call it either resistance or rebellion, but a social incident that dispersed, reflected, and spread all over Diyarbakır. People were protesting in every street, everywhere. Serious violations occurred then. People were shot by the police in the middle of the street. We were not allowed to enter their autopsies, and the law was somehow suspended. Those who gathered in the streets were taken, arrested and sent to prison. At that time, I met the HRA to ask what I could do. I worked there for a long time. We followed public files. We tried to find the fates of the disappeared people in the 1990s, who were killed by so-called unknown perpetrators, especially by the dark forces and state, we excavated mass graves. But after a while, I got stuck. You know, you just asked about that. You cannot practice your profession as a lawyer. For obvious reasons, unfortunately, the state gets in your way, inhibits you, does not allow you to do your profession. It does these by the hand of the law, judiciary and hands of judges and prosecutors. When I understood that point, when I realized that I was desperate, I pulled myself from that field, from the criminal law, working in the field of human rights. Because it is a desperate situation, you feel like a clumsy, useless person who cannot get results but still gives vain hope to people expecting some kind of outcome. You become this person. My ideals, my aspiration of justice, collapsed one by one ... Withdrawing was the best thing I could do since I lost my belief in achieving justice via law. I am withdrawn now. I am working in the field of private law, which avoids meddling. —Rezan, lawyer, interview

Rezan's story shows that the game (of justice/truth) of one regime cannot survive in the realm of the other while describing the transitory positions of lawyers as a stuckness. He describes that the truth and justice games he is subjected to as a lawyer as disrupting the games (of Kurdishness). In this disruption, he discursively offers himself the subject position of "a clumsy, useless person," revealing the subjectivity regime his self-technologies are shaped by. He takes the games of Kurdishness as a reference to his subjectification and therefore defines his failure as attaching him to an incompetent subject position (within Kurdishness). In other words, one can argue that Rezan's withdrawal from the field of criminal law can be read by referring to his experience of the lawyers' in-between subject positions not as transitory but through stuckness.

These systematic preventions described in the previous section and the excerpt taken from Rezan's interview are also visible in the symbolic organization of the space and relevant boundary-making practices. As also previously described, the concrete blocks are strategically used by the state in making the boundaries and meanings attributed within those boundaries visible. The courthouse in Amed is surrounded by large concrete blocks

conveying the message on the distinction of inside from the outside. Not only these blocks but also the organization of the entrance to the building participates in this attribution in a meaningful manner. The gates for the lawyers and those for members of the judiciary are separated from one another. While lawyers enter the building together with everybody else through a gate with security personnel, identity check and an X-ray device, judges and prosecutors use the back door that is not even within the other gate's range of vision. The gate assigned to judiciary members also has a special parking lot for their cars, whereas the lawyers' entrance is not even close to any place where one is allowed to park. Pointing out such spatial arrangements and behaviors of judges and prosecutors at the trials, Rezan, with the following remarks, elaborates on meanings conveyed by the behavior of the members of the judiciary and such priorities given to them even in the entrance of the courthouse:

Many of the judges and prosecutors behave in such a way as if you should be thankful just because they listened to you. You know, we graduate from the same schools. I rely on the law. They chose the easier path. I chose the more difficult one. For my struggle, I gave up everything material and immaterial. They chose the easier one, resting their back on the state and becoming a civil servant. But they somehow consider themselves above me. I represent the public. They represent the state. That is it. I am more dignified. —Rezan, lawyer, interview

This excerpt from Rezan's interview points at not only a professional hierarchy but also a subjectivity hierarchy. In other words, in the division of the public from the state, he refers to a dual and contesting subjectivity regime wherein he positions himself with the public and the judiciary with the state. In this portrayal, he distinguishes public and state, spatializes them and attributes different meanings to these distinguished spatialities. He identifies with the public as choosing the more challenging position as a combatant and more dignified, while spatializing the judiciary with the state as more comfortable, easier, self-seeker and less dignified. By these disconnected spatializations, the public and state, which generally are thought interwoven, are handled by Rezan as forming competing subjectivity regimes, ending in the appearance of two competing 'publics' (see Chapter Eight).

This division of public (the public stands for the Kurdish people in this context) and state through boundaries are not unique to the courthouse. The symbolic organization of the space in the courthouse leaves lawyers out of these concrete blocks and makes them enter the building, to which they do not belong as much as the members of the judiciary, after passing various kinds of

security measures. On the other hand, during the Peace Mothers' sit-in protests, when lawyers come to show solidarity with their robes on, conveying the message that they are there as lawyers, the police circle them together with the mothers, as also described in the introductory chapter and shown in Figure 7:2.



Figure 7:2 Peace Mothers' sit-in protests and the lawyers surrounding, Amed, May 2019.

These two different boundaries leaving lawyers out of the courthouse with concrete blocks and security measures and put inside the police circle with Peace Mothers show lawyers' positionalities across these different spatialities, defined as of the public and of the state, and the public as detached from the state, by Rezan.

I met Umut, another one of the lawyers I interviewed, during one of these gatherings of Peace Mothers, and she began our interview by saying, "I've been in the profession for more than five years, and this is the first time I feel like a *parêzer* (lawyer/protector). This is what we should protect as lawyers here in Kurdistan; the laments and white muslins of the mothers." As we continued our interview in her office that was looking at the street where mothers were protesting, the slogans raised made Umut reflect on:

See? They're looking for justice in here, being surrounded by the police, for just a couple of minutes, just before the police attacks with tear gas and water cannons. Is it useful? Yes, of course meaningful, but is it really useful? This is why law becomes the lesser of two evils. That is what I should do as a lawyer who joins the mothers' call for justice. I should take it and use the law, my legal

knowledge as an instrument to represent their justice aspirations at the court.
—Umut, lawyer, interview

The interview I conducted with Umut is differentiated from the other interviews in terms of Umut's belief in the possibility of translating subjective experiences to the legal language that is supposed to be distant from experience. Umut even regards the court as a more instrumental, useful in her own words, place to voice these justice calls, and professionally identify herself standing within the circle with the Peace Mothers. In contrast, her demand for justice for the prisoners on hunger strike challenges this identification, since hunger strikes are among the most evident forms of seeking justice beyond any legal means or implementation. On the other hand, her emphasis raised interesting questions on the possibilities of lawyers' everyday resistances to these spatial arrangements and behaviors of judiciary members in the courtrooms. Those in a way highlight the detachment of the public from the state. Deniz, in our interview, points out the challenges of doing so. He emphasizes the need to professionally draw the boundaries of the legal profession, not only by adopting a legal language but also by finding ways to overcome judges' systematic prejudices against the lawyers, beyond the law:

There is an incredible prejudice against lawyers like us. Here you are defending one that commits a crime against the indivisible unity of the state. These are the people who should be killed, in their eyes, and we stand up and defend them. From this perspective, there is always prejudice. Once you start from there, it is necessary to break that prejudice before even discussing the law. Some Kurdish lawyers here think of themselves as human rights defenders. But constantly defending with an understanding of resistance comes with a handicap. You cannot fill in the content of the law. You defend, defend and defend with an understanding of resistance. Then? Your defense patterns are getting the same. You start by saying that... the conditions of isolation imposed by the enemy criminal law system... and alike and go like that. Now, when you begin like this, you miss making legal evaluations. Well, there is already this prejudice in the delegation. The defendants would come out and say, if they want, "hello, I am a member of this and that organization, and you cannot judge me with these laws. I don't recognize your court." So, we need to distinguish such cases of membership [of a terrorist organization] into two categories. There are people who are really guerrillas, and there are people who carry out political activities or activism in civil society and are criminalized. And in trials, guerrillas, actual members of the party [PKK], already define themselves as such and say that they don't recognize this state's law and court. But in other cases, this identification doesn't exist. When this identification doesn't exist,

you, as a lawyer, cannot adopt a language that doesn't refer to the law. Instead, you say, no, it is not that, it doesn't constitute a crime, it is freedom of expression, a political organization, and so... Actually, even these turn into a struggle in this region... Here is a place wherein trying to explain, what is actually what, is a struggle on its own. Breaking the prejudice is a bit about the legal language you use, something about being seen as more professional. I think the lawyers here, I am telling by adding myself, cannot be involved in these files with such a professional attorney attitude. Especially there are those lawyers who have devoted themselves to these files. I think what they do is not a professional understanding. Instead, we can call that a combative understanding. So, they define advocacy as a struggle, after all. They consider themselves involved in that organizational movement and develop their defense arguments at the trial accordingly, but they also get paid for this. There is such a fierce contradiction. The repeated patterns in such defenses feel like you enter the same trial over and over again. They speak with the same patterns. They don't change. The court doesn't change when the lawyers don't change. Then the court continues its violence in the same way. —Deniz, lawyer, interview

Deniz draws a line that distinguishes the experience-informed language of the resistance in Northern Kurdistan from the legal one that is supposed to be accompanied by a "professional attitude." According to him, the latter is very significant in reaching some results and even for lawyers to be taken seriously in the first place. It can be considered that the 'prejudice' Deniz refers to turns into a disciplining strategy. As Deniz illustrates, he goes 'beyond the law,' which is normalized through this prejudice. A system of uncertainty wherein the procedures are not followed, discussed in the previous chapter, turns into a mode of subjectification over the lawyers. While Deniz marks a group of lawyers as having a 'combative understanding' and criticizes them, emphasizing that they do not use professional legal language, he himself is submitted to a realm beyond the law. Another layer defined in regards to 'careful communication' is added into translation by the prejudice. In other words, within a system that does not follow procedures, and is characterized by uncertainty through an arbitrary substantive justice formulation, the language (of translation) cannot be strictly determined either.

Together with Deniz, most lawyers describe that they are getting ignored in the courtrooms by the judges, which is defined as prejudice by Deniz, through Derya's anecdote of the judges reading newspapers during hearings and Avsin's experiences with sleeping judges and those refusing to answer his questions. It is not only the law's implementation that aspirations of justice are reduced into, but such concerns of how to deal with being ignored in the courtroom also add layers to this translation. While the legal language was already distant from experiences, it became almost impossible to translate the

multitudinous distinct experience of people's everyday lives into a legal language delivered by careful communication sensitive to the prejudices apparent in the courtroom. These multi-layered translations inevitably facilitate a monolithic victim status detached from experience, elaborated by the following sections when discussing the translations of different empirical matters described in terms of justice.

7.2.1. Can law work as a site of memory? Can lawyers be archivists?

In the introduction they wrote for their edited book, 'History, Memory and the Law,' referring to Nora (1989), Sarat and Kearns (1999, p. 12) ask if the law can be one of *les lieux de mémoire*, the places of memory. Since the hearings create a record, "courts can become archives in which that record serves as the materialization of memory," they suggest and argue that present injustices can be recorded via legal means so that "the legal institutions can become museums of unnecessary, unjust, undeserved pain and death." Legal means can be used to construct narratives by the lawyers for "an imagined future" by choosing "justice over the 'jurispathic' tendencies of the moment" (ibid., p. 13).

Recording for this imagined indefinite future and the significance of history writing via legal means are shared concerns raised by the lawyers in our interviews. As most lawyers emphasized the potential of the modern state law to achieve justice, and pointed out arbitrary practices and prejudices of the judiciary as the problem preventing justice from being achieved in the present day, they all describe the legal fight they initiate in the present to form an archive for the future. In this way, they attribute the state law a new meaning by using it as an archive. Although the tone of lawyers while talking about different mechanisms preventing them from fighting for justice against the backdrop of the present injustices is pessimistic and exhausted, they collectively highlight their belief in the significance of recording these violations for a peaceful future-to-come, wherein a space for confrontation with the past injustices may be enabled. In other words, most of them remarkably described their ongoing professional practice and the legal fight they initiated not for attaining justice through the legal means today but documenting violations for the future. Devrim, for example, highlighted that the legal fight she participates in against the violations of the state does not lead to any changes or transformations but only works for forming a memory:

We always file criminal complaints to the prosecution office after such violations though we know that nothing will happen. There is no place for us to

perform our profession, especially in the cases of human rights violations. No one cares. No one even reads the files. But we still file complaints just to record them for the future. Just to keep the memory... —Devrim, lawyer, interview

This emphasis on using legal means to form a memory, an archive, is also an insistent pattern in the other interviews conducted with lawyers. Deniz, repeatedly talking about his disappointments as he described his engagement with the field as "natural," like he "was pulled in the fight by witnessing the violations when growing up," states that all his attempts are blocked and prevented from triggering any changes through legal means:

So, we are not fighting really but getting ready for the fight. But now, what are we doing? Nothing. As the people of the order, we are running that order. We are joining their legal theatre. Because nothing ever changes. If the political power opens a door, then everyone enters through that door anyway. The Supreme Court's decisions lead the way. Because they take direct orders from the political power, they say it has to be done this way, and local courts implement it. We don't have any role in the process. We can't do anything to change the process actively. No matter how hard we struggle, we cannot influence anything. Take the files to the prosecutor's office as much as you want. You can only create an archive. If the political climate changes again, if another solution [peace] process begins one day, then maybe we can say, huh, we have already filed these violations. That's all. —Deniz, lawyer, interview

Even if Deniz also refers to the potential of the future use of the legal files they follow, as they might construct an archive for a possible future peace process, he also describes present circumstances as "their legal theatre," that is staged by the political power to make it seem like a well-functioning legal order. He highlights their roles as lawyers in these circumstances as helping out making such an order work. A similar reference is made by Derya when talking about criticism directed at the lawyers taking place in such cases despite the apparent direct influence of the political climate on the judiciary:

You know we get that single critique a lot. They criticize me, my colleagues, on social media, everywhere. Our place in these judicial mechanisms is highly criticized. The greatest criticism we receive is the part that we take in this mechanism. They accuse us of becoming an instrument of this illegal order, a tool for its legitimation, by making defenses and reasonable efforts. That's right, a fair critique, okay, I got it. But what should we do? Should we sit? Should we quit? Should I never object? Shouldn't my clients make defenses in their trials? So, what should we do? Should I say that the State of the Republic of Turkey accused me with such an understanding of jurisdiction, so I refuse it, I don't recognize you - the matter is over? I am going to prison, do whatever you want?

Do you think this makes the change easier or more difficult? It makes it difficult. Even if nothing changes under current circumstances, time will pass, and someone will look back in history and look at today, maybe the researchers like you or lawyers. They will look into what was done, what happened in these times. They will look into who said what in these trials and the issues that dominated them. In other words, in order for someone to understand today's atmosphere in the future, we have to make this effort. We have to stay strong and see this as our duty. That's what I believe. —Derya, lawyer, interview

Derya puts forth the challenges and tensions they face, the tension between participating in the legitimization of an "illegitimate mechanism" and recording the present injustices for the future through legal means. This tension changes its form in Rezan's interview:

My only motivation was that we were keeping the memory by recording these violations. But as we have just said, you create hope in people while doing it. You can't expect people to understand that you are issuing their petitions just for an indefinite future. People get hopeful. They try to reach you with hope and enthusiasm, people looking for the bones of their children, people expecting some concrete outcomes. You can't tell these people that you are just recording these. They hope that you will find their disappeared children they've been looking for for many years, that they will have a grave, that they will visit these graves. You can't just tell them what you already know, that it won't work, that you'll get blocked by the state again, that you just file these documents. People are already traumatized and, to be honest, wouldn't really care about keeping records for a peace that might never be achieved. —Rezan, lawyer, interview

Even if Rezan also describes a similar tension, he prioritizes the present over an indefinite future as he elaborates on his reasons for withdrawal from working in criminal law as a lawyer. He underlines that the illusion, created by the legal fight they initiated in the present day, gives vain hope to the people, although it can work as a record in the future. In other words, the practice of the legal profession, he suggests, gets stuck between present and future.

Lawyers consider their efforts in this inhibited legal field as forming an archive to remember present injustices in the future and making use of court recordings for the documentation of memory. Moving from here and contextualized by the theme of translations under this chapter's inquiry, I want to elaborate on Sarat and Kearns' (1999, p. 12) question of whether the law can be one of the sites of memory. I want to raise additional questions and keep them throughout the inquiries of this chapter. How accurately can (state) law remember? By considering the restricted spatiality of the law of the nation-state, to what extent can the law function in the future to remember the lived

experience? How can it be used for the confrontation with the past injustices experienced despite its experience-distant language? This study prioritizes different spatialities produced and appearing through different truth regimes, and such counter-history requiring various regimes of truth to be inscribed through would need a space beyond the state law to be documented. Therefore, I take this question with me while moving further with the empirical matters under inquiry throughout this chapter to discuss the potential of the memory of the state law and the legal means it provides in keeping such a memory attached to the lived experience. This subsection raises important questions in presenting another layer to translation since the lived experience and memory are aimed to be kept within the already restricted, determinant field of the law, as boundaries of the state law are revealed as dynamic to the extent allowed by the Turkishness truth regime and only to sustain its portrayal as fixed.

7.3. Translation of subjective experiences to legal categories: Thinking justice through death

The following two sections illustrate the translation of subjective experiences into legal categories by thinking justice through two themes that appeared in an intense fashion in the empirical material. In both sections, I first trace the subjective experiences and meanings attached to the empirical theme under inquiry, follow the shifts in these attached meanings if there are any and finally look into their translations into the existing legal categories of state law. This section traces the different forms that death and mourning take, from subjective experiences to legal categories. Fatma's following story presents an introduction for this section in its inquiries unfolding the relevance of justice and death in Northern Kurdistan:

They were losing people back then [in the 1990s]. At that time, we had a neighbor's son from the village. One day he went to Amed, and nobody heard from him ever again. He got disappeared. He was a journalist. His mother could not get any better after all these years. One day, she wakes up and says that she decided to go to Izmir as someone told her that they saw someone looking alike. One day she wakes up and says that she will go to Adana as she sees someone looking just like him passing along on TV. Another day she says, "I saw him in Ankara, Istanbul... I saw him on TV, so I will go and bring him back home." There were moments when she dragged everyone after her. We were very close to that neighbor. We created a protective shield around her to keep her away from these thoughts. But she still did not believe that her son was dead. They

are also here in Amed now. And she is still looking for her son. She still makes something out of every silent phone call. "He was on the phone, for sure," she says, "but he could not speak." She is very old now. I visit her regularly. She still says that her son called, that she received a silent call from him and advised him to come back. He is still disappeared... How can one get used to it? The most difficult is disappearance. It is too hard. She runs to every phone call. So hard... They say, for example, some bones are found at the bottom of a well. You go, watch the bones excavated, but still not know whether the bones belong to your son. You wait for months for DNA results. There is no other evidence left from bodies after all these years. You wait for a DNA result for months... She went through these processes numerous times during the peace [process]. Now they even stopped excavations and DNA testing. A few more mass graves were found at that time, but then there was no news. They found mass graves but did not open them either. We heard that the state did not do anything, did not open them. I was asking myself how a person can become like this. More than twenty years have passed, and of course he died. How she cannot accept it, I was asking myself. But then I thought of Özgür. Although I know that my son is dead, I still wait for him every night and get excited in every phone call. Imagine them. They have heard nothing. In my case, my son participated in the war. We were informed by the party [PKK] that he had martyred. Although we don't know where his grave is, we do know that he has a grave. Despite that, I cannot accept it. What should that woman do? —Fatma, life history interview

Justice appears as a notion that is not only related to life but also death throughout the fieldwork. Not only how we live, but also how we die, this section proposes, is a concern of justice. Two reference points appear when thinking of justice through death (see Chapter Eight for the formulation of justice over life beyond the borders of life and death). The first one characterizes a 'just death' by underlining the difference between being able to die through what is called 'natural death' in non-violent ways and the one that occurs under torture, making the deceased a victim of systematic massacres and genocides. Secondly, mourning rituals reveal another point linking justice to death. These two appear interwoven, however, linking mourning rituals to a 'just death' and reforming the mourning within complex spatialities of truth, justice and death.

Defined by particular belief systems, most systematically by religions, survivors need to practice certain rituals to be able to mourn. In Amed, most respondents describe these rituals through Islamic references that are locally culturalized at the same time. They bury the dead bodies of their beloved ones to enable mourning for themselves after the prayers performed in the mosque. They prepare a gravestone, inscribe the story of the person who died on that stone. In other words, they engage in an architecture of memory and mourning

after performing religious rituals, their last duties for the deceased, in respondents' words. What makes death very significant when thinking about justice in Northern Kurdistan is that the practices of the survivors whose mourning rituals do not work as they are supposed to. Their dead bodies, graves and cemeteries turn into weapons in the hands of the Turkish state. The notion of death in Northern Kurdistan is characterized by mourning, by being able to mourn. Mourning and interference in mourning and death operates as a collective process of subjectification, as thinking of death in this context reveals two types of dying: a physical one and a political, symbolic one. This section discusses the killings characterized by both physical and politico-symbolic killings, the latter being for annihilation and destruction of life and living at the same time (Özsoy, 2010). In other words, the subject positions offered to dead bodies by classifying them as those who die or who are neutralized, annihilated offer subject positions for the survivors through this interfered mourning as well.

7.3.1. Experience of death and mourning

When thinking about mourning, in general, the death of a beloved one does not only make us confront our mortality but also reforms our relationship with the lost one. Different cultures and belief systems frame this process through different rituals. If and how the dead body should be buried and the ways to engage with persons mourning are organized through different rituals. The shared purpose of all these rituals is to distinguish the world of the living from that of the dead. The mourning process aims at this differentiation, and when it is missing it may cause serious pathologies as survivors get stuck between these two worlds that should have been differentiated. The line between these two worlds gets blurred. The rejection of death shapes the sense of the external reality of the survivor:

We got the news that he was martyred. Look how many years have passed since we got the news. It has been two years. But he has no grave. You know, it is so hard. We don't know where the grave is, then... It is an important thing. For example, you are researching these issues. I am talking to Saturday Mothers here. They all say how important is the grave. The grave is actually what everyone wants to get, to pour water there, put a flower, caress the stone, love, kiss and organize a funeral. Visit the grave, mourn for three or four days. Neighbors and relatives come for condolences for ten or fifteen days, and then you get used to it. At least you can say 'I gave him to the soil,' and slowly continue with your life. But this is not like that. It paralyzes the whole family. For example, no one in our family has had a wedding since then. Everybody

got married without a wedding. I don't know where my son's grave is. Maybe he was taken by soldiers. Maybe he was lost. You know, even if you get the news of death, the news of a martyr, you still don't know. Look, for example, when I sit in front of the window, I sometimes hear car brakes... sometimes there are brake sounds, every time a car brakes I say, maybe it is him. Maybe they left him. I swear, my heart has jumped like that, numerous times. At two o'clock, at midnight. I used to say when cars, panzers, state cars and stuff, brake suddenly in front of the door, I still say maybe it is him. Maybe it was the state's thing, you know, something happened, and he fell into the hands of the state. Maybe they will leave him. Maybe he will say, you know when passing, my mother just moved here, my mother's house is here, leave me here. So, I am still living in dreams. —Fatma, life history interview

As Fatma illustrates by saying that she still lives in dreams, the destruction of this external reality by manipulating the truth prevents survivors from being detached from their lost ones. Similar to Fatma, Naze tells me a dream she constantly has after her son got disappeared:

Sometimes he haunts my dreams. Sometimes I dream about him sitting on the chair that he used to sit on all the time. I dream about my son back at the house in Sur. We are in that house. Our house is not demolished. He sits on his chair, reads a book as he used to do all the time. I still dream about it. He asks me, mom, can your eyes still see well, looking up at me from the book. Yes, my dear, I answer, very well. Look, he says, there is a white stone, go at the end of a long hill, my clothes are stuck there. They are under the white stone there. I could not count how many times I had had this dream. I looked for a white stone up in the hills for months. Then I stopped as I got scared of myself. — Naze, life history interview

A certain amount of time is needed to get over the reluctance of the survivor to let the deceased go. The survivor is required to give up her bonds to the one who died to continue. However, as described by both Fatma and Naze, when they get stuck within melancholia, survivors turn into melancholic subjects deprived of the truth. For mourning to end with forgetting, to move on, a remembrance is needed in the first place. A remembrance that will end with forgetting, detachment of memories from the deceased, as some definitions of mourning highlight as "killing the dead" (Lagache, 1938, as cited in Laplanche & Pontalis, 1974, p. 486). When mourning is systematically blocked, then melancholy also turns into something collective. When the Turkish state interferes in death, collective (resisting) Kurdishness subjectivity is shaped by this interfered mourning, subjectification through melancholy. In such

mourning, countless deaths that are not confirmed by external reality are revealed.

In these cases, the external reality that is a part of the mourning process becomes a question mark. The external reality is defined and reconfigured by the Necropolitics of the Turkish state. Necropolitics, coined by Mbembe (2003), enables an understanding of “the subjugation of life by the power of death” (p.39). It offers an insightful angle to understand not only the right to kill of the sovereign power but also the right to expose to death (*ibid.*, p.12) as a notion of death-in-life. With the Necropolitics, Mbembe emphasizes an in-betweenness and stuckness triggered by the blurring boundaries. This in-betweenness can be traced through the manipulation of external reality by the Turkish state hiding the truth asked to be revealed by the relatives of the ones who forcibly disappeared. Therefore, it adopts particular strategies to prevent the revelation of the truth regarding the whereabouts of the deceased. It is not even known whether that person is dead or alive. As narrated by Fatma and Naze, when the mourner is deprived of such knowledge, she is pulled into never-ending mourning. What is different in these cases is the lack of such a production of truth. In other words, this loss is not forgotten to move on but replaced with the question of perpetrators, pursuit of truth and aspiration of justice. It turns into a battle initiated against the perpetrators who are not known but sensed collectively as well. The uncertainty of the fate of the disappeared prevents the mourners from reaching the phase of forgetting. Therefore, what is seen is that they try to keep the memory of the lost one by any means possible. To keep the memory evoked, they idealize their beloved one who had disappeared or died and is deprived of a grave. That is also a striking characteristic of the Saturday Mothers’ weekly press briefings that I participated in almost weekly during my fieldwork. The press briefings were being held in the Human Rights Association conference room due to police barricades surrounding the park where the mothers usually gathered when I was in Amed, as Figure 7:3 shows.

Each week is devoted to stories of one of the victims of the enforced disappearances. The space organized throughout briefings is dominated by photos of the disappeared surrounding a banner saying, “Let the disappeared be found, perpetrators be prosecuted.” In other words, these gatherings emphasize the haunting memory of the disappeared, resisting the mourning hierarchy built in the public sphere by turning their meeting places into spaces enabling their mourning. As they said in one of their press briefings: “Here became our cemetery.”



Figure 7:3 Saturday Mothers/People, Human Rights Association, Amed, June 2019.

Such idealization and attempts to keep the memory alive are also apparent in all the homes I visited during my fieldwork in Amed. All the homes I visited resemble museums of memory, regardless of whether that particular household had experienced such a loss in their nuclear family. All of them knew someone, a relative, deprived of a grave, at least in their extended family. They collectively join this never-ending mourning by equipping all the walls with photographs of the lost ones, and, as was the case with one of the houses I visited⁴¹, by keeping the room of the lost one as it was without moving a single piece of furniture or even a notebook left on the table. Survivors not only get stuck within the memories of the lost ones but are also overwhelmed with the imaginary of violence that the lost one might be exposed to, as described by Naze:

Sometimes I wonder if he was hurt. If he was tortured to death or was still alive while being thrown into a well, did it hurt? I sometimes think that I could not be with him. I could not protect him. Sometimes I feel like going insane from

⁴¹ It was also the only house that the survivors continued to live in after their beloved one was forcibly disappeared.

these thoughts and try to move on for the sake of my other children. That is why I feel guilty then. —Naze, life history interview

It is not only the absence of a grave or a body keeping the mourner to mourn but also her imagination of the perpetrator and forms of violence that their lost ones might have been exposed to. These thoughts replace grief with anger and hatred. Respondents express melancholy with anger, personal suffering with social memory and the pain of the loss with their political struggle. Therefore, their self-technologies produce themselves as not only grieving relatives but also as political subjects holding a political position over certain claims through which they engage in a collective formulation of justice. In this way, the game of justice over death, dying and mourning becomes interwoven with anger. This anger keeps the lost one alive in memory. This lifelikeness gets interwoven with the anger towards the perpetrators. It can only be overcome if the mourner can manage to detach the imagined violent practices of the perpetrators from their lost ones. That is not an easy thing to do, as Naze brought up. When such detachment is attempted, it is not only grief but also a feeling of guilt that appears. At this point, mourning turns into a complex grid. Since the mourning turns into something never-ending, families even feel as if they would kill their beloved ones if they accept that they had died. As if they themselves are murderers and further pulled into such feelings of guilt.

When this imaginary of the perpetrators is looked at, it is significant to come back to the naming of the perpetrator as ‘they.’ It is a remarkably shared pattern among respondents I interviewed. They refer to perpetrators as ‘they.’ In the case of enforced disappearances, there is no singular person or perpetrator to reflect the anger. The perpetrator is unknown, becomes institutionalized, marked by a ‘they.’ He cannot be pointed out but sensed. That highlights a necropolitical strategy of portraying such crimes as a collective feeling exposed to, rather than particular crimes committed by real people. This produces such a grid that offers an environment of anger, fear and deadlock. In most cases, the Turkish state removes any information regarding the perpetrators from any form of memory it keeps, even by removing them from its archives. This characterizes the necropolitical strategy of formulating a sense of a collective crime that facilitates blurriness, stuckness within intimidation and fear among survivors. Even if this is directly related to the systematic impunity, it is used to produce the spatiality for Necropower to perform by offering the survivors the subject positions stuck between life and death, an imaginary perpetrator capable of doing anything. Within that spatiality, the truth regarding the enforced disappearances that is required to enable mourning is completely removed from the surface, invaded by the

power relationalities in practice. Therefore, not only the mourning but also aspirations of justice are made never-ending by a grid of power-knowledge actively trying to prevent the truth from revealing that which would enable mourning. Never-ending mourning is inscribed in the collective memory offered by this spatiality of the Necropower and the resistances to it. Mourning exceeds being an individual process. In other words, the never-ending mourning of the mourners and their relatives turns this inner, personal battle into an eternal social one. This battle, this environment of anger and hatred, is then not limited to the mourners themselves but also transferred to the next generation. Children take over this never-ending mourning from their families, and collective memory is formed over this inherited mourning:

There were eight martyrs in our family — photographs in my grandma's house. I still remember the number of the photo frames and can recall how many martyrs we had. Eight photo frames hung on the wall and eight martyrs... I was asking about those photos when I went there. I still remember the first time I asked. I asked, who is this? She said he is your uncle. What happened? Cops killed him. I was pointing to another frame, this one? Your elder uncle. What happened to him? Soldiers killed him too. This one? JITEM killed him. The police killed him. The soldiers killed him... Eight martyrs, not a few, in a family, not even in the extended one, just among the nuclear family of my grandparents. It brought hatred and anger. I grew up with this grudge. I had to shed this grudge somehow. Well... my brother participated [in the PKK] like that too. All the young people participated in this way ... when you grow up a little bit, you either go up to the mountains [participate in the PKK] with that hatred or find something to do with your anger. Look at the children throwing stones... I mean, these police do not get stoned for nothing. Nobody wants to see this reality. You killed his father, uncle, brother, sister. What should he do? If he is not content with throwing stones, he goes up the mountain because the anger gets powerful. —Berfin, life history interview

Berfin's remarks point at this collective memory formed not only through the inherited mourning but also the subjectification regime countering the one of Turkishness. Martyrdom is revealed in Northern Kurdistan as this counter-subjectivity that is offered to the deceased that are subjectified as 'ungrievable,' 'neutralized' and 'annihilated' by the state. Contrary to the state's legal formulation of martyrdom as a status given to state officials such as soldiers and teachers killed while exercising their public duty, in Northern Kurdistan, anybody, not only guerillas, killed by state actors are named as martyrs. This naming further unveils the political characteristics that the mourning gained. The mourning and loss are practiced and experienced as introduced in a political struggle defined over justice. Therefore, it is not only

mourning but also this struggle itself that is transferred intergenerationally. This intergenerational transmission engages in shaping Kurdishness as a resisting subjectivity regime contesting the one of Turkishness. Children throwing stones at the police, as Berfin illustrates, are born into this collective memory and subjectivity regime and take over the struggle as well as the mourning. Fatma also emphasizes this transfer of struggle and memory and connects it to justice:

This can't be solved by scratching a bucket or giving us a bone. Because our nephews, children, the children of our children, no one will let go of this until the perpetrators are punished. Because this is what just is. —Fatma, life history interview

Fatma's emphasis portrays this struggle transferred from generation to generation through justice. Her words, saying that "giving a bone" would not be enough, also reveal the extent of the mourning. What attaches to justness cannot be compensated only by returning bodies or providing graves but also by naming and prosecuting the perpetrators, since the mourning, as suggested above, is strongly interwoven to the imaginary of perpetrators. This struggle and mourning would not end unless perpetrators, the 'they' settling an environment of anger and hatred, are named. As mourning is revealed to get interwoven with anger, this inherited mourning marks the pursuit of truth and justice, and opening paths enabling mourning is not needed only on the personal level but turns out to be a requisite for achieving social peace as well. Peace is dependent on mourning, and mourning requires a grave and a confrontation with the perpetrated crimes and perpetrators.⁴² However, this dependence focusing on retributive justice is only a minor part of the formulation of peace, as the following chapter's inquiries elaborate (see Chapter Eight). That is why the excavations of particular mass graves during the relatively peaceful atmosphere in 2003-2009 could not achieve an unveiling of the truth since it did not facilitate such a confrontation, as discussed later in this subsection.

Condolences

The organization of condolences (ceremony) in mourning houses illustrates this inheritance of mourning by holding a significant role by turning the

⁴² It is important to note that this connection of peace to mourning and prosecution of perpetrators focusing on retributive justice is only a minor part of the formulation of peace, as the following chapter's inquiries elaborate (see Chapter Eight).

mourning house into a daily sharing space, revealing to what extent mourning is introduced into everyday life and how collective it is. It is possible to come across mourning houses in almost every neighborhood of Amed. In other cities of Northern Kurdistan, there are such places built for condolences, similar to mourning houses, except for in Alevi-Kurdish cities such as Dersim, wherein *djemevis* are mostly used for condolences. In these mourning houses, it is not only guerilla condolences that are held. In a city like Amed, however, where PKK participation is intense, it was possible to come across guerilla condolences almost every day in these mourning houses up until 2017. After 2017, state practices got stricter in preventing these collective gatherings. It began to allow burials only at night times and with the limited participation of the family only. People wanting to attend funerals are not allowed, and when they still try to participate, the overall burial is not allowed. Similarly, condolences for guerillas are allowed neither in mourning houses nor in families' homes. There are dozens of people detained because of attending funerals or condolence ceremonies of families (ANF, 2012a, 2012b; Bilen, 2005; BirGün, 2015).

Despite these strict bans established and enforced by the state regarding deceased that lost their lives in war, however, there is still an insistence of collective participation in the funerals and condolences. The practices not only create a common ground for mourning for those who resist, but also bring about the formation of a counter-memory for those who lost their lives in the war. This memory overturns the memory formed by the state within the framework of the definitions of 'neutralized terrorists' regarding the guerrillas and the established mourning and dying hierarchy in the public sphere. The process of condolence is a long process extending from the burial to the gathering of people in the mourning house. After the identity of the guerrilla who lost her/his life is announced, the family usually takes the body back to their hometown. Condolences (ceremonies) are usually made in the city where the deceased is buried. In some cases, even if the dead body is not returned to the family, condolences are still organized if a statement is made by the PKK or the state regarding that person's death. Sometimes more than one person is named in these statements, making condolences organized collectively. In such cases, even if there are no bodies or burials, there are families, relatives and others who come to offer condolences to the family, as in other condolences held after burials. These condolences without a burial highlight an insistence in mourning against the mourning hierarchy attempted to be settled. Therefore, they can even be considered everyday resistances to these power practices deciding which lives are grievable.

The relatives of the deceased coming together in mourning houses can open a space to share their suffering and experiences. This sharing is crucial in many ways because it makes it easier to repair the traumatic experience of the loss. Relatives, who have similar experiences, converse with each other and find the opportunity to talk about the deceased and share memories about them. That is a significant experience in terms of the transfer of memory. Here, the stories about these losses are transferred from person to person and sometimes even to different generations. In this way, the collective memory of the loss is formed. It can even be argued that the mourning houses are one of the first places where the memory of the loss finds a collective ground.

I discuss these drawing on my experience of participating in a condolence ceremony organized for three guerillas in a mourning house that was secretly organized despite all the restrictions. I was told that it did not attract much attention, as there were no burials due to the missing bodies, and the families were informed by the PKK about the deaths and not by the state, which enabled them to organize the condolence confidentially, beyond the surveillance and prevention mechanisms of the state. I learned about the condolence when I called a guerrilla mother I wanted to interview earlier that day, and she invited me there, saying that she was in condolence. When I went to the mourning house, I encountered a more crowded condolence ceremony than I had ever seen before, despite its confidential organization. It was a big two-floored building that did not have a 'mourning house' sign, unlike many other mourning houses with that signboard in Amed. Men were gathered on the ground floor of the house. I went up to the second floor. There were two rooms and more than fifty women sitting in these carpeted rooms. I could not know what to say when I walked in, as it was totally unclear to whom one should offer condolences. There was anonymity in this place where collective mourning was held. The boundary between relatives of the deceased and those who accompanied their suffering was blurred. The loss was nobody's or everybody's. Because there, at that moment, it was not only the persons who had just passed away that were mourned. For them, the continuous loss and mourning since the 1990s accompanied the ongoing daily life in the mourning house. Indeed, there were not only the elders. Young women with their babies, children, young girls and boys were all there. Some women were changing their children's diapers, nursing them, some were praying, others were talking and laughing. After a while, they went downstairs to eat and asked me if I was hungry. This brief experience has shown me that a mourning house is not just a place of lamentation, mourning and suffering. It turns into just one of the daily spaces where people experience this never-ending mourning as a part of their ordinary lives through which they inherit all mourning interfered and

inscribed into collective memory. Viyan also highlights the inscription of this collective never-ending mourning into everyday life by further emphasizing its transformation into a struggle:

There are forty million Kurds. Forty million Kurds will not end. Today, for example, they killed two or three hundred people in Cizre, they killed a hundred people in Sur, we Kurds will not end by being killed. On the contrary, we will become more determined and defend this struggle. So many leaders came, who cares what [Recep Tayyip] Erdoğan did or not. Look at the past, Kenan [Evren] came, [Tansu] Çiller came. They've all come and gone. I am only offended to go through the control point at my street to go to my home, to pass through identity check. Last time, I told the police that it will also pass, that they will go as well. In one word, I said that. —Viyan, life history interview

As can be seen in Viyan's narrative, this never-ending collective mourning cannot be suggested as being experienced as passive suffering. On the contrary, it is articulated into the struggle and becomes a part of daily life. Her words drawing on getting more determined as being killed more, reveal a necropolitical tension "between the petrification of bones and their strange coldness, on the one hand, and their obstinacy in wanting to signify something at all costs, on the other" (Mbembe, 2019, p. 36). In other words, countless deaths inscribed into collective memory turns mourning into struggle. Keeping the deceased alive in the memory caused by interfered mourning strengthens the struggle.

Cemeteries

Collective memory turns into history writing through the games of justice initiated and formed by mourning. Such collective remembrance is also facilitated by cemeteries engaging in the architecture of memory by inscribing the deceased's stories on the gravestones. Cemeteries operate as the centers for collective memory. With the Republic established in 1923, a systematic strategy was carried out to erase all traces of peoples such as Armenians, Greeks and Assyrians living on these lands, as discussed in the previous chapter. Part of this operation was the destruction of graves because a cemetery points at a root. Graveyards were destroyed as part of the genocide, aiming at an overall erasure including any signifiers of such roots. Destruction of the cemeteries and gravestones is still almost a daily practice in Northern Kurdistan. It is a necropolitical strategy that operates as a systematic memory-decimation by the state apparatus in Northern Kurdistan. It was one day after the destruction of the gravestones by soldiers that I took the photos shown in Figure 7:4 at a cemetery wherein mostly PKK guerillas are buried.



Figure 7:4 Broken gravestones and a woman praying after cleaning the broken stones, Amed, July 2019.

It is the collective memory embodied by the gravestones and cemeteries that are attacked. As mentioned previously, the cemeteries can be considered the architecture of not only memory but also of mourning, further revealing the interconnected relationality between them. The gravestones have significant symbolic meanings, as they are inscribed with the stories of the people buried in that grave. The deceased's personal information such as their names and dates of birth, the code names they get after participating in the PKK along with their dates of participation and usually one sentence—no more than a few

lines—from a poem, anthem or based on a slogan, personalizes the gravestones. Therefore, their destruction is the destruction of that symbolic meaning too. Keeping the memory of the deceased in a spatialized site presents an external reality through which the mourners can distinguish the two worlds of the living and the dead. *Mezar* is an Arabic-originated word for the grave and is adopted in Kurdish and Turkish with the same meaning. The word means ‘the visit’ in Arabic. Graves, the places for the visit, symbolize a meeting place of the living and the dead wherein these two worlds come together. In other words, it facilitates mourning as it contains and restricts the gathering of these two worlds through a physical spatialization. Therefore, the destruction of graves can be considered the destruction of this bond with the deceased to blur the boundaries between life and death further and incarcerate the mourner in her mourning process. Not only by the destruction of the cemeteries and gravestones, but also through the restrictions on the religious rituals, a symbolic bond with the deceased is attacked. Mehmet is among the many respondents who experienced this prevention from entering the mosque to perform prayer at a funeral:

My nephew was martyred a few weeks ago. The police and soldiers surrounded the mosque and did not let us take the funeral to the mosque. If a person is dead, it should not matter what that person did when living... the man is already dead. And the family is left with a single duty that they were not allowed to perform. Everybody deserves to be mourned according to their belief systems. But they block it too. —Mehmet, life history interview

This prevention of the funeral from entering the mosque for prayer illustrates the strict boundaries of the national subjectivity constructed through the Turkishness, which absorbs being a Turk, and a Sunni Muslim within itself, as discussed in detail in the previous chapter. In other words, a person who is not agreed to participate in this homogeneous monolithic national subjectivity is also thrown out of the Sunni Muslim practices, as the Turkishness also offers the acceptable religious subjectivity within its spatiality. That is remarkably illustrated in the following excerpt taken from Berat's interview:

When entering the mosque, a group attacked us, shouting that the Armenians did not have a place in the mosque. There were police all around the mosque, and they did not let us in for the security concerns, as if we were the threat. —Berat, life history interview

Berat's words are significant in demonstrating the above-mentioned petrified subjectivity that defines Sunni Muslim subjectivity through Turkishness and

bridging rejected subjectivities within a spatiality beyond the nation-state territoriality, formulating a counter-memory. It illustrates that the Kurds resisting to assimilate within Turkishness are not allowed to be considered Sunni Muslims either. Moreover, it opens a space for a counter-memory that points out what happened to non-Sunni communities throughout the Turkification of the space territorialized by nation-state borders, facilitating the recognition of and confrontation with the Armenian Genocide among Kurdish people, as it is elaborated on in the previous chapter. Berat's story is not an exceptional case. In most of these cases, the attacks of an 'angry crowd' at Kurdish funerals identify the resisting Kurdish subjectivities with the Armenians, resonating in the mainstream discourse, which argues that it was actually the Armenians who established the PKK. The graves of those excluded by national subjectivity, by not being a Sunni Muslim and/or a Turk—an accepted citizen—is characterized by a spatialization, of decoding and recoding breaking off the body from the soil, to mark the spaces as their own. In other words, the right to a grave is linked to the participation in the *vatan* territoriality, which significantly appears when we consider the Necropolitical violence of the Turkish state against the Kurdish graves, similar to those of Armenians and Greeks and the other non-Muslim groups. Mass graves also appear as the sites of a counter-memory, as the sites hiding the founding injustices of the nation-state.

Mass Graves

Mass graves appear significant for further inquiry when the relevance of death, justice and truth is looked at further. I visited two mass graves marked by villagers' testimonies during my fieldwork. The places chosen for burial reveal meticulous calculations on the part of the state actors to hide the truth. These places are strategically chosen in the out-of-sight, distant places that are not close to any settlement, and the soil chosen is not suitable for a regular burial. The mass graves I visited and those mapped and marked by the HRA are located in streamsides, sewers, potholes, inside wells. In other words, they are located in such hidden places in which the truth can be successfully hidden. Marks used by the villagers are also a significant shared characteristic of most of the known mass graves. What is seen is some marking done afterward by inhabitants of the closest settlement areas or village herders that found these mass graves when they took their animals outside the village to graze. Therefore, in some cases, big colored stones are put to mark these places to make them findable in the future. Even though most such markings cannot survive the patrols of the soldiers, they still facilitate an inscription of the mass graves in the collective memory. One of my respondents, who is a forensic

scientist with an active, ongoing engagement in the mass graves. Since he takes part in the marking and excavations of mass graves, I asked whether forensic science units can facilitate certain truths to get unveiled. He answers:

We can describe forensics as a field of testimony in a way. When there is a suspicious death or a living person exposed to torture, forensics gets involved in finding out what happened, how and when. When we detect and reveal these, I can say that the truth is revealed; it is made visible. Well, at least ideally, on paper, it is like that. But in the hands of the state, it changes. The state's expectation from its forensic units is not to reveal the truth but hide it. One famous forensic scientist defined the field as a laundry machine, which helps the state wash its dirty laundry. It works totally like that in here, too. For example, they reformed the Forensic Medicine Institute through legal changes after the coup in 1980. So that the state could hide the political murders, systematic torture through this reformed Institute, the same law still regulates the Institute. —Forensic Scientist, life history interview

Mass graves indeed work as the sites for forensic evidence and a historical confrontation when excavated and turned into exhumation sites. Their political, legal, symbolic and socio-cultural meanings are revealed. Being saturated by interwoven relationalities of meaning, power and knowledge, they facilitate an inquiry of social memory, remembering and confrontation reflected in different processes ranging from in-depth personal affections to international law. However, as in the case of Northern Kurdistan, where mass graves are mostly prevented from turning into exhumation sites, they turn into claims raised, justice aspirations and articulated into the struggle and resistance.

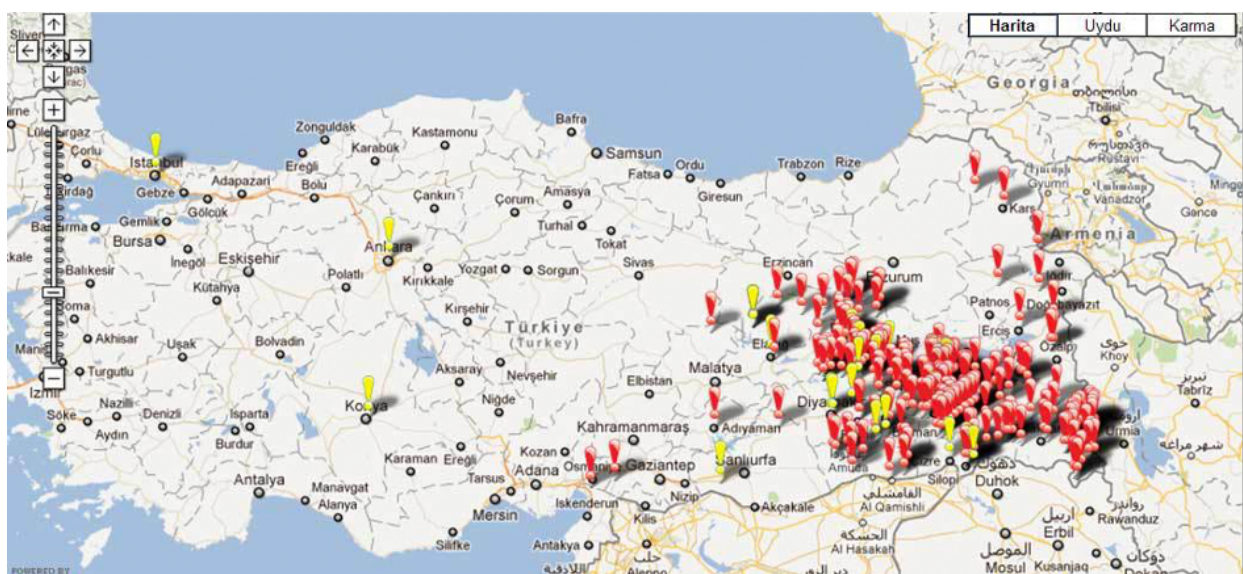


Figure 7:5 “Interactive Map of Mass Graves,” Human Rights Association Amed Branch, 2011, taken from: . <https://map.ihddiyarbakir.org> [accessed 30 August 2018].

Therefore, despite all these attempts to hide them, locations of some mass graves are known and marked by villagers' testimonies. As shown by the map in Figure 7:5, based on the HRA Amed Branch's in-depth study to mark mass graves, as of the year 2011 there are 348 mass graves in Northern Kurdistan, in which 4201 corpses are estimated to be buried. Only 45 of these mass graves, marked yellow on the map, are registered by the state. Rezan, who took part in the HRA's mapping study as a lawyer, described this process of mapping the "non-existent" as follows:

What you call a mass grave is not visible at all. There are no marks. We are going to places where we think there might be a mass grave. The villager says yes, there is such a place. We can hardly convince the villagers to come with us because they are afraid. Giving notice, sharing this knowledge was dangerous at that time, still dangerous, though. There were people killed just because of reporting the locations of these mass graves. People buried at the bottom of a rock, tree, with their clothes on, one on top of the other ... Some mass graves were dug with scoops opening a deep hole and closed. Totally hidden. —Rezan, lawyer, interview

Following from Rezan's interview, a mass grave can be described as the name referring to an invisible site that is not allowed to be pointed out. It was challenging for me too; when conducting a field visit to a mass grave, there was actually nothing there, as Figure 7:6 shows (or does not show). My field notes taken that day are entirely focused on the surroundings that facilitate the invisibility of these places and what is not seen despite the knowledge inscribed in the collective memory. In other words, it was the knowledge inscribed in the collective memory that facilitated me to spatialize that site as a mass grave, despite it being an abandoned place in the middle of nowhere. That indeed caused a different ethnography than those on the exhumation sites.



Figure 7:6 One of the places marked as having a mass grave somewhere, Amed, August 2019.

Systematic rejection of opening mass graves despite the testimonies can be read as referring to the prevention of these massacres and killings from gaining legal characteristics that would allow presenting each of these as murders perpetrated by real people rather than being inscribed in the memory as a mystery producing an environment of anger changing the meaning of life to something defined over death.

7.3.2. Death and mourning as legal objects

There is an intense legal fight initiated by lawyers and families of the disappeared, resulting in hundreds of applications to the HRA, which then turn into petitions and denunciations submitted to the prosecutor's office. Most of them are prevented from turning into legal cases. Respondents and lawyers told me of tens of cases where the prosecutors threw the petitions into garbage bins in front of them and threatened the applicants stating that they are powerless. Among the legal cases I collected and in the narratives of both relatives of the disappeared and lawyers, however, one time period is revealed to be significant when these applications are actually processed and turned into legal cases. This same period is also marked by excavations of some of the mass graves. In other words, despite the systematic prevention of mass graves from being marked and excavated, there are still a few mass graves excavated by the state, all in the same time period. I was curious to find out possible power-knowledge shifts that occurred after their excavations and asked my

respondent, a forensic scientist who participated in these excavations, how these excavations work in practice when prosecutors do not ignore denunciations:

It is very dependent on the political climate. At the times when the state prioritizes some democratic steps for some reason, it can be forced, pushed to interrogate these deaths, find perpetrators and run justice mechanisms about it. However, in the political atmosphere, when the violence is in power when the state gets authoritarian, it does not have such a practice. It never excavates these mass graves nor looks into the perpetrators or so. And when it attempts to excavate in line with a relatively peaceful political climate, it still does this unduly by including people who are not experts in these issues, using heavy machinery in the excavations that would harm bones. So, it still tries to harm both economically and emotionally by trying to destroy their existence somehow. —Forensic Scientist, life history interview

The same reference linking the excavations of the mass graves to the political atmosphere, to the change in tendencies of the political power, is apparent in the interview I conducted with Hiva. As we were talking about excavations, which he actively took part in, I asked him to elaborate on the reasons surrounding this period when prosecutors did actually take the applications and testimonies concerning the locations of mass graves into account and initiated investigations together with the excavations of some. He answers:

With the 2000s, with the AKP, it was a period of softer policies, a democratization process between 2003 and 2008. Together with the acceleration of the EU integration process and so. It was a period in which there was a relatively democratic environment. At that time, the judiciary was softer. But this is actually what the problem is. Again, it was acting politically, according to the political climate, with the government's discourse. The problem is there. If these steps were only legally motivated but had no political engagement, why didn't they take such decisions after 2008, in 2009? The problem is in here. The political climate directly influences whether the judiciary is good or bad. That shows that the practice of the judiciary is shaped by whatever the political climate requires. I am not saying that the judiciary is given one-to-one instruction, but the judiciary indeed senses the political climate and determines its attitude accordingly. —Hiva, lawyer, interview

Hiva's remarks concerning the shared attitude of the judiciary and the political atmosphere prompted by the current political power further reveal the judiciary and the state's collective participation as a *dispositif* in the truth regime of Turkishness. As discussed in the previous chapter, a shift in the operation of

mechanisms, the acceptable 'truths' that would help the changing status quo to establish its own apparatus, is to provide this new regime (again of Turkishness but with a differentiated state apparatus) its legitimacy, as will be illustrated below by drawing on certain legal cases and their functioning in this transformation.

Despite the judiciary's relatively "softer" attitude, excavations conducted of a few mass graves were unduly, as also pointed by Hiva, and could not correspond to the intricate state that the mourning turned into in Northern Kurdistan. Therefore, even in that "softer period" of the judiciary, necropolitical strategies concerning not only the corpses excavated from mass graves but also the lack of interrogations of these unceremonial graves and processes that families had to go through, for example at the Forensics Institution where they were made to wait for months to get the DNA results, can be seen. Rezan, who as a lawyer participated in this legal fight against the state regarding the mass graves, pointed out missing and misleading processes experienced during the excavations:

There is a place called *Newala Qesaba* in Siirt [Northern Kurdistan]. We pushed the state a lot, but none of our efforts worked. We could not make it open it. We know that there are many corpses in there. Especially those of militants, and many other people, disappeared, murdered in the 1990s. I am sorry to say this, but I am glad they rejected our efforts. Because when the mass graves were opened somehow, we realized that, I am telling you, in terms of the mass graves we could manage to excavate, the state seems to have come to terms with the past. It was as if the incident was over when they excavated that grave, identified those people and handed them over to their families. The perpetrator, the way death occurred, how, why and by whom those people were killed have not been investigated. We thought it was the result of a policy. We have always said this. Not only us but... It is not an ordinary way to die for a person to be killed and thrown to the side of the road. These are political deaths, killings. As we said, for example, the judiciary is always political. It was evident that these people were murdered. It had already been referred to the prosecutors of that period in the 1990s, and prosecutors already knew. Courthouses are still full of relevant documents. The judiciary was political also then. It would not interfere with such cases. They knew, at that time, when to get involved and on what subject they were allowed to investigate. The current state of the Turkish judiciary is not only a problem caused by the AKP. It was also political at that time. It was known that those deaths should not be intervened in. It was known by whom and for what purpose those people were killed. Civilian perpetrators of ordinary murders, for example, were found immediately. One of the perpetrators was found, the other was not interfered with. One's victim was identified, but the other's was hidden. Actually, the truth

is known by everybody. That is why it is still hidden on dusty shelves. —Rezan, lawyer, interview

Rezan's final remarks actually reveal how law functions as a truth-pursuit. By categorizing some killings as investigable and others as not, the legal system and judiciary also participate in the production of truth within Turkishness. This truth-pursuit is a significant part of mourning, as discussed by this section. It is not only a grave that survivors need for getting over their mourning process but also a confrontation and identification of the perpetrators. As described by Rezan, excavations conducted could not help them get out of this state of mourning in which they had gotten stuck. As it appears in the narrations of the respondents, the imaginary of the violence they think their relatives had been exposed to is very graphical and, through this, they cannot stop imagining these sadistic tendencies of a collective perpetrator. Therefore, excavations of the mass graves so far did not enable such mourning. On the contrary, they made the survivors face the level of violence by witnessing the mass graves, entirely destroyed bones or collectively burnt bodies, which further feeds the hatred and anger towards whom they do not know to reflect, as perpetrators were not identified.

When interviewing a representative from the HRA, I asked about their study mapping the mass graves, shown in Figure 7:6. He pointed out a particular legal achievement managed in 2010, which ended with the reburial of a person who had been disappeared since 1993, as what initiated a movement among people with similar experiences of looking for their relatives and continued:

Therefore, there was mobility concerning these mass graves among the people still looking for their relatives. You know, it is said that a total of 40 thousand people lost their lives in this war. With this mobility, we faced the fact that most of these 40 thousand people were lost and buried in mass graves. When the number of testimonies reaching us increased incredibly, we had to concentrate on this area. Because among the institutions at that time, the HRA was the only one that worked in this field. At that time, two of our branch heads were murdered. Their perpetrators are unknown to date. Some of our friends fled abroad and managed to escape from the state's attacks at the last minute. Records were taken, applications were received, stories were collected. When those stories were combined with current information, an extraordinary picture emerged. It turned out that there is a serious number of mass graves in the region. Then we felt the need to collect that information in an organized way. We even had some mass graves excavated for raising public opinion, hoping to get something out of it. But when they were excavated, the necessary care was not taken by the prosecutors, judiciary, state. They excavated with scoops saying, uh, this is a foot bone, here is a skull; they excavated those mass graves

like that. There was no scientific approach. The causes of death, what happened, how many people were there were not even asked. They did not adopt any serious scientific ways nor follow relevant international procedures. That is why we gave up our excavation efforts and only marked their location. We postponed it to a future where the state may show its will to face that past. So, we just reported, mapped and ended this work in this way. —HRA, interview

In this way, the respondent from the HRA describes a process that cannot be further translated into a legal fight but into a memory study that is kept for an indefinite future. The reasons of activists and lawyers working for the HRA to stop excavations based on the insufficient processes followed in the excavations, which resonate with the words of Rezan and what he described as an almost illusionary confrontation of the state when some of the mass graves were excavated and bodies handed over the families. There is an apparent gap between state practices and what families need to get out of their never-ending mourning. This gap is born out of a conflict between "the ethics of commemoration and the politics of sovereignty" (Kwon, 2015, p. 89) and cannot be overcome unless the necropolitical practices stop haunting the legal means.

Legal cases on enforced disappearances

All the legal cases I collected on enforced disappearances were managed to be taken to court on similar dates during the period defined as a "democratization process" by respondents. However, this change in the political climate cannot only be defined through a "democratization process" but also refers to the change in the state mechanisms after the AKP came to power alone in 2002, as discussed before. Therefore, as presented in detail in the section on socio-political context in Chapter Two, the actors that had been active in the form of a deep state were attempted to be replaced by the AKP government through disclosure of the crimes they had perpetrated in the 1990s in Northern Kurdistan, mainly by the hands of JITEM. Even though these actors really committed these crimes at that time, the will of the new government influencing the judiciary was not an overall confrontation but to replace these actors to achieve complete control over the state apparatus by revealing the deep state actors such as JITEM, whose existence was being denied by the state until then. The HRA representative describes this process by referring to these changes in the state mechanisms too:

Here they brought up the JITEM issues over some specific files. They prosecuted some soldiers. It is correct; these soldiers and JITEM actually committed these murders in the 1990s. So, since there were such legal cases,

some witnesses were revealed. One of them was an informant working for JITEM, who had left the PKK and cooperated with the state. I guess he is abroad right now. He contacted us and gave us information about some of the unsolved murders from that time. "We killed him and threw him over this and that place," like that. Some lawsuits were filed with those testimonies. However, when the AKP completely dominated the state, these cases began to last longer and longer, and, eventually, most of them were time-barred because they were not needed anymore. The state renewed itself but targeted us again with the same mechanisms. Only the names of the perpetrators have changed for us. —HRA, interview

Most of the legal cases managed to be taken to court have been used by the political power just to establish itself by revealing the illegitimacy of its predecessor, as the respondent representing the HRA and most lawyers I interviewed described. This is also revealed when the relatives of the disappeared I had conversations with, their lawyers and the HRA representative's remarks on the Saturday Mothers' protests are looked at. The Saturday Mothers' sit-in protests that were initiated by the HRA in Istanbul (in Galatasaray Square) in 1995 and interrupted in 1999 due to the increasing pressures from state actors started again after ten years in 2009. This time they were more dispersed with the participation of the relatives of the disappeared in Amed, Cizre, Şırnak and Batman, Northern Kurdistan. This regathering is described as also caused by the hopes raised with this changing political climate facilitating the legal cases to be opened by prosecutors by the HRA representative:

During the 10-year break in Galatasaray [Istanbul], we worked in coordination with all our branches. We worked hard to ensure that the disappearances were not forgotten and continued the legal struggle. We followed the cases, constantly renewed the denunciations, organized other demonstrations, brought the cases to ECtHR, made press statements. When the detentions started within the scope of Ergenekon in 2009, families called us. "Look, the people we wanted to be prosecuted in the squares for years are being arrested within the scope of the Ergenekon investigations," they said. "Let's create a public opinion again, but their crimes against humanity are never on the agenda, we should bring them up." We gathered, and together with Istanbul, we started the protests again, this time also in Kurdish provinces. In other words, Ergenekon investigations created hope in the region and among the relatives of the disappeared. —HRA, interview

Ergenekon is an organization allegedly founded with the aim of overthrowing the Turkish state by using violence. Indictments consisting of criminal files

were drawn up against this organization in 2007 and 2008, and with the acceptance of the last indictment on March 25, 2009, and combining it with the main Ergenekon case, the trial process began. According to these indictments, the 'Ergenekon Terrorist Organization' carried out bloody actions in the name of the deep state. Hundreds of people, including retired soldiers, gendarmerie commanders and journalists were detained within this scope. As a result, the cases ended in acquittal on the grounds that the connection of this organization with a terrorist offense could not be revealed (see Öztürk, 2008). What was significant in Ergenekon trials, which were often criticized by the public for long periods of detention and unsanitary conditions in prisons, was that the soldiers named in the indictments had been pointed out by various institutions and relatives of the disappeared for years as perpetrators of the disappearances in Northern Kurdistan in the 1990s. Despite this, these accusations were rarely mentioned in the indictments. When the scope of the case was extended to the conviction of journalists, it was revealed as rather an instrumentalization for political purposes, to dissolve the institutions of the 'old regime.'

Although the 2000s became a period when the number of disappeared fell to almost zero, abandoning this practice over time does not completely remove the elements of enforced disappearances. As the responsibility to clarify the fate of the disappeared and prosecute their perpetrators remains, the struggle against this is still ongoing as well. A relative of the disappeared, whom I met during one of the Saturday Mothers' protests, suggested that continuity in the state is essential and that the state must face disappearances. She continued with her following remarks describing their struggle in the 2000s:

These protests criticize incidents that the state does not disclose because they are afraid of confrontation. The state is afraid to confront with people's bones. I think the same government is at the helm in 2019, just as it was in the 1990s. They are afraid to face it. Lots of people are being killed right now. Panzers pass over people. They say that it happened by mistake. They are covered. Many people were killed in 2015, 2016 and 2017. It's similar to disappearances in the 1990s, anyway. So, the crime of enforced disappearance continues in other forms. —Informal conversation, April 2019

The HRA representative also states that the policy of enforced disappearance continues in the 2000s, and the Saturday Mothers' protests also continue in response to this:

Because of the Ergenekon case, when the case started, we said that the soldiers on trial there were actually the perpetrators of the disappearances we mentioned

and that they should be prosecuted. We even asked to be involved in the lawsuits as a party, but it was not accepted. With this demand to get involved in the trials, we actually restarted the protests. The crime continues, because the perpetrators continue to be protected. If you are still protecting and promoting the person you know to be the perpetrators of the disappearances, you are also a partner in that crime. There are many examples of this. Some soldiers are still on duty, or some are enjoying retirement benefits. People who should be sentenced to life imprisonment are promoted. —HRA, interview

In the Saturday Mothers' movement, the 2000s were the years in which the legal struggle and search for justice were intensely continued, as the hope of finding the disappeared alive almost faded away. Underlining this legal struggle, Derya summarizes what happened during the Ergenekon process with the following words:

The Ergenekon case was opened, the indictment was revealed. There was a statement accusing the Ergenekon organization of committing crimes against humanity and defining disappearance under custody as a crime against humanity. So, we applied to the prosecutor, saying that the relatives of the disappeared should be involved in the proceedings, and we announced our demand for them to be tried for these crimes as well. Our requests were rejected, but we persisted until the last moment. We constantly submitted petitions to relevant places. For example, we said even if you don't accept our involvement, do charge these people with these crimes. But we encountered a policy of impunity. The soldiers and police involved in these incidents were never questioned about these incidents. But we insisted until the last moment; that is, if those files were to come out of the archive one day, we made a note in history in order to make them visible one by one. —Derya, lawyer, interview

Similar to Derya, Hiva underlined the distrust in the judicial process in the Ergenekon cases, while emphasizing the continuing struggle with the following words:

While the government was actually in a showdown with the Kemalist army within the scope of the Ergenekon investigations, they also detained people that we declared as perpetrators of enforced disappearances. In those trials, the crimes these people committed against humanity did not come to the fore, but a disappearance case was filed against five or six members of the army, at which we were very surprised at that time. Very good statements were prepared about them. For example, 13 times aggravated life sentence for Cemal Temizöz was asked with the charges of killing people with monstrous feelings. In other words, when you look at the records, you'd say it is impossible for these people not to be punished when there are such charges. But then the government came

to an agreement with the Ergenekonists, everyone, in that case, was released, and the cases we brought started to result in acquittals. From here, we see that political will is needed for the disappearance cases to be concluded justly. Today, neither the political will nor the judicial will want the disappeared to be found and perpetrators prosecuted. Today in Turkey, there is a tradition of impunity for public officials handing down from power to power. —Hiva, lawyer, interview

The impunity is also remarkably demonstrated by the numbers presented in Figure 7:7, taken from the Truth, Justice and Memory Center's database. According to the table, 1353 enforced disappearance cases are recorded, out of an unknown number – tens of thousands according to the words of the HRA representative. Out of these 1353 cases recorded, only 344 of them are managed to be filed legally, and only two of them resulted in the convictions of the perpetrators. The numbers shown in Figure 7:7 are those reported in 2014. Therefore, considering that most cases of enforced disappearances date back to the 1990s and that the statute of limitations held by the courts is 20 years, the numbers today would be highly different. Most cases managed to be filed legally have also expired as of 2022.

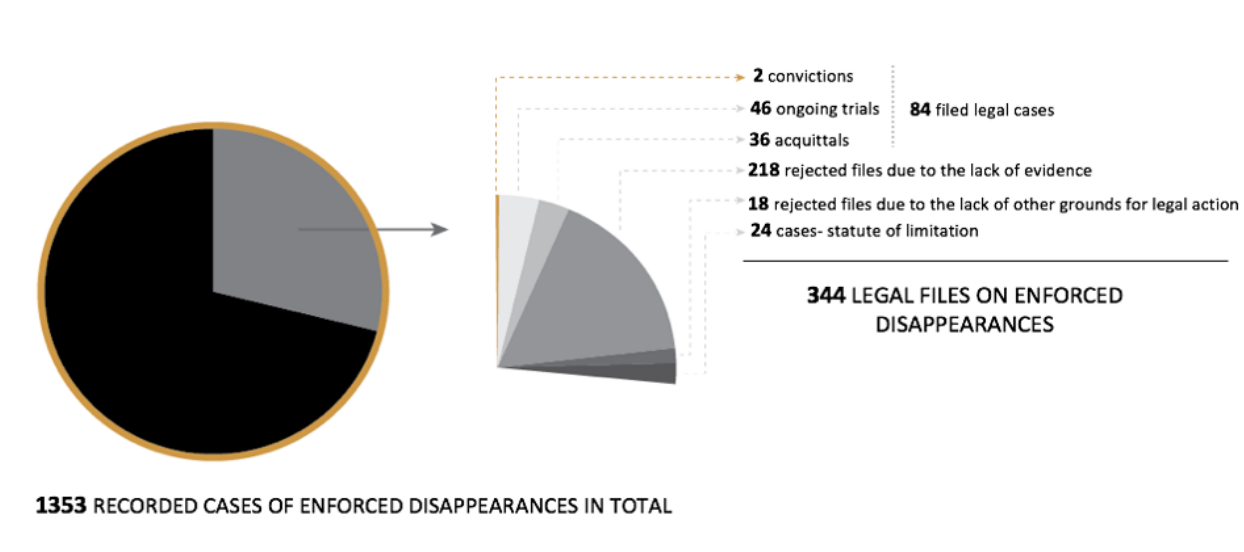


Figure 7:7 Impunity in enforced disappearances, Truth, Justice and Memory Center, 2014, taken and translated from: <https://zorlakaybetmeler.net> [accessed 15 February 2018].

The avoidance of a confrontation and missing steps to achieve justice aspirations concerning the enforced disappearances and mass graves also become apparent in the legal cases I collected. They are characterized by two remarkable processual differences. They either miss the demand of the families to get the bodies for reburial or do not engage with the interrogations of the

perpetrators. Therefore, the legal means cannot work to grasp the intricate mourning that the survivors got stuck in, so they cannot achieve justice aspirations of the families by enabling mourning through a reveal of the truth hidden by power-knowledge relationalities of the Necropower. The Turkish state institutionalizes such Necropolitical practices through legislative, executive and judicial actors that are shaped by the truth regime of Turkishness, recognizing the state as the primary entity that should be protected under all circumstances, whereas the truth asked to be revealed by the Kurdish families' aspirations of justice do not only remain secondary but even as a threat against the former.

These remarks are visible in the legal cases I collected. All three cases on enforced disappearances (DBA 1, 4, 5) that took place between 1993-1995 are taken to the Constitutional Court after 2014, and the latest decision is dated June 2019. All applications state that the right to life, due to enforced disappearances by security forces, and the prohibition of ill-treatment, due to lack of effective criminal investigation into these incidents for the applicants, were violated, drawing on the grief experienced throughout their relatives' enforced disappearances. Significantly, the Court rules for similar verdicts in these cases consisting of 35 applicants who are relatives of 22 forcibly disappeared persons in total. The lawyers' and applicants' claims draw on the violations of the right to life regulated by article 17 and the state's responsibility in providing 'the conditions required for the development of the individual's material and spiritual existence' regulated by article 5 of the Constitution (TR Const., 1982). Both claims in all three cases are found inadmissible. The one on the violation of the right to life is rejected on being 'manifestly ill-founded,' and the other, on violation of the prohibition of ill-treatment, is rejected on the grounds of 'incompetence *ratione personae*,' referring to the applicants' incompatibility and lack of relevance regarding the case, as elaborated on shortly.

These decisions and their legal justifications provided by the Court reveal the utilization of untranslatability of experiential dynamics and justice claims made by the struggles over death into existing legal categories in favor of the state. The justification of inadmissibility of the claim of violation of the right to life is made over being found 'manifestly ill-founded' drawn on the lack of evidence of disappearances and the lack of applicants' previous legal steps. Even though the applicants state that although they submitted numerous petitions to the prosecutor before, none of them were processed, and the lawyers argue that evidence in enforced disappearances is almost impossible to collect due to the lack of even the dead body, and after all these years when

there are no witnesses left – these are not taken into account. The Court eventually bases its decision on claims being ill-founded.

Even more striking is the justification of the decision on the inadmissibility of the claim on violation of the prohibition of ill-treatment. Applicants and lawyers ground their claims on pages-long descriptions of mourning and grief together with a review of literature in psychology drawing on the pathologies experienced when mourning is intervened. However, the Court's verdict on the inadmissibility of the claims drawing on 'incompetence *ratione personae*' almost states that the applicants are not seen victimized and traumatized enough. One of the decisions' justifications (DBA 1) state:

In applications where the Constitutional Court examines such complaints regarding the prohibition of ill-treatment; it is an inevitable result for the person's family members whose rights have been violated to experience mental breakdown and sadness due to the incident. Therefore, the situation in question is not sufficient for the violation of Article 17 of the Constitution for these people, and whether or not a family member is a victim depends on a different kind of sadness than the sadness they experience. It depends on whether there are special factors that will add dimension to the application. On the other hand, in order for an individual application to be accepted, it is not sufficient for the applicant to simply claim that he is a victim; in this respect, the thought or suspicion of being a victim is not sufficient for the existence of victim status. Accordingly, in order for family members to have the status of victim in terms of the prohibition of ill-treatment, the sadness they inevitably experienced due to the incident must have acquired a different dimension and shape. First of all, it should be noted that there is no doubt that applicants are saddened by what happened to their relatives. However, no information or evidence were found in the concrete application regarding whether their relatives personally witnessed the incidents, nor are they evaluated as having certain pathologies. ... It has been evaluated that the content and style of the incident and authorities' response to the applicants' demands do not show that applicants were victims of the prohibition of ill-treatment. Therefore, it was concluded that the applicants did not suffer from the prohibition of ill-treatment. ... it should be decided that this part of the application is inadmissible due to the incompetence *ratione personae*. –DBA 1, Constitutional Court Verdict

Drawing on these, one can argue that, through being translated into legal categories, death and mourning are turned into legal objects over which one, family members of the deceased, can claim rights. The enforced disappearances and 'unjust deaths' that are collectively inscribed into the social memory in Northern Kurdistan are revealed as multilayered as the truth prevented from being revealed, and the question marks regarding the

perpetrators and even the whereabouts of the disappeared are actually broader than the constitutional provision regulating the right to life. The right to life in enforced disappearances is empirically interwoven with the claims made on the right to a fair trial, right to death, right to burial right to a 'just' death and even beyond the realm of 'the right.' It is concerned with the production of truth. Moreover, mourning is unveiled as a very complex grid by this subsection's inquiries. It is embedded in the collective memory; it becomes something collective and gets politicized. Therefore, legal categories' 'measuring' how victimized and/or traumatized the applicant is has reduced these multitudinous subjective positions into a decontextualized, depoliticized victimhood. The 'acquired different dimension and shape of sadness' asked by the Court in the quoted decision would be 'evaluated' within the Turkishness subjectivity regime and by drawing on a merely suffering passive victimhood. However, as this section reveals, mourning takes shape in daily life and is introduced into its ordinariness accompanied by anger and a discourse strengthening the struggle in Northern Kurdistan, which would, in no way, fit into this 'victim category' suggested by the Court.

In my interview with a respondent volunteering for TAYAD, we ended up discussing systematic impunity in the enforced disappearances, mechanisms preventing cases from making it to court and the lack of legal categories and mechanisms that would 'do justice' to survivors' experiences. As she has many family members who either forcibly disappeared or became victims of unidentified murders and went through different legal steps concerning these, I asked her how people can still appeal to the law despite their lack of hope in attaining justice through current legal mechanisms. Her answer emphasizes the record of these violations, resembling the previously elaborated motivation of most lawyers describing law as a site of memory:

Don't think like that. There is also a kind of emotional economy in action. Usually, when you go to a court, what is your expectation? It is about justice. My experience tells me that I had no such expectations. My expectation was never an expectation of justice. So, what was it? What we can call our right, right to life, right to death, right to burial, it is unrecognized, yes. But even if the courts may not recognize this, they may act against it, and justice may not come out of it; what we call right doesn't disappear. Undoubtedly, this recognition relationship is a significant aspect of the right. But it's not the only aspect. We also realize rights by performing them. The most important legacy of these cases is that the families, over and over again, say the things that are ignored, unrecognized, denied, and, in a way, record that this is a right. I think this record is important. Yes, the regime and its institutions may not recognize these rights. But that doesn't mean you don't have rights. They live elsewhere.

They live in the stories told; speeches made there. What we call right lives in these speeches at courts, their documentation in cases by being practiced. Of course, this is not enough. There must be correspondence in institutions enabling mourning fully, of course. It is only through this correspondence; perhaps we will reach what can be called justice one day. But where this is not the case, we go to courts or document them to perform, to enforce unrecognized rights. —TAYAD, interview

She not only highlights the importance of recording these stories and experiences against the backdrop of their systematic denial but also elaborates on the present function of the space opened by these trials and legal recordings. She suggests that the realm of law can also be a site for performing unrecognized rights. Turning these claims and experiences over death, burial and mourning into legal objects that one can claim rights for and introduce the right to death, right to burial and recording personal experiences 'over and over again' making these rights live in speeches, she suggests as her motives in participation in a legal fight against the state. Her description of these as an "emotional economy" reveals that the legal fight, with its repeatedly pushed legal steps, is also one of the fields of mourning opened by survivors. Although whether legal recordings of present violations would provide an archive in a possible peaceful future remains a question, it can be argued that this legal fight and any space enabled for survivors to share their stories facilitate their mourning practices by working as an 'emotional economy.' One can argue that her emphasis on this emotional economy subtly carries hope that the introduction of emotions into the legal system may change its structure from the inside.

European Court of Human Rights verdicts on enforced disappearances

'Enforced Disappearances' are defined and regulated by the International Convention for the Protection of All Persons from Enforced Disappearance (2010). In order to prevent impunity, the Convention omits the statute of limitation for these cases since they are continuous as even the victims' whereabouts are in question. However, by neither signing nor ratifying the Convention, the Turkish state continues to prescribe limitations in the cases. The statute of limitations held by the courts is 20 years. Therefore, the statute of limitations concerning crimes committed in the 1990s is mostly expired, leaving the application to the ECtHR as the only option. Even though the ECtHR has ruled that the Turkish state has violated the European Convention of Human Rights in most of the cases, to what extent this legal fight taken to the ECtHR can achieve justice remains a question. Referring to legal cases on unidentified murders and enforced disappearances committed, particularly in

the 1990s, Avsin raises this question on the capability of the ECtHR decisions in achieving justice as follows:

We understood that the legal struggle is very insufficient. In the 1990s, nearly four thousand villages were evacuated, burnt down, people were killed. We make applications, but we cannot get results. The file then goes to the ECtHR. You know, if you are more or less skilled, if you have not done any irregular transactions concerning the technicalities, the ECtHR gives a violation decision and makes the state pay the compensation. But there is nothing more. It is, unfortunately, the best we can get now. —Avsin, lawyer, interview

Berfin is one of the family members who have experienced the legal process taken to the ECtHR regarding her brother's disappearance, which came to light showing he was tortured to death under custody not registered by the police. After a thirty years long legal fight, both domestically and at the ECtHR, the court decided on the Turkish state's violation of articles 2, 3 and 6, which are "the right to life," "prohibition of torture" and "right to a fair trial." Berfin explains whether the decision was any help to calm their anger and enable their mourning:

It took 30 years in total, 30 years. Easier said than done... Then we got the verdict at the court. The violations that the state committed. So? What happened? The deceased would not come back, nor the years passed when looking for my brother, the tears of my mother who died while looking for a single bone of her son. I wish we could at least say that this decision will change the state. No. They paid us compensation. That is it. A ridiculous amount of money, by the way, as if there is any sufficient amount to compensate for all these pain and years. The state only pays the compensation through the human body and continues in the same way. —Berfin, life history interview

Even though Berfin's case has resulted in the decision on the violation of the state, the emphasis on its failure in bringing justice is remarkable in her words. As it was elaborated, never-ending mourning has exceeded being an individual stuckness in Northern Kurdistan and turned out to be a Necropolitical strategy that offers a melancholic, angry and political subjectivity for Kurdishness and is inscribed in collective memory. Therefore, it becomes almost impossible to talk about achieving justice through singular individual cases, since interfered mourning is experienced collectively and systematically and even is spatialized in Northern Kurdistan by inhibiting every single household in some ways. Not only through narratives collected and observations made, but the analysis of the ECtHR verdicts show this systematic inhibition and injustice in a remarkable way.

I analyzed 69 applications made to the ECtHR concerning the enforced disappearance of 296 people, out of which 131 made it to the ECtHR as the other victims' relatives were no longer alive at the time when they could eventually make it to the Court. Among these, there are 51 applications concerning 102 people who were forcibly disappeared resulting in the Turkish state being found in violation of the European Convention of Human Rights. In seven of the applications concerning fourteen people, the state proposed friendly settlements. Eleven applications concerning seventeen people were found inadmissible and not reviewed further by the Court. Even only by looking into these decisions, the practice of enforced disappearance in the 1990s targeting Kurdish civilians appears to be carried out systematically. When the numbers of the people covered by only these cases, those I could collect and analyze among only those which could make it to the ECtHR, are looked at, how high the number of the people, when families are also included, affected by enforced disappearances could only be imagined. Therefore, ECtHR decisions are considered closures and the end of the legal struggle without achieving justice by the two lawyer respondents, Rezan and Hiva, who are highly experienced in enforced disappearance cases taken to the ECtHR. They both highlighted that the ECtHR process only gives harm to the fight for justice as it portrays the violations as individual cases. Rezan tells me that he shared this in a workshop organized by the Bar Association and continues:

They were stunned when I told them that I considered the ECtHR's rejections as an opportunity. The decision on violation in a file also brings it to a close. It closes. And it closes individually. Let's do this within the HRA. For example, let's have a collective application for this. There are different mechanisms, not only ECtHR but also United Nations. I think a decision on this should be made through those mechanisms. I have said that applying in an individual sense harms this struggle. Not individual; collective. We have to show the entire picture. We should say; this man is Ahmet. He was killed by JITEM. His animosity with JITEM was not a theft, a murder, or a kidnapping. This man was a member or employee of this legal, political party, was a journalist, a person operating in this field. Therefore, you cannot just say that the right to life has been violated here. You should acknowledge that it is a collective and systematic violation and not for personal hostilities. But a study on this has never been carried out until now. The ECtHR is a mechanism that accepts only individual applications. Well, neither redesigns the state its domestic law according to the decisions of the ECtHR. Therefore, violation decisions issued by the ECtHR only closes the file. Instead, we should show with a file to be prepared by an NGO: "Yes, Ahmet was murdered in Cizre and thrown to the side of the road, but there were 20 more people who were killed in the same way, in the same place, in the same year. Their common characteristic was that

they all were members of this party, that NGO, working for this newspaper." Therefore, we should have been able to say that this application is a systematic violation case with political motives. —Rezan, lawyer, interview

Rezan's emphasis on the ECtHR's insufficiency in portraying the systematic, collective violations and the injustices experienced by the people is also apparent in Hiva's interview. Similar to Rezan, Hiva also underlines that those individual applications would not bring justice, as the case is systematic and collected to the extent that it can even be described as a cultural genocide:

I think individual applications are not an effective way. I do not believe that it is a very effective way of eliminating grievances and injustices. A person was killed in the 1990s. That person was killed by the state. There was no personal animosity between that person and the police who killed him. It was not an act of personal hostility. Therefore, I do not find it correct to subject that file to an individual application; because it would then be perceived individually. The real reason for that mentality is not revealed when it is perceived individually. Yes, the right to life has been violated. But why? Therefore, there will be no confrontation. After the ECtHR decides on a violation, be sure that the legal struggle comes to an end for families and us lawyers. The state also closes the file because it pays its compensation. Therefore, it has not been subjected to a real investigation, and the reason remains undiscovered. There is no confrontation about why those people were killed. Why is this confrontation critical? It is essential for the solution to the Kurdish issue. It will turn out that those people were killed for political reasons, and the revelation of this will bring confrontation. That confrontation will then bring the solution. Perhaps it will be ensured that people will not die for similar issues again. But if you take the files one by one, in an individual manner, if you do not take out that picture or table in general, if you do not put it before the court ... If you do not say that the state committed such a massacre... We can even discuss the genocide aspect of the issue because we are talking about a systematic massacre committed against a certain community. Yes, maybe not technically, but even if it is not aimed at eliminating, it is cultural genocide. Because the state is trying to assimilate and suppress the Kurds, in that sense, the detection of a systematic attack will bring out a different discussion. That is why I am not a fan of bringing individual files to the ECtHR. —Hiva, lawyer, interview

The ECtHR is the last step of the legal fight against the state concerning the enforced disappearances, and still the justice aspirations of survivors, mourners, families of the victims of the unidentified murders and enforced disappearances cannot be corresponded by any legal means. More than three decades have passed since the 1990s, marked by the enforced disappearances, and families still wait for their lost ones whom they believe can return home

one day. The case files expired, and the ECtHR decisions on violations do not compensate for anything, as most families who received a verdict on the state's violations still do not have graves of their beloved ones. The state actively tries to erase any evidence, including the dead bodies, as they are conceived as the strongest evidence of the violations through the mass graves, systematic impunity and an institutionalized response to the legal fight initiated against it. Families of the victims still ask for their beloved ones to be made grievable. In their legal fight, they move across various spaces; from the mass graves, excavations, Forensic Medicine Institution, domestic courts and eventually to ECtHR, none of which can fully reveal the truth to which they attach justness.

On the one hand, the individual portrayal of the systematic enforced disappearances by the legal processes withholds them from overcoming the social, collective state that their mourning turned into, on the other hand, the collective blurry imaginary of the perpetrators rather than actual individual people further incarcerates them in an environment of anger and a melancholic yet politicized subjectivity that defines life through death. This twofold systematic strategy of the Necropower is spatial in the sense that it spreads out and gets (dis)connected through the responsive character of the law providing survivors illusory paths for their justice aspirations and keeping them in a purgatory wherein they wait, hoping for the justice and truth to be revealed. As it unveils when one think of the question of justice through death and mourning, however, it is the games (of truth/justice) of the Necropower that is needed to be eliminated for unveiling the truth that would achieve justice. It is required to be shifted to the spatialities inscribed in the collective memory of the survivors. These spatialities would be defined through the resistances to the Necropower's attempt to produce their beloved ones' lives as ungrievable by still grieving for them, even though it results in unfinished, never-ending mourning.

7.4. Translation of subjective experiences to legal categories: Thinking justice through home

This section continues to trace the translations from experience to legal categories by focusing on the theme of home and displacement. By following the meanings ascribed to home informing the experiences of displacement, I then continue to trace how they are issued in the legal cases, particularly those on the displacements from Sur after the 2015 urban warfare. This subsection further illustrates the shifting meanings throughout the translations, which

prevents justice aspirations positioned in the epistemic context, informing meaning ascriptions to home, from being fulfilled by the legal categories.

7.4.1. Experience of home

“Home, sweet home,” mumbled Zozan when we finally entered the apartment after a long day spent outside together. We had previously agreed to meet in the afternoon at her apartment for our interview. Early in the morning, however, she called me and asked if it was okay to meet earlier at a coffee house instead. I accepted without asking further questions. Even though we had known each other for more than a month at that time, I thought that she might still hesitate to accept me in her apartment. I found out that this was not the case when I arrived at the coffee house. She was sitting alone in the large garden and reading some documents filed in plastic folders. When I went to her table, she apologized silently and told me that she had a doctor’s appointment in an hour, and her husband could not make it. “Nor anyone else I know could make it, so I thought, maybe you could be my companion. If you are available, of course.” It was indeed a surprising invitation, even though I could see why she was asking for it. As I had already known by then, she had a severe operation six months ago, and this appointment was probably a medical follow-up. Her Turkish was not as fluent as her husband’s, and she told me that she becomes nervous when talking with the doctors, so she thought of me as someone who could help her out if she misses any critical information. That is how, without prior planning, I ended up accompanying her, almost like shadowing, at the coffee house, hospital and market. Finally, we went together to her apartment for our interview.

On the very night of that day, on May 29, 2019, I wrote more than five pages about the thoughts and affections on the possible meanings attached to “home” in my field diary. Home also appeared as the highlight of the field notes taken that day. What makes home apparent at the end of the day we spent with Zozan was that particular subject position offered to her compared to those offered in these other places. Among the doctor and nurses, who were mostly Turkish that did not speak Kurdish even a little bit, Zozan seemed less confident and much less verbally interactive. She was hesitant to ask questions, and when she did, the doctor, using only gestures without even talking, made her repeat her question by making clear that he was having a hard time understanding her clearly. His authoritative subject position offered by that spatiality produced Zozan as the one hard to be understood. I had known Zozan for a month then, she was a talkative, assertive woman with a very sharp sense of humor, but in that particular space, she went unrecognized as that. Her way of being and

knowledge of herself, as unintelligible and reserved, in her own words, was in actuality responsive to these power relations and practices of the doctor and other actors at the hospital.

As we left the hospital and came back to the neighborhood where she had lived for over thirty years, those spatial power relations shifted, and they changed radically when we entered her apartment. After our interview, her husband and daughter came home, and we had dinner together. Zozan was the one organizing the house, keeping everybody else on task, seemed like the one making all decisions. At the dinner, she placed herself so that she had a view of the entire room, carefully placing her chair at the cross edge of the table. When we began our interview, and I described to her the life-history characteristics of the interview, she explained:

You witnessed it personally today. That was like a summary. The doctor was so rude just because I did not understand him clearly, even though he was the one who could not speak Kurdish in Kurdistan. They think they do us a favor by working here and expect us to appreciate this generosity. The same goes for the teachers. They are all very arrogant. I almost never participate in Zeynep's parent-teacher meetings for this same reason. These places make me feel unintelligible, like reserved. I joined once and was even treated like a fly. No one even tried to tell me about my daughter's progress in the classes. They knew that my Turkish was poor, so they just preferred to ignore me. —Zozan, life history interview

Zozan, therefore, describes to me the subject positions offered to her as “unintelligible, reserved patient,” “assertive wife and mother,” and “invisible parent” in these different places. These further reveal the shifting boundaries of Turkishness while clarifying homeplace as a space of her own, as what divides ‘us’ from ‘them,’ as elaborated previously in Chapter Six. Her mobile process of becoming is marked by being recognizable in the spatialized webs of power within ‘home’ (see Chapter Eight for the emplacement of Kurdish language in the public-private binary). I took home as another matter of inquiry after that day I spent with Zozan. I emphasized the question of home in the semi-structured interview guide I was using and enabled that as a point for further observations. When I completed my fieldwork, and during my analysis, home has stood out in the empirical material I collected in a way revealing home and subject positions offered within the spatialities surrounded by the homeplace as related to justice.

The formulations and experience of home, its centralized description within the binary formations of subjectivity over ‘us versus them’ and feelings attached to the homeplace such as warmth, safety and collectivity throughout

the interviews, and in the fieldwork in general, places justice aspirations within the walls surrounding ‘the home.’ In other words, spatial references to justice claims raised points to home. Therefore, it is highly central in forming Kurdishness subjectivity, so the experience of displacement has strong connotations concerning the injustices experienced, as elaborated on later by the subsection concerning the Sur resistances.

Different relationalities appear as we consider justice through homeplace as it is associated with different meanings by the respondents; a place that protects them from the war outside, the space that they are allowed to talk in their mother tongue, to where they hope that their disappeared child would come back one day. Berfin, for example, when remembering her childhood home, one that is not exempt from the late-night raids of the soldiers—especially after her older brother participated in the PKK—emphasizes these subject positions that are divided through the centralization of home as follows:

Despite these all, it was still feeling like a place for us. I mean, it was almost like we coded what is allowed to do at home and what is allowed to do outside.
—Berfin, life history interview

Elaborating on a similar coding and differentiation as Berfin, Abdullah also describes his childhood home as a “safe, warm place” by putting a similar emphasis on “despite everything.” He elaborates on this coding, differentiation and “despite all” as we continue our interview:

I am not sure how, but we learned whom to trust and when to behave how at the age of five. When we were playing outside with friends and saw soldiers patrolling in the village, for example, we were running to the house climbing to the roof to change the direction of the antenna, so that the channels would change, and my parents would understand that the soldiers are in the village and get the house ready for a possible raid – hiding some books, taking some pictures down and so on. —Abdullah, life history interview

Abdullah’s words regarding the antenna, referring to the satellite dish, are significant since it is evident that most of the apartments and houses in Northern Kurdistan have one. The reason is to get access to particular satellite TV channels broadcasting from Europe in Kurdish (in all Kurdish dialects of Kurmanji, Sorani and Zazaki) and bringing news from all over Kurdistan, and the PKK also uses some channels to communicate with the people. These channels are banned in Turkey with the accusation of spreading ‘terrorist propaganda,’ so the emphasis in the excerpt taken from Abdullah’s interview is twofold: the use of “antenna” to let the household know that the soldiers are

in the village and, also, that they as children were informed that it is not allowed to watch these channels when soldiers are around. By comparing the depiction of their childhood homes to the present organization within the homes I visited, the patterns are mostly still standing. Satellite dishes, pictures on the walls and a TV on at a low volume with the same channels on all day long are shared patterns. I conducted eleven of the thirteen interviews of the first set in the respondents' homes. The practices of respondents when they welcomed me to their homes were also similar. They all gave me a home tour first. The walls of their homes were occupied by photos, almost resembling a museum, as also mentioned in the previous section.

Mehmet, for example, met me at the building entrance, and we went to their apartment together. He first took me to a living room showing a black and white photo of a man whom I suppose was in his early forties. "He is my brother," Mehmet said. "One day, he left the house, then was shot to death. Victim of an unidentified murder, JITEM murders." Then he took me to the living room, which was again full of photos, this time of two young women in their early twenties. One of the frames was broken into pieces. Showing me these photos this time, he explained that they are both his daughters, one of whom had participated in the PKK and the other was in prison. He continued:

Well, we changed four apartments in three years. After my daughter joined the guerilla, our house was constantly raided almost every night. We then started to move as we could not find peace anywhere. In one of the raids, they attacked me when I told them that I had no idea where my daughter was. My skull got broken. I spent months at the hospital. We filed a complaint, but the prosecutor refused to open the file, saying that there was no operation of the special team that night. After I came out of the hospital, we moved again to this apartment. The other night, they came again, threw this [pointing to the broken frame] on the floor, and jumped on it. —Mehmet, life history interview

Described as not being able to "find peace anywhere" by Mehmet, the meanings attached to home get blurred, and the spatiality of home that is bordered by the spatial relationalities within Kurdishness subjectivity against the backdrop of Turkishness is distracted when the latter infiltrates home, for example through the raids of the soldiers and police. Mahir elaborates on this further:

I was such a mommy's boy. My father was out of the village most of the time. So, it was all on my mom to take care of us and the house. She was like this strong woman who was capable of doing anything, in my eyes. That is why I never forget that day, when they came and shouted at her, kicked her precious

wedding chest, which none of us were allowed to touch, and tore these very valuable bed linens that she was keeping for guests. That day she could not do anything to stop them, and I saw my mother crying for the first time. Since then, I have been through a lot and witnessed much more horrifying things, but that day was almost like a turning point for me. It was the day I thought that my mom was actually not capable of fighting against these people. —Mahir, life history interview

Mahir's narrative highlights the changing subject positions when 'outside' infiltrates into 'inside.' As briefly described through the subjectivity offered to Zozan within the home and elaborated on by Mahir's interview, home's gendered construction is remarkable, offering women a place of their own. Contrary to second-wave feminist scholars' description of home through domestic labor and as a site of oppression for women (Eisenstein, 1984; Oakley, 1974), the women I met described home through an emotional and positive account. The observations I conducted, further portrayed them in a strong position regarding the power relationalities in practice within the home, closer to the intersectional approach to home by Hooks (1991) and Crenshaw (1994) as they highlight the marginalization of both Afro-American men and women in public spaces that reconstructs home as a site wherein they feel safer and in peace. However, still, home is not a given, neutralized, detached and purified place with fixed boundaries, but, as described through the raids, it is open to the infiltration of the uncanniness of the outside.⁴³

Despite the raids and attacks on the home, experiences of injustice are described through internal displacements. Following the systematic evacuation of the villages in the 1990s and after the urban warfare in 2015, people were forcibly displaced. Therefore, I will narrow down my discussion to the Sur resistances since this was the most recent experience of displacement.

⁴³ When the violence enters the home, it also takes a gendered form as it attacks the feminine construction of the homeplace. As the masculinized memory of the state institutions has a strategy in Northern Kurdistan to use women's bodies as a weapon, due to the still-standing patriarchal formulation of "honor" attached to women's bodies in Northern Kurdistan, as described by many respondents, women become targets in the war to attack 'the dignity' of resisting households. For these reasons, rape and other forms of sexual assault against women turn out to be a frequently used strategy of war. Many stories are told by the respondents, particularly those who were living in Sur during the clashes and destructions. As inhabitants resisted leaving their houses, Turkish soldiers systematically initiated attacks on the gendered construction of the homeplace and to women's bodies by using rape as a strategy of the war and intimidation as described by all three woman respondents who experienced the violations throughout the blockades and curfews in Sur. They strongly emphasized this gendered violence, although it will not be investigated by the inquiries of this section but, indeed, is a significant topic for further studies.

Throughout the curfews during the urban warfare in 2015, resistance is marked by Sur inhabitants rejecting to leave their homes. Following the narratives on three-month-long resistances during curfews and the testimonies on the urban warfare that people had to witness from the windows of their homes, I elaborate on the changing meaning of home as a site of resistance. In that changing meaning of home, it becomes a blurry space whose boundaries are not as strictly dividing the safe inside from the uncanny outside, and home becomes a transitory, in-between space. Continuing to trace the changing meaning of home concerning the urban warfare in Sur, this section then focuses on the experience of displacement and the demolishment of Sur by state actors in order to initiate gentrification projects. Most of the respondents who experienced the curfew by resisting leaving their houses described those three months and the time spent after their displacements as a constant death, a process of dying. Therefore, the in-betweenness that blurs the meaning of home also blurs any kinds of boundaries, including the linear flow of life followed by death. By dealing with these experiences of home, meanings attached and affections it evoked, I also trace the changing formations of home through the relevant legal fight initiated by either the lawyers against the state regarding the destructions and displacements or the state against the resisting Sur inhabitants.

7.4.2. Shifting meanings of home and ‘loss of the home’

The destruction of Sur and the forced displacements took place in three steps, the first one being with the curfews and destruction of some neighborhoods during the urban warfare in 2015. Following the warfare, in six neighborhoods of Sur wherein there were no clashes, a gentrification project dating back to 2012 was used for their destruction. Finally, with the "Urgent Expropriation Decision," issued with the decision of the Council of Ministers in March 2016 and covering 140 hectares of Suriçi⁴⁴—82 percent of the district (Halkların Demokratik Partisi, 2016)— Sur was almost entirely destroyed and the inhabitants were forcibly displaced despite all the resistance that was possible

⁴⁴ *Sur* is where the city was first founded and is currently a central district of Amed. It is the old city first constructed inside ‘city walls’ built in 297AD by Romans. Sur means ‘city wall’ in direct translation as well, as the walls give the name to the district. The Sur municipality is now expanded beyond the historic city walls. This is why it is possible to see references to *Suriçi* used differently from Sur throughout the text. Suriçi directly means ‘inside city wall’ and is used to describe the old city, the historical part of the current Sur district.

to be traced even from the wall writings in the demolished neighborhoods during my fieldwork, as Figure 7:8 illustrates.



Figure 7:8 A wall-writing in a demolished neighborhood: “Sur says no to destruction,” Amed, August 2019.

As presented in detail in the socio-political context presented in Chapter Two, after the collapse of the peace process, local administrative assemblies and security units, established by the Kurdish freedom movement in Northern Kurdistan, declared self-proclaimed autonomies in fifteen urban centers. These units were supported by the PKK, but mostly consisted of the young people living in these neighborhoods in Sur, and were targeted by an operation initiated by the Turkish Military Forces.

The destruction of Sur, urban warfare in all fifteen urban centers and the following forced displacements caused massive violations and massacres which are still ongoing as of 2021. The empirical material I collected, especially the interviews conducted with Sabiha, Fatma, Naze and Mustafa, who all used to live in Sur until 2016-17, and the interviews with lawyers and NGO representatives also draw on these experiences and violations. In other words, the Sur warfare and resistance are broad topics requiring further in-depth studies on their own. All the four respondents who were living in Sur had moved to Sur after being forcibly displaced either because their houses and villages were burned down or because they refused to be village guards in the

1990s. By engaging in periodization and comparison, they all described that their experience in Sur was much worse than the one they experienced in the 1990s. Sabiha's following words illustrate well what all four respondents told me:

I think of the 1990s... what we experienced in the 1990s. I used to think that there was no internet, no media. We were alone; no one used to see or hear what was happening. I thought that it was the reason for the silence, that they didn't know what was happening. But after Sur, I came to realize that that was not the case. When access to information and getting news is so easy, we are left alone here again. Again, we are exposed to the same things, even worse. Everyone watches and stays silent. These days, especially the period we live in after 2015, is definitely a darker, worse period than the 1990s. There is torture, rape, massacres, femicide in the middle of the cities. They don't care if they are a civilian or a child they are killing. We're devastated. We live in a period worse than the 1990s. There is a genocide here. If no one speaks out, that is how it will end... —Sabiha, life history interview

Therefore, before starting the discussions of this subsection's inquiries, I have to emphasize that these inquiries are just a minor part of the experiences in Sur. I only use Sur as a context to trace the changing meanings of home. The changing meanings of home, from a safe place to a site of resistance, sanctuary, an in-between zone between life and death and, eventually, loss of a home, powerfully reveal the meanings attached to home and homeplace. Therefore, the translation of experiences of displacement into legal categories can then be discussed by the final part of this subsection.

The narratives drawing on Sur before the warfare all emphasize the solidarity in the neighborhood. My feelings about Sur were like that as well. Even though in 2019, when I was there for my fieldwork, it was destroyed to a large extent and entrance to most neighborhoods was still blocked and prohibited, before that Suriçi used to feel like a big home where the doors of all the houses were always open, was full of people sitting and chatting and children playing in the narrow streets from morning to midnight as if those streets were the living rooms. It is impossible to detach the meaning attached to home from the meaning attached to Sur, in general, also in the respondents' memories of living in Sur before the destructions. It is not a coincidence that all four respondents I interviewed were moved to Sur after their forced displacement from their villages in the 1990s, but it was a shared experience for most Sur inhabitants (see Amnesty International, 2016; Halkların Demokratik Partisi, 2016). In other words, those living in blockade areas with curfews in 2015-16 were already familiar with the process of forced

displacement since the 1990s. This means that with the state of emergency in the 1990s and curfews in 2015-16, many residents of Sur experienced at least two forced displacements in twenty years. Therefore, one can argue that this shared experience further strengthened the ‘solidarity culture’ referred to by the respondents. Fatma makes this connection explicitly, telling me:

We were many in Sur who went through the same pressures in different villages. We constructed the neighborhood, renovated houses altogether. We all became like a family in Suriçi. We always ran to each other's to help. People were poor in that neighborhood. It was maybe the poorest neighborhood of Amed. But as I said, your neighbor would complete what was missing. If one of them were hungry, their neighbor would bring them whatever they had. There were times when I couldn't earn even 50 liras a week, and we could still survive, thanks to neighbors. Where else is this possible? Sur was very different. Everyone was in the same opinion, left-wing, political, patriotic⁴⁵. I could tell you that I am an ignorant woman. But we used to have conversations and gatherings. ... my Turkish was not that much. My neighbors, their children in Sur, taught me everything and gave me books. We have always learned how to read, what to read, and understand politics from each other. Do you know what we learned most importantly? Let me tell you that we learned in Sur that the word freedom is very beautiful... not everyone understands it. We got it, so we asked for it. You know... Since we are not free, we understand the beauty of the word freedom. —Fatma, life history interview

Fatma draws on this shared experience of the violations and forced displacements in the 1990s when describing the solidarity in Sur. Her emphasis on solidarity as also concerning financial means and political conversations are also referred to by Sabiha with her remarks highlighting the communality in the neighborhood, reading groups and discussions. She tells me that she got divorced after moving to Sur, as the conversations that they had and the readings they shared among women facilitated her to understand what she experienced in her marriage was domestic violence, and she narrates Sur as a communal practice:

Sur was so different back then. It was a completely different place. Great solidarity. Its structure was very different. Neighbors there... For example, we didn't need any municipality. We used to wash and clean those side streets with the neighbors from morning to evening until the beginning of the street. Nobody

⁴⁵ Patriotic is used to describe the political stance in line with the Kurdish freedom movement among Kurds, and carries more of a left-wing anti-colonial connotation in its references and appears as a subjectification regime in the inquiries of Chapter Eight.

was worried about bread. There was such a collectivity, such solidarity. I used to cook for my neighbor. Her daughter used to come to my house to clean. The other would take care of the other's child. All houses, all areas were common. It was something else. There was a communal life there, a communal practice. —Sabiha, life history interview

Both Sabiha and Fatma use the words ‘something else’ and ‘very different’ when recalling their memories back in Sur. The communal life, in the words of Sabiha, also appears as a protective shield. After telling me about the late-night raids by soldiers in their home back in their village, Naze particularly emphasizes the shift that occurred when they moved to Sur. Even though the raids were continuing, she says, “but in Sur, it was not that easy for them,” and continues with another dimension of this neighborhood solidarity:

In Sur, everyone used to take care of one another. They couldn't do as they did back in the village, in Sur - everyone was running to our house when police arrived, surrounding our house. Didn't let them enter. Soldiers and police were not able to enter Sur much. —Naze, life history interview

In all these narrations, Sur appears as the articulated meaning of home. Sur appeared as the home that strictly divides the ‘familiar us’ and ‘uncanny outside’ this time. All meanings revealed to be attached to the homeplace by broader empirical material appears to be attached to Sur in the narratives of the four respondents who were inhabitants of Sur. Moreover, their narratives of their village home and the home in Sur make this attachment more explicit, in a way showing the difference. In the memories from their villages in these respondents, family and home is within a narrower scope, whereas in the memories of Sur, family extends to neighbors and homeplace is as broad as Suriçi itself. All the respondents point to this solidarity and Sur being a communal practice as the ‘actual reason’ for its destruction. Mustafa, also defining this solidarity as a communal practice, in parallel with Sabiha, argues that the ‘war’ was just an excuse for the state to demolish the neighborhood and this communal practice:

They always had such a plan. They just didn't know how to do that destruction. Because there was a communal life there, and they knew that it's a practice – a communal practice. Life there was already autonomous. The state knew very well that that state of solidarity in Sur was a communal practice threatening the state. There were many decisions taken about its demolition. There were also gentrification projects before the war. Before all these, the state tried a lot, spread drugs widely, for example. But none of them worked. They could achieve that with the war. —Mustafa, life history interview

Both Mustafa's and Sabiha's references to communal practice are informed by the communalism ideology informing the Kurdish freedom movement's discourse. Mustafa's remarks on an 'already autonomous life' and a 'communal practice' refer to Sur as a place where autonomy and communalism were already established in practice. Neighborhood discussion groups, women commissions, neighborhood councils which all spontaneously emerged by the solidarity networks in Sur, inquired into by the following chapter, further illustrates his description. Therefore, the declared autonomies and the following urban warfare and the armed clashes that broke out received extensive popular support from the inhabitants of Sur. Many young people who did not have any weapon training before, found themselves getting armed and clashing with the army of the state. Even though the PKK sent some guerillas to the urban centers to support the neighborhood units, it was mostly these young people who took part in the warfare. Sabiha describes the environment in Sur in the first days of the clashes and the collective decision they made as Sur inhabitants:

Then the Sur period, as we know it, started. We decided to resist to the end regardless of the cost. As I said, we all knew the outcome of this, but still, we will not leave our house, our neighborhood, we said... And that is when the massacre started, a brutal, very heavy massacre. The massacre started, but not alone. There was also an uninterrupted 103-day armed resistance to it. In the first phase of this resistance, especially in the first 15-20 days, the people embraced this resistance very much. They were laying tables for those young people in Sur. The people looked after their young people very much. Their doors were open. They shared their food and took them to their houses to rest there. Because they were the young people from Sur, who resisted there, who was grown up by their hand and raised by them. ... You know, there were maybe 15-20 guerrillas maximum, and the rest of them were our neighbors, their children and the youth of Sur. —Sabiha, life history interview

As Sabiha draws on, with the curfews declared when the clashes began, inhabitants first resisted leaving their homes. Their narratives dramatically change concerning the meanings attached to the homeplace when they narrate the clashes. Sabiha and Mustafa were living in the neighborhoods where the warfare took place, so they described this new meaning home gained by referring to a place where they had to 'watch' the war. On the other hand, Naze and Fatma were living in neighborhoods where there were no armed clashes but were destroyed after the warfare due to the "Urgent Expropriation Decision" and gentrification project. So their descriptions focus on the home as where they had to 'listen' to the war, as Suriçi is not that big and all

neighborhoods are at a hearing distance from one another. Sabiha's following words illustrate this new form of home under the clashes:

I always say that a dead body doesn't have a race, religion, color or ideology. It doesn't. It's gone! It's no more whatever it used to be while living. It doesn't have any political opinions or beliefs... Nothing! But do you know what I watched when stuck in the house? It was similar to rain. It was raining bullets, mortars, airstrikes, clashes... I couldn't go out. I could only look outside from the window. Corpses were lying on the street as far as the eye could see. That many corpses... They were lying in front of my eyes. Corpses of my neighbors' children whom I raised, my family... I couldn't go out to take their dead bodies. I saw that cats were coming to drink their blood. I had to watch these cats coming, drinking the blood from the corpses and eating into their noses, ears...
—Sabiha, life history interview

Sabiha's above-quoted narrative draws on a remarkable in-betweenness. Not only her reference to stuckness at home but also the position she describes in being the audience to the war, while at the same time being a side in the war subtly referred to when emphasizing that it was the "corpses of my neighbors' children whom I raised, my family." In other words, Sur as a place to which is attached the meaning of home got fragmented and intervened, further strengthening the stuckness at the homeplace. Mustafa also uses the very same references drawing on "stuckness," "watching the war from the windows," and more explicitly to the fragmentation of home with his sentence, "They were killing our family and destroying our home, and we were just watching it from the windows." Fatma and Naze, on the other hand, while still sharing these emphases on stuckness, highlighted their stuckness through being the 'listener' of the war. Fatma says:

How it burns here [showing her heart] ... the fire in here can't fit in this house. They made us hear everything... We were listening outside carefully. At each sound of bombs, our hearts jumped, wondering whom they shot this time. —
Fatma, life history interview

Not only by watching and hearing the war but also through resisting leaving their homes in the middle of the war and the 103 day-long curfews declared, the meanings assigned to home change and home is mostly referred to as a sanctuary in the battle zone after the clashes broke out, particularly by Mustafa and Sabiha as they not only watched and heard but also 'smelled' the war. Mustafa tells:

Everything has changed in the house. We used pillows to block the voices and the smell; the smell of the blood and that burning smell spread after explosions — the smell of the pepper gas and all. We blocked the windows with my wife's wedding chest and took down the photos on the wall to prevent them from breaking. It wasn't feeling like a home anymore, but a sanctuary. —Mustafa, life history interview

Mustafa describes this change from home as a safe place to a sanctuary under attack. He elaborates on the changing organization of home when this shift from home to the sanctuary is pushed. He elaborates on the changing functions of the furniture, cushions and their changing meanings. Sabiha's references are also on these changing meanings and spatial arrangements:

We were at home ... something like [an explosive name] was bursting inside regularly. They were intentionally throwing those explosives inside homes as we didn't leave our homes; we were no more civilians. And look at those windows, cushions you see over there. We were putting such cushions. So that it wouldn't get in, but it wasn't any help, of course. It's not possible. The whole house became sticky. We didn't go out for months from there. —Sabiha, life history interview

Sabiha further describes home not only as a sanctuary but also a front in the war. Her words refer to the shifting meaning of home for them and the state (soldiers). Them not leaving their homes turns their homes into battlefronts and them into a party to the war. These changing boundaries attaching certain meanings to spaces and subjects are described by her with her references to them being no more civilians, and the soldiers were also attacking homes, making the home appear as a different space within the context of the war. After telling me these shifting meanings, the feeling of stuckness dominates their narratives even more. This stuckness is also accompanied by a feeling of despair, a stuckness experienced by being in-between a warrior, as they were no more seen as civilians, but also not being able to do anything other than staying at home, as they were actually unarmed and were not an active party to the war. This stuckness is further illustrated as a stuckness between life and death, changing home into purgatory, and described as 'dying' by Sabiha. My interview with Sabiha is dominated by her feelings during these 103 days of her resistance to leaving her home and is occupied by such references to getting stuck between life and death. She was among the last few households resisting until the end in the conflict zone, so she had to resist by staying at her home without any electricity or water for more than three months with her two little

daughters, Berfin and Ayşe. She describes the last day of her resistance, the day they were forced to leave the house, as follows:

Well, it is tough for me to tell this. I am scared of myself when I remember. I am scared of my own head, mind. But well... It was the last day, the day we went out. They were using pepper gas or whatever it was. It felt like something other than pepper gas. They were throwing some kind of gas capsules inside our house. We put all the cushions in front of the windows to prevent infiltration, but it was very strong, unstoppable. Berfin fainted. She was 18-months old at that time. I fell to the floor. I couldn't stand up. It was like a stroke. I couldn't stand up. My daughter was lying on the floor. She became completely silent afterward. She even stopped crying. I was trying to see from the place I was lying. Everything was very blurry. I heard Ayşe crying, saying Berfin died... my sister died... Berfin died... She was crying and shouting constantly. When I heard Ayşe, it was like magic. Immediately, such power came with hearing her crying, as if such life came to my legs. I got up from there. I threw myself on Berfin. I picked her up from the floor to my lap. She didn't recover for 2 hours. I suckled her, my arms, held her tight in my arms. Ayşe was crying, saying, "my sister is dead." There were clashes outside. Then Berfin started crying two hours later. Like she turned back to life, she started to cough. Sometimes I'm thinking... Death takes a second or two. Death... you die in a second or two, maybe in a shorter time. But what is worse than that; we waited for death for three months in there — waiting for death for three months, dying for three months. The worst thing is to die for three months. It is very difficult. —Sabiha, life history interview

Sabiha's emphasis on 'dying' and the experience of the changing meaning of home in a process of 'dying' echoes a necropolitical strategy blurring all the lines as it omits any "outside" as opposed to an "inside," any "elsewhere" opposed to a "here" and any "closeness" opposed to a "remoteness" (Mbembe, 2019, p. 40). In her narrative, war is not only outside; death is not only an end of life; home does not have strong walls making it feel like an inside; she is neither a warrior nor a civilian. That is the most remarkable difference between the narratives on the chaotic daily life in the 1990s and the one experienced in Sur in 2015. Narratives on the 1990s, although they draw on massive violations, are all on the influences of the war that was going on up in the mountains and the violations of the state agents in Northern Kurdistan, making the respondents exposed to war. In contrast, all the narratives on the urban warfare in Sur share emphases on dying, home as a battlefield and these entirely blurred boundaries experienced, as illustrated by Sabiha's emotionally powerful story quoted above, which made us stop and take a ten-minute break from the interview. The chaos and death are added within the spatiality of home

and made a part of everyday life. This everyday life is stuck in a constant ‘dying.’

Not only physical stuckness in the middle of the war but also after the loss of the home, this stuckness is described as becoming constant by Fatma. She shares the same emphasis on the stuckness somewhere between life and death, but uses it to describe the last two years that passed, as of our interview date, after their displacement. After the end of the urban warfare, curfews were declared, this time in the neighborhoods wherein there were no clashes during the war. Before the declaration of the curfews, the inhabitants were told that they had ten minutes to leave their houses. Curfews were related to the gentrification project, and the destruction of these neighborhoods began even before they were fully evacuated. For most of the inhabitants of these neighborhoods, curfew meant what happened in the neighboring streets during the war. Fatma describes this process and links her resistance to leaving her home to her experiences after forced displacements. By also highlighting a process of ‘dying,’ a constant death, she reveals the meanings she attaches to home as follows:

Normally we wouldn’t leave our house, but they made an announcement that day. You know, there was going to be a curfew, and the announcement was ‘if you don’t leave your houses in 10 minutes...’ What does this mean? I warned you, so if you still are not leaving your house, it means that you are a terrorist. 10 minutes! They wanted me to leave my home where I lived for 25 years in 10 minutes. 10 minutes... My husband died. My son was martyred. I live with my two daughters. I have nowhere to go. I have no income. We have nothing — only those relatives of mine. I am poor. We are poor. I bring food from the soup kitchen to my children. When there were neighbors, they were bringing us food. We were living like that. Every once in a while, if somebody brings a tailoring job, I was earning something. I was saying that if we leave that house, we will die. We didn’t die physically. It would have been easier if we died. The deceased die immediately. We have been living for two years since then. I don’t know if this is living. ... I suffered every minute of the last two years. When the soldiers made the announcement that day, we were four households left in the neighborhood. All the others had left before. The neighbors came and said, let’s go. I told them that I wouldn’t leave. They told me that I should think of my children if not myself. I said I wouldn’t leave. If we leave, we’ll die anyway. Then let me die in my house and let them bury us with the house. —Fatma, life history interview

Fatma’s description of the changing meaning of home idealizes a homeplace that they lost and strongly emphasizes the time passed after her displacement and the imaginary of a pure, fixed homeplace wherein they could “live.”

Fatma's remarks formulate this 'loss of the home,' which incarcerated them in a constant state of 'dying,' not only through her reference to her home demolished in 2016 but also through the meaning of home attached to Sur. Therefore, loss of the 'home' is directly associated with a 'social death' as she describes a process of 'dying,' mainly through their economic conditions and loss of a solidarity network that had kept them 'alive' back in Sur.

Loss of home is also similarly described by Naze. After describing the solidarity network in Sur once again, she says, "it is what we lost. When it was lost, we couldn't find peace anywhere. This place feels like a cage, like a prison to us." Naze also describes a stuckness with her references to the new apartment they moved to as a 'prison' and 'cage.' On the other hand, the emphasis on a 'social death' is also remarkable as she reveals that the meaning attached to the home for her was parallel to the meaning she attached to Sur and what all the respondents described as a solidarity culture. According to Mbembe (2019, pp. 74-75), this dual loss of a home and "social death" makes a space wherein attachments and belongings are changed and lost one by one. Therefore, the exposed subject is made open, as detached from her belongings, to the oscillations of Necropower, which characterizes "a permanent condition of 'being in pain'" experienced under late-modern colonial occupations (Mbembe, 2019, p. 91). Mustafa, with his emphasis on 'imprisonment in a life' that he uses to describe their life after their displacement, also narrates his experience through stuckness, and it is by drawing on this feeling of stuckness that he describes the unjust practices of the state:

They did not only destroy our home but imprisoned us in this life. It's ridiculous that they believe that all these can be compensated by paying a couple of hundred liras. This won't bring justice. —Mustafa, life history interview

In line with these meanings attached to the home, loss of the home is revealed to be experienced as more than dispossession and displacement, as significantly appears in the descriptions of this loss as dying and social death. Therefore, respondents' justice aspirations are shaped by what they defined with repeating references to the injustice they experienced.

7.4.3. From 'constant state of dying' to 'right to housing'

After the urban warfare and until today, as of 2021 the legal struggle mainly covering the violations of the right to life and prohibition of torture continues with the help of volunteer lawyers even though they mostly encounter preventions. Tens of applications directly made to the ECtHR are rejected,

pointing at the Constitutional Court to apply to in the first place. Following the application of the family of a 12-year-old girl shot to death by the police on the first day of the curfew in Sur, the Constitutional Court made the applicant family pay compensation to the Interior Ministry on the grounds of the neglect of the family by letting their child go out to buy bread during the curfews (Evrensel, 2019). Lawyers told me that they are prevented systematically in every step of their legal fight. It is still ongoing. However, it seems like it has reached an end regarding the expropriation decision.

The destruction of Sur is provided a legal framework on three grounds, which Deniz, one of the lawyer respondents, describes as a "complete disgrace" before highlighting the conflicting scopes of the laws applied in this same area:

In the decision of the Council of Ministers, the state of urgency and its reasons are not specified. This is one thing. Secondly, you cannot perform a risky area application in an area declared a protected area. The authorized body with Law No. 2863 is the Ministry of Culture and Tourism. The authorized body with Law No. 6306 is the Ministry of Environment and Urbanization. A risky area decision requires an evacuation of the area. The protected area decision requires protecting the inviolability of the area. These two laws, which necessitate completely contrary steps, are currently being applied simultaneously in Sur. It would be an understatement to call it lawless or illegal; it's ripping law apart.
—Deniz, lawyer, interview

As Deniz elaborates on, Sur is included in the scope of the "Urgent Expropriation Decision," issued with the decision of the Council of Ministers on March 21, 2016. This decision, however, also covered the parts declared as historical sites to be protected by the "Law on the Conservation of Cultural and Natural Property." More than 1,700 buildings in Sur are legally classified as historic and placed under protection, and the historic city walls and the fortress surrounding the district and the Hevsel Gardens lying between the walls and the Tigris River were classified as world heritage sites by UNESCO in 2014. This historical significance of Sur also provided the second legal ground suggesting the renewal of the buildings that are not considered to be constructed according to the historic fabric of the district. Then there is also the third legal ground, their declaration as a risky area, based on the "Law on Restructuring of Areas under Risk of Natural Disasters." Through this, further gentrification projects are applied, and the expropriation decision is grounded. Therefore, the legal fight mainly concentrated on this conflicted implementation of the laws, whereas the forced displacements and what people experienced throughout cannot yet find a legal ground to be discussed, but

most of them have been prevented on their way to the court and still await reaching the Constitutional Court.

Fatma recalls the day that the expropriation decision was taken as follows:

They forced us out... They told us – that is it, you are moving out. One day, the lawyer said they deposited money in the bank on your behalf. Money... don't pay attention that I am saying money. They opened an account in our name for a sum of 500 liras only. They gave us a date and told us to leave by then. I said no. I wouldn't go out. I am not leaving. I told them that I wouldn't survive if I left. ... There is a lawyer, Bekir. He said, sister Fatma, they will force you to move out. They would evacuate whether you took the money or not. There is a law saying that. I asked how the law could get me out of my house, how the law could destroy my house. So now they have a law? They forced us to move from our village before, they took us out of our house also then... but the law... I heard the law at this age. They demolished our house right after we moved.
—Fatma, life history interview

Fatma's neighborhood was one of those declared a gentrification zone, and, referring to that, they were forced to leave their house. As they refused to leave, curfews were declared and they lived without electricity and water for months, although it was long after the clashes, Fatma also told me. But through the expropriation decision, that which Fatma refers to as 'the law,' the state could evacuate all the neighborhoods. Derya, as a lawyer, provides the legal framework for Fatma's experiences as follows:

Urgent expropriation can take place in three cases according to the law. The first is when the defense of the land requires it. The second is in extraordinary situations, which are included in special laws. The third is in urgent situations, which are decided by the council of ministers. The state indicated the third reason, the council of ministers took the decision; the reasons for its urgency are uncertain. According to the Expropriation Law, in cases where an urgent expropriation decision is taken, the immovable can be confiscated within seven days. With this decision, they could displace people, who weren't leaving their houses before, from the neighborhoods at once. —Derya, lawyer, interview

Without defining the reasons for the urgency, they could evacuate all the neighborhoods, as Derya mentions. Fatma's narrative concerning the money deposited in their bank account is the rental assistance, which Mustafa also referred to as a couple of hundred liras. Both Naze and Fatma told me they refused to take the money even though it was already deposited in their bank account. They were later called to come to the governorship and sign a document. Naze explains the content of the document they were asked to sign:

We said we wouldn't go out like that. We didn't want the money. We didn't sell anything. We didn't sign anything. But we saw that they opened a bank account on our behalf, deposited money there, and then forced me to sign the document. I can't read Turkish. I sent my lawyer. He told me that it was a document saying I knew I had to be displaced because of terrorism. I can be illiterate. But I know what I lived, and I know what they can do with that document. I didn't sign, asked the lawyer to send the money back. —Naze, life history interview

Fatma, Naze and Mustafa, who were offered rental assistance, all declined to sign the document and receive the assistance. They were asked to sign a document declaring that all their loss was due to 'terrorism' and because of the 'terrorist organization,' which would then prevent them from applying to the international courts against the state, which Naze also implied by saying that "I know what they can do with that document." They are required to sign the same declaration, not only for the rental assistance but also for the partial compensation for belongings and property lost that they offered with a significant delay. All the respondents told me they strictly refused the money and to sign the document. The document they were asked to sign can be considered a 'documentation of truth' that the state needed to form its own discourse regarding the displacements. On the other hand, this truth production is attempted to be facilitated even through inconsistent ways by the state apparatus. The legal grounds shown for the displacement, in the cases of Fatma and Naze, were the renewal of the risky areas and the expropriation. However, they were asked to declare that they were displaced due to 'terrorism,' which is not referred to by any legal framework that the state provided. This inconsistency is considered intentional by the respondent from TIHV. She tells me that this signature asked for the documentation of displaced people's testimonies would also mean that the state had no accountability and underlined that this signature could also be used in the cases on violations and massacres concerning urban warfare by the state:

Not only for cases for displacements. These signatures would provide them legitimacy in the eyes of the international actors. It is a way for the state to say that, yes, I was fighting with the terrorist organization there, and these people also suffered from that. In this way, it can eliminate its accountability regarding the displacements and the violations of the right to life. —TIHV, interview

While the respondents engage in a game of justice, by assigning unjustness to all the practices that made them experience loss of the home, the state was building a narrative and engaging in a game of truth, and through the mechanisms it activates, it facilitates its truth production through such

declarations. In the legal scene, on the other hand, lawyers filed a suit asking first and foremost for suspension and then the cancellation of the expropriation decision as it is contrary to the law and public interest. In the lawsuits, besides the previous decisions taken by the council of ministers, they draw on the above-mentioned conflicting implementation areas of the laws applied to the historical significance of Sur, and the violation of the rights to live in a healthy environment and the right to housing regulated by the Constitution.

The right to housing provides a narrow scope to translate the meanings attached to the home and people's experiences following the 'loss of a home.' The loss of the home is revealed to be experienced even before the displacements by the shifts of the meanings attached to home from a safe place to a sanctuary and a battlefield, and to Sur from a solidarity network to a war zone. Moreover, loss of the home experienced with these changing meanings, and eventually with displacements, are described as a constant state of dying. This experience of loss as dying and social death is more complex than a loss of the homeplace in a literal sense. Therefore, these experiences' attempted translations into the right to housing cannot correspond to these multitudinous experiences narrated as a purgatory.

Lawyers filed a lawsuit against the ministry, lost the case and the expropriation continued. Naze tells me how she experienced this legal process through constant waiting:

Yes, the state has seized these places. They told us that it was for public order. I did not know what the public [using the Turkish word, *kamu*] means until then. Then I learned it was me, it was us, so for our order? Or are we not, of course, not the public of this state. Then lawyers always came and went to our house, to the street. Every day one lawyer was coming, every single day. They came from the human rights [association], their lawyers came every day. We waited... Then, in some places, they removed the curfew in those places they destroyed. We saw that they flattened it. There were many important places in terms of history. ... We waited... another year has passed. Lawyers have received a petition from us. They sued this public thing of the state or something. Nothing has happened, and another year has passed like that. Then I said, where should we go? Lawyer told me that he didn't know. How should I know? Who knows? They offered us 30 thousand [liras] in return for a registered two-floored house. With that money, you can't even buy a single room, forget about a house. I refused to take the money. Years passed. —Naze, life history interview

Naze's words on the suggestion of the expropriation decision for the public good are remarkable in pointing out the two contesting subjectivity regimes, especially when she emphasizes that they are "not the public of this state." She

further elaborates on a stuckness that is not only spatial but also temporal, with her repeating references to waiting and the years passing. Under the curfew, when following the decisions, in each and every step their stuckness got strengthened, as stuckness due to the loss of a home that is hard to be translated into any legal category.

Starting with 2018, singular lawsuits concerning the particular buildings declared as cultural assets to be protected have resulted positively, and so far, ten cultural assets' expropriation decisions have been canceled with ten different singular lawsuits. Deciding the removal of the expropriation of particular buildings one by one with singular lawsuits can be considered a strategy that removes the experiences of loss of the home, dispossession and displacement of the people, and the overall depopulation of Sur from the context of the places with high touristic potential. This singular handling of buildings and their cultural value depopulates the legal fight as well and detaches it from the collective experience.

Conclusion

This chapter attempted to answer the second research question and its sub-questions:

- To what extent do justice aspirations in Northern Kurdistan comply with state law?
 - How are subjective experiences incorporated into state law?
 - How does state law shape subjective experiences?

In order to answer these questions, I focused my inquiries on dispersed spatial arrangements that were revealed by interplays of multiple truth-subjectivity regimes and so the games of justice that enable excluding, penetrating and contesting assignments of justness and unjustness to certain practices and claims. By revealing different understandings and formations of legalities and experiences, it attempted to explore emplacements of various experiences and how they are translated into another spatial arrangement. This chapter was organized into four sections that subsequently looked into; i) the becoming of justice within resistances (in Northern Kurdistan) in the form of claims and aspirations, subjectivity in Northern Kurdistan that appeared as a resisting subjectivity to Turkishness – whose dynamics were discussed by the previous chapter; ii) Kurdish human rights lawyers' transitory subject positions enabling subjective experiences' translations into legal categories; and the illustration of

translations by focusing on two empirical themes of iii) death and mourning and iv) home and displacements.

The first section of the chapter revealed justice's becoming drawing on a different temporality as something to come and forward-looking, in the form of claims and aspirations raised by the struggles in Northern Kurdistan, unlike its becoming within Turkishness as instrumentalized in the present time to legitimize the current procedures and/or arbitrary interpretations of the substance of the laws. In other words, justice appeared to become the justification for claims made by various struggles in Northern Kurdistan. Through these games (of justice in Northern Kurdistan), formulation of justice (by the games of Turkishness) is attempted to be threatened and delegitimized. Justice in Northern Kurdistan was revealed to be initiated by the attachment of unjustness to the practices that Turkishness either attached justness to or entirely excluded from its justice games by submitting to a zone of nonexistence. Therefore, this section further revealed a singular-subjective justice that appeared to become a 'collective claim' under the (resisting) Kurdishness truth-subjectivity regime contesting the one of Turkishness. In other words, this section revealed not only the games of justice in Northern Kurdistan drawing on singular subjective experiences but also the inscription of these singular subjective experiences into a collective memory that form Kurdishness as a shared resisting subjectivity. The legal fight attempted to be initiated against the state informed by the game of justice in Northern Kurdistan that attaches unjustness to state practices was revealed to be subjected to strategies of the state apparatus that attempt to prevent them from gaining legal characteristics. On the other hand, this section further touched upon the tactics adopted by lawyers against these strategies, distorting the mechanisms, coordinating strategies and turning them into fields of tactic.

The second section looked into the Kurdish human rights lawyers' subjective positions. Their transitory subject positions were revealed, drawing on their subjectification in Turkishness truth-regime by participating in the legal system as lawyers and resisting Kurdishness by being Kurdish and sharing the subjective experiences shaping Kurdishness as a resisting subjectivity. This transitory subject position appeared to facilitate lawyers to become translators of subjective experiences and (justice) claims into "neutralized," "rational" legal categories and different subject positions offered to them as they move across different spatialities (of Turkishness and Kurdishness truth-subjectivity regimes). This translation was unveiled to be multilayered and interwoven as lawyers move across different spatialities of power-knowledge, regimes of truth. Even though they share the games of justice in Northern Kurdistan due to their similar subjective experiences, they still believe in the law's capacity

to do justice, as this belief is understood to be what legitimizes their profession in their eyes. Therefore, this transitory subjectivity was revealed as experienced by lawyers as either being tamed by prejudices in the judiciary working as a disciplinary strategy or an opportunity to raise justice aspirations in the courts or a stuckness making them feel, in their own words, 'useless.' All these experiences were revealed as shifting references of lawyers for their self-technologies, producing them in different ways either by taking Turkishness truth-regime as a reference for self-technologies or by taking Kurdishness truth-regime as a reference for self-technologies or by feeling stuck in between. The subsection further inquired into these shifting references to stuckness and opportunity on the possibilities of law to form a site of memory. Despite all the preventions and practices lawyers call illegal, extralegal and arbitrary, this subsection revealed that lawyers consider their efforts in this inhibited legal field to form an archive to remember present injustices in the future. This subsection presenting lawyers' self-identifications with being archivists introduced one other layer to the translation that is the translation of lived experience into the documented memory of the legal field.

The following two sections illustrated the translation of subjective experiences to legal categories by thinking justice through two themes that intensely appeared in the empirical material: death and mourning and home and displacement. Both sections traced each theme's appearance from subjective experiences to legal categories.

The third section tracing death and mourning in subjective experiences focused its inquiries on interfered mourning by formulating the question of 'just death' as drawn on mainly the enforced disappearances, but also unidentified murders and gravelessness in general, reforming the mourning within complex spatialities of truth, justice and death. It was revealed that the notion of death in Northern Kurdistan is characterized by mourning, by being able to mourn as mourning and interference in mourning and death operate as a collective process of subjectification. Therefore, this part made explicit that the subject positions offered to Kurdish dead bodies by the state apparatus by classifying them as those who die or who are neutralized offer subject positions for the survivors through interfered mourning. This subject position was revealed to be a complex grid of melancholic, collective, angry and political, as well as resistant subjectivity. Melancholy and anger, personal suffering and social memory and the pain of loss and the political struggle were revealed to be interwoven, blurred. They altogether form a collective subjectivity performed in everyday life, so it is 'ordinary'. Therefore, resisting Kurdish subjectivity was revealed to be collectively inscribed into the complex grid of mourning and shapes those subjected to it as not only grieving relatives but

also political subjects holding political positions over certain claims through which they collectively formulate justice. This collective inscription was further discussed through the practices facilitating its intergenerational transfer and characteristics of Kurdishness subjectivity as a resisting subjectivity that was understood to be facilitated by an insistence on mourning against the mourning hierarchy attempted to be settled by the state apparatus.

In the second part of the section, I traced the attempts of legal translations of this complex grid of mourning and subjectivity in Northern Kurdistan. This part mostly drew on preventions encountered when this translation was attempted, except for a period described as a 'democratization process' and the relatively 'softer attitude' of the judiciary. Even in that political atmosphere, however, the justice aspirations of the relatives could not be fulfilled as even the functioning legal mechanisms were revealed to be operated and drawing on a different truth regime (of Turkishness) that informs law's truth-pursuit. Truth-pursuit appeared to be highly articulated into the complex grid of mourning in the justice claims inscribed into Kurdishness subjectivity, emphasizing the significance of 'investigations' of both the whereabouts of the disappeared and identities of perpetrators. Further looking into the translation of death and mourning into legal objects that one can claim rights over, the domestic legal cases unveiled the impossibility of translating these multilayered, complex subjectivities and experiences shaped by death and mourning into existing legal categories. The complex experiential dynamics triggered by enforced disappearances are broader than the categories into which their legal translations reduce them. The right to life that appeared as one of these categories was actually empirically attached to the claims made on the right to a fair trial, right to death, right to burial, right to a 'just' death, and even beyond the realm of 'the right,' by actually being turned into a truth-production. On the other hand, the violation of 'prohibition of ill-treatment,' which was understood as a legal category utilized to translate the experience of interfered mourning, was revealed to be drawn on a depoliticized, decontextualized suffering passive victimhood. In contrast, it was revealed that the mourning inscribed into the collective memory and subjectivity of Kurdishness takes shape in daily life and introduced its ordinariness accompanied by anger and a discourse strengthening the struggle in Northern Kurdistan, which would in no way fit into this 'victim category' suggested by the Court. On the other hand, the insistence in the legal fight and turning death and mourning into legal objects despite this 'lost in translation' were discussed as another field opened by Kurdishness to enable mourning and described as performing the rights that had been denied. Finally, this part traced these translations in the scale of the ECtHR. This translation, into individual cases,

was revealed as missing the collective inscription of death and mourning, on the one hand, and the systematic characteristics of these violations on the other.

The fourth and final section revealed the meanings attached to the home, facilitating thinking justice through the home. Meanings attached to home appeared to centralize home within binary formations of subjectivity over 'us versus them', and feelings attached to the homeplace such as warmth, safety and collectivity place justice aspirations within the walls surrounding 'the home.' In other words, spatial references to justice claims points at home. Further continuing the inquires, in the second subsection, I traced the shifting meanings attached to home during the Sur urban warfare, curfew, resistances and, finally, after the forced displacements. This part first showed that the meanings attached to the home by Sur inhabitants are broader than the boundaries of the homeplace and involve Sur in general. During the warfare and curfews, it is understood that the meanings attached to home change, and home is named as a sanctuary under attack, a battlefield and a place where the Sur inhabitants had to 'watch' and 'listen' to the war. This subsection argued that 'loss of home' was experienced before forced displacements due to the change of Sur from a solidarity network to a war zone. Loss of the home was revealed to be experienced as a constant state of dying and more complex than a literal loss of the homeplace. In other words, the attached meanings to the shifting meanings of home and forced displacements were revealed as being imprisoned somewhere between life and death, in a 'dying.' Therefore, the last subsection deals with a not-yet-finalized legal fight. However, it still revealed that the right to housing into which these experiences of displacements were reduced does not 'do justice' to these multitudinous experiences of loss of the home which respondents narrated as a purgatory. On the other hand, the singular legal achievements concerning particular buildings declared as cultural assets to be protected one by one with singular lawsuits were discussed as a strategy removing the experiences of loss of the home, dispossession and displacement and overall depopulation of Sur from the context of the places with high touristic potential. At the same time, this depopulates the legal fight by detaching it from the collective experience.

This chapter's inquiries showed that resistances use state law to voice their claims in the legal realm as well, either to perform their unrecognized rights, in the words of a respondent, or to record the experiences also via legal means, despite the hope of attaining justice with existing legal mechanisms was revealed as very low. On the one hand, translations remarkably offer a different subject position to Kurds for them to be able to fit into existing legal categories. They facilitate a monolithic victimized subjectivity detached from experience; homogenous, decontextualized and depoliticized. On the other hand, they

decontextualize the experiences by presenting them as singular-individual, despite these experiences' engagement in the production of collective subjectivity and memory. This singular individual portrayal of cases can even be considered a strategy to prevent collective memory in Northern Kurdistan from being transmitted to the next generations. Therefore, relationalities between the state law and resistances in Northern Kurdistan can be understood as contesting. This can be discussed by referring to strategies and tactics. By using the legal mechanism, which coordinates Turkishness strategies, to inscribe its own subjective experiences, Kurds engage in a tactical move by distorting the functioning of the mechanism Turkified. Strategies take place and engage in a further absorption of these experiences, either through prevention strategies or legal categories, making them fit into acceptable homogenous and depoliticized categories. Against the backdrop of this two-fold relationality, Kurdishness also takes multiple forms and produces its own mechanisms and strategies as a fluid power-knowledge grid beyond absorbing

Chapter Eight

Truth, Justice and Law in Stateless Settings

We are disgusted not only by the Turkish state but by the state in general. After seeing what the state is doing and what it can do, why would we want any state? Let its name be Kurdish state, be Turkish state. Let it be a capitalist state or a socialist state. In any case, it will be monistic. Look, I'm saying this even though I'm a Kurd and a socialist. Let's form a state; before you know it, you'll be like Turks. So, I don't want it. I want to be free. I want Kurdistan to be free. I want individuals, peoples, the country and land to be free. Are we free while being oppressed like now? No. But we cannot be free when we establish a state and become the oppressor, either. As long as there is a state between you and nature, between you and the other person, you cannot be free. People who developed themselves enough to know how to get along with each other and with the land, nature, wouldn't need a state. That's what freedom literally means. If you tell me now, you don't have the right to choose, and you can establish a state right now, of course, I haven't lost my mind enough to refuse [laughing]. I would have taken my state and then fought against my own state. Maybe it would be easier to destroy. —Abdullah, life history interview

Throughout this study, the state appears in a very particular form, like a uniformed entity, even as a subject perpetrating, operating and forming, shaping, absorbing and equalizing many different things it is attributed within itself. It is used to refer to the teachers, soldiers, law, courts, different institutions and appears as an independent subject who acts consciously. In most parts, it is personalized. It appears almost like an authoritative person. It becomes the subject hidden behind a 'they' pronoun to refer to an unknown perpetrator. These references to the state, without any nuances, are indeed empirical and particular to the ethnographic analysis conducted. It would not have been very surprising to see its use in a completely different way that

would distinguish its different functions and institutions from one another in another study conducted in Western Turkey (see Navaro-Yashin, 2002). Therefore, it is defined in Kurdistan through being exposed to it in a particular way – an experience that triggers an equalization of the whole ensemble of institutions, functions and operations of the state, and even those embracing the citizenship bond to it (see Chapter Six), as reflected in Abdullah's words pointing at the risk of being like Turks in a possible establishment of a Kurdish state.

"I don't think that we should consider the 'modern state' as an entity which was developed above individuals, ignoring what they are and even their very existence," Foucault argues, "but, on the contrary, as a very sophisticated structure, in which individuals can be integrated, under one condition: that this individuality would be shaped in a new form and submitted to a set of very specific patterns" (1982, p. 783). This submission of the individual to a particular individuality resonates in Abdullah's words pointing at Turkishness as the subjectivity of the state, the form of the 'shaped individuality,' the condition for integration into the state, Turkishness is a risk, the state is rejected. Abdullah's emphasis at the end of the quoted excerpt that he, of course, would not have rejected the formation of a state in a hypothetical either/or scenario still marks the state that should always be fought against in any condition. Therefore, it can be argued that the political aspirations of Kurdistan are made over a stateless political organization. In other words, statelessness is not a mere exclusion from a social contract producing a suffering Other but might take the form of an aspiration as well, the aspiration of a stateless society. Exclusion of the state and any stately form can be traced as the contours, which set the limits, defining the boundaries of a truth-subjectivity regime in Northern Kurdistan.

The preceding empirical chapters' inquiries, despite being analytically informed by the 'microphysics' of power (exercises) circulating through each encounter and relationality, have not entirely exceeded the prevailing reference to Turkishness' power grid, notwithstanding the apparent and inevitable power interplays within the resistances inquired into by Chapter Seven. The first empirical chapter, Chapter Six, looked into the Turkishness truth-subjectivity regime, its boundaries in the form of national borders, and the becomings of law and justice within the contained and container spatiality of Turkishness, by epistemologically positioning its inquiries into Turkishness to reveal its absorbing and excluding mechanisms. The following chapter, Chapter Seven, moved to exclusions engaged in by Turkishness and drew on Kurdishness as a resisting subjectivity to reveal the relationalities between them, and scrutinized the translations of subjective experiences informing justice aspirations in

Northern Kurdistan to the legal categories (of the state law) following lawyers as vehicles, while positioning itself epistemologically in resisting Kurdishness subjectivities' interplays to trace the translations. In other words, in both empirical chapters, I have so far focused my inquiries on the state law first from inside and then from outside of the Turkishness truth-subjectivity regime. This last empirical chapter, on the other hand—despite their inevitable resonations—epistemologically moves away from the Turkishness truth-subjectivity regime and meanings attributed to state law within that to answer the third and last set of research questions:

- How is everyday life organized socio-politically beyond the state in Northern Kurdistan?
 - o How is law formulated and institutionalized beyond the state?
 - o How do formulations of justice inform operations of law beyond the state?

To answer these questions, this chapter focuses its inquiries on truth-subjectivity regimes in Northern Kurdistan activating different becomings of law and justice. It attempts to understand the forms in which power gets organized in Northern Kurdistan and what kinds of dispositives it forms within the truth-subjectivity regime enacted by the exclusions of state and state-like, without a state apparatus attempting to 'fix power-knowledge' in a centralized body. Therefore, by moving beyond epistemological strategies and the experiential deficiencies of the state law portrayed as an almost transcendental-like inscription in between individuals, I trace contingent appearances of spatializations, subjective positions and legality and legal settings in Northern Kurdistan, in the everyday life of Amed.

This chapter's inquiries are organized into three sections. I first look into the border-making practices of Kurdistan, the strategies used in its spatialization and in sustaining its borders against the backdrop of the naturalization of the nation-state borders, drawing on collective memory and shared experiences. By providing the spatial context and answers to where Kurdistan is and how it is marked within this section's inquiries, the second section scrutinizes what I call the becomings of Kurdishness – and, thus, the truth-subjectivity regime(s) in practice and the appearances of these subjectivities embraced as power claims over the definition of the public that has been revealed to be perceived as belonging to Turkishness by the previous inquiries. I finally move on to the inquiries on the becomings of law and justice and look into what kinds of power-knowledge interplays trigger the attribution of legality and legitimacy to which mechanisms, despite the lack of centralized organization of a state

apparatus, and what forms justice takes against this backdrop of highly political and institutional—yet affective and contingent—legal governance of everyday life.

8.1. Spaces of Kurdishness: Remembering as cartography

This section presents the inquiries on references drawn on to spatialize Kurdishness. These spaces are not container nor contained, as they do not reinforce a formed monolithic identity or engage in a strict division of geography like nation-state borders territorializing Turkishness do. They are instead revealed to appear in collective memory, and so are as fluid as lived experiences. In other words, even though the national borders drawn by modern nation-states seem to succeed in separating geographies by containing them and engaging in a formation of strict inside and outside, the empirical material indicates that it is not possible to argue that they manage to separate societies, peoples, languages or fragment the living memory. Therefore, geography appears not divided by fixed borders, but saturated meanings and shared experiences do make boundaries appear – boundaries that are not similar to borders surrounding modern nation-states today. Such saturation of meanings becomes visible in namings of geographies different than their official namings, historicizing geographies differently than the official history-writing engaging in producing an origin for the nation and in memorizing geographies through remembering collectively.

In my fieldwork conducted for my previous research in Şırnak, Northern Kurdistan, in 2014, one of my respondents told me a story that is still very much alive in my memory and provides a remarkable example of this collective remembering engaging in a spatialization. It was about one of the raids by soldiers on their house in the 1990s. She told me that she had lost herself, got very angry and started to shout at the soldiers. In response, one of the soldiers hit her and asked whether she knew Halabja, referring to the Halabja Genocide organized by Saddam Hussein on March 16, 1988, in Southern Kurdistan. The soldier told her that the Turkish Military was as strong. The Halabja Genocide, which killed five thousand people, is also known as the massacre coming with the apple smell as chemical bombs used were smelling like apples. That is why her following words were very remarkable. She told me she could actually recall memories and smell apples after that soldier's threat. These memories do not draw on her own lived

experience, nor has the apple smell such a place in her personal memories. It was, however, the collective memory she recalled, a collective experience accumulated, got saturated and spatialized Kurdishness subjectivities. Towards the end of our interview, Baran makes a similar remark underlining shared experiences inscribed in the collective memory in Kurdistan:

Look, go to Rojava [Western Kurdistan], to Rojhilat [Eastern Kurdistan], to Başur [Southern Kurdistan]. Knock the doors randomly. Ninety-nine percent of them will tell you the same things I told you. The remaining one percent is probably betrayers since their grandparents. They will tell you about their betrayals. The story of all Kurdistan is the same. —Baran, life history interview

Baran's words are remarkable in pointing at a different border-making practice than the one of the nation-states. Despite the fragmentations of Rojava, Rojhilat, Başur and Northern Kurdistan (Bakur) – wherein the stories he told me throughout our interview took place – by the national borders of Syria, Iran Iraq and Turkey, the experiences, he argues, are shared. The border-making practice he engages in by saying that Kurdistan has a shared story is different from the border-making practice of modern nation-states that form a shared story by engaging in official history writing. In other words, while the experiences get saturated by being shared and spatialized, official history writes a story to legitimize the contained space. Both are indeed power exercises operating to attach meaning and value to geographies to claim ownership over, but the forms these power exercises take are different. The border-making practices of nation-states are for centralizing power dynamics for the colonization of power's omnipresence, whereas border-making for Kurdistan (in this scope) appears to operate through dispersed power exercises and circulate through lived experience and collective memory.

Border-making practices in Kurdistan are further revealed to be engaged through kinship and family references. Although Berat was currently living in Amed as of our interview, he was from a border town in Silopi, Şırnak. Even though references to families divided by borders form a pattern that appeared in the empirical material, this division is even more remarkable for those from border cities as it even divides nuclear families there. Berat tells me:

Look how many people are in prison just because they said Kurdistan. I mean, why are you arresting them because they said Kurdistan? Its name is Kurdistan. How else can one refer? ... The people on the other side of the border, which the Turks call Northern Iraq, are our relatives. For example, my sister, aunt and nephews all live there. We are not strangers to each other. We are a family, but our passports say that we are foreigners to each other. ... Of course, I am

identified with my family, not with a piece of paper saying we are strangers. —
Berat, life history interview

Naming is at the core of border-making practices, as illustrated by Berat. He engages in the legitimation of the naming of Kurdistan by delegitimizing the one of the states, Iraq and Turkey in this case. He emphasizes changing references that these two namings draw from to reveal the attachment of different meanings by these two contesting border-making practices. The delegitimation (and legitimation) he attempts is facilitated by different games of truth. In other words, different subjectification regimes in practice at the national borders inform his narrative. He engages in delegitimation by revealing that the fragmentation of the geography through official borders does not actually fragment the subjectivities with his shifting references to compare these two subjectification regimes: from “people on the other side of the border” to “relatives and family.” Therefore, he argues that the naming of Kurdistan has a more substantial ground as it is defined over kinship and family, whereas the namings of Turkey and Iraq are drawn on “just a piece of paper” - the passports, that is, and so the citizenship and national identity. While Berat refers to family to facilitate a naming, Serap’s story can be considered the other way around, by revealing a trace of a family after engaging in a naming. As mentioned in Chapter Six, Serap is one of my two Kurdish-Alevi respondents. Our interview is dominated by her identification with Kurdishness since she was previously identified as a Turk due to the compartmentalization of Turkishness discussed earlier. She tells me that she first got politicized within the Kurdish movement and then traced her family roots, and continues:

I traced and found our relatives in Rojava [Western Kurdistan]. I learned that we were all exiled at different times, migrated to different places in Kurdistan. I found some peers, distant cousins, in Kobanê [Rojava]. I reached them on social media. We facetimed. Then it clicked. They were just speaking like us. Their Kurdish is just like ours. For example, I can’t communicate much with the people in Amed in Kurdish. It’s quite different. But with these distant cousins, I realize that everything is the same, our accents, use of throat, everything, also with friends from Kobanê that came to Amed after the [Syrian] war. Totally same. Kinship. A large family is scattered in pieces, and borders are drawn between. —Serap, life history interview

Any kind of naming is indeed political and reveals power interplays. Therefore, Serap, after getting politicized and adopting the naming, as she told, traces the family roots which reciprocally legitimized the naming she adopted. Her

reference to the use of language appears like a further layer legitimating this naming which operates as a border-making practice. Drawing on the language, she reveals the family bonds and, similar to Berat, attaches illegitimacy to the borders drawn by nation-states with her emphasis on “a large family, scattered in pieces.”

Border-making is revealed within the game of truth, and different practices of border-making are inscribed and get legitimized within different subjectification regimes. All subjectification regimes are also historically conditioned, and all border-making practices require historicization and permanence. Maps can be considered one of the most effective tools for the historicization and permanence of borders. Nation-states naturalize their border-making practices through adopting a certain historicization engaged by official history-writing. They provide permanence through this linear history attached to nationalization and get legitimized by taking part in atlases. On the other hand, even though historicization in bordering Kurdistan is revealed to be provided by collective memory and remembering, how it facilitates its permanence is not yet discussed in depth. Moreover, it can even be argued that being deprived of a fixed apparatus such as a state that colonizes history in its official linear history-writing can threaten the permanence of Kurdistan’s borders. Living memory attached to the borders of Kurdistan is revealed to be provided permanence through an oral cultural tradition, *dengbêjis*.

Dengbêji is an oral cultural tradition that can be described as singing stories without musical instruments, or, as Chyet (2003) defines it, “minstrelsy” and “the art of being a *dengbêj*.” *Dengbêj* is the name given to a storyteller and comes from the Kurdish words *deng* (voice) and *bêj* (tells, from *dibêjin* - to tell) (Bochenska, 2005). *Dengbêjs* are poets who memorize stories and transmit them from generation to generation. These stories are memorized, renewed following new events and told by *dengbêjs* over the centuries (Scalbert-Yücel, 2009). *Dengbêjs* sing *klams* (song-stories) with vocal melodies for making the long story easier to remember, more effective and entertaining (Nezan, 2002, pp. 54-55). The musical feeling embedded in the narrative turns the utterance into a power that directly appeals to affections. In Amed, there is a *Mala Dengbêjan* (*Dengbêj* House), affiliated with Amed Metropolitan Municipality, which is open to the public every day from morning to evening, and different *dengbêjs* come during the day and perform, individually or together. I went there two times, had a chance to listen to more than five *dengbêjs*, their call-and-response duets and around ten *klams*. They were not only singing but also acting like actors; presenting it as a tragedy if the story requires it, for example, or taking the place of heroes/heroines in the stories and singing the story with dialogues, dramatizing and making the

characters of the story better understood. *Dengbêji* tradition and the stories carried today via *dengbêjs* is a broad topic covered by many studies. I will not engage in an analysis of the stories they sing nor trace their historical references. However, in three *klams* that I recorded during my visits to *Mala Dengbêjan* and later transcribed, a particular characteristic relevant to this section's inquiries was revealed. I would describe this characteristic as 'cartographic.' They do not only have repeating references to places where the stories take place, inscribing them into collective memory, but also engage in border-making practices, as the lyrics taken from all three *klams* I recorded illustrate, particularly in the emphasized parts below:

The flower of my heart is unique. *It is Kurdistan from Gilidag* [Ararat, Northern Kurdistan] *to Kermanshah* [Eastern Kurdistan]. *All tribes are here.* Many blondes and brunettes have gathered, I seek and seek, but no one among them is dear to my heart.

I said... by God; Rûm [refers to the Turk here⁴⁶] is a traitor. May his home be destroyed. You cannot trust the word of Rûm. I know they will catch me one day and turn my road to foreigners [exile]. ... If I go during the day... *towards the Shengal road* [Southern Kurdistan], *from the Suruç plain* [Northern Kurdistan] and *the edge of Mardin* [Northern Kurdistan] ... *it is full of relatives from the beginning to end.*

Now I can get a decree *from Amed, from the capital.* I do not care whether I get it. Even my head should go for your sake, come on, it is enough, I am getting old because of you.

Not only geographical references to mountains, roads, plains and buildings but also the family bonds are marked ('all tribes are here,' 'full of relatives') by these *klams* almost like a mapping, as there are many repetitions of such places, roads and geographies throughout the *klams*. Moreover, they also attach political-administrative meanings to geographies, for example marking Amed as the capital (of Kurdistan). In this sense, they engage in political mapping, draw administrative borders and transmit these mappings to generations through memorization. Maps engage in a game of truth by carrying the claim to represent reality in some form. This 'reality' represented (produced) by

⁴⁶ Even though Rûm refers to Eastern Romans, the people of Anatolia, the Middle East and the Balkans during the Byzantine Empire and currently to the Christian population in Anatolia, in Kurdistan the term was assigned the meaning of 'the one coming from the West.' In *klams*, stories and expressions, it is used for the Turks, who are in the West and coming from there.

maps draws on particular social, political, cultural and historical ‘true-s’ and reciprocally reproduces these trues. In this respect, there is a geopolitical discourse in which power-knowledge is hidden behind their representation. This power-knowledge gets concretized and further spatialized, becomes visible and is attached sovereignty by being “inscribed” and functioning “within a territory ... nevertheless the effective, real, daily operations of the actual exercise of sovereignty point to a certain multiplicity, ... one which is treated as the multiplicity of subjects, or [as] the multiplicity of a people” (Foucault, 2007b, p. 11). However, the cartography engaged in by *dengbêjs* draws a different map that, on the one hand, names, marks and borders geography, and so fulfills the function of maps to provide permanency to the space claimed. On the other hand, by being a memory practice accumulating and circulating through lived experience, it is fluid, multiple and does not incarcerate subjectivities within a concretized, frozen, represented reality. In this sense, *klams* sung by *dengbêjs* work as maps of noncontainer spatialities, as fluid, dynamic, multicentered and dispersed as power-knowledge relationalities.

This section discussed the border-making practices of Kurdistan and revealed that they inscribe power-knowledge relationalities on geography and make a sovereignty claim over a territory through naming. On the other hand, however, they are neither contained, as they are as dynamic as collective memory and remembering, nor container. Despite engaging in a game of truth (and so a subjectification), they do not surround subjectivities with strict identity categories. In this sense, this section informs and provides the spatial context for the following two sections, in their inquiries looking into multiple power-knowledge dynamics active in producing Kurdishness subjectivities and triggering becomings of law and justice. In other words, by offering a context without constraining, this section provides tools for understanding the appearance of subjectivities and law and justice in a stateless setting wherein the constraints cannot be easily traced.

8.2. Becomings of Kurdishness

Remembering and collective memory, whose spaces exceed national borders and lived experiences are revealed to inform the border-making of Kurdistan – the spatialization of Kurdishness, in other words. Space and subjectification are in a co-constitutive relationality, however: It is not only the spatialization of Kurdishness that reveals Kurdistan but the appearance of Kurdishness

subjectivities also engage in spatializations. These subjectivities can be traced by following the semantic references of *Kurdistanî*. *Kurdistanî* has a spatial-territorial connotation which can be translated as ‘pertaining to Kurdistan,’ or ‘Kurdistan-related.’ The empirical material revealed the multiplicity of meanings attached to *Kurdistanî*, different references to describe what and who are related to Kurdistan in which forms. Even though collective memory is revealed as a tool for the border-making of Kurdistan, what Kurdistan is and what it should be have different answers. In other words, by being deprived of an alleged transhistorical-given inscription of Kurdistan on a state apparatus, there are different meanings attached to it, despite a consensus on its borders. References to *Kurdistanî*, illuminating what is considered as related to Kurdistan, reveal the meanings attached, the multiple truth-subjectivity regimes locating themselves within the borders of Kurdistan inscribed into the collective memory. These inscriptions and truth-subjectivity regimes are indeed political-ideological, as all truth regimes are. In a stateless setting, however, none of these political ascriptions are hidden behind a neutral, impartial portrayal. They instead appear within and through the subjectifications triggered by different parties and ideologies. They are differentiated from one another through their aspirations about Kurdistan, which highly informs the appearance of different subject positions.

Mehmet highlights these different aspirations and ideological formations surrounding *Kurdistanî* by engaging in fragmentation, highlighting a division between ‘us’ and ‘them’. Different from previous chapters’ discussions on an ‘us’ and ‘them’ division that appeared to be operationalized to highlight a detachment of Kurdishness from Turkishness, however, Mehmet’s ‘us’ and ‘them’ points at a detachment from what he calls the ‘appropriated meaning’ of *Kurdistanî*:

Kurdistanî is appropriated by the PDK [Kurdistan Democratic Party – *Partiya Demokrat a Kurdistanê*] supporters. They describe it [*Kurdistanî*] in a highly nationalist, discriminatory way, referring to an independent nation-state. We would use it to the contrary. It is not Kurd or Kurdish, but *Kurdistanî* – I mean all about Kurdistan. Including Armenians, Arabs, Assyrians, Turkmen living in Kurdistan. It corresponds to *Türkiyeli* in Turkish. Not nation, but geography-oriented. —Mehmet, life history interview

It was interesting to hear Mehmet’s likening of *Kurdistanî* to *Türkiyeli* when considering their different in-practice operations. *Türkiyeli*, which can be translated as ‘from Turkey,’ is a definition coming from the grassroots aiming at a discursive change in the socio-political realm of Turkey. It has turned out to be the politically correct address to the citizens of Turkey among the left-

wing, liberal circles as of the early 2000s, whose use and area of influence have increased in the last decade. Besides *Türkiyeli*, Turkish in general is gradually getting removed as an adjective, leaving its place to Turkey, for example in addressing the cinema as “Cinema of Turkey” (*Türkiye Sineması*) instead of “Turkish Cinema” (*Türk Sineması*). In other words, it is introduced to highlight the multiplicity of peoples within the national borders officially recognized as what marks Turkey. *Kurdistanî*, on the other hand, is operationalized the other way around. It is mostly used to make Kurdistan visible, functioning as a border-marker, operationalized to highlight the borders surrounding the Kurdish-inhabited areas. That is to say, they are indeed similar in their attempts to overcome a nonrecognition in the official history, but these nonrecognitions are different. *Türkiyeli* is used to highlight diversity, whereas *Kurdistanî* is used to highlight commonality.

That is why Mehmet’s words likening them can be considered as falling into a truth-subjectivity regime that exceeds this official nonrecognition that *Kurdistanî* is operationalized to overcome. This regime is not concerned about making Kurdistan visible, as Kurdistan’s existence is not a question mark. Therefore, it is not operationalized to counter the exclusions of Turkishness, but, by taking its reference within Kurdistan, its operation gets similar to the one of *Türkiyeli* – to mark the multiplicity of peoples in Kurdistan. At that point, he is not talking within a resisting-subjectification regime characterized by its contestation of Turkishness but within a power grid that might also have its own excluding constraints. Different responses to these constraints inform Mehmet’s formation of ‘us’ and ‘them’. This ‘we’ and ‘they’ embodied in the PKK and PDK is a strongly facilitated pattern to distinguish ‘we, patriotic Kurds,’ from ‘they, nationalist Kurds’.

The PDK is the founding, and currently largest, party and the senior partner of the Kurdistan Regional Government of Iraq in Southern Kurdistan. Conflicts between the PDK and PKK have a long history taking all forms from armed clashes to political-administrative collisions. The PDK is highly criticized by all my research participants, referring to “the nationalist, conservative, tribal and right-wing policies” of the PDK, its “collaborations with the Turkish Government” and “the corruptive web of relations of the Barzani family” dominating the administration of the party since its foundation in 1946. The main reference my research participants made to distinguish the PDK from ‘them,’ however, is rooted in their different ideological alignments informing the changing aspirations of Kurdistan.

It is important to remember that all my research participants, not only those I interviewed but also everyone else informing the inquiries of this thesis, identify themselves as patriotic, so these different meanings attached to

Kurdistanî can only be traced in their engagement in an ‘us/them’ division. Patriotic refers to the supporters of the Kurdish Freedom Movement, specifically the PKK. It carries more of a left-wing anti-colonial rather than a conservative-nationalistic connotation. Patriotic appears as a truth-subjectivity regime remarkably determining, triggering and shifting discourses in Northern Kurdistan, which becomes utmost visible in the discursive shift from the 1980s to 2000s among Kurds, in line with the PKK’s changing ideological alignment. Founded as a Marxist-Leninist party fighting for an independent socialist united Kurdistan in 1978, the PKK went through an ideological political transformation, changing its aspirations of Kurdistan accordingly, as the previous chapters also highlighted. The PKK’s replacement of the ideal of a united Kurdistan nation-state with a confederal system, Democratic Confederalism, coined by Öcalan, inspired by libertarian socialists, that can be considered anti-state, triggered a discursive shift in Northern Kurdistan that is impossible to ignore. This system, which Öcalan suggests as a worldwide revolution against the existence of nation-states, underlines the horizontal-power of the grassroots and peoples and is based on an “anti-patriarchal, anti-colonial, anti-state and ecological self-realization,” which would reinform “the principle of the right of nations to self-determination” that has been misleadingly “understood as the right to form a state” (Öcalan, 2012, p. 27). In this self-realization, he strongly underlines the development of self-sufficiency and ethical self-consciousness (Öcalan, 2010), as elaborated in the final section on the becomings of justice and law.

This reference to self-consciousness and self-realization is so strong that it informs the respondents’ identification as Kurdish. Self-identification is strongly connected to a political awakening, which respondents described in regards to their meeting with the PKK, most remarkably, but not exclusively, Viyan and Serap. They both told me that they had been identified as a Turk triggered by their Alevism, as mentioned in the previous chapters. Serap connects her self-identification to her politicization as follows:

When I became politicized... you know, in middle school... yes, I can say middle school... It was then that I realized I was Kurdish. Because I met the PKK. But still, as I said, what is this, how is it, where are the Kurds, what are the struggles in other pieces [of Kurdistan], what has happened, what has been won, what troubles have been endured. I knew nothing about it. Mainly, I'd say that's when I started developing politically, I started to discover my Kurdishness. At that time, I started reading about Kurdistan, learning from it. Discovering myself.—Serap, life history interview

Serap links learning about Kurdistan to learning about herself. Self is revealed to get spatialized and historically conditioned in her narrations. In a very similar vein, Viyan is drawing on self-consciousness, introduced into the everyday discursive performance by Öcalan's indications, as characterized by *Kurdistanî*:

After I met the PKK, I realized that I was Kurdish. My *Kurdistanî* consciousness started to develop. Reading about what happened in Rojava, Rojhilat, Başur, what prices were paid... On the one hand, I realized where my own identity belongs. ... I was like a kid just trying to learn with enthusiasm. Likewise, I still cannot say that I have complete historical knowledge, but I embrace it as I learn, as a part of who I am. —Viyan, life history interview

Similar to Serap, Viyan historicizes, spatializes and politicizes Kurdishness, and links her own self-identification to it. *Kurdistanî* becomes an adjective for consciousness, almost working as a substitute for 'self-'. As reflected in her words on her embracement of it as who she is, self appears to be *Kurdistanî*, and *Kurdistanî* is formed in a historical-political context, further working as a border-marker. Both Serap's and Viyan's words find their meaning as self-technologies, as a way they act upon themselves.

Foucault defines self-technologies as enabling individuals to perform a series of operations on their own bodies and souls, thoughts, ways of acting and modes of existence, either by their own means or as triggered by others, thereby transforming themselves. Modern power is closely related to the "making of the self." Indeed, there is no subject prior to power, and it is impossible to talk about an autonomous conscious experience outside of power relations or the existence of an ahistorical transcendental self. The production of self is formed under the gaze of the power in every situation, and individuals come before the power by making themselves subjects. Subjectification is not only triggered by being subjected to a negative repressive power, however, but also by the productive power relationalities facilitating subjects to form their self, through self-technologies, through consciousness and self-knowledge (see Foucault, 1988). *Kurdistanî* is what characterizes the self, and self-technologies are narrated as being triggered by "meeting with the PKK." Self is historicized. Its historical conditioning in Kurdistan is repeated by them both. Kurdistan and *Kurdistanî* then become both a self-technology and what triggers singular technologies of the self, by engaging in a continuous production of the self, subject, as the power-knowledge grid in practice, on the one hand, and itself by the transforming potential of self-technologies in return on the other.

Sabiha, further participating in this discursive performance of self-realization, self-making and realization attaches a gendered aspect to it as well. Being raised by a conservative Sunni family and married off at a very young age, she describes her self-identification as a woman and a Kurd again triggered by the PKK. Despite the similar emphasis on self-realization as a Kurd, her following story is different from Viyan's and Serap's. Unlike them, Sabiha has always been identified as being Kurdish. Therefore, her reference to self-identification after she meets with the PKK points at a formation of Kurdishness contingent upon a political awakening. Her following words imply the patriotic, political subjectification as the only possible form of Kurdishness subjectivity:

The first movie I have ever seen was *Beritan* [based on a real-life story of a woman PKK guerilla]. When I first saw *Beritan*, it affected me a lot. I remember getting strength from it, then I sat and watched that movie 18 times in a row. What has happened, what a woman is capable of... As a woman, only after that was I able to see the truth, my inner strength... Because we live in such a society, such an environment in which we cannot even breathe as women. That society makes you blind to who you are, your power. And I got strength from that movie. I found that power in myself. And actually, I realized the strength within me as a woman at the same time that I realized that I am Kurdish. Because when I met the ideology, when I met the party [PKK], when I met the women's movement, I realized something, I realized my femininity. I realized the power inside me. I realized the conservatism of the society I live in. And at that time, I was married, and under tremendous psychological pressure from my husband at home, and with this awareness of femininity I developed, it became unbearable. —Sabiha, life history interview

Even though the figure of the guerilla, in general, has an attributed “quality of realness that others lacked,” by occupying a space in “Kurdish political imagination ... above and beyond everyday matters and outside of the colonized space of Kurdistan,” ‘woman guerilla’ is whom Üstündağ (2019) defines as “the truth of Kurdistan”. By drawing on her and her colleagues’ fieldwork experiences as Turkish researchers in Northern Kurdistan, she remembers that they were repeatedly told that meeting a guerilla woman is the most accurate way of grasping the “truth” of Kurdistan (p. 133). My experience is not any different from theirs. The woman guerilla figure is always described as the ultimate reference of Kurdistan and Kurdishness to me as well, as the one who succeeded in a complete ‘self-realization’ which a man guerilla did not necessarily achieve, as he needs to continuously “kill the man inside” (Öcalan, 1999, pp. 286-287). This ‘ultimate truth’ echoes in Sabiha’s self-technologies triggered by the story of *Beritan*, a woman guerrilla. *Beritan*’s

story is attributed a symbolic meaning as what triggers Sabiha's 'seeing,' 'opening her eyes,' letting her find 'the truth.' Her references oscillate between two truth regimes, the one of Turkishness which makes her "blind to who she is" and leads to a 'not-that-real Kurdishness,' which can be revealed by the difference of her "realization that she was Kurdish" from the similar emphases made by Viyan and Serap who, unlike her, use this realization in a literal way. In other words, despite Sabiha's identification as Kurdish since early childhood, it is her politicization she describes as 'getting closer' to it. The woman guerilla figure setting up the 'ultimate truth' of Kurdishness and Kurdistan, self-realization as a woman, as a Kurd, as a patriot, takes its reference from that ultimate truth whose accomplishment is embodied in the figure of a guerilla woman as the only figure having achieved complete emancipation and therefore realization.

Despite the different political references to *Kurdistanî* that are revealed in their formation as the 'other Kurdishness,' I will draw on the different subject positions triggered by this patriotic subjectification of Kurdishness in the following subsections. Building on the underlined discursive detachment from the 'public' that is revealed as perceived as of the state in the preceding chapters, the following inquiries are about the appearance of Kurdishness subjectivities attached to the patriotic subjectification to make a claim over the public, challenging the binary of the private-public sphere. Taking the saturated meanings spatializing Kurdishness as their discursive and performative references, they appear in the 'public sphere occupied by the state' and claim ownership over it. Therefore, the following subsections engage in a tracing of the appearances of the power interplays of Kurdishness (whose boundaries are revealed to be determined by the patriotic, in the scope of my research) to define what is public and private and how and for and by whom it is constituted.

8.2.1. "Ez li virim."

Defendant started his defense in Kurdish. He was warned that he would be cut off if he did not switch to Turkish. He continued in Kurdish, saying that he has been in eleven hearings but still has not been able to defend himself. "Now I want to make my defense," said he and continued in Kurdish. "First of all, I condemn the solitary confinement of President Apo [Öcalan]. I salute those who are fighting for democratic life and freedom," he was interrupted by the chief judge again. Interrupting the defendant, the judge warned that his right to speak would be cut if he continued to make statements with propaganda content. Defendant switching to Turkish, said, "I think this is a political court,

not a legal court. That is why I have to make my defense this way. You are judging me with your political identity. My identity is also a political identity," the [chief] judge cut off the defense again, ... the defendant is taken out of the courtroom. —DBA 8, Courtroom observations

This excerpt is taken from the courtroom observations conducted and noted by a human rights organization in one of the case files (DBA 8) collected from the Bar Association. The official hearing records from this same case, concerning "disrupting the unity and integrity of the state" and "being a member of a terrorist organization," do not give room to this scene. Instead, records state that "the defendant talked in an unknown language and was taken out of the hearing due to his disobedience to the Court." The defendant's strategy of the revelation of the political formation of the court is significant since similar strategic patterns characterize political defense statements of Kurdish political prisoners, the most common one being the use of Kurdish in defenses. The legal obstacles surrounding the right to defense in the mother tongue have been removed with the amendment of the Code of Criminal Procedure, in 2013, by an addition stating that "defendants may make their oral defense in another language that they declare to express themselves better." In practice, however, these obstacles are still reproduced by the arguments suggesting that the defendants' competency in Turkish would mean that the choice of a Kurdish defense is a political, propagandist act (see Gazi, 2018; T24, 2015). Even though these acts of removal of Kurdish from the public sphere is illegal and an apparent human rights violation, it is not entirely inaccurate to argue that Kurdish, particularly when used in the defenses, is assigned a political meaning.

Since the "Law on legally banned languages" – that had been introduced by the junta government after the 1980 coup d'état – repealed in 1991, Kurdish has been shaped within the binary of the public-private sphere. Containment of Kurdish within the private sphere is ascribed a new meaning, and its insistent use in the courts gets politicized and turns into a political statement on its own. This meaning attributed is against the Kurdish language's equalization to, and containment within, the private sphere and becomes a 'statement of existence.' This statement of existence is also a literal one. Rezan, as a lawyer, describes the dominating patterns of the thousands of hearings where the defendants speak in Kurdish:

In the courts, after identifying the defendants, attendance is required to be taken. During the roll call, defendants are expected to say, "*Buradayım*" [I am here, in Turkish]. When the judge reads the defendant's name, they actually say what they are supposed to say: "*Ez li virim*" [I am here, in Kurdish]. But saying, I am

here, in Kurdish has a deeper meaning, and when a thousand of them say, "*Ez li virim*," it creates a tremendous wave. —Rezan, lawyer, interview

Saying “what they are supposed to say” but in Kurdish turns ‘I am here’ into a statement of existence. The difference between ‘*buradayım*’ and ‘*ez li virim*,’ then, exceeds being a simple language switch. ‘*Ez li virim*’ enacts a different order of truth. The judiciary, as the authority of the production of the spatial-social order of the courtroom, loses its power over the procedures in that social order. It is not that the defendants resist the social order and its procedures; they do not constitute a resisting subjectivity in that context. They instead appropriate the procedures over whose functioning the judiciary claims an authority. They claim ownership of the procedures and enable a power switch within the courtroom through this appropriation. By following procedures, but changing their function, defendants engage in a political-performative act enacting a different spatiality within the courtroom. Kurdish, whose space is assigned as the private sphere, is brought into the public sphere of the courtroom, opens up a different spatialization that enacts a different truth order. Within the physicality of the courtroom, the clash of two power interplays emerges, triggered by the distortion of the public-private binary. The trial’s routine procedures are exposed to a “subversive repetition” by being used by the defendants. The notion of “subversive repetition,” coined by Butler (1997a), points at this productive use of existing mechanisms through their different contextualization (p. 14). She suggests that “the task is not whether to repeat, but how to repeat or, indeed, to repeat and, through a radical proliferation, to displace the very norms that enable the repetition itself” (Butler, 1990, p. 148). A simple translation of *burayım* to *ez li virim* displaces the procedures by their strategical use to enforce a subjectification regime.

A similar enactment of a different truth order emerges in the nuance between the acts of ‘avowal’ and ‘expression,’ utmost visible at the defenses of PKK guerillas. Defining their role as lawyers in the trial of guerillas as just to ensure that the defendants make their statements in accordance with the procedures rather than preparing a defense on their behalf, Deniz reveals this nuance by illustrating from the trial of a guerilla that he was involved as an attorney:

He said that he accepts that he has been engaged in all the acts he is accused of consciously, conscientiously and voluntarily, that he is a part of the PKK's honorable freedom struggle and rejects that this constitutes a crime as he rejects the court and does not recognize the authority of state courts in judging him. In that case, my role was just to be sure that the court followed the procedures and that my client got his opportunity to make a statement. There is nothing to defend. It is not a confession he makes; it is an expression of rejection of the

state and the court. We cannot ignore the agency and will of our clients in such cases. We can only look after if the court functions as it is supposed to. —Deniz, lawyer, interview

Every truth-subjectivity regime shapes, is shaped by and appears within its own constraints, which, in this case, leads to the PKK guerilla's statement of 'nonrecognition'. The instrument utilized to make this statement, however, lies in the heart of the modern criminal justice system, 'avowal.' Foucault, in his genealogy of avowal, points it out as what modern criminal justice strategically uses to enable a shift from the criminal act to the identification of the delinquent subject (2014). In this case, however, the avowal required for facilitating reconstitution of the subject as delinquent is also exposed to a 'subversive repetition.' The PKK guerilla's statement beginning as an avowal emphasizing acceptance of all the acts he is accused of, later turns into an expression that belongs to a different truth regime wherein these acts do not constitute a crime. Therefore, he rejects to be subjected to the 'delinquent subject' position offered and enabled by the act of avowal and turns the rules of the game within the courtroom upside down by attributing a different meaning to the very same act, relying on a different game of truth forming the sayable things within itself in different ways. At that moment, the trial's procedures cannot be followed, as illustrated by Deniz when he says that he does not prepare a defense in such cases. In other words, in a criminal trial, the rejection of the very formulation of crime and the court system handling it dissolves the court and turns it into a space of expression utilized by the PKK guerillas.

'Subversive repetitions,' and appropriation of the categories, instruments and procedures of power inform this section's tracing of the subjectivities inscribed into a different realm of truth than Turkishness. This trace reveals the line between resistance and power by relying on their nuances. Even though this line is thin, it is disclosed and thickened when drawing on spatializations, spaces that are enabled by and for the performative expressions of subjectivities, the spaces occupied for truth production. The subjectivities that are traced in their exclusions and absence within Turkishness, in Chapter Six, and in their counter-appearance and changing forms to be able to resist Turkishness, in Chapter Seven, are revealed within their power-knowledge grid, through their own strategies and self-technologies in this section. These subjectivities rely on 'spaces of Kurdishness' and further participate in their enactment and multiply them. What distinguishes them from those inquired into in Chapter Seven is their appearance apart from Turkishness, even in the strictly regulated atmosphere of a courtroom. This revelation resonates in the

defendant's words in the courtroom scene shared at the beginning of the section: '...your identity is political, so is mine...' This cannot be considered as a mere countering. It transmits the power of absorption, whose form in Turkishness has been subject to inquiry until now, from the court to the defendant. Engaging in a truth game, the defendant falsifies the claim of neutrality and legality of the court and so absorbs the very existence of the court, whose existence is contingent upon this claim in the first place. As they are not colonized within a monolithic formation of a nation, these subjectivities appear to be multiple while they all share one particular feature. '*Ez li virim*' echoes in the following subsection, characterizing motherhood's exposure to subversive repetitions through mothers occupying the public sphere for truth-telling and appropriating the paradigm of acceptable motherhood.

8.2.2. Motherhood beyond the boundaries of sacredness

Quasi-mother, that's how they call us. We are real mothers. The most real mothers... We say that nobody's child should die anymore. Is this what makes us so-called mothers? One of my sons has participated [in the PKK]. They lost the other. Who are you to call me a so-called mother? We say let this dirty war end. We want our children to come back. While one of my children is in the mountains, we say that the other should not go to the army, that our children should not come face to face in the war. Does that make me less of a mother, a fake mother? Am I less of a mother because I say 'let my children live' [*çocuklarım sağolsun*] instead of 'long live *vatan*' [*vatan sağolsun*]? —Naze, life history interview

The difference between '*vatan sağolsun*' and '*çocuklarım sağolsun*' marks a disciplining strategy of the formation of motherhood, distinguishing 'real' mother from the 'quasi-mothers.' Strongly linked to the gendered construction of nationalism and militarism, the role of women is determined within a sanctified motherhood category, and the mother is formed as a figure who is supposed to give birth to the nation, state and land and raise children that are ready to sacrifice themselves for the *vatan* (homeland). Mothers avoid saying 'my child's body is sacrificed for the sake of *vatan*,' therefore are emplaced beyond this sanctified category of motherhood, turning the expression of '*çocuklarım sağolsun*' into a reformation of motherhood, as is the case with the Peace Mothers Initiative. Naze is an activist in the Peace Mothers Initiative that came together in 1996 for a peaceful solution. Their visibility in the public sphere increased remarkably after their march from Amed to Ankara in 1999. With the nomination of Müyesser Güneş, one of the Peace Mothers, for the

Nobel Peace Prize in 2005 for initiating the "1000 Women for Peace" action (İnce, 2014), their visibility transcended Kurdistan and Turkey. Even though the initiative describes motherhood as a supra-political universal identity and acts with the idea that anti-war solidarity can be organized between Kurdish mothers and Turkish mothers and aims to include all mothers affected by the war in Turkey and Northern Kurdistan, only a few Turkish soldiers' mothers supported the initiative. Therefore, Peace Mothers currently mostly consist of PKK guerillas' mothers.

The mother as an activist figure, discursively drawing on her 'motherhood rights' is not an exceptional case for Northern Kurdistan. Similar protests have been initiated by mothers in many other contexts of political violence, from the Mothers of the Plaza de Mayo in Argentina (Bouvard, 1994; Taylor, 2003) to the Palestinian Mothers (Hammami, 1997; Peteet, 1991, 1997), sharing the driving force on gathering for their children exposed to the war and state violence. The peace activism of mothers is a distinct case occupying the familial and political realms, further blurring the public-private binary, transforming both familial, private and political-public domains. Their choice to get organized under 'motherhood' has been long discussed by some feminists accusing them of getting articulated into a category utilized to create a hierarchy between women (see İnce, 2014). It can be argued that at the point of this embracement of the motherhood, however, that Peace Mothers could engage in a subversive repetition and go out to the public sphere with a subjectivity that is supposed to be contained in the familial and private, claiming a power over the definition of 'real motherhood,' as Naze highlights by saying that they are the 'most real' mothers. It can be argued that the subjectification within motherhood itself enabled Peace Mothers to have a say in the public sphere as a political subject, rather than confining them to traditional roles.

While most women I met at the Peace Mothers Initiative are also part of the Saturday Mothers' sit-in protests, the discursive formation of these two initiatives distinguishes them from one another in their demands and forms of action. This difference facilitates me to handle Peace Mothers' activism as enacting a different truth order by engaging in a subjectification that is radically different from the one of Turkishness, unlike Chapter Seven's inquiries into the Saturday Mothers revealing them as articulated in a resisting subjectivity. This can be traced in the following excerpt from Naze's interview, who is both a Saturday Mother and a Peace Mother:

Yes, let my child have a grave, let me bury him, let me mourn. Let his murderers be prosecuted. But after that? I mean... let the state confront what it did. What

will happen to Siphon [her guerilla son]? Well, will he be able to return home after this confrontation? Is making peace only about the past? Tell me...why did our children go up to the mountains in the first place? Why are they still in the mountains? Even if they say, okay, we did this and that in the past... Why would my son come back unless they changed other things that made him go up to the mountains in the first place? What about his cause? Of course, let the perpetrators be prosecuted. Let us have our graves. May all mothers have a grave. But again, no one's child should die in war anymore, should not get lost. ... For this, everyone, everything needs to be changed. —Naze, life history interview

Naze's words can be considered as a comparison between the demands raised by Saturday Mothers and Peace Mothers. Different from Saturday Mothers who embrace the 'motherhood rights' to a burial and to a grave, occupying the boundaries between life and death and resisting the mourning hierarchy created by Turkishness, Peace Mothers engage in a redefinition of 'motherhood rights' over a right to promote the political ideals of their children, 'their (political) cause,' as formulated by Naze. This difference is echoed in their aspirations of justice as well. Saturday Mothers, defining justice over mourning and the prosecution of perpetrators, can be considered asking for 'retributive justice'. Peace Mothers' demands, however, can be fulfilled only through 'restorative justice,' echoing in Naze's emphasis on her guerilla son's chance to return home. Their discourses, as Naze participates in, do not point at particular perpetrators to be identified and prosecuted. Their action is initiated by an already existing identification of a perpetrating system – offering everybody, who is not speaking out to stop the war, the subject position of a collective perpetrator. This difference can be traced in the games of truth characterizing these two initiatives embracing motherhood as an activist subject position, as well.

Saturday Mothers' truth games do not fall outside of the one of Turkishness. That is why the truth they seek is hidden in the mass graves and dusty shelves of the courthouses. In other words, the truth they seek is contingent upon confirmation of external reality, this being the whereabouts of their child, the perpetrated act and names of the perpetrators. In comparison, Peace Mothers' truth games cannot be played within the Turkishness truth regime. There are no hidden truths requested to be revealed in their case. On the contrary, there is a different truth that is enforced on the one of Turkishness, a different truth order enacted. In this order, there is a different truth-subjectivity in play—wherein 'terrorist act' turns into 'cause,' 'terrorists to be neutralized' to 'someone's children,' 'fight against terrorism' to 'war'—enabling them to ask for peace. Peace Mothers do not only occupy the line between life and death,

but open up new spaces turning all the attributed meanings to motherhood upside down. They “unleash a force ... that challenges the boundaries instituted on speech, law, and politics by liberal democracies and state sovereignties” (N. Üstündağ, 2019, p. 116). Peace Mothers transgress the boundaries of familial and private to insistently express the truths that are neither existing in nor acceptable and perceivable by law, the public and Turkishness, not only activating a truth order in public but also in the private sphere, in the households. Naze describes it in terms of her husband’s reaction to her involvement in the Peace Mothers Initiative:

Well, we talked... Condolences are also arranged after our children participate [in the PKK]. When I first started going to the protests, I said that I was going for Siphon [her guerilla son], and Rifat [her husband] thought it was something like that. We didn't know much about what we were doing either. We said that our children should not die. We said that this order should be changed so that they do not die. I got detained, then I started to take action more. I went to the border... Rifat began to get surprised. I am saying that I am going to Silopi one day, I am absent for weeks, I am going to Nusaybin, and I am absent. To Ankara... He is staying at home. Then he got used to it too. —Naze, life history interview

Rifat’s interpretation of Naze’s involvement in Peace Mothers over the condolences reflects the traditionally assigned role to women and mothers in Kurdistan over the organization of mourning, condolences and the attributed function of the sustainment of remembering. This role remarkably shifts with Peace Mothers, transforming mothers’ roles and the organization of the household among Kurds. Naze hints at this shift in the roles in the household by underlining that she leaves home and does not come back for weeks while her husband stays at home. Mother transforms into a political in-action figure engaging in public matters, changing the expression of suffering into the expression of public action, oscillating between public and private, enforcing a change in the public-private sphere and gender roles.

In this expression, they also engage in performative acts to act on the truth regime of Turkishness by attributing new meanings to their bodies. The bodies of the (Peace) mothers turn into something they distort to inscribe the truths they want to enforce. The sacredness and intimacy of a mother’s body, defined in terms of giving birth, is removed, turning the body into a desecrated, perilous public space of expression and truth-telling in the actions of human shields. Rozerin, whom I interviewed as a representative of [X] Woman Association, tells me of her experiences from when she accompanied the Peace

Mothers in their actions between 2011-2012, years marked by intense human shield actions by the Peace Mothers:

Armed clashes were very intense in 2011-2012. Mothers said, get up, we're going. One form of action they often resort to is being a human shield. But that year was remarkable... hundreds of women from all over the region, tens of human shield actions each lasted for weeks... They went to Lice, they went to Şırnak, hundreds of women. In one of them, they aimed to cross the border to go Kandil [Southern Kurdistan, where the PKK's main base command is located], I was in the activist group that supported them in fulfilling their needs. They stayed at the border for days, weeks, arm in arm. You should have seen it. I'm talking about women aged 50-60 on average. There were also mothers over the age of 70, 80. They waited for weeks in front of the panzers. A huge army is lined up to prevent them from crossing the border. Soldiers fired their weapons up in the air to disperse them. No. They didn't move even a single millimeter. ... Of course, they got blocked, couldn't cross the border, but they succeeded in reducing the intensity of the clashes by keeping watch for weeks. —[X] Woman Association, interview

As Rozerin also relates, there are many examples of Peace Mothers becoming human shields, including those during the urban warfare in 2015 when they entered into neighborhoods under curfew, turning their bodies into shields during the clashes, trying to open up a buffer zone. They stayed in the conflict zone for ten days in Sur. There were also many other cases where they aimed to cross the borders against the Turkish army in Northern, Western and Southern Kurdistan and the Iranian army's aggression in Eastern Kurdistan (see ANF, 2011), pointing at the border-marking practices they engage. Mothers manifest a new form of agency both in the familial and the public political stage. By leaving home, traveling to conflict zones, aligning in risky, potential target areas, even if they were not able to entirely stop the clashes, they managed to slow them down, as Rozerin also mentioned. These actions blur the boundaries between sacredness and desecration, not only of the mother body but also of human life. The management of life and death in the modern biopower of contemporary warfare engages in forming an ideological expression highlighting the sacredness of life (Lemke, 2011). This ideological expression triggers "the moralization of politics" wherein "inequality is replaced by exclusion, domination is transformed into misfortune, injustice is articulated as suffering, violence is expressed in terms of trauma" (Fassin, 2012, p. 6).

Through their actions, which can be called against this "moralization of politics," Peace Mothers move beyond being a resisting subjectivity. They make a strong statement of power by turning into human shields against the

depoliticization of life and its reduction into mere survival. In this way, they convey the political meaning inherent in the act of risking their own lives to protect the other, an “Other” with whom mothers’ bond is deemed sacred, their children. The insertion of their bodies into the conflict zones almost constitutes a “just existence,” a life existing only in its relation to justice (Benjamin, 2004). They change the necropolitical strategy of introducing death into life by forming and getting subjectified within a power web and introducing justice as the prerequisite for life. Within this subjectification, justice appears not as a mere aspiration taking its reference from the experiences of suffering, mourning or dispossession, but is contingent upon the becomings of these subject positions and is inscribed on their bodies. That is to say; it is linked to the very becomings of the subjects, not as a triggering aspiration but as an embodied power claim.

8.3. Becomings of justice and law

In Amed, mechanisms and networks enabling a legal fight against the state are widely distributed. All the people I met are knowledgeable about even the smallest details of particular laws, have a great awareness regarding their rights protected by laws, without any exception, have lawyers with whom they have regular contact at least once every two weeks and know where to apply when they experience a violation. All the NGOs actively working in Amed have volunteer lawyers through which they provide legal aid, and in most of them, this legal aid is institutionalized and there are lawyers professionally working in these units. All lawyers I met at the Bar Association, regardless of their fields, take or previously took a criminal law case at least a couple of times. Law is embedded in daily life to a great extent. It is almost impossible to spend a day wherein particular laws are not discussed, not only in NGOs or the Bar Association but also in cafés and pubs, in daily conversations. Even the residents who do not know Turkish are familiar with the complex legal terminology of the criminal and anti-terror laws in Turkish, further indicating the discussions and embeddedness of law in daily conversations. In this sense, everyday life in Amed is highly juridified through spread networks and accumulated and transmitted legal knowledge. This extensive engagement with the (state) law, however, appears to be merely on initiating a legal fight against the state. Other fields of state law are not a significant part of daily life, at least to any extent I could observe, and are applied when required but do not shape the perceptions of law and legality in Amed. (State) law means the tool

that the state utilizes to criminalize them or through what they fight against the state. Berfin's following remarks hint at this differentiation:

Trust in the state is zero. Its law is on keeping you in prisons for years, unjustly. Law enforcement people are your murderers, your torturers. I mean, even look at all the changing names of all the courts where our cases are heard. There is always security in its name. There is always terror. It always has a customized name. Why should I use the law that my enemy used against me against my neighbor? —Berfin, life history interview

The courts Berfin mentions are those previously presented, the assize courts specialized in anti-terror law such as DGMs (State Security Courts) and ÖYMs (Special Assize Courts). Berfin's emphasis on "the courts where our cases are heard" reinforces my observations on the perceptions of the law as regarding criminal, human rights and anti-terror cases. However, she transfers the unjustness attached to these particular fields to all the other legal fields as well, as revealed by her reference that she would not use the state law against her neighbor. This clearly points at the tactics utilizing the very same mechanisms coordinating strategies (of power) to distort them. In other words, the legal system, which she defines as almost like a tool of the state used for their criminalization, is considered usable only against the state itself but not against her neighbors. It is worthwhile unpacking these remarks, as the above-quoted excerpt actually occurred right after she narrated a dispute with her neighbor and continued with her experience in different legal settings to resolve this dispute. Such legal settings appear and disappear and are dispersed as they are deprived of a center but still accessible when needed, since they have well-functioning procedures despite the lack of concrete institutional bodies. The very same emphases are made by Viyan, who more openly describes such perceptions and the mechanisms and networks they turn to instead of state law:

For us, the police are the enemy, and so is the law. But we also live here. We also have conflicts to solve, fights between families, robbery, whatever. What would you do? You would go to the police, make a complaint, and open a file, right? It doesn't work like that here. Imagine that there has been a raid, torture incident, or something similar. Then we use state's law. Still, we don't go to the police but human rights [association]. We use this channel to complain about the state to the state, but we never report our neighbors to the state no matter what they do. Instead, village councils gather in villages, or there are different networks in the cities. —Viyan, life history interview

Viyan indicates the instrumentalization of state law only against the state while still pointing at the need for legal mechanisms to resolve conflicts. Similar to

Berfin, she considers opening a lawsuit against her neighbor as reporting her neighbor to the state, further pointing at various subjectification regimes in practice. Police, state and law are enemies, in her words, and cannot be appealed to unless it is used tactically against that very enemy. On the other hand, even if there are conflicts, disputes, fights between families and neighbors, they ‘belong to’ the same regime and do not appeal to the apparatus of the regime that they mark as the enemy.

This meaning attributed to the use and status of law resonates mostly in words chosen by the respondents to refer to the state law. They all significantly share the wording of “state’s law” or “law of the state” instead of ‘state law,’ which linguistically suggests a detachment from the state and law, implying that it is not theirs but the state’s. This detachment of experience from—and state’s possession of—law characterized the previous empirical inquiries around the focus on the transmission of knowledge in the state law. Until now, my analyses of the relationalities between law and justice in Northern Kurdistan focused on the state law to trace different becomings of justice and their endorsements, exclusions or absorptions. These various becomings of justice revealed the responses engaged in by law to justify and sustain exclusions defining its very boundaries.

Looking into the Turkishness truth-subjectivity regime and its boundaries, in the form of national borders, Chapter Six disclosed the co-construction of and relationality between legal subjectivity and legal institution. By epistemologically positioning its inquiries within the contained and container spatiality of Turkishness, it revealed the absorbing and excluding mechanisms deriving their legitimacy from an instrumental utilization of the justice narrative. Chapter Seven, on the other hand, moved to exclusions engaged in by Turkishness and drew on Kurdishness as a resisting subjectivity to scrutinize translations of subjective experiences (informing justice aspirations) in Northern Kurdistan into legal categories by following lawyers as vehicles while positioning itself epistemologically in resisting Kurdishness subjectivities’ interplays. By keeping the focus on the state law, it attempted to understand the relation of law to (excluded) experience.

In other words, I have so far, in both empirical chapters, focused my inquiries on the state law first from the inside and then from the outside of the Turkishness truth-subjectivity regime. These relevant sections of the preceding chapters can be considered as unveiling the repressed experiences and hidden meanings and failed or residual forms of justice. Although they showed the multiple and shifting provenances of law, they did not look into any other form of law than state law. Moving beyond the epistemological questions regarding the changing sources of (state) law in its relation to (appeal to) justice, Serap,

by persistently highlighting a “statement of existence,” raises an ontological question:

The state denied our society our existence. If you ask about the law, isn't it the law of this state? How can its law cover something that the state ignores and denies? Its law, therefore, also denied us. It literally ignored us. We have always been left with lawlessness. Our movement, our claim, which has been going on for years, is a statement of existence above all else. It's a sociological claim. Our culture, our society, exists. We have our country. It exists. And we are actually not lawless either. —Serap, life history interview

Serap describes claims raised by the struggles in Northern Kurdistan as the “statement of existence” against the absorbing mechanisms of the state apparatus (and Turkishness) and the systematic denial and exclusions in which they engage. Describing the existence (of a society, country, law) as a claim, movement and struggle, she hints at an insistent becoming despite all portrayed as nonexistent (by the state apparatus through exclusions). Following particular “statements of existence,” her last sentence articulates law into these existences. If we consider “existence” as possible only through becomings within particular truth regimes, the law also gets coordinated within that regime's *dispositif* and becomes something. The reference to the state law dissolves at that point and turns into something else. This ‘something else’ is deprived of a center. The multiplicity of power interplays that are not colonized by being nationalized within a state apparatus triggers contingent and particular becomings of law as well. Inquiry into these becomings facilitates an understanding of not only ‘how law becomes’ (by setting out limits and boundaries) and what its sources are (that are shifting to sustain its legitimacy), but also ‘what becomes law.’ Relevant sections of the preceding chapters endeavored epistemological questions concerning the source, content and/or movements of (state) law. Therefore, what law is was not an actual concern for the matters under inquiry for which knowing the attribution of legality to certain principles and meanings to particular coded rules or norms within the state law was sufficient. Following Serap's emphases, however, this section encounters the question of ontology—becoming—of law.

8.3.1. Recognition, legitimacy and sense of justice

Repeated references to ‘recognition’ in order to mark these various becomings as law, is first raised in an informal conversation with Ahmet whom I met in Amed. He told me that he was very surprised to see that the people actually do

go to the courts and the police for other issues when he moved to Istanbul, which, in his words, “would not even be imagined” in Kurdistan. He continued illustrating the source of this surprise with his memories of his grandfather with whom he was living together when he was a child. “I remember him being called in the middle of the night when there is a conflict that should be solved immediately before getting worse.” His grandfather was a *ruspî*. *Ruspî*, etymologically coming from ‘white-faced’ in Kurdish, is a name given to reputable elders, opinion leaders whose judgments are trusted and respected. Therefore, even before the emergence of more institutionalized networks attributed legality inquired into later in this chapter, there were *ruspîs*. These mostly were men—although there has been a significant increase among women *ruspîs*, especially in the last few years—that are appealed to in order to solve the conflicts, reconcile the families and, when necessary, come up with some sanctions in the neighborhoods and villages. Reference to ‘recognition’ appears almost like a principle in the attachment of legality to the decisions made by *ruspîs* in our following dialogue with Ahmet after he gave multiple examples from the cases in which his grandfather got involved:

- Ahmet: So, he was the judge in some cases, police in some others [smiling].
Me: I understood that you do not go to the court or the police. But what about the cases that are not necessarily initiated by a complaint. For example, in an ordinary criminal offense, then it is a case for public prosecution, isn’t it?
Ahmet: Yes, but it doesn’t matter. State’s courts’ decisions are not recognized. Let’s say a murder case, which, of course, turns into a public one, right? And let’s say the guy who killed is sentenced by the judge. It is not recognized by the parties involved. It wouldn’t convey a sense of justice. Not even to the victim’s family, even if the court decision is life imprisonment. They wouldn’t let it go unless the decision, may it be a sanction or whatever, depending on the case, is made by the people they recognize. In this case, it is the *ruspîs*. Especially in the villages, it can even turn into a feud. Even the family of the prosecuted would never say, here is the decision, he is already imprisoned, let it go. The court is not recognized by either of the parties. —Informal conversation, April 2019.

Ahmet’s emphasis on recognition and his attachment of the notion directly to the “sense of justice” reveals that this relation of recognition not only facilitates the attribution of the meaning of the law to particular settings, through *ruspîs* in this case, but also to mark the illegitimacy of state law. In other words, attachment of illegitimacy and unjustness to the *dispositif* of Turkishness is attempted to be reproduced over and over again in every domain by avoiding

any practices that would participate in the legitimation of the apparatus. Therefore, it is not only in political cases that the ‘games of justice’ are played, but the illegitimacy attached to the state apparatus, in general, strengthens the appearance of two competing truth regimes, further preventing a ‘sense of justice’ - even in decisions such as the conviction to a life sentence in a murder case, as illustrated by Ahmet. Recognition appears to be a significant aspect introduced as the basis of a ‘sense of justice.’

This reference to recognition is made not only to mark the paths chosen to seek justice but also as what enables them in the first place. Besides *ruspîs*, whose role can be interpreted as traditional and cultural, institutionalization of alternative (legal) settings working as juridico-political networks are embodied after the proposal of ‘Democratic Confederalism’ as a new political organization model by Abdullah Öcalan in 2002. Öcalan described the model in detail through his statements of political defense submitted to the ECtHR to appeal his life sentence and solitary confinement. These were later published in five volumes (see Öcalan, 2010, 2012, 2015, 2017a; 2020). By pinpointing the nation-state as the source of oppression imposing ‘oneness’ upon many, Öcalan holds to a political model entailing a combination of ‘multitude’ and ‘people’ (see Virno, 2004). Similar to the question of the multitude, his proposal of a ‘democratic nation’ favors “plurality of experiences, non-representative forms of democracy, and the self-actualization potential of collectives” (Hakyemez, 2016, p. 77). With this proposal of the rejection of nation-states and the formation of a “democratic nation” under a confederative organization later called and organized as the KCK (Kurdistan Communities Union – *Koma Civakên Kurdistanê*) (Öcalan, 2012, p. 454), the legal realm in practice is also reorganized, generating the KCK Contract in 2005 operating as a constitution, on which I will elaborate shortly. The resonance of this reorganization of everyday life in Northern Kurdistan brought the formation of justice and women commissions, whose activities were most visible during the self-proclaimed autonomies practiced until Turkish Military Forces targeted them in 2015.

My inquiries on these still very active (but currently more confidential) networks raise further ethical concerns as such legal mechanisms and operations are presently one of the most sensitive topics in Northern Kurdistan. The actors revealed to take part in these networks are sentenced to aggravated life sentences charged with disrupting the unity of the state⁴⁷ by being claimed

⁴⁷ As organized by article 302 of the Criminal Code: “Any person who commits an act to place all, or part, of the territory of the State under the sovereignty of a foreign state or to disrupt the unity of the State or to weaken the independence of the State or to separate part of the territory under the sovereignty of the State from the State administration shall be sentenced

to engage in the formation of a ‘parallel state.’ Warrants and trials are still in progress, and even the *ruspîs*, whose traditional role in conflict-resolution in society goes back decades, are convicted with the same charges. Therefore, prioritizing the security and anonymity of my research participants, I will, hereafter, avoid providing detailed descriptions concerning the narratives drawing on recent experiences in these commissions. In some parts, I will further anonymize my respondents by naming them differently than their previously used pseudonyms to prevent a possible match of these testimonies to their previously quoted stories.

Coming back to the relation of recognition, while the rejection/nonrecognition of the state law’s capability to bring justice in any field is prior to the institutionalization of such alternative (legal) settings, their emergence is very much contingent upon recognition as well. So much so that it is pointed out as what is renewed and confirmed in each particular case by one of the members working for one of the Justice Commissions that I had a chance to meet, whom I call Rizgar:

We have a routine in each application; if it does not concern a case of, for example, male violence or drug dealing – there are different procedures for them. But for the other applications, we need to check whether both parties recognize us. It is clear that the applicant recognizes, but it is not enough. So even before listening to either party, we ask them both if they recognize us, our authority in processing this case, and whether they will also recognize the decision, in any case, reminding the applicant that it might be against their wishes. We take the case only after that.

Rizgar describes recognition as a routine followed to initiate the (legal) process, as something to be confirmed in every encounter. That is to say, only after the confirmation of recognition is this mechanism assigned a function of law. The requirement of recognition in each encounter can be considered caused by the deprivation of a center operating to sustain an already inscribed recognition. On the other hand, it is in direct connection to the legitimacy of the commissions as well. Their legitimacy, again due to this deprivation, takes a different appearance than the state law, whose function is portrayed as almost self-legitimizing. Therefore, although these mechanisms assigned the function of law are institutionalized in the form of commissions, they still arise at the point of their recognition, making them derive their legitimacy at that moment. Here the power interplays oscillating across the legal authority of these

to a penalty of aggravated life imprisonment” (CCT, 2004:302 § 1, amendment 29/6/2005-5377/36).

mechanisms are not dependent upon an overall attribution of legitimacy through consensus (Lemke, 2012, p. 10) but instead seek and invent it in the particularity of every single encounter. The question of the legitimacy of the commission or the decision it makes enables its initiation. In other words, the legitimacy of the mechanism is the prerequisite of the emergence of this very mechanism. At that point, recognition appears to be what brings a ‘sense of justice’ and ‘legitimacy’ together in the body of Justice Commissions.

Pointing at the “imperceptible but at the same time infinite distance between the law’s calculation of the rule and the incalculable responsibility of justice” (Goodrich et al., 2005, p. 22), Derrida problematizes the ‘just decision’ as something to be invented in the particularity of each case which makes justice an almost impossible possibility (1992, p. 15), since “each case is other, each decision is different and requires an absolutely unique interpretation, which no existing, coded rule can or ought to guarantee completely” (ibid., p. 23). This uniqueness of each case informs the operations of Justice Commissions, Rizgar suggests:

- Rizgar: Each case is particular and unique. Of course, there are principles we rely on when making decisions, but patterns of each require specific attention. We listen to both parties, evaluate their conditions separately, and evaluate the case accordingly.
- Me: What do you look at when you evaluate their conditions separately?
- Rizgar: As I said, the underlying principles lead the way. They inform us concerning an ethical-aesthetical analysis.
- Me: Then this analysis leads to the decision. Would you consider this a legal decision?
- Rizgar: Yes. ... Law is a just regulation of the relationship of the individual to individual and individual to society, not only to solve singular conflicts but to form a peaceful society. The individual’s relationship to society should be ethically informed, and this relationship is only possible through aesthetic values. Our decisions regulate and prioritize a just and free society in this regulation. They are indeed legal. —Rizgar

Ethics-aesthetics is a remarkably embedded reference even in the daily conversations with patriotic Kurds. It is introduced by Öcalan as the condition for absolute emancipation. While ethics is defined as morality and consciousness of freedom, aesthetics is used to describe self-realization through this consciousness (Öcalan, 2020). Even though this reference is greatly used to define and characterize the optimal forms of a society, a judgment, a life, a behavior—that is to say to describe all the ‘ought to-s’—it lacks an in-depth articulation when used in daily conversations working as a

disciplining strategy informing the discourses mostly in sweeping ways. In Rizgar's reference to ethics-aesthetics, on the other hand, it appears to be used in a highly informed way to link regulation to 'aesthetic' self-realization, ethics and morality to justice and freedom, and individual consciousness to societal peace. She emplaces law in the middle of these interlinked relationalities by defining it as the regulation of the ethical bond of the individual to society and the aesthetic 'self-realization' of singular individuals.

This conception of law is not only different from but also almost the complete opposite of the defining characteristics of modern jurisprudence, which celebrates its discursive separation of legality from morality to which it owes its positivistic, rational, certain and coherent portrayal. This portrayal is drawn and sustained by leaving the questions of ethics, morality and value outside. Such an exclusion provides this modern juridical operation its unquestionable form as it facilitates its declaration of itself as the only valid form of the law and legality (Goodrich et al., 2005, p. 16). This feature of modern law either turns justice into a critique coming from outside or reduces it into an administrative-procedural form inside. The previous chapters' inquiries on the changing references to justice revealed both forms of justice in their relationality to the modern (state) law. The inquiries of Chapter Six illustrated the connection of justice to following legal principles and procedures fortifying an unquestionable attitude of law in the form of procedural justice, whereas justice-as-a-critique coming from outside (of the law) appeared in the strategical use of substantive justice enabling changing political power to deviate from the legal procedures arbitrarily. The latter's reference to substantive justice does not actually refer to an overall critique of modern law, however, but to its particular ideological alignment to be replaced with the one of the new status quo, which is further strengthened by the analyses presented in its following chapter. Even though Chapter Seven can still be argued to draw on a justice-as-a-critique coming from outside (not only of the law but also the truth regime in which it is inscribed), it is different from the previously referred substantive justice problematized substance of laws. By revealing the untranslatability of the experiences informing justice aspirations into law, it problematizes not only the substance of the law but also its form.

Rizgar's description of the operations of Justice Commissions and law, on the other hand, reintroduces the question of ethics and morality into the function of law. This introduction necessitates attention to singular experiences, since otherwise it can also easily fall into the trap of manifesting itself as "the substitute for the denuded value consensus" (Goodrich et al., 2005, p. 17) such as modern law. However, Rizgar's remarks link the legitimacy not to a supposedly univocal consensus nor an already given, self-

attributed validity of the commissions, but to singular, particular consents preceding the commissions' validity through the relation of recognition. Also, her emphasis on the "particularity of each case" suggests that this becoming of law in the body of commissions does not rely on pre-coded rules into which (subjective) experience needs to be translated, but experience informs the legal decisions in the first place. That might be argued as closing the supposed distance between justice and law by not formulating justice according to a firm form of law that de-ethicalize justice but instead formulates law according to the ethics of justice in its singularity and experience-informed contingency.

8.3.2. Popular justice and People's Courts

Rizgar's definition of law points at its twofold operation of "a just regulation of individual to individual and individual to society." Her previously quoted emphasis on the exceptions for seeking a singular recognition marked by her reference to the different procedures in the cases concerning "male violence or drug dealing" can be considered as falling under the latter; 'a just regulation of individual to society.' In these cases, which almost exclusively inform the narratives on the experiences in the commissions I collected, the victim's experience is prioritized. However, 'victim' is not a closed, strictly defined status, which is clearly visible in drug dealing cases. The procedures surrounding male violence cases can be considered exceptions of exceptions, as they are subjected to a different autonomous mechanism. These are the Women Commissions, whose decisions and operations cannot be intervened by any other mechanism—including by the Justice Commissions—on which the following sub-section on 'Gendering Justice' elaborates.

Drug dealing cases, however, illustrate the experiential formation of the victimhood status. Legal decisions are described as facilitated by attention to whom the offender is, rather than an equalization of offenders within a pre-coded description of the offense. Drug dealing is a repeatedly highlighted problem in the conversations during my fieldwork which all somehow argue it is enabled to depoliticize the youth in the neighborhoods by the state and the mafia networks strengthened by the state. That is to say; it is also understood as a political problem that highly resonates in the patterns looked at while 'evaluating' who the offender is. As Lorin illustrates:

Lorin: During the self-government period in Sur, drug use and sales were zero. It is not like it was too low. It was zero. People's Courts were being established for dealers, and they were tried there. Some turned out to be undercover cops. ...

- Me: Who was in the People's Court?
- Lorin: People from each group in that neighborhood. The old, the young, the woman and, for example, Arabs, Assyrians, if any in the neighborhood. Like that.
- Me: What kind of decisions were made? For example, you said People's Courts were established for drug dealers?
- Lorin: Different decisions came out. It depends on who the dealer is. For example, if they use a young guy who has to earn a few liras to survive, he is not punished, but the network that employs him is reached and dissolved. The guy is watched for a while, provided a job and taken care of. But if the person caught is one of the magnates in the mafia network. Then wow. He is labeled and denounced by all the neighborhood. Not only the neighborhood but he is made to leave the city by the hand of the youth [YDG-H]. ... So, different decisions were made depending on the situation. —Lorin

Lorin describes the motives of the decisions that came out of the People's Court by drawing on who the offender is. These motives are informed by the previously mentioned political meaning attributed to drug dealing. Even though organized crime also results in higher sentences in the Criminal Code of the state law, the coded offense is not sufficient to respond to the nuance between the criminal and the criminalized. This difference is referred to as what determines the decisions of the People's Courts. It covers not only the involvement in organized crime but also the motivation and extent of that involvement, as can be traced in the two profiles Lorin draws to illustrate. A guy in need who is used (criminalized) by the mafia network does not fall into the same offender status as "one of the magnates in the mafia network." The former profile can then also be treated as the victim of the drug dealing offense that is considered to target society as a whole. In other words, what constitutes justice reflects on the decisions in different ways - ranging from social exclusion, reeducation or material repayment. Linking this case to the previously discussed reference to ethics-aesthetics, the criminalized's 'aesthetic' self-realization is attempted to be supported by being "watched for a while, provided a job and taken care of," while the network pushing him to crime and the mafia magnates are faced with harsher sanctions for the sake of the formation of an 'ethical,' moral society. These motives characterizing the criminal justice understanding are described as the prioritization of "restoration over retribution" by the KCK Contract.

People's Courts, Lorin mentions, are one of the three institutions that the KCK Contract defines in the institutionalization of the judicial system of the confederative organization, despite their traditional equivalents of

neighborhood assemblies that have been operating as mediating bodies long before the KCK Contract. Even if the judicial system, including the operations of the People's Courts, is drafted in detail by the Contract, their concrete institutionalization in practice can be found only in the Autonomous Administration of North and East Syria (AANES), in Rojava. However, as Lorin hints at by saying, "People's Courts were being established for drug dealers," in Northern Kurdistan, People's Courts do not have a fixed body, but they instead are formed when needed and dissolved until required again. In other words, the cases precede the People's Courts' particular establishments, and they are case-specific and appearing and disappearing mechanisms contingent upon necessity.

The Judicial System defined by article 27 under section 8 on Judiciary by the KCK Contract (2005) describes three judicial bodies as:

... [T]he Supreme Court of Justice, which is responsible for defending the dignity and freedom of the people; the Administrative Courts, which are responsible for maintaining discipline and order; and the People's Courts, which are responsible for solving problems among the people.

The People's Courts, among these three, are described as "responsible for looking at the incidents and problems that arise among the people, the attacks on the security of life and property and the serious conflicts that arise in economic, social, political and cultural areas and decide on them." As mentioned above, the judicial operation theorized by the KCK Contract is not as advanced in practice in Northern Kurdistan but is indeed reflected in the possible case-specific establishments of such judicial bodies, including the appeal authorities. For example, the decisions made by the People's Courts are not ultimate since a request to appeal the decisions leads to the establishment of the High People's Court, whose appeal authority is the Supreme Court of Justice. In other words, despite the restrictions on the concrete institutionalization of the Judicial System as theorized by the KCK Contract, the judicial practice is informed by this theorization, pointing at the possible emergences of judicial bodies.

In such a system that is deprived of the centralized power of a state apparatus, enforceability turns into a question. The question of enforceability can also be traced in our conversation with Rizgar. Her description of the relation of recognition that needs to be confirmed by both parties to initiate the legal process through Justice Commissions made me ask what happens if one party states that they do not recognize it. She answered by saying that she has never been involved in or heard of such a case before, which hints at a kind of enforceability, I would argue, a power of enforceability that cannot be found

in a centralized authoritative body such as a state, but in somewhere else. This power of enforceability can be traced within the conceptualization of justice by the KCK Contract. Again, in Article 27 of the Contract on the Judicial System, the understanding of justice to be sought and constituted is named as “democratic popular justice,” by arguing that the “judicial independence is the basis of democratic popular justice” and that “democratic popular justice is the basis of judicial independence.” Enforceability, then, can be argued not to be rooted vertically facilitated by a central unit equipped with the authoritative power but is distributed horizontally rooted in the smallest locals’ direct-democratic participation.

Foucault (1980d), in the interview he conducted with the Maoists on popular justice and People’s Courts, suggests courts as an extension of the state, arguing that they dis-embed justice from “real social relations” through an illusion of justice to be constituted by a third party, a judge, that is supposed to be the ‘neutral’ gatekeeper of justice, and he describes popular justice as the removal of this third party. He criticizes the People’s Courts suggested by Maoists by asking whether popular justice—which he defines as “acts of justice by the people”—“can or cannot be organized in the form of a court” (p. 9). His answer points at the inconsistencies between the organization of courts and popular justice, raising the impossibility of a system that resembles a state organization with three elements (the two litigants, the ‘third party,’ the judges) to implement popular justice:

In the case of popular justice, you do not have three elements, you have the masses ... masses do not rely on an abstract universal idea of justice, they rely on their own experience, that of the injuries they have suffered, that of the way in which they have been wronged, in which they have been oppressed; and finally, their decision is not an authoritative one, that is, they are not backed up by a state apparatus which has the power to enforce their decisions, they purely and simply carry them out. Therefore, I hold firmly to the view that the organization of courts, at least in the West, is necessarily alien to the practice of popular justice. (Foucault, 1980d, pp. 9-10)

Popular justice can then be considered re-embedding justice into the society through the execution of a subjective, experiential form. This execution is in no way neutral, nor is any (state) court system that claims to be neutral actually neutral. The co-constitutive relationality between judicial independence and democratic popular justice, as highlighted by the KCK Contract, does not seek the independence of the judicial system in its supposedly neutral form but in the experiential feature of popular justice.

Justice becomes a subjective and social process, moving beyond modern jurisprudence's de-ethicalization and de-experientialization of justice attributed to the substance of the coded laws and well-functioning procedures. Coming back to the definition of law, made by Rizgar, as a 'just regulation of the relationship of the individual to individual and individual to society,' in their case-specific appearances, People's Courts perform as a more inclusive body than an external mechanism participating as the third party criticized by Foucault. Even if the KCK Contract's definition includes procedures and assignments of two judges and a prosecutor in the People's Courts, inconsistently reiterating conventional understandings of the 'general will' despite the rejection of the state as an organizational model of execution, in their in-practice operations in Northern Kurdistan, decisions are made collectively without a judge or a prosecutor. In this relationality, justice does not require external mechanisms to be provided but rather is ingrained in society. It is positioned between the individual and society by an elimination of its role between society and the state.

Individuals taking part in the People's Courts are considered as those carrying the ethical qualities of 'justness.' By prioritizing the inclusivity illustrated by Lorin's description of the Court's profile, consisting of "people from each group in that neighborhood; the old, the young, the woman and, for example, Arabs, Assyrians, if any in the neighborhood," People's Courts are attentive to the different subjectivities. The members of the People's Courts are assigned by the inhabitants of the smallest local that the case concerns. Their operation then removes the conceptualization of supposedly 'objective' law and the power of enforceability concentrated in the body of a judge and central judicial execution. Courts' enforceability is derived from its inclusivity opened to different justice games, that is to say a participatory form of justice. This inclusivity sets one of the strengths of the mechanism and takes the operation of the legal mechanism closer to justice. On the other hand, it is also one of the biggest challenges, especially when acknowledging justice's subjectivity, which can indeed lead to an inadequate operation triggered by complexities and multiple becomings.

8.3.3. Gendering justice

Women Commissions are the most mentioned (legal) mechanisms by women respondents. In cases of domestic violence and sexual assaults, women mostly directly turn to these commissions, as they told me that it is through these commissions that they believe in attaining justice. Rojda's following remarks

reveal the legitimacy of these commissions in the eyes of women, and further attaches a gendered becoming into the formation of popular justice:

For example, in femicides, in cases of violence against women... Look at the state's courts, the state's law... Why should I trust them? They make decisions rewarding the murderer of women. As a woman, should I expect the law of the state, which has systematically threatened me to rape me and harassed me, to do justice to me? Of course not. What a man has done to me is again judged by men in state's law. Here, Women Commissions secure justice. Where does it make more sense to apply? —Rojda

Rojda's remarks do not only reveal the game of justice that, on the one hand, legitimizes Women Commissions and, on the other, delegitimizes "state's courts" and law, but also engages in a gendering of truth-regimes into which these two legal mechanisms are inscribed. Her emphasis on that it is always men judges in the state's law reveals this gendering. That does not point at the genders of the judges, but rather shows the gendered formation of Turkishness and its state apparatus. This gendered formation can be traced through the gender-neutral portrayal of state law. This neutrality is utilized to hide the power interplays and draws on an inter-fictionalization of the nation, state and gender. Feminist literature strongly highlights the bond between nationalism and masculinity by pointing at "masculinized memory" as the constituent element of nationalism (Enloe, 1990), fraternity between nationalism, militarism and patriarchy (Cockburn, 2003), the role assigned to women in the ideological reproduction of a national community (Yuval-Davis, 1997) and the allegories surrounding the father state, motherland and nation as a brotherhood (Najmabadi, 1997), and the constitution of women's bodies as ethno-nationalist sites of control (Ashe, 2019). Therefore, becoming of justice within the truth regime of Turkishness that operates as the hyphen connecting the nation to the state is considered masculinized, characterizing Berfin's following remarks made to comment on her previously narrated experiences and testimonies of massive forms of gendered violence at the hands of state agents, especially after her detention as a teenager:

I saw once again how ugly men are before I even met any men. We saw it there. The war showed us the face of not only the state but also manhood, masculinity and the masculinity of the state. The war showed how ugly they are... people who have been raped... I have also witnessed myself, I told you. There are many similar testimonies in that childhood, which we call being a war child. This is how it is everywhere. Always, men bill and women and children pay. —Berfin, life history interview

Despite the multiplicities of self-technologies and subjectivities in Northern Kurdistan, it can be argued that they share this counter-gendered formation targeting the masculinity of the state by particularly drawing on the different forms of gendered violence perpetrated by Turkishness and its state apparatus, as elaborated on in the following section. These forms of gendered violence inscribed into the subjective experiences, as Berfin describes, inevitably shape the perceptions of justice in society. Attachment of gender is not only then to the practices but is also in line with a gendered becoming of justice that leads to the gendered formation of legal mechanisms.

Semi-autonomous women's organizations in Kurdistan can be traced back to 1995, to the formation of the first Union of Women Guerillas within the PKK, followed by the establishment of the autonomous women's party, in 1999, currently operating under the name of PAJK (Freedom Party of Women of Kurdistan – *Partîya Azadîya Jin a Kurdistan*). PAJK is the pioneering ideological party of women for woman emancipation within the front organization of KJB (Community of Assertive Women – *Koma Jinen Bilind*) (Akkaya & Jongerden, 2013, p. 200), which is an autonomous unit within the umbrella of the KCK. These autonomous units of women for women are also reflected in the functioning of legal mechanisms, and the KCK Contract openly states that the “particular issues falling under the KJB Contract is subjected to the KJB's autonomous judicial bodies” (2005). The ‘particular issues falling under the KJB Contract’ ranges from all forms of male violence to all the cases falling under the realm of the family courts in the functioning of the state judicial system. This is embodied in the body of the Women Commissions in the daily life of Northern Kurdistan.

Women Commissions are described as the only possible mechanism that is believed to bring about justice by women I talked to. A legal functioning informed by women's experiences in the cases concerning women radically shapes the discourses and the socio-political organization of daily life. The decisions made by the Women Commissions are narrated as much harsher than those of Justice Commissions. Women's experiences are prioritized, and the victimhood status is not as fluid as in the decisions of Justice Commissions. In none of the cases is the perpetrator also considered the victim of the dominant patriarchal structures, as the ethical-aesthetical “underlying principles” highlighted by Rizgar, working as the motives of the decisions made by the commissions, have a strongly gendered formation as well. Ethics is openly linked to a woman-emancipatory ideology pointing at the freedom of women as the prerequisite of the freedom of the society (Öcalan, 2017b), and aesthetic self-realization of men is suggested to depend on “killing the man inside”

(Öcalan, 1999, pp. 286-287). Havin describes the operations, fields and sanctions of Women Commissions by underlining these harsher sanctions:

In cases of violence against women, there is zero tolerance. Women Commissions gather to decide on sanctions, heavy sanctions. If he is a shopkeeper who committed violence against a woman, he is being completely excluded from the environment and protested so that his shop gets closed down. He is socially excluded and embarrassed by society; he lives the rest of his life with that label. For example, in divorce cases... Even though we're bound by the state's law to get a divorce, we go to the family court only after agreement. From compensation to the custody of children, all decisions are taken by Women Commissions. If you look at the divorce cases in the family courts, you would think that wow, look at this society, how friendly people are, everyone gets a divorce in peace, how low the number of contested divorces is. But the actual reason is this. —Havin

The experiential feature of popular justice is revealed by Havin's words to be gendered. Not only the decisions made, but the reflection of the validity of and trust in these decisions becomes apparent in the social reaction in line with the Women Commissions' decisions. The previously raised question of enforceability finds its answer in the justness and legitimacy attached to these commissions. Their unquestionability does not rely on a self-assigned authority owed to the coded, experience-distant illusion of neutrality but, on the contrary, to its experience-informed operation. Indeed, the disciplinary function of ethics-aesthetics plays a significant role in attaching the aligning patterns to popular justice. It is determinant in the rules of the game of justice by working as a subjectification. In Northern Kurdistan, this becoming of justice, therefore, seems to be socially integrated through this subjectification aspect as well. In the wake of this social integration of justice that is openly experience-informed and inevitably prioritizes particular experiences over others without a claim on neutrality, even a simple wish not to be seen as unjust that would lead to social, economic and political sanctions reshapes the daily life. Women Commissions hold a significant role in this reformation by working as a disciplinary mechanism. Therefore, it is not that all the individuals of the society willingly participate in this experiential formation of justice, but they are tamed within it triggered by the commissions' popular recognition and widespread social influence that the state law and state courts do not have. Dilan's divorce case sets a good example of this disciplining operation of the commissions:

I got married a few years ago. We stayed married for almost two years. He did not have a fixed income. He took out many bank loans in my name. Even his sister bought a car with a loan they made me take. Then we decided to break up. We were getting a consensual divorce. We went to the court. In the first hearing, a chill ran down my back. He refused to get a consensual divorce, claimed ownership of the house I bought before we married and refused all the loans I took on his behalf. Even worse, they claimed that I owed his family a massive debt by showing these loans he made me take as proof of my financial needs. They called in false witnesses. ... A lot of terrible things... Many other cases were opened. I was losing these cases over and over. Nonsense. Yes, we were further submitting them to the Supreme Court, but... My stupidity, there was nothing that I documented that I could use as proof. Eventually, I applied to the Women Commission. I told them that's how it happened. They gathered and then listened to the other side. Then they named it, they said it is called economic violence. They made a decision. They called my ex-partner and his family. The matter is settled. Now everyone pays their own debts. But they first tried to exert people from Justice Commissions. But no one can interfere with the decisions of the Women Commission in cases of violence against women. The Justice Commission immediately stated that they couldn't get involved. The Women Commission's decision was final, as they also considered my case as economic violence. They couldn't do anything against the decision of the Women Commission, not even object. You know, they don't have anything to do anyway. They confessed everything straight away when they were called. They can't tell women the lies they told at the state's court. They apologized to me. First, they paid me an amount of money, paid off some of the debt and immediately gave me the amount the commission decided. We changed our statements in court as both parties, and we got divorced by agreement on paper. Think about it the other way... Wait for the Supreme Court for years. There is no document in your hand. No one listens to you. Let alone thinking of economic violence as violence, there is a law, a court that carries out a policy of impunity even in femicide. So, thanks to the Women Commission, it was settled in this way. —Dilan

It would not be speculative to argue that Dilan's ex-partner was not happy about the decision of the Women Commission. However, neither did he objected to the justness of it. The experience-informed functioning of Women Commissions prevented him from lying or manipulating the case, Dilan highlights. Truth-telling is telling justice, Foucault (2014) argues. It introduces the accused into the games (of truth-justice) played within. 'Confession,' Dilan highlights as marking this taming. Her remarks on that "they can't tell women the lies they told at the state's court" marks the truth regime the state participates in as an apparatus beyond the experiential dynamics of women and the games in Northern Kurdistan. This characterizes the state court as an

eligible place to enact a different truth order ‘by lying,’ whereas there is no field to escape within the operation of commissions as the justice they believed to constitute is popular justice – a socially integrated one. Therefore, in the case of Dilan’s ex-partner, it can be argued that he did not object to the justice games but participated in it by “trying to exert people from Justice Commissions,” instead of using the state court’s decision, which was already in his favor, as a reference to escape from the unjustness attached to his acts. In other words, he too participates in the justice games coordinated within commissions, recognizes the authority of the commissions and at the same time acknowledges the nonrecognition of the state courts.

In other words, socially dispersed legal mechanisms of Women Commissions, the justice believed to be constituted by them and the co-constitutive formation of this becoming of justice and subjectification introduces an alignment into popular justice that is pointed out as carrying the risk of inadequate operation raised by the end of the previous subsection. That is to say, even if it is not misleading to argue that the experiential and singular formation of justice might cause irregularities, a system that integrates justice into the social life, popular justice, instead of alienating and disembedding it, works as a subjectification regime as well. It has a direct connection to the relation of recognition, which ends in a more or less aligned (discursive) attachment of ‘justness’ and ‘unjustness’ within the society.

Conclusion

This final empirical chapter attempted to answer the third and last research question:

- How is everyday life organized socio-politically beyond the state in Northern Kurdistan?
 - How is law formulated and institutionalized beyond the state?
 - How do formulations of justice inform operations of law beyond the state?

In order to answer these questions, I focused my inquiries on truth-subjectivity regimes in Northern Kurdistan, triggering different becomings of law and justice. I attempted to explore the forms in which power gets organized in a stateless setting by taking its reference in Kurdistan, unlike the preceding empirical chapters that both took their references from Turkishness, either

from inside or outside. They are revealed as indeed getting institutionalized and forming their own dispositives but still informed by the productive omnipresence of power relationalities by circulating through, shaping and being shaped by collective memory, self-technologies and active everyday operations of power(-knowledge-space), rather than being contained within a state apparatus attempting to 'fix them' in a centralized body. Therefore, this chapter's inquiries moved beyond the epistemological strategies and experiential deficiencies of the state law that is portrayed as a transcendental inscription for regulating the relationalities between the individuals and society by the hand of a state apparatus and attempted to unpack contingent appearances of spatializations, subjective positions and legality and legal settings in the everyday life of Amed. The chapter was organized into three sections which subsequently looked into the strategies used to spatialize and mark the borders of Kurdistan, the power-knowledge relationalities engraved into these spaces making different truth-subjectivity regimes and, finally, the becomings of law.

The first section explored the naming of Kurdistan. Naming is a historical inscription that is revealed to be at the core of border-making practices. Being deprived of an officialized naming stabilized and fixed through an official history writing of a state apparatus, however, historicization and the permanence of the borders of Kurdistan turns into a question. Understanding the strategies utilized to historicize Kurdistan and provide permanency to its borders is significant in tracing the historical inscriptions of the subjectivities, the justice formulations informed by these subjective experiences and the legal settings they trigger that this chapter attempted. Lived experience, collective memory exceeding the lived experience and oral cultural practices appear to historicize Kurdistan and facilitate the permanence of its borders.

Collective memory is described as facilitated not necessarily by lived experience but by shared experiences, and subjectification is defined through family bonds and kinship relations, which are considered almost like a more 'authentic' bond than of the allegory of a large family fictionalized through citizenship by the nation-states. Through respondents' references to 'real' family that national borders attempt to fragment, national borders fictionalizing a national family inside is challenged. This family emphasis does not necessarily refer to the already existing family relations in a literal sense, but they are strategically used to highlight a commonality within the borders of Kurdistan that is not easily found within the national borders. This strategical reference then operates to delegitimize the national borders and legitimize the borders of Kurdistan, negating the national borders' claimed function of portraying a distinct nation within themselves (cf. Chapter Six).

In other words, collective memory and its circulation across generations are revealed to engage with the making of, marking and sustaining the borders of Kurdistan. Therefore, sustaining the borders, guaranteeing the permeance of the borders, is contingent upon the sustainment of these legitimacy games, which are further understood to be enabled by oral cultural traditions as well, through *dengbêjs* functioning also like cartographers. The *klams* that *dengbêjs* have told and sung for centuries carry significant references to the mountains, roads, plains, buildings, marking the geography to which the memory informing Kurdistan's borders are historically-conditioned, to family and kinship bonds through which the legitimacy of this border-making is sustained and to administrative meanings of the geographies (by marking Amed as the capital, for example) through which the political organization of the geography claimed ownership over is memorized. This section, therefore, explored *klams* as maps of noncontainer spaces. They operate like maps because they fulfill the function of maps to name, mark, border and make geography through their claims of 'representing a reality'. They operate as the maps of noncontainer spaces because this 'represented reality' claimed by *klams* circulates through memorization and so is fluid, multiple and do not incarcerate subjectivities within a concretized, frozen, represented reality, but instead inscribe them into collective memory. Therefore, the spatialization of Kurdistan is triggered by a truth-subjectivity regime, and the games played within enable making a sovereignty claim over a territory through naming appearing to be legitimized by the collective memory and shared experience.

Deriving the initial references for the following traces that this chapter engaged from this first section, I attempted to understand the subjectification regime in play in the following section on 'becomings of Kurdishness'. Even though Kurdistan's borders are revealed to be drawn and sustained through remembering and collective memory spatializing Kurdistan, what makes Kurdistan—that is to say, what kind of a truth-subjectivity regime is in play within the borders of Kurdistan—was not answered by the previous section. Therefore, this section started by looking into the attributed meanings to *Kurdistanî*, as it literally showed what is considered pertaining to Kurdistan. The meanings attributed to *Kurdistanî* appeared to be multiple, so it revealed the multiplicity of the truth games within the borders of Kurdistan on which it seems like there is a consensus. What is considered related to Kurdistan is narrated by political-ideological alignments, which inevitably inform all the truth games but are hidden in the transhistorical naturalization of the nation-states.

The different meanings attached to *Kurdistanî* are revealed as triggering an 'us' and 'them' division within the borders of Kurdistan (cf. Chapter Six),

informed by the ideological alignments and so also the various ideals/aspirations about Kurdistan, ranging from a nation-state to democratic confederalist communities. In other words, the different answers to the question of what Kurdistan should be, despite the consensus on where Kurdistan is, inform different truth-subjectivity regimes. All my research participants define themselves as patriotic, aspiring to a democratic confederal organization, so I could only point at the multiplicity of these truth-subjectivity regimes in Kurdistan by drawing on their formation of 'us' and 'them,' and continued following the different appearances of 'us' in different contexts. Although this can be considered one of the limitations of this study, it still gives an idea about the dominant subjectification regime in practice - at least within the context of Amed. This 'patriotic us' is shown as performatively and discursively shaped by 'patriotic subjectivity,' highly informed by the Kurdistan Freedom Movement, specifically the PKK.

Self-identification (self-realization) with being Kurdish is strongly connected to a politicization, a political awakening, and triggered by 'meeting with the PKK.' Self-realization is a discursive pattern settled by Abdullah Öcalan in the patriotic discourse linked to the development of self-consciousness. A consciousness that has added the adjective of *Kurdistanî* by the respondents, which makes *Kurdistanî* work as almost a substitute for *self*- in that context, further revealing the form that *Kurdistanî* takes within patriotic subjectification, which lead to its formation as not only historicized and spatialized but also politicized in a particular way. *Kurdistanî* becomes the name, the root, of the self, linking learning about Kurdistan to learning about one's self. Therefore, *Kurdistanî* becomes both a self-technology and what triggers singular technologies of the self by its direct connotation of a patriotic, political awakening.

After unpacking both where Kurdistan is and what kind of a subjectification regime is in play within the context of this study, in the following two subsections I traced the appearances of patriotic *Kurdistanî* subjectivities in different contexts to make a claim over 'the public.' So far, this has been explored as what Turkishness shapes to enable exclusions (Chapter Six) and what is experienced as the sphere of the power-knowledge of Turkishness to counter (Chapter Seven). In the last two subsections of section two of this chapter, I looked at the power strategies of different subjects subjected to the patriotic *Kurdistanî* regime to reclaim the public by redefining what the public is, how and for and by whom it is constituted.

"Subversive repetitions," coined by Butler (1997a), was a helpful analytical tool to make sense of these becomings claiming power within the public sphere, appropriating and eroding the *dispositif* of Turkishness equipped with

the power of organizing space. I traced them in the insistent use of Kurdish, that has been contained in the private sphere, in the strictly organized spatial context of a courtroom by exposing the courtroom's procedures to a subversive repetition and in the strategic utilization of avowal by PKK guerillas to make a statement by appropriating the function of avowal that operates to make a delinquent subject within the modern criminal justice system. Peace Mothers' embracement of the motherhood category is also revealed as exposing the motherhood category, contained within the private and familial, to a subversive repetition. The same reference of family and familial that is used to legitimize the borders of Kurdistan (inquired into in the first section) seems to be used to legitimize mothers' activism as well. By turning the intimacy and privacy of familial into a public political expression they made to promote their children's political ideals, mothers reformulate motherhood as a political activist subjectivity positioned between life and justice, exceeding the limits of life and death, as illustrated by their actions of turning themselves into human shields in conflict zones.

Revelations of the subjectivities that reposition themselves beyond a necropolitical in-betweenness, beyond a threshold subjectivity between life and death and public and private, showed the manifestation of a "just existence" - a life existing only in its relation to justice (Benjamin, 2004). Justice appears to be contingent upon the becomings of these subject positions and inscribed on their bodies. In other words, justice is understood to be highly linked to the very becomings of the subjects, not as an aspiration but as an embodied power claim, which led me to the final section on the 'becomings of law and justice.'

Starting with the inquiries on a complete detachment from the state law previously explored as what is utilized against the state (Chapter Seven), in the final section I looked at what kinds of settings are attributed legality and legitimacy triggering these becomings of law. Therefore, unlike the state law previously discussed as drawing on its epistemological strategies through its participation as a tool to sustain exclusions and create exceptions (Chapter Six), and as a tool instrumentalized to contest these exclusions and exceptions (Chapter Seven), this chapter tried to answer an ontological question; what law becomes beyond the state.

From *ruspîs* that have a cultural-traditional role in dispute resolution within the society to the Justice and Women Commissions which have been introduced into the everyday life of Northern Kurdistan in line with the legal system suggested by KCK and the KCK Contract, recognition becomes the primary reference for not only assigning legitimacy but also legality to these different mechanisms. Nonrecognition is prior to recognition, however, as the

nonrecognition of the state law's legitimacy, the courts' verdicts in ordinary criminal offenses and their capability of bringing justice in any field is what initiates the recognition of these mechanisms and so the attribution of legality. This relation of recognition is revealed to be formed in every emergence of these settings. Only after their particular, singular recognitions and legitimizations are they provided legality. Legitimation of the mechanism is the prerequisite of its emergence, bringing a 'sense of justice,' 'legitimacy' and 'legality' together in the body of commissions.

The law referred to as contingently becoming through the initiation of the commissions takes its references from the patriotic truth-subjectivity regime it is coordinated within, gaining a characteristic of what is defined as "ethics-aesthetics," informed by the discursive formations within this regime. Its function is defined as a "just regulation of the relationship of the individual to individual and individual to society." "Just regulation" depends not on the well-functioning of procedures but on the consideration of experiences. Law is described as informed by an 'ethical-aesthetical' formulation. Therefore, drawing on ethics as morality and consciousness of freedom and aesthetics as self-realization through this consciousness (Öcalan, 2020), this formulation of law reintroduces the question of ethics and morality, which ethicalizes and experientializes justice and so its relationality to the law.

People's Courts appeared as a judicial mechanism formed by necessity and dissolved until required again. In other words, cases precede the establishment of courts, which are formed in a way to reflect the diversity of the place—neighborhood, village district or of the larger settlements—when concerning more serious offenses affecting society. Despite their operation designed by the KCK to include two judges and a prosecutor, in practice, the decisions are made collectively by the court members assigned by the people inhabiting the settlements affected by the offense. The enforceability of the courts, then, is revealed to be facilitated horizontally by the smallest locals' direct-democratic participation. Justice sought by these mechanisms is named 'democratic popular justice' by the KCK Contract, which reintroduces justice to the society through the execution of a subjective, experiential form.

Popular justice is revealed to be gendered in the final subsection's inquiry into the operations and legitimacy of the Women Commissions. The experiential feature of popular justice is revealed to be gendered. Not only is the legal functioning of Women Commissions informed by women's experiences in the cases concerning women, but the reflection of the validity of and trust in the commissions' decisions becomes apparent in the social reaction in line with the Women Commissions' decisions. Enforceability is further revealed to be enabled by the justness and legitimacy attached to these

commissions. Their power of enforceability does not rely on a self-assigned authority owed to the coded, experience-distant illusion of neutrality but their experience-informed operation. It also cannot be ignored that the commissions are assigned a function of legality within a patriotic subjectification regime. Therefore, the disciplinary function of ethics-aesthetics plays a significant role in attaching the aligning patterns to popular justice.

This chapter's inquiries revealed the alternative political organization of social life by problematizing the patriotic subjectivity whose aspirations focus on a stateless organization. In this organization, the ethical-aesthetic regulation is named law, which is institutionalized in the body of the Justice and Women Commissions that discursively bring justice, morality, ethics and law closer to each other. In this sense, justice is referred to as a popular justice that informs and is informed by relationalities between individuals and society without a state. Popular justice, drawing on experiences and the "ethical self-realizations" of people, informs the law's operations by making it attentive to experiences and the morality and ethics defined within the patriotic subjectification without a pre-coded experience-distant formulation.

Chapter Nine

Conclusions

This study engaged in an ethnographic exploration of the ways the relationship between law and justice is formulated in Northern Kurdistan. More precisely, by introducing law and justice into the Foucauldian power-knowledge(-space) locus and, consequently, into the truth- subjectification regime, I attempted to understand the different functions, meanings and appearances these relationalities gain. Analysis of my empirical material made the complexities and shifting meanings and namings shine through. The subject positions research participants embraced were remarkably changing throughout their narrations, performances and discourses. My fieldwork and the empirical material it generated were full of these shifting, switching subject positions. The ways research participants position themselves and negotiate their selves throughout their narratives, performances and discourses appeared as simultaneously informing and informed by different experiences, understandings and formulations of similar notions ranging from law to justice, power and resistance in different ways. Throughout the analysis of the empirical material, all these complex relationalities and switches of the subject positions got organized under three themes: exclusion, contestation and existence-emergence. When making themselves in terms of being excluded from the nation-state and its borders, research participants attributed meanings to these notions from outside of it. On the other hand, when they appeared in subject positions resisting this exclusion, they assigned new meanings to the same notions differently. They were at the same time embracing subjectivities that were neither within and outside nor against Turkishness, but taking their reference point as Kurdistan, which resonated remarkably in their shifting formulations of ‘us’ and ‘them’ in different ways, making them engage in an entirely different discursive performance when formulating the very same notions.

These shifts were neither causal nor in a chronological relationality, but spatial; boundaries were evoked as powerful indicators for tracing these shifting discursive performances throughout the fieldwork. Police barricades, checkpoints, concrete blocks surrounding buildings and intertwined circles divided by particular images and symbols during the protests and gatherings were some of the visible boundaries in the daily life of Amed, while the invisible ones could be traced through the discontinuities in particular spatial arrangements such as a police barricade suddenly getting interrupted without barring off the place it surrounds or in the unusually missing signs and marks, such as a mourning house without a signboard, unlike the others. All these appearing and disappearing boundaries were making their inside, outside, insiders and outsiders. I also eventually came to think and perform according to these boundaries throughout my fieldwork and learned what is sayable where. I felt like I almost memorized these boundaries, acted accordingly and developed a strong sense for them - so much so that I could place myself inside or outside even without their trace. These very strongly evoked boundaries resonated in the three broad themes (maps) that my analysis produced (see Chapter Four). Each theme was within some boundaries marking saturated meanings, subject performances, narrations, experiences, imaginaries, feelings and affections. All these were formulated within or were formulating some boundaries as they got spatialized. This complex togetherness and separation could not be fully understood by adopting fixed analytical concepts. Neither could they be comprehended by following a particular trajectory of power, as they were not always contesting but also negotiating, not always integrated but also segregated.

At that point, I found Foucauldian insights helpful in understanding and presenting these complex relationalities in an organized way without overlooking their changing formulations or reducing them to particular categorizations with fixed inscribed meanings. The notions informing the research design appeared as not merely existing in a stable form. They were instead constantly becoming something. Foucault's historical nominalism, which he turns into an analytical strategy to understand these constant becomings by looking at the epistemic contexts making the namings of such notions possible in a particular way, informed my inquiries (see Chapter Five). All were taking different forms within these boundaries, where experiences, imaginaries, emotions and narrations were saturated and spatialized, forming their boundaries. Such notions were attributed to new meanings or took different forms within these spaces. Spaces surrounded by these never stable boundaries found their meanings as the spaces of truth-subjectivity regimes within the locus of power-knowledge. These spaces were made by the

saturation of power-knowledge interplays, a “triad of power-knowledge-space” (West-Pavlov, 2009, p. 149). Within these spaces, such power interplays were forming their *dispositif* that is not a homogenous whole, a naturalized socio-political organization, nor the only possible institutionalization, but a dynamic “heterogeneous ensemble” (Foucault, 1980e, p. 195), which helped me include the institutionalizations and organizations into my framework without taking them for granted for a different truth-subjectivity regime. Truth-subjectivity regimes could then be traced through discursive performances’ assignment of particular meanings; knowing what to say where and when. Individuals become subjects by being subjected to these discourses and negotiate themselves accordingly within these relationalities. Foucault referred to these meaning attributions as ‘games’ in his description of the game of truth. The game of truth refers to “the rules according to which what a subject can say about certain things [depending] on the question of true and false” (1998c, p. 460) and is the interplay of the rules assigning trueness or falseness to the propositions, statements and discourses coordinated with a truth regime. I used games to develop an understanding of changing formulations of justice as well by looking into the attachment of justness and unjustness, to what, in which space and by which embraced subjectivity.

In light of the introduction of my analysis into this framework, I could reveal two different meanings ascribed to the state law, and an entirely different form of law appeared in different relationalities. By following the games of justice, I attempted to accomplish the overarching aim of exploring the different formulations of the relation of law to justice informed by different subjective experiences and historicizations. This relation is less normative and is not only close or distant, converging or receding, but its form and features change in each space (truth-subjectivity).

Therefore, throughout the inquiries, I moved across three epistemic contexts revealed by the analysis to present an ethnography of law and justice in Northern Kurdistan. I drew on the strategies of exclusion of the Turkish state’s mechanisms relying on an ethno-nationalist citizenship regime, tactics used by the Kurds to resist these strategies of exclusion and emergences of large-scale mobilizations in Northern Kurdistan that are constitutive of their own truth-subjectivity regimes characterized beyond a mere countering. Informed by ethnography, this study made it possible to analyze locally embedded emergences, fixed and shifting meanings and categorizations as they surface in everyday life. In this way, the challenges, ambivalences and conflicts in the meanings attached within different webs of power-knowledge could be made visible.

This chapter will first revisit the research questions, aim, and purpose. Rather than following the order they presented in the introductory chapter; I will begin with the research questions to present a summary of each three empirical chapter's conclusions which subsequently answered these questions. Only after that will I present a broad, final (but not finalized), panoramic view of this ethnography of law and justice by unfolding and interlinking these inquiries to revisit research aims and discuss whether they are achieved. I will then revisit the purpose and situate the inquiries of this research within a socio-political context to discuss how these aims facilitate this thesis to attain its purpose. I finalize the chapter by looking into the potential contributions of these discussions and the limitations of this study, presenting my suggestions for further research that were inspired but could not be covered by this thesis.

9.1. Revisiting research questions

To be able to accomplish the overarching aim, I raised three sets of research questions, each of which was attempted to be subsequently answered by empirical chapters positioned in different epistemic contexts.

The first set of research questions consisted of one overarching question asking how Turkishness shapes the state law and two sub-questions on the state law's participation in the formation of national subjectivity and the Other and the ways that justice formulations inform operations of state law. These questions were positioned within Turkishness' epistemic context and required to be answered by looking into invisibilities, exclusions and absorptions within Turkishness and the relation of law to justice against this backdrop. These questions found their answers in Chapter Six, revealing the engagement of Turkishness in the construction of a homogenous nation which is achieved through colonization within the centralized organization of power of the state apparatus. Inquiries held to answer these questions were inevitably informed by a dichotomous reading: Turkishness and its Others. Turkishness was revealed as a truth-subjectivity regime that has multiple layers within despite the production of monolithic categories absorbing a multiplicity of relationalities threatening its fixed balance and immobility whose continuum was understood to be in a co-constitutive relationality with the state apparatus as the *dispositif* of the Turkishness truth regime. For sustaining the monolithic categories and their portrayal as fixed and stable, Turkishness is characterized by a continuous unlearning facilitating the combination of the nation it formed to the state it is organized through. This unlearning was traced in its resonations

in the formation of the national identity and citizenship as the legal subjectivity, territorialization of the nation and state, official history inscribed into the territory contained by national borders and, finally, in the operations of the state law and its strategical utilization of not only certainty but also uncertainty. The different utilizations of certainty and uncertainty were shown as legitimized by different prioritizations in the formulation of justice. Even though justice appeared as haunting all these operations as a metanarrative embedded in the absolute equality provided by the illusory, fictitious formation of homogeneity, the paths presupposing to achieve absolute equality were explored to be instrumentalized according to the changing political powers that wanted to get organized within the state apparatus. These changing instrumentalizations of justice appeared either as what guarantees certainty through well-functioning procedures, referring to procedural justice, or as what legitimizes the uncertainty and unpredictability in the legal system by problematizing the substance of the laws, referring to substantive justice.

The second set of research questions consisted of one overarching question asking about the extent of the compliance of the justice aspirations in Northern Kurdistan with state law and two sub-questions on how subjective experiences incorporate into state law and the ways state law shapes these subjective experiences in return. These questions were positioned in the Kurdishness subjectivity regime characterized by its contestation with the one of Turkishness. In other words, the questions asked about the relation of state law to the (excluded) experience. These questions were answered by Chapter Seven, revealing the collaborations, incorporations and contestations between the experiences in Northern Kurdistan and the Turkishness truth-subjectivity regime. Inquiries held to answer these questions, requiring a trace from the experiences informing justice aspirations in Northern Kurdistan to the state law whose engagement in exclusions had been explored previously, introduced translations as a methodological strategy replacing the dichotomic reading engaged in the first empirical chapter. 'Translation' referred to the distortion of the subjective experiences through their movement from one epistemic context (experience-informed daily life in Northern Kurdistan) to another (experience-distant state law), and human rights lawyers appeared to hold a significant position in this translation. Throughout these translations, state law is attributed new meanings. Rather than its previously discussed role in sustaining the exclusions, state law became a tool to be used against the state and an archive to record present injustices for a peaceful future. Therefore, present formulations of justice were revealed as claims and aspirations for the future, followed by the attachment of unjustness to current violations. This chapter uncovered a resisting subjectivity (of Kurdishness) relying on a

collective assignment of unjustness. In other words, subjectification is defined as being exposed to Turkishness and countering this exposure. Against this backdrop, subjective experiences triggering the attachment of unjustness to the power exercises of Turkishness (and the state) are attempted to be communicated and documented via state law and the ECtHR. Human rights lawyers, being identified as Kurdish and raised in Northern Kurdistan, and by holding a position in the legal system as lawyers, were followed as translators and revealed as archivists. Translations enforce particular subject positions for Kurds to fit into existing legal categories. These subject positions were remarkably different from the subjectification regime wherein the experiences are inscribed. Legal categories enacted a monolithic victimhood status detached from experience and depoliticized, whereas the two empirical themes of death and mourning and home and displacement revealed that such victimhood is not experienced nor embraced in Northern Kurdistan. Rather, melancholy and anger, personal suffering and social memory and mourning and political struggle are interwoven and introduced into the ordinariness of daily life, which prevents Kurds from fitting into a category of the passively suffering precarious victim subject. Moreover, another failure of these translations relies on their enforcement of individual-singular categories, so a decontextualization, whereas empirical themes revealed that these experiences are shared, systematic and collective. The questions raised found their answer in these portrayals. Even if subjective experiences triggering the assignment of unjustness to certain violations of the state in Northern Kurdistan are attempted to be documented and communicated via state law, they mostly fail unless they get depoliticized, decontextualized and contained within a passively suffering melancholic victim subject position.

The final set of research questions was organized under an overarching question looking into the ways everyday life is organized socio-politically beyond the state in Northern Kurdistan, and there were two sub-questions on the formulation and institutionalization of the law and the ways that justice formulations inform the operations of law beyond the state and state law. Unlike the previous questions, which required inquiries first from within and then outside of Turkishness and state law, these questions were positioned beyond them both and within the epistemic context wherein the Kurdishness' power-knowledge interplays are coordinated and required to be answered through looking into the stateless organization of power interplays triggering different becomings of law and justice. These questions were answered by Chapter Eight, whose sections resemble the structure of Chapter Six in looking into territory, subjectivity, law and justice, since both focused on revealing the organization of power interplays. On the other hand, the purpose of these

explorations was remarkably different. Chapter Six attempted to show that what is considered normalized and given is also just a contextualization by unveiling the power-knowledge interplays hidden behind the portrayal of national borders and the socio-political organization within the states as natural and inevitable. On the other hand, Chapter Eight engages in a tracing of similar components of border-making, subjectification, law and justice to reveal the existences and emergences by tracing the power-knowledge interplays that are not contained by the colonized centralized authoritative power of nation-states. To this end, it explored the border-making of Kurdistan performed by collective remembering and sustained through oral cultural products, and revealed the multiplicity of truth-subjectivity regimes whose boundaries are drawn through political-ideological alignments informing the discursive formation of what Kurdistan is and what it should be within the borders made. Therefore, questions raised could be answered by drawing on a problematization of the patriotic truth-subjectivity regime. The patriotic subjectification informed by the discursive influences of the PKK appeared to be determinant in the organization of power-knowledge interplays within a stateless and even anti-state socio-political organization through a horizontal model formed by the organization of the smallest locals' direct participation. In this organization, the law becomes the name attributed to the regulation of relationalities among individuals and between individuals and society. This regulation, defined as removing the transactional entity of states between the relation of individual to individual and individual to society, is assigned ethical-aesthetical characteristics informed by the discursive operation of patriotic subjectification, which forms its *dispositif* by getting institutionalized in the bodies of the Justice and Women Commissions. In the operations of these commissions, justice, morality, ethics and law are discursively brought closer by forming and simultaneously relying on popular justice. Popular justice, being formed as inclusive of social justice and as embedded in the social context, was explored as drawing on the experiences and "ethical self-realization" of the people, informing the law's operations by making it attentive to experiences and the morality and ethics defined within patriotic subjectification without a pre-coded experience-distant formulation.

9.2. Revisiting aims

Drawing on these summaries of the empirical chapters, each attempting to answer one of the research questions, I will now revisit the aims of the study

to bring all these individual inquiries together and discuss how they are interconnected. The overarching aim of this study was formulated as an ethnographic exploration of the ways the relationship between law and justice is formulated in Northern Kurdistan in order to understand how different subjective experiences relying on different historicizations inform their converging and receding formulations. I came to understand law and justice as ethnographic objects throughout the fieldwork and, more noticeably, during the analysis. That can be considered more than an allegory. Ethnographic objects building a material culture when taken together hold significant information concerning the people who made them. Their aesthetic qualities, historical documentation and geographical contexts have the power to tell many things about the groups, societies and communities producing them, even if these societies no longer exist. Law and justice turned to be ethnographic objects by conveying meaningful information concerning the subjects who produce and reproduce them by attributing new meanings and names.

Therefore, ethnography was a suitable methodology to reveal the dynamics of the contexts wherein they are (re)produced, informing my methodological aim of analyzing locally embedded emergences, shifting meanings, values and categorizations as they surface in everyday life. In this analysis, ethnographic objects served the inquiry functioning the other way around. That is, instead of learning about the societies that produced them by examining ethnographic objects, I looked at how different social dynamics reproduce these ethnographic objects. This way of inquiry led to lengthy discussions regarding the subjectification regimes to contextualize law and justice as ethnographic objects produced within the spatialities of these regimes. Delving into research participants' tacit, underlying assumptions characterizing their discursive making of themselves, subject positions as well as their discursive shifts, making the challenges, ambivalences and conflicts found in these positions, informed the exploration of social contexts, spatial dynamics and the historical inscriptions of these ethnographic objects: law and justice.

'Justice' has been mostly approached as a philosophical question, an abstract notion that is not easily traced by empirical studies. Social research has engaged in the inquiry of justice by inscribing it into particular institutions, descriptions and formulations. Justice has been seen as broad as the questions of ethics and morality; therefore, it is not easily grasped within social contexts. To this end, it has gained different bodies and empirical qualities not only for the social research to be able to work with it but for social movements, judicial bodies, reconciliation mechanisms and many more to refer to it in a more concrete way, ranging from procedural justice, substantive justice,

commutative justice, distributive justice, restorative justice, retributive justice and social justice to name a few among many. However, what makes justice take these meanings and forms, inform different discursive practices and be inscribed into different normative systems is not commonly studied. My empirical material brought justice to the surface in different forms, and my inquiries focused on the different webs of relationalities, making them take these particular forms.

Nominalism facilitated me to take justice out of its abstract formulations and treat it as just a name given to different exercises, claims and procedures, enabling me to embed it into the social dynamics in its particularity. In other words, the reason behind that many forms, functions and qualities of justice, I would argue, is its empirical nonexistence until being made to become something when inscribed into ‘real’ practices, which leads to as many formulations of justice as the countless encounters characterizing the omnipresence of power-knowledge relationalities. Nominalist ontologies reject universals and abstract objects, and they argue it is only through their naming that particular objects are attributed a universality and abstract notions gain a supposed existence. In other words, as they are deprived of concrete physical existence, it is not possible for abstract objects to exist anywhere without being named. We make them by naming them. Naming allows abstract objects to become and attributes them to a discursive and normative form. By turning nominalism into an analytical strategy, following Foucault’s paths (see Chapter Five), I stripped justice from its abstract, ethical and moral connotations. I looked at the different mechanisms, strategies and operations enabling justice to take a particular discursive and normative form. In other words, my inquiries were informed by tracing epistemic contexts through their spatializations and the ways they enable this match between justice, justness, unjustness and procedures, exercises, experiences, forms and institutions.

I traced the discursive practices making justice become, in particular forms, through the ‘games.’ By following the games, I attempted to reveal the connection of the attribution of justness and unjustness to the epistemic contexts (spaces) making this attribution possible. On the other hand, I also followed the non-discursive practices appearing to work for an attachment of a normative quality to this discursively formulated justice through the dispositives of these epistemic contexts. The function of a *dispositif* is to legitimize particular power-knowledge relationalities that got saturated and organized/deployed within particular truth-subjectivity regimes, bringing the relation between justice and legitimacy to the surface. Games resonate with the discursive making of selves and, in return, inform whether these subjects consider certain practices, institutions and systems as legitimate and just or

not; both revealing the rules informing the discursive performances of the subjects (Foucault, 1998c, p. 460).

9.2.1. Game of just, legitimation, and law: justice in the present tense

Particular webs of relationalities informing games of justice in different ways also made the differing meaning attributions and namings of the law visible. The relationship between law and justice was revealed as triggered by different spatializations shaping this relationship in a particular encounter. This encounter was shown as converging when games—and so the subjectification and *dispositif* of that law is deployed—are spatialized within the same truth-subjectivity, as was the case for the inquiries of Chapter Six revealing the relationalities between procedural and substantive justice and state law and Chapter Eight showing the interconnections between popular justice and law as an ethical-aesthetical regulation. In this converging relationality, justice and legitimation appeared to be informed and formed in parallel, as they both are contingent upon subjectification. If the games and the dispositives along which they are played are inscribed into the similar truth-subjectivity—if they are spatialized through the saturation of similar experiences, meanings and so on, that is—then they were revealed through their constraints, limitations and exclusions, as was the case in the inquiries held by Chapters Six and Eight, in different ways. Both chapters engaged in a similar trace, in the sense that both were focused on a particular spatialized truth-subjectivity regime. Chapter Six, focusing on Turkishness, and Chapter Eight, focusing on Kurdishness in its reference to Kurdistan, drew on spatialities separated from and excluding one another. In both chapters, the games under scrutiny were informed by the spatiality that the law is deployed within, be it the games of justice in the Turkishness regime and the state law and the games of justice in the Kurdishness patriotic regime and the law as an ethical, aesthetical regulation. The directions of power trajectories were remarkably different in these two inquiries, however, operating either deductively or inductively.

Chapter Six was positioned within the Turkishness truth-subjectivity regime, forming its *dispositif* as contingent upon a central organization of a state. Power-relationalities, therefore, are colonized into this central body. Different subjectivities are attempted to be excluded from this organization by preventing the legitimacy games. As the naturalized way of socio-political organization, the state is formulated as a self-legitimizing body. Through the dispersed strategies of exclusion, Turkishness forms a centralized *dispositif* wherein all the components of this heterogeneous ensemble are reduced into a

singular existence and made dependent on one another. Official history-writing contains subjectification that is also contained within national identity and citizenship and, at the same time, engages in the legitimation of the national borders. National borders, working inwards, contain their insiders within the subjectification inscribed into official history. The citizenship regime forms a legal subjectivity within the national borders, historicizes it within a single subjective performance and, in return, forms the nation territorialized within these borders and makes it dependent on a state. By being reduced to one another's single forms and made dependent on these singular forms, Turkishness gets petrified. As it gets petrified, it becomes fragile. It is open to getting delegitimated by a single appearance of another performance, narrative and subjectivity that is not inscribed within itself. To prevent any potential threats, therefore, it adopts dispersed strategies. Total exclusion is prior to the formation of the *dispositif* in this case and is sustained through micro and dispersed strategies. Therefore, the power relationalities getting organized within a *dispositif* engage in the exclusions deductively. The state appears as a transhistorical, inevitable entity equipped with the capability to achieve absolute equality within itself. The discursive power sustained through absolute equality is the mechanism through which it forms its justice metanarrative. When justice is formulated as a metanarrative through absolute equality, it protects itself from the different games of justice. It limits the potential formulations of justice within itself, as in the form of procedural justice reduced into an administrative-procedural form or substantive justice attempting to change the content and implementation of the law, both to sustain exclusions legitimately.

The empirical material's references to procedural and substantive justice were mainly used to describe the shifting boundaries of the state law drawn between certainty and uncertainty, marked by two periods characterized by two political powers. These two political powers were actually referring to a periodization engaged in by the research participants. Therefore, even though the post-AKP period aligns with the political party in power alone, the previous period is characterized by changing governments. Instead of drawing on political powers, however, this periodization relies on the formation of the *dispositif*.

Despite the different governments in power and the junta rules following two coups d'état in 1960 and 1980, the state apparatus and the country's status quo were used to rely on Kemalist cadres in the pre-AKP period. Therefore, the founding government and the establishments it settled were handled as a single period and compared with the post-AKP period by the research participants. This periodization is not surprising as it resonates with the "old

Turkey” and “new Turkey” periodizations engaged in by the mainstream discourses as well. They mark the change in the overall settled cadres within the state with these two political powers. Therefore, these two actually refer to more than particular political powers and governments in the history of Turkey. They inform the organization of the state at all levels with their particular ideological alignments and cadres, making the post-AKP period understood as triggering a shift in the status quo as it is mostly described as a shift from secularism to political Islam, namely from a Kemalist, secular, nationalist ideology to a conservative, Islamist, nationalist one. In other words, despite the remaining Turkishness truth regime, the *dispositif* of that regime is in transformation, including the state and its apparatus.

One of the lawyer respondents described this transformation as from “authoritarian legalism” to “authoritarian uncertainty.” Despite the authoritarian characteristics of both periods, the experienced shift of the judiciary and legal system, in general, was explained through the shift from certainty embedded in functioning procedures to an uncertainty deprived of a functioning, predictable institutional framework. Justice appeared in different forms in this shift. These different forms were discursively utilized to legitimize the legal system and its practices by the changing political powers to derive legitimacy and sustain the stability and continuum of the state. In other words, regardless of its changing references and operations within the borders of Turkishness, justice was revealed as an instrument to legitimize the current practices of Turkishness and its state apparatus.

The legal system and judiciary in the former period were equalized to a regime of certainty. That period is mainly marked by the extralegal killings, unidentified murders and enforced disappearances, opening a realm of uncertainty beyond the law. Therefore, up until the 2000s, uncertainty was practiced through an exceptional zone beyond the law. Therefore, legitimacy was attached to the well-functioning procedures and legality defined in terms of certainty in the legal system, even if it was difficult to access due to the broadness of this exceptional zone. Justice, therefore, was also contained within and inscribed into the legal realm and its certainty. It got connected to following legal principles and procedures, fortifying an unquestionable attitude of law in the form of procedural justice. Reference to procedural justice was not nonexistent in the latter period referred. It was, however, defined as a strict subjectification regime shaped by political and ideological alignments. It was understood as ensuring procedural justice to whom it considers ‘acceptable citizens’ and deriving its legitimacy from these. This formation of justice linked to legality and certainty was drawn and sustained by leaving the questions of ethics, morality and value outside, as most respondents defined

the pre-AKP period through certainty and procedural justice, but with an attached annotation: “even though these legal principles were terrible.” Therefore, such an exclusion provides an unquestionable form as it facilitates its declaration of itself as the only valid form of the law and legality (Goodrich et al., 2005, p. 16). In this operation, justice is reduced to an administrative-procedural form inside.

In the current period, after the 2000s, the legitimacy of the law was understood to be utilized to regulate exceptions. That is to say, exceptions were revealed not to take place beyond the legal realm anymore, but the unpredictable implementation of law introduces the power to declare exceptions within the legal realm itself. Therefore, in the post-AKP legal system and judiciary, the legitimation appeared to be linked not only to certainty but also to uncertainty. While the legitimacy is derived from those acceptable citizens by still being predictable and procedural and allegedly ensuring justice, it turns out to be a mechanism of uncertainty for hostile groups, which are not even considered citizens. They are ensured to comply with the law by the environment of fear created by this uncertainty. Uncertainty appeared to be purposively produced by the law itself rather than caused by its lack and failure. In other words, the regime utilizes the production of uncertainty through the law’s function to provide a legitimate source for taking necessary security measures. This uncertainty and unpredictability were revealed as relying on a different formulation of justice. Substantive justice was shown as being strategically used as a reference to ensure the transformation of the *dispositif* and defunctionalize the Constitution by marking it as the law of the West without getting delegitimated by the AKP. Substantive justice, stripped from procedural justice, provides the source of legitimacy when the legality attached to certainty is disrupted with arguments on cultural inconsistencies of current laws by the political power. In this operation, justice is operationalized as a critique from outside the law to problematize the law’s content, source and substance, but is still within the Turkishness truth-subjectivity regime. The violence enacted beyond the law and legal system before was introduced within the legal realm and took a form of legal violence in the post-AKP period. Substantive justice references enable the changing political power to deviate arbitrarily from legal procedures. Substantive justice is not an overall critique of law but a critique of its particular ideological alignment to be replaced.

References to substantive justice provide a discretionary power to those disrupting procedures to define whether the laws in place are just and right and to correct them if they are not. Therefore, legitimacy is derived by marking current laws as not just enough to correspond to cultural dynamics and to

legitimately displace procedures to correct the laws' substance to do justice. Through this, the political power, the AKP, participates in the game of justice via which the *dispositif* of the regime can be reproduced. In these games and their displacement of procedures, institutional separation of executive and judicial fields could be overcome. It can then be determined where and when the law will not be implemented, which can constantly change. Through this, uncertainty is made permanent without leading to delegitimation. On the contrary, it even strengthens the legitimacy derived, as it is made dependent on the fear attached to uncertainty enabling the reformation of the apparatus. Uncertainty infiltrates into encounters as a disciplinary strategy strengthening surveillance mechanisms, leading to this environment of fear of the possibility of being charged with, for example, the membership of a terrorist organization, as it is not known what to expect from the legal system. This anxiety and fear conveyed by the uncertainty of the legal system reproduce its legitimacy reciprocally. The function of the legitimacy of this understanding of justice, making the uncertainty a strategy, showed the discursive participation in criminalizing some expressions that are actually not illegal nor constitute a crime according to the law. Within this ambivalent, broadened field of legal practice, even the lawyers, who are critical of such practices, told me that they replace their legal references and sources with the possible arbitrary interpretations of these laws. They are tamed to enhance the normalization of this uncertainty and turn into actors reproducing this discourse and formulation of justice. These dispersed surveillance mechanisms engaging in subjectification through ambiguity are constantly reproduced through the arbitrary interpretations of the law. At this point, the source of knowledge circulates through law and changes the meaning of legality as well. Legality becomes no longer connected to the certainty ensured by the functioning procedures to follow the coded laws but through the justified knowledge inscribed into the arbitrary implementation of laws. By the hands of arbitrary interpretations and formulations of the law, drawing on a substantive justice stripped from the procedural one, exclusions and exceptional situations are made continuous.

In Chapter Eight, on the other hand, a different relationality appeared, and the relationship was shown as formulated the other way around; inductively. In the stateless organization of power-knowledge relationalities inquired into by this chapter, the legitimation engages in the formation of the *dispositif*. Legitimation of certain organizations, practices and institutionalizations is a prerequisite for deploying these organizations within a *dispositif* forming a heterogeneous ensemble. Legitimation is contingent upon recognition, and

only after the confirmation of recognition are the mechanisms deployed within the patriotic regime.

Tracing legitimacy, legality, law and justice in an epistemic context taking its references from Kurdistan beyond Turkishness, its state apparatus and in an organization avoiding any state-like formation, Chapter Eight revealed the forms of socio-political organization in Northern Kurdistan beyond the state and the dispositives it forms within the truth-subjectivity regime enacted by the exclusion of the state-like, without a state apparatus. Therefore, moving beyond epistemological strategies and experiential deficiencies of the state law portrayed as a transactional inscription between individuals, this chapter traced contingent appearances of spatializations, subjective positions, legality and legal settings in the everyday life of Amed. In this trace, from the expressions enacting a different truth order to the becomings of subjectivities, space, subjectivity, power and knowledge appeared as engaging a historicization circulating through experiences and memory. Therefore, unlike the function of national borders inquired into by Chapter Six, which showed that it operates to contain subjectivities into a singular appearance, the self is understood to be spatialized and revealed as almost like a border-making practice in Kurdistan by this chapter. In other words, the space of Kurdistan is not a container but is contingent upon being continuously made by subjective experiences, remembering and self-technologies.

These experiential dynamics that are not absorbed by strict identity categories and coded laws trigger a different becoming of law than the state law. Exclusion of the state apparatus and rejection of anything state-like by the patriotic subjectification regime discursively formed by the ideological alignments with the PKK dissolves the state law and turns it into something else deprived of a center. The multiplicity of power interplays not colonized by being nationalized within a state apparatus triggers contingent and particular becomings of law. The relation of justice to the law was also revealed as converging by these inquiries. Unlike their forms within the Turkishness that enables this converging relationality by reducing justice into a fixed, strictly defined monolithic subject position and law into a self-legitimizing realm of state law, in the epistemic context in which this chapter is positioned, however, justice and law were shown as making one another in each encounter more contingently. Law's deprivation of coded rules in this becoming makes it open to correspond to differing subjective experiences informing justice. Justice becomes a subjective and social process, moving beyond modern law's de-ethicalization and de-experientialization of justice attributed to the substance of the coded laws and well-functioning procedures, and law is defined over an ethical-aesthetical regulation informed by experiences. This

removes the state among individuals and between individuals and society and makes the definition of law open for reformulations. So, it replaces the supposedly neutral, experience-distant, objective state law with an experience-informed law drawing on the ethics and morality of justice and an aesthetic self-consciousness.

Ethics-aesthetics is introduced by Öcalan as the condition for absolute emancipation. Ethics is defined as morality and consciousness of freedom, while aesthetics is used to describe self-realization through this consciousness (Öcalan, 2020). Under the influence of this subjectification informing the games with a discourse on ethics-aesthetics, the law becomes a regulation linking ‘aesthetic’ self-realization, ethics, morality, justice, freedom, individual consciousness and societal peace. It is shaped as a relational connection of the ethical bond of the individual to society and the aesthetic ‘self-realization’ of singular individuals. It therefore reintroduces the question of ethics and morality into the function of law.

Justice and Women Commissions’ decisions informed by this underlying ethical-aesthetical evaluation were shown as being attributed to legality. Therefore, legality is not defined in terms of compliance with pre-coded laws but shaped contingently informed by the “particularity of each case.” It is open to different knowledges, and this contingent legality is made simultaneously with the making of a particular law. Case-specific relations of recognition are shown as what brings a sense of justice, legitimacy and legality together in the decisions of the Justice and Women Commissions. Recognition, and thus the legitimacy, of the mechanisms’ authority in legal governance is a prerequisite for the emergence of these mechanisms and the attribution of legality to their decisions. The uniqueness of each case informs the operations of the Commissions.

Judicial mechanisms in the form of People’s Courts do not have fixed institutions or elements. They are instead appearing and disappearing mechanisms triggered by particular cases. The cases precede the People’s Courts’ particular establishments, and they are case-specific and their mechanisms contingent upon necessity. They perform as participatory, inclusive bodies. In their in-practice operations in Northern Kurdistan, decisions are made collectively without a judge or a prosecutor. In this relationality, justice does not require external mechanisms to be provided but rather is ingrained in society. It is positioned between the individual and society by eliminating its role between society and the state. In this reintroduction of the formulation of justice to society, its form becomes popular justice. It re-embeds justice into the society through a subjective, experiential form executed. This execution is neither neutral nor portrayed as

such. The co-relationality between judicial mechanisms and popular justice does not seek independence of the mechanism in its supposedly neutral form but in the experiential feature of popular justice.

Popular justice that is attentive to the multiplicity of subjective experiences is informed by an ethical-aesthetical transformation of society. Popular justice conveys a criminal justice understanding prioritizing restoration over retribution for facilitating the individuals' aesthetic self-realizations. On the other hand, in the cases concerning the relationship of the individual to society, most visibly in the functioning of Women Commissions prioritizing women's experiences, it operates for a transformative social change within the society, for the sake of a formation of an "ethical-moral" society. In other words, even though popular justice can be defined as "acts of justice by the people" (Foucault, 1980d, p. 9), the people that make up that "popular" in justice are subjected to the patriotic regime. This regime introduces aligning patterns to the games through an ethical-aesthetical disciplining strategy transforming the patterns of normalization embedded in the society, as it resonates in the horizontally rooted enforceability of the law and legality and the social reactions that are in line with the decisions of the commissions and the courts.

Both these chapters' inquiries revealed a 'game of just,' operationalized to legitimize the current practices. Justice initiated by a 'game of just,' rather than a 'game of unjust' is discursively formulated in the present time. Legality was also revealed to be in direct connection with knowledge circulating through the law. Even though the principle of legality is linked to certainty within modern law, the status of being aligned with law appeared in different ways. While the well-functioning procedures were used as the reference to procedural justice, and so to legality, uncertainty justified through the problematic substance of the laws attributes not only legitimacy but also legality to deviation from following the procedures. In other words, state law, by engaging in a circulation of power through truth claims, justify its practices with reference to legality through the knowledge it produces. As Chapter Six revealed, legality is defined not only through the coded laws but also through their implementation in particular ways. In contrast, legality was revealed to take an experiential form connected to the relation of recognition and, therefore, to legitimacy in an interdependent way within the realm of law informed by an ethical-aesthetical regulation. In Chapter Eight, legality is not a status defined through compliance with the coded laws but is made simultaneously with particular laws through their execution.

9.2.2. Game of unjust, delegitimation and law: justice in the future tense

Inquiries undertaken by Chapter Seven, unlike Chapters Six and Eight, focused on tracing the games of justice informed by the rules within the resisting Kurdishness truth-subjectivity reaching the Turkishness regime and to the realm of state law whose experience-distant and exclusivist features were revealed by Chapter Six. These games are initiated by a game of unjust. In other words, they are first triggered by an attachment of unjustness to the practices, exercises and institutions of Turkishness operating for their delegitimation. Only after the formulation of unjustness does that justice formulated as an aspiration come into view. Therefore, Chapter Seven shows that the game of unjust operating for delegitimizing the current practices, exercises and institutions formulates justice in the future tense as something to come. Justice becomes forward-looking and takes the form of aspirations. Despite the instrumentalization of justice within Turkishness to legitimize current practices, referring either to well-functioning procedures or enabling to transgress these procedures through a problematization of the substance of laws, justice becomes the justification for the claims made by various struggles in Northern Kurdistan in this context. That leads to a receding relationality between justice and (state) law. Throughout the inquiries, it was shown that the hope to attain justice via state law is very low or even nonexistent. Games of justice triggered by the experiences of injustice intervene in the formulation of state law within Turkishness. They contest the justice games of Turkishness. As they are informed by a subjectification regime excluded by Turkishness, through these games of justice in Northern Kurdistan, the formulation of justice by the games of Turkishness can be threatened and delegitimized. It is formulated to attach unjustness to these practices that had attached justness by the state, so it uncovers the injustice experienced. Only after describing a violation of a right through injustice does the notion of justice come into view as a need, feeling, discussion or what characterizes the struggle and resistance.

These games reaching the realm of Turkishness via being translated into the legal categories shift the meanings attributed to the state law as well. State law, which had been revealed as being instrumentalized as a component of the Turkishness truth-subjectivity regime by legally producing the national subjectivity and engaging in the legitimation of the exclusions previously, regains its meaning through its tactical use. Tactics were revealed to utilize the very same mechanisms through which the strategy of exclusion functions. In the tactical use of state law, it is attributed a new meaning as a tool to be used against the state to communicate excluded experiences. This communication

was revealed to operate in two ways. It is first operationalized to exhaust the domestic legal paths to be able to make a claim on the international scale via the ECtHR. Even though ECtHR was revealed to be an insufficient mechanism in corresponding to the systematic and collective experiences of injustice, it can be argued that its intense use, reflecting on the hundreds of case files since the 1990s, opens up a space for engaging in a narrative of truth that the Turkish State hides in dusty shelves and mass graves, as is the case for the enforced disappearances. A legal framing engaged in by human rights lawyers, even if it cannot reflect the social reality experienced by the applicants, as shown by the untranslatability of experiences into the existing legal categories—especially in the two empirical themes of death and home—it still forms a contested legal framing making the excluded experiences be communicated in some form. In other words, communication via legal means can be considered engaging in a competing legal framing of the truth. The truths that appeared in the context of this chapter do not belong to another regime, it is a part of external reality, be it the whereabouts of the disappeared, perpetrators or the violations exposed during the urban warfare. However, via systematic impunity, prevention at the hands of prosecutors who threaten witnesses and do not issue petitions, at the hands of hospitals that do not provide assault reports, at the hands of police who do not register custodies or by state agents preventing mass graves from being excavated, the legal framing of the state actors engages in a representation of this ‘social reality.’ Therefore, lawyers’ legal fight can be considered enabling a different representation through legal framing. It is at this point that communication gains its second operationalization. These legal framings initiated by compiling the narratives, testimonies and evidence are documented and recorded for keeping a memory. State law and court documents are attributed a new meaning by being used as archives to be opened in a possible peaceful future.

To revisit the aim, I interlinked the inquiries under two frameworks to show how complex and interwoven the formulations of justice are in Northern Kurdistan. The relation of justice to law was shown as shaped in different ways and informed by the epistemic contexts in which they are inscribed. By engaging in the scrutiny of these contexts that inform the narratives and subject positions held in Northern Kurdistan, the aim of the research was informed by engaging in an ethnographic venture into different formulations. How the games of justice are initiated was revealed to be connected to their legitimacy. While attribution of unjustness and pointing at the incapability of state law to correspond to the excluded experiences is working for its delegitimation, justness attribution is utilized to derive legitimacy. In these operations, justice is either reduced to the substance of the coded laws and the effective

procedures to preserve the balance within a petrified Turkishness by preventing different subjective experiences from threatening it, or it is formulated as responsive to multiple subjective experiences by being linked to the recognition and legitimacy that inform the formulation of legality beyond the pre-coded laws more contingently. Therefore, this thesis can be considered to accomplish its aims by presenting a relational and dialogic ethnography of law and justice in Northern Kurdistan.

9.3. Revisiting purpose

Despite accomplishing its aims, whether this thesis will attain its purpose is yet to be seen. The purpose I adopted in the sense of helping enabling the paths for sustainable and honorable peace in Northern Kurdistan can be considered a broader socio-political motive behind the formulations of the aims and makes explicit the initial response to the question of what is next.

The ethnography presented by this thesis oscillated across different truth-subjectivity regimes. Different stories came forward, different narrations, formulations and experiences, all showing in a way that neither the past and present experiences nor the future aspirations can be contained into monolithic formulations, and so neither can the peace. As can be traced in the Peace Mothers' actions described in Chapter Eight, peace is not a way out of precarious subjectivities to end the suffering. It is the struggle and a victory to be gained by realizing the political ideals. Peace aspirations in Northern Kurdistan are raised with an emphasis on 'honorable peace.'

'Honorable' characterizing the discourses on peace gained a stronger tone after the collapse of the peace process in 2015. It is mostly used to refer to the honorable return of the guerillas, an honorable position to be provided at the negotiation table as equal parties and an honorable future through recognition of self-determination. The nuances in the aspirations of an honorable peace in Northern Kurdistan can be revealed by the inquiries of the thesis. Foucault (2014) argues that truth-telling is telling justice, pointing at the multitudinous experiences, subjections and exposures to truth informing formulations of justice. The game of truth and justice was revealed to inform one another in different ways; from the Saturday Mothers' aspiring justice with a truth-pursuit in retribution to the Sur inhabitants seeking justice through reparation of all the losses of home that they experienced, from justice expressions reclaiming the public sphere and Peace Mothers seeking justice in restoration attentive to the political ideals of their children to women exposed to gendered violence

throughout the war expressing justice over a transformation. Therefore, this thesis hopefully contributes to an imaginary of peace inevitably linked to the sense of justice felt collectively in its correspondence to the social memory and truths that are asked to be revealed or shifted. Also quoted in this thesis, a Peace Mother asked me if making peace is only about the past. All these narratives signify that peace can only be possible through confrontation with the past, the transformation of the present and sustainability guaranteed for the future. Even though I moved across different epistemic contexts throughout the inquiries, they are neither fragmented nor eclectic. They drew on the differing narratives, experiences and formulations of the same research participants. Therefore, I hope to contribute to an imaginary of honorable and sustainable peace by revealing the different accounts, namings and meanings without whose recognition a peaceful future is not possible.

9.4. Contributions, limitations and suggestions for further research

Besides the analyses summarized so far, this thesis hopes to contribute to socio-legal studies with nominalist insights. Nominalist ontology, which is also adopted as an analytical strategy by the inquiries of this thesis, can provide different lenses to the discussions on the contextualization of law following Banakar's description of socio-legal research as an attempt to re-place "either parts of the law or the law in its entirety into its socio-cultural and historical contexts" (2015, p. 96). An analytical intervention enabling the historicization of particular laws, revealing the attributed meanings to them and their surrounding dynamics determining their legitimacy and legality can be facilitated by understanding law in its particularity and embeddedness into particular historical contexts. A different angle can be activated by introducing nominalism into the sociology of law that can contribute to further insights into the plurality of law. Moreover, the tendency to dissolve law within these relationalities, which Braverman et al. (2014) criticize by pointing to critical legal studies' understanding of law as a cultural artifact within its "social and cultural manifestations," can be overcome with the insights nominalism provides. They underline that despite being "social and political," law "is not society and politics" (p. 15), something which nominalism can contribute to by facilitating an approach to law not as knowledge but as made to take a particular form within a web of knowledge and in a particular historical condition. By being deprived of strict conceptualizations and making a re-

embedding of law and justice into their empirical and experiential contexts possible, nominalism also offers promising insights to further problematize the legal positivist tension of the conceptual separation of law and justice despite their empirical, experiential connection (Banakar, 2015, p. 6).

By following a particular use of nominalism as an analytical intervention following Foucault's strategy, I believe this thesis also contributes to a reading of Foucault's understanding of law responding to the critiques by Valverde (2010) concerning the use of Foucauldian tools as strict concepts with firm definitions in socio-legal studies. By adopting Foucault's concepts as analytical tools rather than conceptualized frameworks, and making use of his nominalist strategy, the potential of Foucauldian insights in socio-legal studies can be revealed by moving beyond the socio-legal literature on Foucault's expulsion of law from the "modern forms of government" (Hunt & Wickham, 1994, p. 22) drawing on such a strict conceptualization that Valverde criticizes. Similarly, Foucauldian studies in legal geography are mostly concerned with governmentality and biopower (Merry, 2001), whereas the spatial dynamics that make 'governmentality' become, as suggested by Foucault, are not yet introduced as a theoretical tool. In other words, I hope that this study will also contribute to the introduction of Foucauldian nominalism into the theoretical debates in legal geography.

The empirical material collected could, of course, be studied in a number of different ways. Consciousness is introduced into the discussions by the empirical material multiple times as a reference to political consciousness, tendencies of the judiciary in sensing the political climate and acting accordingly or in the remarkable legal knowledge and awareness of rights among the research participants, which could be subjected to legal consciousness studies as well. There are also many themes that could be approached by focusing on juridification, starting with the juridification of the everyday life of Amed in different ways ranging from the intense legal fight of the human rights lawyers ending in hundreds of submissions of petitions to the prosecutor's office and the ECtHR and to the tactics utilizing different legal bodies in different ways. Legal pluralism could also be the focus when looking into the alternative legal settings that appeared through *ruspîs*, with their traditional role in dispute resolution, Justice and Women Commissions and People's Courts. There is no doubt that these approaches could provide significant insights and even more detailed focuses for particular themes. Adopting Foucauldian analytical tools, however, made it possible to provide a broader ethnography revealing the complex relationalities triggered by competing historicizations in Northern Kurdistan. These relationalities were very remarkable and difficult to ignore throughout my fieldwork. Rather than

focusing on a particular theme and historicization, I could understand these relationalities in their complexity, segregation and togetherness. The above-mentioned possible approaches that could be adopted would focus on particular themes rather than enabling me to gather all these complex relationalities under one analytical framework. As mentioned, Foucauldian notions provide an observational angle rather than containing the empirical themes within strict concepts. This observational angle facilitated me to understand the multiple appearances and disappearances, shifting meanings and subject positions and changing names and forms. Therefore, I believe that rather than limiting me, Foucauldian tools enabled me to make sense of these relationalities as they appear on the surface of everyday life.

Drawing on this, I also hope to contribute to the area studies focusing on contexts marked by political violence and/or colonial domination. Despite the uniqueness of each context, many empirical themes apparent in Northern Kurdistan—such as the threshold subjectivities stuck between a citizen and noncitizen, experiences holding the borderline between life and death, sovereign bodies engaging in a politics of death, the legal fight initiated by lawyers, alternative mechanisms enacted for popular justice and the peace activism of mothers—are familiar in either similar or different forms from different contexts in Palestine, Northern Ireland, Xinjiang, Kashmir, Western Sahara, Colombia and Argentina, among many others. It was a challenge for me to try to do justice to the narratives and experiences in a way that both conveys the suffering and exclusion experienced, on the one hand, and the powerful active mobilizations on the other. One can easily get articulated into the humanist project by participating in “the moralization of politics,” replacing inequality with exclusion, domination with misfortune, injustice with suffering and violence with trauma (Fassin, 2012, p. 6) when conducting research in such contexts. I therefore greatly considered finding a way to reflect the field as it is; that is with its sufferings, exclusions, violations, political ideals, resistances, emergences, anger, hopes and aspirations, ordinariness and the extraordinary. I believe embedding each experience into the encounter where it is triggered facilitated me to understand and present the context as complex as it is without a depoliticization of neither suffering nor responses in everyday life. I made use of Foucauldian tools to compile them all, whereas different analytical frameworks acknowledging epistemic pluralities, in general, would facilitate the analysis and presentation of such contexts in their multidimensionality.

When considering the limitations of this research, the first one can be discussed concerning the profile of the research participants. As also mentioned throughout the thesis, all my research participants were identifying

themselves as patriotic. It is significant to note that by research participants, I do not mean only the respondents of the interviews. Being an ethnographic study, participation in this research took different forms, including daily encounters, informal conversations and various social interactions. Therefore, the identification of all the participants as patriotic also tells something about the political engagement of Amed, as described in Chapter Three when presenting the research site. Considering the discursive influence of the PKK in Amed, the city's significance for the party and the popular support reflected in the number of the people participating in the guerilla forces from the city—marking it with the highest participation from all around Northern Kurdistan—it can be argued that the profile of the research participants was almost representative even though I did not engage in a representative sampling. Therefore, considering the prioritization of experiential portrayal over a representative one by this research, and the overall profile of Amed, it can be argued that this limitation was not a very restrictive one for the inquiries. Still, however, multiple truth-subjectivity regimes shaped by taking Kurdistan as a reference point, that Chapter Eight presented a snapshot of by focusing on the patriotic subjectification only, constitutes a significant topic for further research.

Another limitation I will elaborate on is caused by the incompatibility of the extent of the research focus with the size of the empirical material collected, as all ethnographies generate more and different kinds of empirical material than the ones that end up being written. I, therefore, had to eliminate some empirical themes that were intensely evoked throughout my writing. They were not eliminated because they were irrelevant or insignificant, but rather the contrary. They were broad, detailed themes to be issued on their own, which I avoided adding to this final text as I did not want to devote less space or attention than they deserve. Especially four themes remain to be inspiring topics for further research.

One of these themes was the relation of hunger strikes, that were ongoing during the period I conducted my fieldwork, to the law and formulations of justice. Hunger strikes appeared as a unique theme in my analytical framework as a form of expression fitting into both contestations and resistances presented by Chapter Seven and the emergences of truth orders inquired into by Chapter Eight. The expressions made through hunger strikes in 2019, which were ongoing when I was in Amed, were formulating arguments over the state law and taking a resisting form against the suspension of (state) law in their press briefings. However, other materials ranging from the narratives collected from hunger strikers to the testimonies on the previously held collective hunger strikes at the prisons were oscillating between power, a bodily inscription of

justice, resistance, countering and collaboration, reflecting in the changing sources of legitimacy for the hunger strikes in different narratives from legal references to political ideals. Therefore, I did not want to try to fit hunger strikes as a monolithic theme into my inquiries due to its uniqueness in presenting a theme within which the competing discourses can be traced.

The second theme, which I only briefly touched upon in particular inquiries, was the gendered formations that were very visible in Amed. As also shown by the existing literature reviewed when situating the study in the introductory chapter and described in Chapter Four on methodological considerations, gendered formations of power relationalities are significant themes to be focused on in Northern Kurdistan. Although my fieldwork also brought significant gendered constructions in Northern Kurdistan forward, I only referred to them to inform the contexts of particular inquiries. However, I could not entirely focus or engage in a gendered reading, as they are also broad and significant themes requiring individual analyses informed by feminist epistemologies on their own. Despite the large body of literature focusing on the gendered construction of spaces, subjectivities, and organizations in Northern Kurdistan, their influence on the formation of legal mechanisms, which this thesis touched on through the inquiries on women commissions only, signifies a knowledge gap for further research.

The third theme I could not include in the thesis in its broadness was the urban warfare in Sur, within which I only focused on the empirical theme of home and displacement. I believe it requires special attention for further research since it involves many different relationalities, the relevant legal cases are still ongoing and its memory is very fresh. The final theme, which can also be considered a methodological limitation I had to engage in, concerns the document analysis. Even though I followed the profiling and analyzed the documents being informed by the other empirical material, the documents constitute a very significant source of analysis by themselves, and they carry a strong potential to reveal the multiple dimensions of the legal fight and legal translations of experiences that would make it possible to understand courts and law as sites of memory in more detail.

I want to finalize the thesis by returning to what is introduced in the *Preface*. Besides all else, in the last four years, this research provided me with priceless encounters, particularly during my fieldwork. I learned a lot from my research participants. All the stories I listened to – both the ones that ended in being shared in these pages and the ones that could not – inspired me intellectually,

politically, and imaginatively. I hope I could convey these stories ‘justly,’ and they inspire their readers as well. When talking about the silence in Turkey and the rest of the world during the 2015 urban warfare in Northern Kurdistan, one of my research participants told me – referring to the phrase ‘Geography is destiny’ – that “the problem is not the geography but being blinded by it.” I hope this thesis contributes to ways of seeing, as justice – if I need to summarize all these pages with one sentence – is a way of seeing.

References

- Abu El Haj, N. (2001). *Facts on the Ground: Archaeological Practice and Territorial Self-Fashioning in Israeli Society*. Chicago: The University of Chicago Press.
- Ackerman, B. (1980). *Social Justice and The Liberal State*. New Haven: Yale University Press.
- Agamben, G. (1998). *Homo Sacer: Sovereign Power and Bare Life* (D. H.-. Roazen, Trans.): Stanford University Press.
- Agamben, G. (2005). *State of Exception* (K. Attell, Trans.). Chicago and London: The University of Chicago Press.
- Akboğa, S., & Sahin, O. (2021). Identity and perceptions of procedural justice in the courts in Turkey: ethnic and political factors. *The Journal of Humanity and Society*, 2-24.
- Akçam, T. (2004). *From Empire to Republic: Turkish Nationalism and the Armenian Genocide*. London: Zed Books.
- Akçam, T., & Kurt, Ü. (2012). *Kanunların Ruhü*. Istanbul: İletişim Yayınları.
- Akkaya, A. H., & Jongerden, J. (2013). Confederalism and autonomy in Turkey: The Kurdistan Workers' Party and the reinvention of democracy. In C. Gunes & W. Zeydanlıoğlu (Eds.), *The Kurdish Question in Turkey: New Perspectives on Violence, Representation and Reconciliation* (pp. 186-204). London: Routledge.
- Akman, C. A., & Akçalı, P. (2017). Changing the system through instrumentalizing weak political institutions: the quest for a presidential system in Turkey in historical and comparative perspective. *Turkish Studies*, 18(4).
- Akyıldız, K. (2012). Türklük Halleri: Yalnız ve Güzel Ülkenin Ruhü (I). *Birikim*, 274, 14-22.
- Al, S. (2015). Local Armed Uprisings and the Transnational Image of Claim Making: The Kurds of Turkey and the Zapatistas of Mexico in Comparative Perspective. *Globalizations*, 12(5), 677-694.
- Al-Ali, N., & Taş, L. (2021). Kurdish women's struggles with gender equality: from ideology to practice. *Third World Quarterly*, 42(9), 2133-2151.
- Alkiviadou, N. (2022). Hate Crimes: The legality and Practicality of Punishing Bias—A Socio-Legal Appraisal. *International Journal for the Semiotics of Law*.
- Allison, C. (2010). Kurdish Oral Literature. In Philip G. Kreyenbroek PG & U. Marzolph (Eds.), *Oral Literature of Iranian Languages: Kurdish, Pashto*,

- Baluchi, Ossetic, Persian, Tajik: Companion volume 2: A history of Persian Literature* (pp. 129-168). New York and London: I.B. Tauris.
- Alpkaya, G. (1995). "Kayıp"lar Sorunu ve Türkiye. *Ankara Üniversitesi SBF Dergisi*, 50(3), 31-63.
- Altınay, A. G., & Çetin, F. (2013). *Torunlar*. Istanbul: Metis.
- Amit, V. (2000). Introduction: Constructing the Field. In V. Amit (Ed.), *Constructing the Field: Ethnographic Fieldwork in the Contemporary World*. London: Routledge.
- Anwar, S. (2021). Restorative Justice Approach in Positive Law Enforcement on the Implementation of Customary Sanctions in Papua. *Journal of Southeast Asia Studies*, 2(3), 207-214.
- Aquinas, T. (1988). *Summa Theologica*. Indianapolis: Hackett.
- Aretxaga, B. (1995). Dirty Protest: Symbolic Overdetermination and Gender in Northern Ireland Ethnic Violence. *Ethos*, 23(2), 123-148.
- Aretxaga, B. (2001). The Sexual Games of Body Politic: Fantasy and State Violence in Northern Ireland. *Culture, Medicine and Psychiatry*, 1-27.
- Artuk, M. E. (2007). Türklüğü, Cumhuriyeti, Devletin Kurum ve Organlarını Aşağılama Suçu (5237 sayılı TCK m. 301). *TBB Dergisi*(70), 214-243.
- Ashe, F. (2019). *Gender, Nationalism and Conflict Transformation: New Themes and Old Problems in Northern Ireland Politics*. New York: Routledge.
- Atkinson, P. (2015). *For Ethnography*. London: SAGE Publications.
- Ayata, B., & Yüksek, D. (2005). A Belated Awakening: National and International Responses to the Internal Displacement of Kurds in Turkey. *New Perspectives on Turkey*(32), 5-42.
- Azarian, R. (2011). Nationalism in Turkey: Response to a Historical Necessity. *International Journal of Humanities and Social Science*, 1(12), 72-82.
- Bacchi, C. (2020). WPR, Foucault and Nominalist Critique Part I. Retrieved from <https://carolbacchi.com/2020/10/01/wpr-foucault-and-nominalist-critique-part-i-2/>
- Bakiner, O. (2013). Is Turkey coming to terms with its past? Politics of memory and majoritarian conservatism. *Nationalities Papers*, 41(5), 691-708.
- Banakar, R. (2015). *Normativity in Legal Sociology: Methodological Reflections on Law and Regulation in Late Modernity*. New York and London: Springer.
- Bankowski, Z., & Mungham, G. (1976). *Images of Law*. London: Routledge & Kegan Paul.
- Bargu, B. (2014). *Starve and Immolate: The Politics of Human Weapons*. New York: Columbia University Press.
- Barnett, R. E. (1988). Forward: Can Justice and the Rule of Law be Reconciled? *Harvard Journal of Law & Public Policy*, 11, 597-624.
- Başer, B. (2017). Intricacies of Engaging Diasporas in Conflict Resolution and Transitional Justice: The Kurdish Diaspora and the Peace Process in Turkey. *Civil Wars*, 19(4), 470-494.

- Başer, B., Akgönül, S., & Öztürk, A. E. (2017). "Academics for Peace" in Turkey: a case of criminalising dissent and critical thought via counterterrorism policy. *Critical Studies on Terrorism*, 10(2), 274-296.
- Bayır, D. (2013). Representation of the Kurds by the Turkish Judiciary. *Human Rights Quarterly*, 35, 116-142.
- Belge, M. (1992). *12 Yıl Sonra 12 Eylül*. Istanbul: Birikim Yayınları.
- Belge, M. (1997). *Türkiye Dünyanın Neresinde?* Istanbul: Birikim.
- Benda-Beckmann, F. v., Benda-Beckmann, K. v., & Griffiths, A. (Eds.). (2009). *Spatializing Law: An Anthropological Geography of Law in Society*. Farnham and Burlington: Ashgate.
- Benjamin, W. (2004). Critique of Violence. In M. Bullock & M. W. Jennings (Eds.), *Walter Benjamin: Selected Writings, 1913–1926* (pp. 236–252). Cambridge: Harvard University Press.
- Bennett, M. (Ed.) (1998) *The Hutchinson Dictionary of Ancient & Medieval Warfare*.
- Bennington, G. (1990). Postal Politics and the Institution of the Nation. In H. K. Bhabha (Ed.), *Nation and Narration* (pp. 121-137). London and New York: Routledge.
- Bens, J., & Vetter, L. (2018). Ethnographic legal studies: reconnecting anthropological and sociological traditions. *The Journal of Legal Pluralism and Unofficial Law*, 50(3).
- Beşikçi, I. (1991). *Devletlerarası Sömürge: Kürdistan*. Istanbul: İsmail Beşikçi Vakfı.
- Beşikçi, I. (1992). *The Tunceli Act (1935) and Dersim Genocide (1937-38)*: Yurt Books.
- Biner, Z. Ö. (2012). Documenting 'truth' in the margins of the Turkish state. In J. Eckert, B. Donahoe, C. Strümpell, & Z. Biner (Eds.), *Law against the State: Ethnographic Forays into Law's Transformations* (pp. 228-244). Cambridge: Cambridge University Press.
- Biner, Z. Ö. (2013). The Logic of Reconciliation: Between the Right to Compensation and the Right to Justice in Turkey. *Humanity*(Spring).
- Blomley, N. (1994). *Law, Space, and the Geographies of Power*. New York: Guilford.
- Blomley, N. (2004). *Unsettling the City: Urban Land and the Politics of Property*. New York: Routledge.
- Blomley, N. (2006). From "what?" to "so what?": Law and Geography in Retrospect. In J. Holder & C. Harrison (Eds.), *Law and Geography* (pp. 17-34). Oxford: Oxford University Press.
- Blomley, N. (2011). *Rights of Passage: Sidewalks and the Regulation of Public Flow*. New York: Routledge.
- Blomley, N., & Bakan, J. (1992). Spacing Out: Towards a Critical Geography of Law. *Osgoode Hall Law Journal*, 30(3), 661–690.
- Blomley, N., Delaney, D., & Ford, R. (Eds.). (2001). *The Legal Geographies Reader: Law, Power, and Space*. Malden: Blackwell.

- Bochenska, J. (2005). *The Roots of Literary Identity in the Prose of a Kurdish Writer Mehmet Uzun*. Paper presented at the Central Asia: The Local, the Regional, the Global, Krakow.
- Borsuk, I., Dinç, P., Kavak, S., & Sayan, P. (Eds.). (2022). *Authoritarian Neoliberalism and Resistance in Turkey: Construction, Consolidation, and Contestation*: Palgrave Macmillan.
- Bostan, C. (2020). Etnografi. In I. Schoultz & I. Nafstad (Eds.), *Om rättssociologisk tillämpning* (pp. 51-68). Lund: Studentlitteratur AB.
- Bouvard, M. G. (1994). *Revolutionizing Motherhood: The Mothers of the Plaza de Mayo*. Wilmington: Scholarly Resources.
- Bozarslan, H. (2002). Kürd Milliyetçiliği ve Kürd Hareketi 1898-2000. In M. Gültekingil & T. Bora (Eds.), *Modern Türkiye’de Siyasi Düşünce: Milliyetçilik* (Vol. 4, pp. 841-871). Istanbul: İletişim.
- Braverman, I., Blomley, N., Delaney, D., & Kedar, A. S. (Eds.). (2014). *The Expanding Spaces of Law: A Timely Legal Geography*. Stanford, California: Stanford University Press.
- Brennan, C. (2006). ‘An instrument of injustice’ Child abuse and the reform of limitations law. *Child and Family Law Quarterly*, 18(1), 67-92.
- Bruinessen, M. V. (1994). Genocide in Kurdistan: The Suppression of the Dersim Rebellion in Turkey (1937-1938), and the Chemical War against the Iraqi Kurds (1988). In G. J. Andreopoulos (Ed.), *Conceptual and Historical Dimensions of Genocide* (pp. 141-170): University of Pennsylvania Press.
- Bryson, A. (2021). The politics of preservation: oral history, socio-legal studies, and praxis. *Journal of Law and Society*, 48(S1), S74-S87.
- Buch Segal, L. (2016). *No Place for Grief: Martyrs, Prisoners, and Mourning in Contemporary Palestine*. Philadelphia: University of Pennsylvania Press.
- Budak, Y. (2015). Dealing with the Past: Transitional Justice, Ongoing Conflict and the Kurdish Issue in Turkey. *International Journal of Transitional Justice*, 9, 219–238.
- Butler, J. (1990). *Gender Trouble: Feminism and the Subversion of Identity*. New York: Routledge.
- Butler, J. (1997a). *Excitable Speech: A Politics of Performative*. New York and London: Routledge.
- Butler, J. (1997b). *The Psychic Life of Power: Theories in Subjection*. Stanford, California: Stanford University Press.
- Butler, J. (2004). *Precarious Life: Powers of Mourning and Violence*. London and New York: Verso.
- Cemal, H. (2003). *Kürtler*. Istanbul: Doğan Kitap.
- Certeau, M. d. (1984). *The Practice of Everyday Life*. Berkeley: University of California Press.
- Chomsky, N., & Foucault, M. (2006). Human Nature: Justice vs. Power (1971) – a debate between Noam Chomsky and Michel Foucault. In J. Rajchman (Ed.), *The Chomsky- Foucault Debate: On Human Nature* (pp. 1-67). New York, London: The New Press.

- Chyet, M. L. (2003). *Kurdish-English Dictionary*. New Haven & London: Yale University Press.
- Clarke, K. (2010). Rethinking Africa through its exclusions: the politics of naming criminal responsibility. *Anthropological Quarterly*, 38(3), 625–651.
- Clarke, K. M., & Goodale, M. (Eds.). (2010). *Mirrors of Justice: Law and Power in the Post-Cold War Era*. New York: Cambridge University Press.
- Clifford, J. (1986). Introduction: Partial Truths. In J. Clifford & G. E. Marcus (Eds.), *Writing Culture: The Poetics and Politics of Ethnography* (pp. 1-26). Berkeley, Los Angeles and London: University of California Press.
- Cockburn, C. (2003). Why (and which) Feminist Antimilitarism? *Annual General Meeting of the Women's International League for Peace and Freedom*. Retrieved from <https://www.cynthiacockburn.org/Blogfemantimilitarism.pdf>
- Cohen, J. (2009). Freedom, Equality, Pornography. In A. Sarat & T. Kearns (Eds.), *Justice and Injustice in Law and Legal Theory* (pp. 98-138). Ann Arbor: The University of Michigan Press.
- Coleman, S., & Collins, P. (2006). Introduction: 'Being...Where?' Performing Fields in Shifting Grounds. In S. Coleman & P. Collins (Eds.), *Locating the Field. Space, Place and Context in Anthropology*. Oxford: Berg.
- Colwell, C. (1994). The Retreat of the Subject in the Late Foucault. *Philosophy Today*, 38(1), 55-69.
- Cooper, D. (1996). Talmudic Territory? Space, Law, and Modernist Discourse. *Journal of Law and Society*, 23(4), 529–548.
- Cott, N. F. (2009). Justice for All? Marriage and Deprivation of Citizenship in the United States. In A. Sarat & T. Kearns (Eds.), *Justice and Injustice in Law and Legal Theory* (pp. 76-98). Ann Arbor: The University of Michigan Press.
- Cotterrell, R. (1995). *Law's community*. Oxford: Oxford University Press.
- Crano, R. (Ed.) (2020) Oxford Research Encyclopedia of Literature. Oxford University Press (OUP).
- Crenshaw, K. (1994). Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color. In M. Fineman & R. Mykitiuk (Eds.), *The Public Nature of Private Violence*. New York: Routledge.
- Crick, M. (1982). Anthropological Field Research: Meaning Creation and Knowledge Construction. In D. Parkin (Ed.), *Semantic Anthropology* (pp. 15-37). London: Academic Press.
- Çakır, B. (2014). *Crafting symbolic geographies in modern Turkey: Kurdish assimilation and the politics of (re)naming*. University Institute of the Erasmus University Rotterdam, Amsterdam.
- Çalı, B. (2010). The Logics of Supranational Human Rights Litigation, Official Acknowledgment, and Human Rights Reform: The Southeast Turkey Cases before the European Court of Human Rights, 1996–2006. *Law & Social Inquiry*, 35(2), 311-337.

- Çelik, A. (2020). *The Armenian Genocide in Kurdish Collective Memory*. Retrieved from <https://merip.org/2020/08/the-armenian-genocide-in-kurdish-collective-memory/>
- Çelik, A., & Dinç, N. K. (2015). *Yüz Yıllık Ah! Toplumsal Hafızanın İzinde: 1915 Diyarbakır*. Istanbul: İsmail Beşikçi Vakfı
- Çetin, F. (2004). *Anneannem*. Istanbul: Metis.
- Çiçek, C. (2015). *Ulus, Din, Sınıf: Türkiye’de Kürt Mutabakatının İnşası*. Istanbul: İletişim.
- Dahiya, R. (2021). Gender Justice in India: Outlook on Uniform Civil Code. *Curated Vioces*.
- Dahlvik, J., & Pohn-Weidinger, A. (2021). Access to administrative justice and the role of outreach measures: Empirical findings on the Austrian Ombudsman Board. *International Journal of Law in Context*, 17(4), 473-493.
- Daley, B. J. (2004). *Using Concept Maps in Qualitative Research*. Paper presented at the Concept Maps: Theory, Methodology, Technology, Pamplona, Spain.
- Das, V. (2007). *Life and Words: Violence and the Descent into the Ordinary*. Berkeley: University of California Press.
- Das, V. (2011). Passionate Performance: 26/11 Mumbai. In A. Sarat, C. R. Basler, & T. L. Dumm (Eds.), *Performances of Violence* (pp. 118-140). Massachusetts: University of Massachusetts Press.
- Das, V., Kleinman, A., Lock, M., Pamphile, M., & Reynolds, P. (Eds.). (2001). *Remaking a World: Violence, Social Suffering, and Recovery*. Berkeley: University of California Press.
- Delaney, D. (2003). Beyond the Word: Law as a Thing of this World. In J. Holder & C. Harrison (Eds.), *Law and Geography* (pp. 67-84). Oxford: Oxford University Press.
- Delaney, D. (2004). Tracing Displacements: Or Evictions in the Nomosphere. *Environment and Planning D: Society and Space*, 22, 847-860.
- Derrida, J. (1992). ‘Force of law: the mystical foundation of authority. Deconstruction and the possibility of justice. In Drucilla Cornell, Michel Rosenfeld, & D. G. Carlson (Eds.), *Deconstruction and the Possibility of Justice* (pp. 3-67). New York: Routledge.
- Doğan, C. (2014). Tanzimat Dönemi Osmanlı Merkezîyetçi Bürokratik Yapısının Kurulması ve Karşılaşılan Bazı Güçlükler. *SDÜ Fen Edebiyat Fakültesi Sosyal Bilimler Dergisi* 33, 55-68.
- Doğanay, R. (2001). Misak-i Milli’ye Göre Lozan. [Lousanne According to the National Oath]. *Firat University Journal of Social Science*, 11(2), 281-294.
- Douzinis, C., & Warrington, R. (2005). Antigone’ s law: a genealogy of jurisprudence. In C. Douzinis, P. Goodrich, & Y. Hachamovitch (Eds.), *Politics, Postmodernity and Critical Legal Studies: The Legality of the Contingent* (pp. 187-226).
- Dündar, F. (2008). *Modern Türkiye’nin Şifresi: İttihat ve Terakki’nin Etnisite Mühendisliği (1913-1918)*. Istanbul: İletişim Yayınları.

- Eastmond, M. (2007). Stories as Lived Experience: Narratives in Forced Migration Research. *Journal of Refugee Studies*, 20(2), 248-264.
- Eckert, J., Donahoe, B., Strümpell, C., & Biner, Z. (Eds.). (2012). *Law against the State: Ethnographic Forays into Law's Transformations*. Cambridge: Cambridge University Press.
- Edelman, B. (1979). *Ownership of the Image*. London: Routledge & Kegan Paul.
- Eisenstein, H. (1984). *Contemporary Feminist Thought*. London: Unwin Paperbacks.
- Elliott, V. (2018). Thinking about the Coding Process in Qualitative Data Analysis. *The Qualitative Report*, 23(11), 2850-2861.
- Enloe, C. (1990). Nationalism and Masculinity. In *Bananas, Beaches & Bases: Making Feminist Sense of International Politics* (pp. 42-65). Berkeley: University of California Press.
- Ercan, H. (2019). Is Hope More Precious than Victory? The Failed Peace Process and Urban Warfare in the Kurdish Region of Turkey. *The South Atlantic Quarterly*, 118(1), 111-127.
- Erel, U., & Acik, N. (2020). Enacting intersectional multilayered citizenship: Kurdish women's politics. *Gender, Place and Culture*, 27(4), 479-501.
- Ewald, F. (1990). Norms, Discipline, and the Law. *Representations*, 30(Special Issue: Law and the Order of Culture), 138-161.
- Fassin, D. (2012). *Humanitarian Reason: A Moral History of the Present* (R. Gomme, Trans.). Berkeley: University of California Press.
- Fetterman, D. M. (1998). *Ethnography: Step By Step* (Vol. 17): Sage Publications.
- Fine, B., & Kinsey, R. (1979). *Capitalism and the Rule of Law*. London: Hutchinson.
- Finnis, J. (1890). *Natural Law and Natural Rights*. Oxford: Clarendon Press.
- Firestone, T. (2010). Armed Injustice: Abuse of the Law and Complex Crime in Russia. *Denver Journal of International Law and Policy*, 38(4), 555-580.
- Fitzpatrick, P. (2013). Foucault's Other Law. In B. Golder (Ed.), *Re-reading Foucault: On Law, Power and Rights* (pp. 39-63). New York: Routledge.
- Flood, J. (2005). Socio-Legal Ethnography. In R. Banakar & M. Travers (Eds.), *Theory and Method in Socio-Legal Research* (pp. 42-54). Oxford and Portland Oregon: Hart Publishing.
- Foucault, M. (1978). *The History of Sexuality Volume I: An Introduction* (R. Hurley, Trans.). New York: Pantheon Books.
- Foucault, M. (1980a). Body/Power (C. Gordon, L. Marshall, J. Mepham, & K. Soper, Trans.). In C. Gordon (Ed.), *Power/Knowledge: Selected Interviews and Other Writings 1972-1977* (pp. 55-62). New York: Pantheon Books.
- Foucault, M. (1980b). The Confessions of the Flesh (C. Gordon, L. Marshall, J. Mepham, & K. Soper, Trans.). In C. Gordon (Ed.), *Power/Knowledge: Selected Interviews and Other Writings 1972-1977* (pp. 194-228). New York: Pantheon Books.
- Foucault, M. (1980c). The History of Sexuality (C. Gordon, L. Marshall, J. Mepham, & K. Soper, Trans.). In C. Gordon (Ed.), *Power/Knowledge: Selected Interviews and Other Writings 1972-1977* (pp. 183-193). New York: Pantheon Books.

- Foucault, M. (1980d). On Popular Justice: A Discussion with Maoists (C. Gordon, L. Marshall, J. Mepham, & K. Soper, Trans.). In C. Gordon (Ed.), *Power/Knowledge: Selected Interviews and Other Writings 1972-1977* (pp. 1-36). New York: Pantheon Books.
- Foucault, M. (1980e). *Power/knowledge: Selected interviews and other writings: 1972-1977* (C. Gordon, L. Marshall, J. Mepham, & K. Soper, Trans.). New York: Pantheon Books.
- Foucault, M. (1980f). Powers and Strategies (C. Gordon, L. Marshall, J. Mepham, & K. Soper, Trans.). In C. Gordon (Ed.), *Power/Knowledge: Selected Interviews and Other Writings 1972-1977* (pp. 134-145). New York: Pantheon Books.
- Foucault, M. (1980g). Truth and Power (C. Gordon, L. Marshall, J. Mepham, & K. Soper, Trans.). In C. Gordon (Ed.), *Power/Knowledge: Selected Interviews and Other Writings 1972-1977* (pp. 109-133). New York: Pantheon Books.
- Foucault, M. (1982). The Subject and Power. *Critical Inquiry*, 8(4), 777-795.
- Foucault, M. (1988). Technologies of the Self. In L. H. Martin, H. Gutman, & P. H. Hutton (Eds.), *Technologies of the Self: A Seminar with Michel Foucault* (pp. 16-49). Amherst: University of Massachusetts Press.
- Foucault, M. (1990a). *The History of Sexuality: An Introduction* (R. Hurley, Trans. Vol. 1). New York: Vintage.
- Foucault, M. (1990b). Maurice Blanchot: The Thought from Outside (B. Massumi, Trans.). In M. Foucault & M. Blanchot (Eds.), *Foucault / Blanchot: Maurice Blanchot: The Thought from Outside and Michel Foucault as I Imagine Him* (pp. 7-60). New York: Zone Books.
- Foucault, M. (1990c). *Politics, Philosophy, Culture: Interviews and other writings of Michel Foucault, 1977-1984*. New York: Routledge.
- Foucault, M. (1995). *Discipline and Punish: The Birth of the Prison* (A. Sheridan, Trans.). New York: Vintage Books.
- Foucault, M. (1996a). Intellectuals and Power (D. F. Bouchard, Trans.). In D. F. Bouchard (Ed.), *Language, Counter-Memory, Practice: Selected Essays and Interviews* (pp. 205-217). New York: Cornell University Press.
- Foucault, M. (1996b). Sex, Power and the Politics of Identity (L. Hochroth & J. Johnston, Trans.). In S. Lotringer (Ed.), *Foucault Live: Collected Interviews, 1961-1984* (pp. 382-390). New York: Semiotext(e).
- Foucault, M. (1996c). What Our Present Is? (L. Hochroth & J. Johnston, Trans.). In S. Lotringer (Ed.), *Foucault Live: Collected Interviews, 1961-1984* (pp. 407-415). New York: Semiotext(e).
- Foucault, M. (1998a). Different Spaces (Robert Hurley and Others, Trans.). In J. D. Faubion (Ed.), *Aesthetics, Method, and Epistemology* (pp. 175-186). New York: The New Press.
- Foucault, M. (1998b). Foucault (Robert Hurley and Others, Trans.). In J. D. Faubion (Ed.), *Aesthetics, Method, and Epistemology* (pp. 459-463). New York: The New Press.

- Foucault, M. (1998c). On the Ways of Writing History (Robert Hurley and Others, Trans.). In J. D. Faubion (Ed.), *Aesthetics, Method, and Epistemology* (pp. 279-296). New York: The New Press.
- Foucault, M. (2001). Space, Knowledge, and Power (Robert Hurley and Others, Trans.). In J. D. Faubion (Ed.), *Power* (Vol. III, pp. 349-364): The New Press.
- Foucault, M. (2002). First Preface to *Histoire de la folie à l'âge classique* (1961). *Pli*, 13, 1-10.
- Foucault, M. (2003). *Society Must Be Defended* (D. Macey, Trans. M. Bertani & A. Fontana Eds.). New York: Picador.
- Foucault, M. (2007a). *Iktidarın Gözü* (I. Ergüden, Trans.). Istanbul: Ayrıntı Yayınları.
- Foucault, M. (2007b). *Security, Territory, Population* (G. Burchell, Trans. M. Senellart Ed.): Palgrave Macmillan.
- Foucault, M. (2008). *The Birth of Biopolitics* (G. Burchell, Trans.). New York: Palgrave Macmillan.
- Foucault, M. (2013). *Lectures on the Will to Know* (G. Burchell, Trans. D. Defert Ed.): Palgrave Macmillan.
- Foucault, M. (2014). *Wrong-Doing, Truth-Telling: The Function of Avowal in Justice* (S. W. Sawyer, Trans.). Chicago: The University of Chicago Press.
- Fritz-Mauer, M. (2022). Naming, Blaming, and Just Plain Giving Up. SSRN. Retrieved from <https://ssrn.com/abstract=4029827>.
- Frug, G. (1980). The City as a Legal Concept. *Harvard Law Review*, 93, 1057-1054.
- Frug, G. (1993). Decentering Decentralization. *University of Chicago Law Review*, 60, 253-338.
- Gabel, P. (1984). The phenomenology of rights consciousness and the pact of the withdrawn selves. *Texas Law Review*, 1563-1600.
- Gambetti, Z. (2005). The conflictual (trans)formation of the public sphere in urban space: The case of Diyarbakır. *New Perspectives on Turkey* (32), 43-71.
- Gambetti, Z. (2009a). Decolonizing Diyarbakır: Culture, Identity and the Struggle to Appropriate Urban Space. In A. Astar & M. Rieker (Eds.), *Comparing Cities: The Middle East and South Asia* (pp. 97-129). Karachi: Oxford University Press.
- Gambetti, Z. (2009b). Politics of Place/Space: The Spatial Dynamics of the Kurdish and Zapatista Movements. *New Perspectives on Turkey*, 41, 43-87.
- Gambetti, Z., & Jongerden, J. (Eds.). (2015). *The Kurdish Issue in Turkey: A Spatial Perspective*. New York: Routledge.
- Geertz, C. (1973). Thick Description: Toward an Interpretive Theory of Culture. In C. Geertz (Ed.), *The Interpretation of Cultures: Selected Essays* (pp. 3-30). New York: Basic Books.
- Genç, F. (2021). Governing the Contested City: Geographies of Displacement in Diyarbakır, Turkey. *Antipode*, 53(6), 1682-1703.
- George, R. P. (1993). *Natural Law Theory: Contemporary Essays*. Oxford: Clarendon Press.

- Germeten, S. (2013). Personal Narratives in Life History Research. *Scandinavian Journal of Educational Research*, 57(6), 612-624.
- Glombitza, O. (2021). The aftermath of Turkey's July 15th coup attempt: normalizing the exceptional through legitimization, narrativization and ritualization. *Turkish Studies*, 22(2), 242-266.
- Golder, B. (Ed.) (2012). *Re-Reading Foucault: On Law, Power and Rights*. New York: Routledge.
- Golder, B., & Fitzpatrick, P. (2009). *Foucault's Law*. Abingdon: Routledge.
- Goldschmidt, A. J., & Davidson, L. (2010). *A Concise History of Middle East* (9th ed.). Boulder: Westview Press.
- Goodrich, P., Douzinas, C., & Hachamovitch, Y. (2005). Introduction: Politics, Ethics and the Legality of the Contingent. In C. Douzinas, P. Goodrich, & Y. Hachamovitch (Eds.), *Politics, Postmodernity and Critical Legal Studies: The Legality of the Contingent* (pp. 1-32).
- Goodwin, M., & Painter, J. (1996). Local Governance, the Crises of Fordism and the Changing Geographies of Regulation. *Transactions of the Institute of British Geographers*, 21(4), 635-648.
- Gökalp, D. (2010). A gendered analysis of violence, justice and citizenship: Kurdish women facing war and displacement in Turkey. *Women's Studies International Forum*, 33, 561-569.
- Göle, N. (2010). *İslam'ın Yeni Kamusal Yüzleri: İslam ve Kamusal Alan Üzerine Bir Atölye Çalışması*. Istanbul: Metis Yayınları.
- Göral, Ö. S. (2019). Turkey: Looking for justice in times of perpetual conflict: Saturday Mothers and their beloved ones. In T. J. M. Center (Ed.), *Any Hopes for Truth? A Comparative Analysis of Enforced Disappearances and the Missing in the Middle East, North Africa and the Caucasus*. Retrieved from <https://enforceddisappearances.dealingwiththepast.org/turkey/>
- Göral, Ö. S. (2021). Waiting for the disappeared: waiting as a form of resilience and the limits of legal space in Turkey. *Social Anthropology*, 29(3), 800-815. doi:<https://doi.org/10.1111/1469-8676.13096>
- Graeber, D. (2009). *Direct Action: An Ethnography*. Oakland: AK Press.
- Griffiths, J. A. G. (1977). *The Politics of the Judiciary*. London: Fontana.
- Gulick, J. (1998). The "Disappearance of Public Space": An Ecological Marxist and Lefebvrian Approach. In A. Light & J. Smith (Eds.), *Philosophy and Geography II: The Production of Public Space* (pp. 135-155). Lanham: Rowman and Littlefield.
- Gunter, M. M. (Ed.) (2010) *Historical Dictionary of the Kurds*. Scarecrow Press.
- Gunter, M. M. (2015). Iraq, Syria, ISIS, and the Kurds: Geostrategic Concerns for the US and Turkey. *Middle East Policy*, 22(1), 102-111.
- Gunter, M. M. (2016). The Kurdish Issue in Turkey: Back to Square One? *Turkish Policy Quarterly* 14(4), 77-86.
- Gupta, C., & Kelly, A. B. (2014). The social relations of fieldwork: Giving back in a research setting. *Journal of Research Practice*, 10(2).

- Gülşen, K. (2019). *Paramilitarizm ve Kuvvetlerin Yerelleşmesi: Hamidiye Alayları ve Geçici Köy Koruculuğu Örneği*. (MSC Thesis). Dokuz Eylül University Graduate School of Social Sciences,
- Günay, O. (2013). Toward a critique of non-violence. *Dialect Anthropology*, 7, 171-182.
- Gündoğan, A. Z. (2011). Space, state-making and contentious Kurdish politics in the East of Turkey: The case of Eastern meetings, 1967. *Journal of Balkan and Near Eastern Studies*, 13(4), 389-416.
- Güneş, C. (2013). *Türkiye 'de Kürt Ulusal Hareketi: Direnişin Söylemi*. Ankara: Dipnot.
- Gürçan, M. (2015). Arming civilians as a counterterror strategy: The case of the village guard system in Turkey. *Dynamics of Asymmetric Conflict, Pathways toward terrorism and genocide*, 8, 1-22.
- Hacımuratlar, Z. (2008). Hukuk-Politika-Adalet İlişkisi Açısından Yassıada Yargılamalarına Kısa Bir Bakış. *Ankara Barosu Dergisi*, 66(3), 82-89.
- Hajjar, L. (2005). *Courting Conflict: The Israeli Military Court System in the West Bank and Gaza*. Berkeley: University of California Press.
- Hakyemez, S. M. (2016). *Lives and Times of Militancy: Terrorism Trials, State Violence and Kurdish Political Prisoners in Post-1980 Turkey*. (Doctor of Philosophy). John Hopkins University, Baltimore, Maryland.
- Halstead, H. (2021). 'We did commit these crimes': Post-Ottoman solidarities, contested places and Kurdish apology for the Armenian Genocide on Web 2.0. *Memory Studies*, 14(3), 634-649.
- Hammami, R. (1997). Palestinian Motherhood and Political Activism on the West Bank and Gaza Strip. In A. Jetter, A. Orleck, & D. Taylor (Eds.), *The Politics of Motherhood: Activist Voices from Left to Right* (pp. 161–169). Hanover: University Press of New England.
- Hammerslev, O. (2013). Studies of the Legal Profession. In R. Banakar & M. Travers (Eds.), *Law and Social Theory* (pp. 325-339): Hart Publishing.
- Harris, L. M. (2008). Modernizing the Nation: Postcolonialism, Postdevelopmentalism, and Ambivalent Spaces of Difference in Southeastern Turkey. *Geoforum*, 39, 1698–1708.
- Harutyunyan, A. (2015). *Kurds of Turkey and the Armenian Genocide: A Matter of Historical Justice?* American University of Armenia,
- Hayek, F. A. (1982). *Law, Legislation and Liberty, Volume 2: The Mirage of Social Justice*. London: Routledge.
- Heller, A. (1987). *Beyond Justice*. New York: Basic Books.
- Hill, M. (2009). Ways of seeing: using ethnography and Foucault's 'toolkit' to view assessment practices differently. *Qualitative Research*, 9(3), 309-330.
- Hittinger, R. (1987). *A Critique of the New Natural Law Theory*. Notre Dame: University of Notre Dame Press.
- Hobbes, T. (1958). *Leviathan: Parts One and Two*. Indianapolis and New York: The Bobbs Merrill Company, Inc.

- Holder, J., & Harrison, C. (Eds.). (2003). *Law and Geography*. Oxford: Oxford University Press.
- Hooks, B. (1991). *Yearning: Race, Gender and Cultural Politics*. London: Turnaround.
- Hunt, A., & Wickham, G. (1994). *Foucault and Law: Towards a Sociology of Law as Governance*. London and Boulder, Colorado: Pluto Press.
- Jackson, A. (2013). Spaces of Power/Knowledge: A Foucauldian Methodology for Qualitative Inquiry. *Qualitative Inquiry*, 19, 839-847.
- Jackson, M. (2011). *Life within the Limits: Well-being in a World of Want*. Durham: Duke Univ. Press.
- Jongerden, J. (2007). *The Settlement Issue in Turkey and the Kurds: An Analysis of Spatial Policies, Modernity and War*. Leiden: Brill.
- Jongerden, J. (2009). Crafting Space, Making People: The Spatial Design of Nation in Modern Turkey. *European Journal of Turkish Studies*(10). doi:10.4000/ejts.4014
- Jongerden, J. (2018). Looking beyond the state: transitional justice and the Kurdish issue in Turkey. *Ethnic and Racial Studies*, 41(4), 721-738.
- Karaman, E. R. (2016). Remember, S/he Was Here Once: Mothers Call for Justice and Peace in Turkey. *Journal of Middle East Women's Studies*, 12(3), 382-410.
- Kaynar, A. K. (2021). Politics and Criminal Justice: Integrating Courts to Turkey's Recent Kurdish Policy. *Journal of Balkana and Near Eastern Studies*, 23(4), 606-621.
- Kearney, M., & Reynolds, J. (2013). Palestine and the Politics of International Criminal Justice. In Y. Mcdermott, W. Schabas, & N. Hayes (Eds.), *The Ashgate Research Companion to International Criminal Law: Critical Perspectives*: Ashgate.
- Kelly, T. (2005). Law, Culture and Access to Justice under the Palestinian National Authority. *Development and Change*, 36(5).
- Kelly, T. (2006). *Law, Violence and Sovereignty among West Bank Palestinians*. Cambridge: Cambridge University Press.
- Kennan, T. (1990). De-construction and the Impossibility of Justice. *Cardozo Law Review*, 11.
- Kennedy, D. (1976). Form and substance in private law adjudication. *Harvard Law Review*, 1685-1778.
- Kevorkian, R. H., & Papoudjian, P. B. (2012). *1915 Öncesinde Osmanlı İmparatorluğu'nda Ermeniler*. Istanbul: Aras Yayinlari.
- Kezer, Z. (2015). *Building Modern Turkey: State, Space, and Ideology in the Early Republic*. Pittsburgh: University of Pittsburg Press.
- Khalil, A. (2009). Formal and informal justice in Palestine: Dealing with the Legacy of Tribal Law. *La tribu à l'heure de la globalisation*, 184, 169-184.
- Khalili, L. (2007). *Heroes and Martyrs of Palestine: The Politics of National Commemoration*. New York: Cambridge University Press.

- Killian, T. (1998). Public and Private, Power and Space. In A. Light & J. Smith (Eds.), *Philosophy and Geography II: The Production of Public Space* (pp. 115–134). Lanham: Rowman and Littlefield.
- King, D. E. (2013). *Kurdistan on the Global Stage: Kinship, Land, and Community in Iraq*: Rutgers University Press.
- Kirişçi, K., & Winrow, G. M. (2004). *The Kurdish Question and Turkey: An Example of a Trans-State Ethnic Conflict*. London and New York: Routledge.
- Klare, K. (1978). The judicial de-radicalization of the Wagner Act and the origins of modern legal consciousness. *Minnesota Law Review*, 266-339.
- Klein, J. (2011). *The Margins of Empire: Kurdish Militias in the Ottoman Tribal Zone*. Stanford, California: Stanford University Press.
- Knapp, M., & Jongerden, J. (2020). Peace committees, platforms and the political ordering of society: Doing justice in the Federation of Northern and Eastern Syria (NES). *Kurdish Studies*, 8(2), 297-312.
- Knight, F. H. (1963). On the Meaning of Justice. In C. J. Friedrich & J. W. Chapman (Eds.), *Justice*. Englewood Cliffs, N.J.: Prentice-Hall.
- Koinova, M. (2019). Diaspora coalition-building for genocide recognition: Armenians, Assyrians and Kurds. 42(11), 1890-1910.
- Kristiansen, G. (2009). *From Genocide to Self-rule: The Long March to Freedom. A Story in Pictures of the Kurdish People*. Stockholm: Norrbagge Förlag.
- Kurban, D. (2007). Internal displacement: developments in international law and practices in other countries. In D. Kurban, D. Yüксеke, A. B. Celik, T. Ünalán, & A. T. Aker (Eds.), *Coming to Terms with Forced Migration: Post-Displacement Restitution of Citizenship Rights in Turkey* (pp. 60–70). Istanbul: TESEV.
- Kurban, D. (2016). Forsaking Individual Justice: The Implications of the European Court of Human Rights' Pilot Judgment Procedure for Victims of Gross and Systematic Violations. *Human Rights Law Review*, 16, 731–769.
- Kurban, D. (2018). *The limits of transnational justice: The European Court of Human Rights, Turkey and the Kurdisch conflict*. Maastricht University,
- Kurban, D. (2020). *Limits of Supranational Justice: The European Court of Human Rights and Turkey's Kurdish Conflict*. Cambridge and New York: Cambridge University Press.
- Kurt, M. (2021). No Justice for Kurds: Turkish Supremacy and Kurdophobia. *Social Research: An International Quarterly*, 88(4), 923-947.
- Kwon, H. (2015). Korean War Mass Graves. In F. Ferrándiz & A. C. G. M. Robben (Eds.), *Necropolitics: Mass Graves and Exhumations in the Age of Human Rights* (pp. 76-91). Philadelphia: University of Pennsylvania Press.
- Laplanche, J., & Pontalis, J. B. (1974). *The Language of Psychoanalysis* (D. Nicholson-Smith, Trans.). New York: WW Norton & Company.
- Lawlor, L., & Nale, J. (Eds.). (2014). *The Cambridge Foucault Lexicon*. Cambridge: Cambridge University Press.

- Lawson, F. H. (2016). Explaining the Spread of Ethnosectarian Conflict: Syria's Civil War and the Resurgence of Kurdish Militancy in Turkey. *Nationalism and Ethnic Politics*, 22(4), 478-496.
- Lemke, T. (2011). *Biopolitics: An Advanced Introduction* (E. F. Trump, Trans.). New York and London: New York University Press.
- Lemke, T. (2012). *Foucault, Governmentality and Critique*. London and New York: Routledge.
- Lyotard, J.F. (1984). *The Postmodern Condition: A Report on Knowledge* (G. Bennington & B. Massumi, Trans. Vol. 10). Minneapolis: University of Minnesota Press.
- Lyotard, J. F. (1988). *The Differend: Phrases in Dispute*. Minneapolis: University of Minnesota Press.
- Manning, J. G. (2012). The Representation of Justice in Ancient Egypt *Yale Journal of Law & Humanities*, 24(1).
- Massey, D. (1994). *Space, Place, and Gender*: University of Minnesota Press.
- Massey, D. (1995). Places and Their Pasts. *History Workshop Journal*, 39, 182-192.
- Mathieson, T. (1980). *Law, Society and Political Action*. London: Academic Press.
- Mbembe, A. (2003). Necropolitics. *Public Culture*, 15(1), 11-40.
- Mbembe, A. (2019). *Necropolitics* (S. Corcoran, Trans.). Durham and London: Duke University Press.
- Mehmet, Ö. (1990). *Islamic Identity and Development: Studies of the Islamic Periphery*. London and New York: Routledge.
- Memmi, A. (1974). *The Colonizer and the Colonized*. London: Souvenir Press.
- Merdjanova, I. (2021). The Kurdish Women's Movement in Turkey and Its Struggle for Gender Justice. *Histories*, 1, 184–198.
- Merry, S. E. (1990). *Getting Justice and Getting Even: Legal Consciousness among Working-Class Americans*: University of Chicago Press.
- Merry, S. E. (2001). Spatial Governmentality and the New Urban Social Order: Controlling Gender Violence Through Law. *American Anthropologist*, 103(1).
- Merry, S. E. (2006). *Human Rights and Gender Violence: Translating International Law into Local Justice*: University of Chicago Press.
- Milan, F. F. (2016). Turkey: What Hides Behind a Failed Coup Attempt. *The Rusi Journal*, 161(4), 28-32.
- Mills, C. W. (1997). *The Racial Contract*. Ithaca: Cornell University Press.
- Mitchell, D. (1997). The Annihilation of Space by Law: The Roots and Implications of Anti-Homeless Laws *Antipode*, 29, 303–335.
- Moran, L., & McGhee, D. (1998). Perverting London: The Cartographic Practices of Law. *Law and Critique*, 9(2), 207–224.
- Mostafa, A. (2021). *Rebel Movements & Autonomy: "A Similar Path, divergent Outcomes" A Comparative Analysis between the Zapatista Movement in Mexico, The Kurdish Movement in Turkey & Polisario Front in Morocco* the American University in Cairo, AUC Knowledge Fountain. Retrieved from <https://fount.aucegypt.edu/etds/1593>

- Nafstad, I. (2016). Criminal Justice in a Partitioned West Bank: Impacts of the Oslo Accords seen from the Perspective of Palestinian Judges and Police Officers. In K. Dahlstrand (Ed.), *Festschrift till Karsten Åström* (pp. 391-411). Lund: Juristförlaget i Lund.
- Nafstad, I. (2018). International and Local Visions of the Justice and Security Sector in the West Bank. *International Journal of Crime, Justice and Social Democracy*, 7(1), 108-122.
- Naimark, N. M. (2011). Preface. In F. M. Gocek, R. G. Suny, & N. M. Naimark (Eds.), *A Question of Genocide: Armenians and Turks at the End of the Ottoman Empire* (pp. xiii-xix). Oxford: Oxford University Press.
- Najmabadi, A. (1997). The Erotic Vatan [Homeland] as Beloved and Mother: To Love, to Possess, and To Protect. *Comparative Studies in Society and History*, 39(3), 442-467.
- Nashif, E. (2008). *Palestinian Political Prisoners: Identity and Community*. New York: Routledge Press.
- National Archives of Armenia. (2014). *Kedername: Osmanli Imparatorlugu'nda Ermeni Soykırımı 1915: Hayatta Kalanların Tanıklıklarına Dair Belge Koleksiyonu* (D. Lokmagözyan, Trans.). Istanbul: Belge Yayınları.
- Navaro-Yashin, Y. (2002). *Faces of the State: Secularism and Public Life in Turkey*. Princeton University Press: Princeton and London.
- Nezan, K. (2002). *Kürt Müziği, Dansları ve Şarkıları*: Özge Yayınları.
- Oakley, N. (1974). *The Sociology of Housework*. London: Martin Robertson.
- Oksala, J. (2012). *Foucault, Politics, and Violence*. Evanston, Illinois: Northwestern University Press.
- Ortner, S. B. (1995). Resistance and the Problem of Ethnographic Refusal. *Comparative Studies of Society and History*, 37(1), 173-193.
- Öcalan, A. (1999). *Kürt Aşkı*. İstanbul: Aram Yayınları.
- Öcalan, A. (2010). *Demokratik Uygurlık Manifestosu Cilt IV: Ortadoğu'da Uygurlık Krizi ve Demokratik Uygurlık Çözümü*: Mezopotamya Yayınları.
- Öcalan, A. (2012). *Demokratik Uygurlık Manifestosu Cilt V: Kürt Sorunu ve Demokratik Ulus Çözümü*. İstanbul: Ararat Yayınları.
- Öcalan, A. (2015). *Manifesto for a Democratic Civilization Volume I - Civilization: The Age of Masked Gods and Disguised Kings*. In International Initiative (Ed.).
- Öcalan, A. (2017a). *Manifesto for a Democratic Civilization Volume II: Capitalism-The Age of Unmasked Gods and Naked Kings*. In International Initiative (Ed.).
- Öcalan, A. (2017b). *The Political Thought of Abdullah Öcalan: Kurdistan, Women's Revolution, and Democratic Confederation*. London: Pluto Press.
- Öcalan, A. (2020). *Manifesto of the Democratic Civilization Volume III: The Sociology of Freedom*. In International Initiative (Ed.).
- Öktem, K. (2003). *Creating the Turks' Homeland: Modernization, Nationalism and Geography in Southeast Turkey in the Late 19th and 20th Centuries*. Paper presented at the Socrates Kokkalis Graduate Workshop.

- <http://file.setav.org/Files/Pdf/creating-the-turk's-homeland-modernization-nationalism-kerem-oktem-2003.pdf>
- Özgen, N. (2005). Sınırın İktisadi Antropolojisi; Suriye ve Irak Sınırlarında İki Kasaba. In B. Kümbetoglu & H. B. Gedik (Eds.), *Gelenekten Geleceğe Antropoloji* (pp. 100-129). Istanbul: Epsilon Yayınları.
- Özsoy, H. (2010). *Between Gift and Taboo: Death and the Negotiation of National Identity and Sovereignty in the Kurdish Conflict in Turkey*. (PhD). University of Texas, Austin.
- Özsoy, H. (2013). Arafta Kalmak: Tarih Mezarda Baslar. Retrieved from <http://politikart1.blogspot.com/2012/05/arafta-kalmak-tarih-mezarda-baslar.html>
- Öztürk, S. (2008). *Belgelerle Ergenekon*. İstanbul: Doğan Kitap.
- Özyürek, E. (2006). *Nostalgia for the Modern: State Secularism and Everyday Politics in Turkey*. Durham and London: Duke University Press.
- Perdigon, S. (2011). *Between the Womb and the Hour: Ethics and Semiotics of Relatedness amongst Palestinian Refugees in Tyre, Lebanon*. (PhD Dissertation). Johns Hopkins University, Baltimore.
- Peteet, J. (1991). *Gender in Crisis: Women and the Palestinian Resistance Movement*. New York: Columbia University Press.
- Peteet, J. (1994). Male Gender and Rituals of Resistance in the Palestinian "Intifada"- A Cultural Politics of Violence. *American Ethnologist*, 21(1), 31-49.
- Peteet, J. (1997). Icons and Militants: Mothering in the Danger Zone. *Signs*, 23, 103-129.
- Peteet, J. (2009). *Landscape of Hope and Despair: Palestinian Refugee Camps*. Philadelphia: University of Pennsylvania Press.
- Philippopoulos-Mihalopoulos, A. (Ed.) (2007). *Law and the City*. Abingdon: Routledge.
- Poyraz, B. (2013). Bellek, Hakikat, Yüzleşme ve Alevi Katliamları. *Kültür ve İletişim Dergisi*(Winter).
- Renner, M. (2021). Formalism, Substantive and Procedural Justice. In S. Grundmann, H. Micklitz, & M. Renner (Eds.), *New Private Law Theory: A Pluralist Approach* (pp. 193-204). Cambridge: Cambridge University Press.
- Rodriguez-Pereyra, G. (2015). Nominalism in Metaphysics. In *Stanford Encyclopedia of Philosophy*.
- Rogenhofer, J. M. (2018). Antidemocratic Populism in Turkey after the July 2016 Coup Attempt. *Populism*, 116-145.
- Rubel, P. A., & Rosman, A. (1994). The Past and the Future of Anthropology. *Journal of Anthropological Research*, 50(4), 335-343.
- Rygiel, K. (2002). Stabilizing Borders: The Geopolitics of National Identity Construction in Turkey. In G. Ó. Tuathail & S. Dalby (Eds.), *Rethinking Geopolitics* (pp. 106-130). London and New York: Routledge.
- Sancar, M. (2000). "Devlet Aklı" Kışkırtıcı Hukuk Devleti. İstanbul: İletişim Yayınları.

- Sandal-Wilson, H. (2021). Social Justice, Conflict, and Protest in Turkey: The Kurdish Issue and LGBTI+ Activism. *Social Research: An International Quarterly*, 88(2).
- Sandel, M. (1982). *Liberalism and the Limits of Justice*. Cambridge: Cambridge University Press.
- Santos, B. d. S. (2014). *Epistemologies of the South: Justice Against Epistemicide*. London and New York: Routledge.
- Santos, B. d. S. (2018). *The End of the Cognitive Empire: The Coming Age of Epistemologies of the South*. Durham and London: Duke University Press.
- Saraçoğlu, C. (2014). *Şehir, Orta Sınıf ve Kürtler: Inkardan "Tanıyarak Dışlamaya"* (3rd ed.). Istanbul: İletişim Yayınları.
- Sarafian, A. (2011). *Talaat Pasha's Report on the Armenian Genocide*. London: Taderon Press.
- Sarat, A., & Kearns, T. R. (Eds.). (1993). *Law in Everyday Life*. Ann Arbor: University of Michigan Press.
- Sarat, A., & Kearns, T. R. (Eds.). (1999). *History, Memory, and the Law*. Ann Arbor: The University of Michigan Press.
- Sarat, A., & Kearns, T. R. (Eds.). (2009). *Justice and Injustice in Law and Legal Theory*. Ann Arbor: The University of Michigan Press.
- Scalbert-Yücel, C. (2009). The Invention of a Tradition: Diyarbakır's Dêngbej Project. *European Journal of Turkish Studies*, 10(1-25).
- Schlag, P. (1990). Normative and nowhere to go. *Stanford Law Review*(43), 167-191.
- Shahvisi, A. (2021). Beyond Orientalism: Exploring the Distinctive Feminism of Democratic Confederalism in Rojava. *Geopolitics*, 26(4), 998–1022.
- Sherif, B. (2001). The Ambiguity of Boundaries in the Fieldwork Experience: Establishing Rapport and Negotiating Insider/Outsider Status. *Qualitative Inquiry*, 7(4), 436-447.
- Shklar, J. (1990). *The Faces of Injustice*. New Haven: Yale University Press.
- Smith, T. W. (2005a). Between Allah and Atatürk: Liberal Islam in Turkey. *The International Journal of Human Rights*, 9(3), 307-325.
- Smith, T. W. (2005b). Civic Nationalism and Ethnocultural Justice in Turkey. *Human Rights Quarterly*, 27, 436-470.
- Stanley, C. (1996). *Urban Excess and the Law: Capital, Culture and Desire*. London: Cavendish.
- Stefanovic, D., Loizides, N., & Parsons, S. (2014). Home is Where the Heart Is? Forced Migration and Voluntary Return in Turkey's Kurdish Regions. *Journal of Refugee Studies*, 28(2).
- Şengül, R. (2014). *Broken (His)stories Inside Restored Walls: Kurds, Armenians and the Cultural Politics of Reconstruction in Urban Diyarbakir, Turkey*. The University of Texas at Austin, Austin.
- Şimga, H., & Göker, Z. G. (2021). Women's perceptions on peace and justice: The case of the Kurdish issue in Turkey. *Women's Studies International Forum*, 87, 1-9.

- Tamboukou, M. (1999). Spacing Herself: Women in Education. *Gender and Education*, 11(2), 125-139.
- Tamboukou, M. (2003). *Women, Education and the Self: A Foucauldian Perspective*. New York: Palgrave Macmillan.
- Tamboukou, M., & Ball, S. J. (2003). Genealogy and Ethnography: Fruitful Encounters or Dangerous Liaisons? In M. Tamboukou & S. J. Ball (Eds.), *Dangerous Encounters: Genealogy and Ethnography* (pp. 1-36). New York: Peter Lang.
- Taş, D. (2022). Displacing Resistance in Kurdish Regions: The Symbiosis of Neoliberal Urban Transformation and Authoritarian State in Sur. In İ. Borsuk, P. Dinç, S. Kavak, & P. Sayan (Eds.), *Authoritarian Neoliberalism and Resistance in Turkey: Construction, Consolidation, and Contestation* (pp. 81-104). Singapore: Springer Singapore.
- Taussig, M. (1998). The Injustice of Policing: Prehistory and Rectitude. In A. Sarat & T. Kearns (Eds.), *Justice and Injustice in Law and Legal Theory* (pp. 18-34). Ann Arbor: The University of Michigan Press.
- Taylor, D. (2003). *The Archive and the Repertoire: Performing Cultural Memory in the Americas*. Durham: Duke University Press.
- Tedlock, B. (1991). From Participant Observation to the Observation of Participation: The Emergence of Narrative Ethnography. *Journal of Anthropological Research*, 47(1), 69-94.
- Tekdemir, O. (2019). Left-wing populism within horizontal and vertical politics: the case of Kurdish-led radical democracy in agonistic pluralism. *Journal of Balkan and Near Eastern Studies*, 21(3), 335-349.
- Tickell, A., & Peck, J. (1995). Social Regulation After Fordism: Regulation Theory, Neoliberalism and the Global–Local Nexus. *Economy and Society*, 24(3), 357–386.
- Unger, R. M. (1977). *Law and Modern Society*. New York: Free Press.
- Üngör, U. Ü. (2014). Lost in commemoration: the Armenian genocide in memory and identity. *Patterns of Prejudice*, 48(2), 147-166.
- Ünlü, B. (2014). Türklük Sözleşmesi'nin İmzalanışı (1915-1925). *Mülkiye Dergisi*, 38(3), 47-81.
- Ünlü, B. (2018). *Türklük Sözleşmesi: Olusumu, Isleyisi ve Krizi*. Ankara: Dipnot.
- Üstel, F. (2004). *Makbul Vatandaş'ın Peşinde/ II. Meşrutiyet'ten Bugüne Vatandaşlık Eğitimi*. Istanbul: İletişim Yayınları.
- Üstündağ, N. (2019). Mother, Politician, and Guerilla: The Emergence of a New Political Imagination in Kurdistan through Women's Bodies and Speech. *differences*, 30(2), 115-145.
- Üstündağ, Z. (2013). Pornografik Devlet Erotik Direnis: Kürt Erkek Bedenlerinin Genel Ekonomisi. In N. Y. Sünbuloğlu (Ed.), *Erkek Millet Asker Millet: Türkiye'de Militarizm, Milliyetçilik ve Erkeklikler* (pp. 513-537). Istanbul: İletişim Yayınları.
- Valentine, D. (1996). *Charred Lullabies: Chapters in an Anthropography of Violence*. New Jersey: Princeton University Press.

- Valverde, M. (2010). Specters of Foucault in Law and Society Scholarship. *Annual Review of Law and Social Science*, 6, 45-59.
- Valverde, M. (2017). *Michel Foucault*. London and New York: Routledge.
- Vibe, M. C. (2015). *Inclusion in the Turkish-Kurdish Peace Process – from the “Kurdish Opening” to the “Oslo Talks”, to the Current Peace Process (2009 – 2014)*. Paper presented at the International Studies Association Annual Convention, New Orleans.
- Vignal, L. (2017). The changing borders and borderlands of Syria in a time of conflict. *International Affairs*, 93(4).
- Vila, P. (2003). Processes of Identification on the U.S.-Mexico Border. *The Social Science Journal*, 40(4), 607-625.
- Virno, P. (2004). *A Grammar of the Multitude. For An Analysis of Contemporary Forms of Life* (I. Bertolotti, J. Cascaito, & A. Casson, Trans.). Los Angeles: Semiotext(e).
- Visweswaran, K. (Ed.) (2013). *Everyday Occupations: Experiencing Militarism in South Asia and the Middle East*. Philadelphia: University of Pennsylvania Press.
- Wacquant, L. (2002). Scrutinizing the Street: Poverty, Morality, and the Pitfalls of Urban Ethnography. *American Journal of Sociology*, 107(6), 1468-1532.
- Walzer, M. (1983). *Spheres of Justice*. New York: Basic Books.
- Watts, N. F. (2010). *Activists in Office: Kurdish Politics and Protest in Turkey*. Seattle: University of Washington Press.
- Wendelmoet, H. (2016). *The Sung Home: Narrative, Morality, and the Kurdish Nation*. Leiden: Brill.
- West-Pavlov, R. (2009). *Space in Theory: Kristeva, Foucault, Deleuze*. Amsterdam and New York: Rodopi.
- White, J. (2002). *Islamist Mobilization in Turkey: A Study in Vernacular Politics*. Washington: University of Washington Press.
- Williams, P. (1991). *The Alchemy of Race and Rights*. Cambridge: Harvard University Press.
- Wilson, T. M., & Donnan, H. (1998). Nation, State, and Identity at International Borders. In T. M. Wilson & H. Donnan (Eds.), *Border Identities*. Cambridge: Cambridge University Press.
- Wilson, W. J., & Chadda, A. (2009). The Role of Theory in Ethnographic Research. *Ethnography*, 10(4), 549-564. doi:10.1177/1466138109347009
- Winterdyk, J. (2003). The Life and Times of Injustice: Are We Any Closer. *LawNow*, 27(6), 48-51.
- Yavuz, M., & Byrne, S. (2021). Violence Against the Queer Community in Turkey: Implications for Peacebuilding and Social Justice. *Journal for Peace and Justice Studies*, 30(1), 102-125.
- Yeğen, M. (2006). *Müstakbel Türk'ten Sözde Vatandaşa: Cumhuriyet ve Kürtler*. Istanbul: İletişim.
- Yeğen, M. (2009). “Prospective-Turks” or “Pseudo-Citizens”: Kurds in Turkey. *Middle East Journal*, 63(4), 597-615.

- Yeğen, M. (2015). The Kurdish Peace Process in Turkey: Genesis, Evolution, and Prospects. *Global Turkey in Europe*, 157.
- Yıldırım, A. (2018). *Hatırla Maraş*. Ankara: Yol Bilim Kültür Arastırma Dizisi.
- Yıldırım, U. (2019). Space, Loss and Resistance: A Haunted Pool-Map in South-eastern Turkey. *Anthropological Theory*, 19(4), 440-469.
- Yonucu, D. (2018). The Absent Present Law: An Ethnographic Study of Legal Violence in Turkey. *Social & Legal Studies*, 27(6).
doi:10.1177/0964663917738044
- Yuval-Davis, N. (1997). *Gender and Nation*. London: SAGE.
- Zengin, A. (2015). Cemile Çağırğa: A Girl Is Freezing Under State Fire. *Jadaliyya*.
- Zeydanlıoğlu, W. (2009). Torture and Turkification in the Diyarbakır Military Prison. In W. Zeydanlıoğlu & J. T. Parry (Eds.), *Rights, Citizenship and Torture: Perspectives on Evil, Law and the State* (pp. 73-92). Oxford: Inter-Disciplinary Press.

Reports

- Amnesty International. (2002). *Amnesty International Report 2002: Turkey*. Retrieved from <http://www.refworld.org/docid/3cf4bc128.html>
- Amnesty International. (2016). *Yerinden Edilen ve Mülksüzleştirilenler: Sur Sakinlerinin Evlerine Dönme Hakkı*. Retrieved from London: https://hakikatadalethafiza.org/wp-content/uploads/2016/12/2016.12.06_AmnestyReport_displaced_and_disposessed_tur.pdf
- Aydın, A., & Emrence, C. (2016). *Two Routes to an Impasse: Understanding Turkey's Kurdish Policy*. Retrieved from Washington: <https://www.brookings.edu/research/two-routes-to-an-impasse-understanding-turkeys-kurdish-policy/>
- Birgül, F. (2015). *Bakur'un Sesi: Sözlü Çocuk Edebiyatıyla Okulöncesi Eğitime Doğru*. Retrieved from Istanbul: <https://www.raporlar.org/bakurun-sesi-sozlu-cocuk-edebiyatiyla-okuloncesi-egitime-dogru-raporu-2015-disa/>
- Göral, Ö. S., Işık, A., & Kaya, Ö. (2014). *The Unspoken Truth: Enforced Disappearances*. Retrieved from Istanbul: https://hakikatadalethafiza.org/wp-content/uploads/2015/02/Konusulmayan-Gercek_ENG.pdf
- Halkların Demokratik Partisi. (2016). *Sur Raporu*. Retrieved from <https://hdp.org.tr/Images/UserFiles/Documents/Editor/Surraporu.pdf>
- Human Rights Watch. (2002). *Turkey: Displaced and Disregarded: Turkey's Failing Village Return Program*. Retrieved from New York: <https://www.hrw.org/reports/2002/turkey/Turkey1002.pdf>
- Human Rights Watch. (2018). *World Report 2018: Turkey*. Retrieved from Istanbul: https://www.hrw.org/sites/default/files/turkey_3.pdf
- International Crisis Group. (2016). *The Human Cost of the PKK Conflict in Turkey: The Case of Sur*. Retrieved from Diyarbakır:

- <https://www.crisisgroup.org/europe-central-asia/western-europemediterranean/turkey/human-cost-pkk-conflict-turkey-case-sur>
- İnsan Hakları Derneği. (2009). *Ocak 1990- Mart 2009 Döneminde Köy Korucuları Tarafından Gerçekleştirilen İnsan Hakları İhlallerine İlişkin Özel Rapor*. Retrieved from Ankara: https://www.ihd.org.tr/images/pdf/ocak_1990_mart_2009_koy_korucuları_özel_raporu.pdf
- Mandıracı, B. (2017). *Turkey's PKK Conflict Kills almost 3,000 in Two Years*. Retrieved from Istanbul: <https://www.crisisgroup.org/europe-central-asia/western-europemediterranean/turkey/turkeys-pkk-conflict-kills-almost-3000-two-years>
- Özar, Ş., Uçarlar, N., & Aytar, O. (2013). *From Past to Present a Paramilitary Organization in Turkey: Village Guard Sytem*. Retrieved from Diyarbakır: <https://dealingwiththepast.org/wp-content/uploads/2015/03/Disa-Paramilitary.pdf>
- Türkiye İnsan Hakları Vakfı. (2003). *Türkiye İnsan Hakları Raporu-2002*. Retrieved from Ankara: https://www.tihv.org.tr/wp-content/uploads/2015/03/Ra_2002_Turkiye_Insan_Haklari_Raporu.pdf
- Türkiye İstatistik Kurumu. (2020). *İllere Göre Nüfus Verileri 2019*. Retrieved from Ankara: <https://data.tuik.gov.tr/Bulten/Index?p=Adrese-Dayali-Nufus-Kayit-Sistemi-Sonuclari-2019-33705>
- United Nations Refugee Agency. (2017). *Global Trends: Forced Displacements in 2016*. Retrieved from <http://www.unhcr.org/5943e8a34.pdf>
- U.S. Department of State. (2003). *Turkey: Country Report on Human Rights Practices 2002*. Retrieved from <https://www.state.gov/j/drl/rls/hrrpt/2002/18396.htm>
- Yüksek Seçim Kurulu (2019). Seçim Sonuçları. Retrieved from <https://sonuc.ysk.gov.tr/sorgu>

News

- ANF. (2011). Peace Mothers to act as human shields. *ANF*. Retrieved from <https://anfenglish.com/news/peace-mothers-to-act-as-human-shields-3740>
- ANF. (2012a). Gerilla Andok'un cenaze törenine polis saldırısı. *ANF News*. Retrieved from <https://anfturkce.net/guncel/gerilla-andok-un-cenaze-torenine-polis-saldyrysy-3503>
- ANF. (2012b). Gerilla Çekdar'ın cenaze törenine polis saldırısı. *ANF News*. Retrieved from <https://anfturkce.net/guncel/gerilla-andok-un-cenaze-torenine-polis-saldyrysy-3503>
- Başbuğ, I. (2009). İlker Başbuğ'un Konuşmasının Tam Metni. *Bianet*. Retrieved from <https://m.bianet.org/bianet/siyaset/113812-ilker-basbug-un-konusmasinin-tam-metni>
- Bilen, A. (2005). Cenazeye Katılmak Suçsa, Ben de Suç İşledim. *Bianet*. Retrieved from <https://bianet.org/bianet/toplum/67489-cenazeye-katilmak-sucsa-ben-de-suc-isledim>

- BirGün. (2015). Taziye gelen 3 İranlı avukat, Diyarbakır'da gözaltına alındı. *BirGün*. Retrieved from <https://www.birgun.net/amp/haber/taziye-gelen-3-iranli-avukat-diyarbakir-da-gozaltina-alindi-96712>
- BirGün. (2016a). 'Barış talebine destek'ten yargılanacaklar. *BirGün*. Retrieved from <https://www.birgun.net/haber/baris-talebine-destek-ten-yargilanacaklar-131862>
- BirGün. (2016b). IŞİD militanı; Diyarbakır, Suruç, Ankara ve İstiklal saldırılarının talimatlarını 3 yıldır dinlenen telefonlardan vermiş! *BirGün*. Retrieved from <https://www.birgun.net/haber/isid-militani-diyarbakir-suruc-ankara-ve-istiklal-saldirilarinin-talimatlarini-3-yildir-dinlenen-telefonlardan-vermis-109213>
- BirGün. (2020). '15 Temmuz'u lütuf olarak gördüler'. *BirGün*. Retrieved from <https://www.birgun.net/haber/15-temmuz-u-lutuf-olarak-gorduler-308355>
- Duvar. (2018). Boğaziçili akademisyenlerin 'barış bildirisi' davası başladı: 'Derhal beraat' talebine ret. *Gazete Duvar*. Retrieved from <https://www.gazeteduvar.com.tr/gundem/2018/03/28/bogazicili-akademisyenlerin-baris-bildirisi-davasi-basladi-derhal-beraat-talebine-ret>
- Erdoğan, T. (2016). Erdoğan İstanbul'da açıklama yaptı. Retrieved from <https://www.dw.com/tr/erdo%C4%9Fan-istanbulda-a%C3%A7%C4%B1klama-yapt%C4%B1/a-19403922>
- Evrensel. (2019). Sur'da öldürülen Helin Şen'in ailesine 'kusur' tazminatı. *Evrensel*. Retrieved from <https://www.evrensel.net/haber/371731/surda-oldurulen-helin-senin-ailesine-kusur-tazminati>
- Gazi, F. (2018). Kürtçe savunma: Habeas corpus mu hokus pokus mu? *Gazete Duvar*. Retrieved from <https://www.gazeteduvar.com.tr/gundem/2018/06/29/kurtce-savunma-habeas-korpus-mu-hokus-pokus-mu>
- İnce, E. (2014). 90'lardan Bugüne Barışa Yürüyen Anneler. *Bianet*. Retrieved from <https://bianet.org/bianet/siyaset/160754-90-lardan-bugune-barisa-yuruyen-anneler%2022>
- Karakaş, B. (2021). Was the Turkish state involved in journalist Hrant Dink's assassination? Retrieved from <https://www.dw.com/en/was-the-turkish-state-involved-in-journalist-hrant-dinks-assassination/a-56764394>
- Koma Civakên Kurdistanê. (2015a). KCK: "Kürt Halkı için Özyönetimden Başka Seçenek Kalmadı". Retrieved from <https://anfturkce.net/guncel/kck-kurt-halki-icin-ozyonetimden-baska-secenek-kalmadi-52428>
- Koma Civakên Kurdistanê. (2015b). "KCK: Çift Taraflı Tahkim Edilmiş Ateşkese Hazırız". Retrieved from anfturkce.net/kurdistan/kck-cift-taraflı-tahkim-edilmis-ateskese-haziriz-54571
- Taştekin, F. (2019). Türkiye'den IŞİD'e katılan İlyas Aydın: İstihbarat servislerinin gayrimeşru çocuklarıyız. *BBC News Türkçe*. Retrieved from <https://www.bbc.com/turkce/haberler-dunya-49242045>
- T24. (2015). Adalet Bakanlığı, kaldırılmış Kürtçe savunma yasağını 'Türk vatandaşı, Türkçe biliyor' diyerek savundu. *T24 Bağımsız İnternet Gazetesi*. Retrieved

from <https://t24.com.tr/haber/adalet-bakanligi-kaldirilmis-kurtce-savunma-yasagini-turk-vatandasi-turkce-biliyor-diyerek-savundu,296357>

Legal Texts

Constitution of the Republic of Turkey no:491, (1924).

Constitution of the Republic of Turkey no:334, (1961).

Constitution of the Republic of Turkey no:2709, (1982).

Criminal Code Turkey no: 5237, (2004).

International Convention for the Protection of All Persons from Enforced Disappearance, (2010).

Koma Civakên Kurdistanê. (2005). KCK Sözleşmesi. Retrieved from

<https://cupdf.com/document/kck-soezlesmesi.html>

Law on Fight against Terrorism no:3713, (1991).

Türkiye Büyük Millet Meclisi. (1957). *1924 Anayasası Hakkındaki Meclis Görüşmeleri*, Ankara.

Publikationer från Rättssociologiska institutionen Lunds universitet

Beställning och aktuella priser på: <http://lupak.srv.lu.se/mediatryck/>
Böckerna levereras mot faktura.

Lund Studies in Sociology of Law (ISSN 1403-7246)

- 1 Hydén, Håkan (red) *Rättssociologi – då och nu: En jubileumsskrift med anledning av rättssociologins 25 år som självständigt ämne i Sverige* 148 sidor ISBN 91-89078-23-3 (1997)
- 2 Hydén, Håkan & Alf Thoor (red) *Rätt i förändring: Om kristendenser i svensk rätt* 146 sidor ISBN 91-89078-24-1 (1997)
- 3 Hydén, Håkan *Rättssociologi som rättsvetenskap* 130 sidor ISBN 91-89078-47-0 (1998)
- 4 Carlsson, Bo *Social Steerage and Communicative Action: Essays in Sociology of Law* 326 sidor ISBN 91-89078-65-9 (1998)
- 5 Wickenberg, Per *Normstödjande strukturer: Miljötematiken börjar slå rot i skolan* 546 sidor ISBN 91-89078-78-0 (ak. avh. 1999)
- 6 Gillberg, Minna *From Green Image to Green Practice: Normative action and self-regulation* 218 sidor ISBN 91-89078-80-2 (ak. avh. 1999)
- 7 Carlsson, Bo *Social Norms & Moral Feelings: Essays in Sociology of Law* 86 sidor ISBN 91-89078-83-7 (1999)
- 8 Hydén, Håkan *Rättssociologi som emancipatorisk vetenskap* 221 sidor ISBN 91-89078-89-6 (1999)
- 9 Bartolomei, María Luisa & Håkan Hydén (eds.) *The Implementation of Human Rights in a Global World: Recreating a cross-cultural and interdisciplinary approach* 186 sidor ISBN 91-89078-92-6 (1999)
- 10 Carlsson, Bo *Excitement, Fair Play, and Instrumental Attitudes: Images of Legality in Football, Hockey, and PC Games* 89 sidor ISBN 91-7267-010-X (2000)
- 11 Ryberg-Welander, Lotti *Arbetstidsregleringens utveckling: En studie av arbetstidsreglering i fyra länder* 412 sidor ISBN 91-7267-011-8 (ak. avh. 2000)
- 12 Carlsson, Bo *Rättssociologi och populärkultur* 102 sidor ISBN 91-7267-118-1 (2001)

- 13 Pfannenstill, Annika *Rättssociologiska studier inom området autism: Rättsanvändning i en kunskapskonkurrerande miljö* 214 sidor ISBN 91-7267-120-3 (ak. avh. 2002)
- 14 Gustavsson, Håkan *Rättens polyvalens: En rättsvetenskaplig studie av sociala rättigheter och rättssäkerhet* 478 sidor ISBN 91-7267-135-1 (ak. avh. 2002)
- 15 Avellan, Heidi *Brännpunkter i nyhetsflödet: Rättssociologiska nedslag 2003* 60 sidor ISBN 91-7267-152-1 (2003)
- 16 Rejmer, Annika *Vårdnadstvister: En rättssociologisk studie av tingsrätts funktion vid handläggning av vårdnadskonflikter med utgångspunkt från barnets bästa* 248 sidor ISBN 91-7267-142-4 (ak. avh. 2003)
- 17 Baier, Matthias *Norm och rättsregel: En undersökning av tunnelbygget genom Hallandsåsen* 197 sidor ISBN 91-7267-144-0 (ak. avh. 2003)
- 18 Friis, Eva *Sociala utredningar om barn: En rättssociologisk studie av lagstiftningens krav, utredningarnas argumentationer och konsekvenser för den enskilde* 290 sidor ISBN 91-7267-150-5 (ak. avh. 2003)
- 19 Olsson, Patrik *Legal Ideals and Normative Realities: A Case Study of Children's Rights and Child Labor Activity in Paraguay* 178 sidor ISBN 91-7256-155-6 (ak. avh. 2003)
- 20 Hoff, David *Varför etiska kommittéer?* 306 sidor ISBN 91-7256-156-4 (ak. avh. 2004)
- 21 Zanderin, Lars *Internkontroll och systemtillsyn av arbetsmiljön i äldreomsorgen i fyra svenska kommuner: En rättssociologisk studie* 319 sidor ISBN 91-7267-177-7 22 (ak. avh. 2004)
- 22 Staaf, Annika *Rättssäkerhet och tvångsvård: En rättssociologisk studie* 356 sidor ISBN 91-7267-196-3 (ak. avh. 2005)
- 23 Hallerström, Helena *Rektorers normer i ledarskapet för skolutveckling* 183 sidor ISBN 91-7267-217-X (ak. avh. 2006)
- 24 Friberg, Staffan *Normbildningsprocess – genom brukarsamverkan* 235 sidor ISBN 91-7267-221-8 (ak. avh. 2006)
- 25 Börrefors, Johanna *En essä om estetisk efterrättelse* 231 sidor ISBN 91-7267-235-8 (ak. avh. 2007)
- 26 Appelstrand, Marie *Miljömålet i skogsindustrin – styrning och frivillighet* 323 sidor ISBN 91-7267-240-4 (ak. avh. 2007)
- 27 Sonander, Anna *Att arbeta med barn som brottsoffer – En rättssociologisk studie* 233 sidor ISBN 91-7267-252-8 (ak. avh. 2008)
- 28 Svensson, Måns *Sociala normer och regelefterlevnad – Trafiksäkerhetsfrågor ur ett rättssociologiskt perspektiv* 244 sidor ISBN 91-7267-271-4 (ak. avh. 2008)
- 29 Hydén, Håkan & Wickenberg, Per (eds.) *Contributions in Sociology of Law – Remarks from a Swedish Horizon* 245 sidor ISBN 91-7267-276-5

- 30 Bergman, Anna-Karin *Law in Progress? A Contextual Study of Norm-Generating Processes – The Example of GMES* (ak. anh 2009)
- 31 Baier, Matthias (ed.) *Participative aspects of law – a socio-legal perspective.*
- 32 Wedin, Lina *Going Green – A Study of Public Procurement Regulation* 193 sidor ISBN 91-7267-295-1 (ak. avh 2009)
- 33 Persson, Lars *Pedagogerna och demokratin – En rättssociologisk studie av pedagogers arbete med demokratiutveckling i förskola och skola* 188 sidor ISBN 91-7267-309-5 (ak. avh 2010)
- 34 Leo, Ulf *Rektorer bör och rektorer gör – En rättssociologisk studie om att identifiera, analysera och förstå professionella normer* 190 sidor ISBN 91-7267-314-1 (ak. avh. 2010)
- 35 Johansson, Susanna *Rätt, makt och institutionell förändring – En kritisk analys av myndigheters samverkan i barnabus* 254 sidor ISBN 978-917473-101-9 (ak. avh. 2011)
- 36 Stefan Larsson *Metaphors and Norms – Understanding copyright law in a digital society* 167 sidor ISBN 91-7267-335-4 (ak. avh. 2011)
- 37 Håkan Hydén (ed.) *Norms between law and society – A collection of Essays from Doctorates from Different Academic Subjects and Different Parts of the World* 168 sidor ISBN 91-7267-330-3
- 38 Agevall, Charlotte *Våldet och kärleken – Våldsutsatta kvinnors begripliggörande av sina erfarenheter* 304 sidor ISBN 91-7267-341-9 (ak. avh. 2012)
- 39 Dahlstrand, Karl *Kränkning och upprättelse – En rättssociologisk studie av kränkningersättning till brottsoffer* 344 sidor ISBN 91-7267-342-7 (ak. avh. 2012)
- 40 Urinboyev, Rustamjon *Living Law and Political Stability in Post-Soviet Central Asia – A Case Study of the Ferhana Valley* 220 sidor ISBN 91-7267-530-8 (ak. avh. 2013)
- 41 Pizzolatto Konzen, Lucas *Norms and Space – Understanding Public Space Regulation in Tourist City* 334 sidor ISBN 91-7267-351-6 (ak. avh. 2013)
- 42 Monciardini, David *Quello che conta – A Socio-Legal Analysis of Accounting for Sustainable Companies* 237 sidor ISBN 91-7267-358-3 (ak. avh. 2013)
- 43 Gustafsson, Håkan, Vinthagen, Stellan & Oskarsson, Patrik *Law, Resistance and Transforation – Social Movements and Legal Strategies in the Indian Narmada Struggle* 162 sidor ISBN 91-7267-352-4
- 44 Erlandsson, Lennart *Rätt, norm och tillämpning – En studie av normativa mönster vid beslut enligt LSS på tre arenor* 188 sidor ISBN 978-91-7473-931-2 (ak. avh. 2014)
- 45 Vargas, Ana Maria *Outside the Law. An Ethnographic Study of Street Vendors in Bogotá* 267 sidor ISBN 978-91-7623-804-2 (ak. avh. 2016)

- 46 Svenaeus, Lena *Konsten att upprätthålla löneskillnader mellan kvinnor och män. En rättssociologisk studie av regler i lag och avtal om lika lön* 392 sidor ISBN 978-91-7753-150-0 (ak. avh. 2017)
- 47 Hartzén, Ann-Christine *The European Social Dialogue in Perspective. Its future potential as an autopoietic system and lessons from the global maritime system of industrial relations* 388 sidor ISBN 978-91-7753-275-0 (ak. avh. 2017)
- 48 Michelson, Staffan *Empowerment and Private Law. Civil Impetus for Sustainable Development* 296 sidor ISBN 978-91-7223-748-3 (ak. avh. 2018)
- 49 Joormann, Martin *Legitimized Refugees - A Critical Investigation of Legitimacy Claims within the Precedents of Swedish Asylum Law* 267 sidor ISBN 978-91-7267-411-0 (ak. avh. 2019)
- 50 Antonsdóttir, Hildur Fjóra *Decentring Criminal Law: Understandings of Justice by Victim-Survivors of Sexual Violence and their Implications for Different Justice Strategies*, 196 sidor, ISBN 978-91-7895-434-6 (ak. avh. 2020)
- 51 Bergwall, Peter *Exploring Paths of Justice in the Digital Healthcare - A Socio-Legal Study of Swedish Online Doctors*, 242 sidor, 978-91-7895-843-6 (ak. avh. 2021)
- 52 Lundholm, Mikael *The Social Contingency of Law—Studies of Social Control during Foreclosure in Sweden*, 114 sidor, 978-91-8039-061-3 (ak. avh. 2021)
53. Bostan, Cansu *Games of Justice – Ethnographic Inquiries on Space, Subjectivity and Law in Northern Kurdistan*, 395 sidor, 978-91-8039-289-1 (ak. avh. 2022)

Research Reports in Sociology of Law (ISSN 1404-1030)

- 1998:1 Hydén, Håkan (red) *Rättssociologiska perspektiv på hållbar utveckling* 218 sidor ISBN 91-89078-43-8
- 1999:1 Grip, Elsa *Kan kommunen kontrollera kretsloppen? En studie i styrmedel för den fysiska samhällsplaneringen i riktning mot kretsloppssamhället* 107 sidor ISBN 91-89078-70-5
- 1999:2 Grip et al, Elsa *"Den som tar ska ge igen": Balansering – ett rättvist system för miljöhänsyn i samhällsbyggandet?* 106 sidor ISBN 91-89078-79-9
- 1999:3 Hydén, Håkan (red) *Aspekter av och perspektiv på normer: Rättssociologer reflekterar kring normer* 177 sidor ISBN 91-7267-001-0
- 2000:1 Wickenberg, Per *Greening Education in Europe: Research Report on Environmental Education, Learning for Sustainable Development and local Agenda 21 in Europe* 112 sidor ISBN 91-7267-021-5
- 2000:2 Hydén, Håkan, Minna Gillberg & Per Wickenberg *Miljöledning i Citytunnelprojektet: MiC-projektet, delrapport 1: Bakgrund och samråd* 74 sidor ISBN 91-7267-025-8

- 2003:1 Wickenberg, Per *Brunnarna i Holma: Samrådets konkreta genomförande 2000-2002 för Citytunnelprojektet i Malmö* 274 sidor ISBN 91-7267-149-1
- 2004:1 Åström, Karsten *Prioriteringar i socialtjänsten: En analys av rättsliga förutsättningar* 46 sidor ISBN 91-7267-163-7
- 2004:2 Hydén, Håkan & Wickenberg, Per *Utvärderingsstudie av Venprojektet* 44 sidor ISBN 91-7267-180-7
- 2004:3 Hydén, Håkan (red) *Landskrona 1970–2010 i tid och rum* 111 sidor ISBN 91-7267-181-5
- 2004:4 Platzer, Ellinor *En icke-lag i sökleuset: Exemplet hushållstjänster i Sverige* 122 sidor ISBN 91-7267-184-X
- 2004:5 Rejmer, Annika (red) *Normvetenskapliga reflektioner* 178 sidor ISBN 91-7267-185-8
- 2005:1 Svensson, Måns *Strategier för ökad regelefterlevnad på trafikområdet* 45 sidor ISBN 91-7267-197-1
- 2005:2 Friis, Eva, Wickenberg, Per & Aurell, Justus *Projekt Nätverk Handel Malmö modell för kompetensutveckling av deltidsarbetslösa inom handeln* 105 sidor ISBN 91-7267-198-X
- 2005:3 Hallerström, Helena *Skolledarskap för förändring och utveckling* 182 sidor ISBN 91-7267-199-8
- 2005:4 Johansson, Susanna, Larsson, Stefan & Wickenberg, Per *Elevinflytande i Lomma kommuns skolor (skolår 7-9)* 105 sidor ISBN 91-7267-201-3
- 2006:1 Agevall, Charlotte *Att skapa goda arbetsmiljöer – med hjälp av design och jämställdhet: En utvärdering av projektet Skåne i god form. Ett samarbetsprojekt mellan LO-distriktet i Skåne, SvenskIndustridesign och Svenska ESF-rådet* 70 sidor ISBN 91-7267-215-35
- 2006:2 Hansen, Helena *Slutrapport till Kronofogdemyndigheten – Otillåten påverkan inom Kronofogdemyndigheten i Malmö* 35 sidor ISBN 91-7267-222-6
- 2006:3 Carlsson, Lina & Waara, Fredrik *Offentlig upphandling ur upphandlarens perspektiv: Resultat från två studier med fokus på byggupphandling och ekologisk hållbarhet* 37 sidor ISBN 91-7267-226-9
- 2007:1 Dahlstrand, Karl *Den anomiska rätten – Om undantagskonstruktion av de rent ideella kräningsersättningarna* 130 sidor ISBN 91-7267-241-2
- 2007:2 Johansson, Susanna *"Man är kanske mer kapabel än vad man trodde..." – Utvärderingsrapport av projekt Mötesplats Social Ekonomi Malmö – arbetsträning för långtidsarbetslösa och långtidssjukskrivna* 103 sidor ISBN 91-7267-247-1
- 2007:3 Hallerström, Hellena *Invandrarkvinnor på väg mot arbete genom utbildning och kooperation – Extern utvärdering av projekt Trappan i stadsdelen Rosengård, Malmö* 55 sidor ISBN 91-7267-250-1
- 2008:1 Rejmer, Annika, Rasmusson, Bodil, Johansson, Susanna, Friis, Eva & Åström, Karsten *Barnahusens organisation, samverkan och verksamhet – Lägesrapport April*

- 2006 – *Delrapport 1 i utvärderingen av nationell försöksverksamhet med barnabus* 2006-2007 ISBN 91-7267-261-7
- 2008:2 Pavlovskaia, Evgenia & Åström, Karsten *Rättsliga perspektiv på barnet som brottsoffer – Delrapport 2 i utvärderingen av nationell försöksverksamhet med barnabus* 2006-2007 56 sidor ISBN 91-7267-260-9
- 2008:3 Friis, Eva *Sociala utredningar om brottsutsatta barn – Målgrupp, handläggning och insatser – Delrapport 3 i utvärderingen av nationell försöksverksamhet med barnabus* 2006-2007 108 sidor ISBN 91-7267-259-5
- 2008:4 Johansson, Susanna *Myndighetsamverkan i barnabus – organisering, innehåll och process – Delrapport 4 i utvärderingen av nationell försöksverksamhet med barnabus* 2006-2007 98 sidor ISBN 91-7267-262-5
- 2008:5 Rejmer, Annika och Hansen, Helene "... känner du till skillnaden mellan lögn och sanning" – *En analys av förundersökningar – Delrapport 5 i utvärderingen av nationell försöksverksamhet med barnabus* 2006-2007 80 sidor ISBN 91-7267-263-3
- 2008:6 Rasmusson, Bodil "Det är ju inget dagis precis..." *Barns och föräldrars upplevelser av kontakter med barnabus – Delrapport 6 i utvärderingen av nationell försöksverksamhet med barnabus* 2006-2007 84 sidor ISBN 91-7267-255-2
- 2008:7 Åström, Karsten & Rejmer, Annika "Det blir nog bättre för barnen" – *Slutrapport i utvärderingen av nationell försöksverksamhet med barnabus* 2006-2007 142 sidor ISBN 91-7267-264-1
- 2008:8 Svensson, Måns & Persson, Lars *Socialtjänsten som kunskapskälla – En modell för psykosocial rapportering inför strategiska beslut på kommunal ledningsnivå avseende bland annat hållbar utveckling och folkhälsa* 88 sidor ISBN 91-7267-258-7
- 2008:9 Hallerström, Helena & Tallvid, Martin *Egen dator som redskap för lärande. Utvärdering av projektet "En-till-En" i två grundskolor i Falkenbergs kommun – Delrapport 1* 95 sidor ISBN 91-7267-274-9
- 2009:1 Svensson, Måns & Larsson, Stefan *Social Norms and Intellectual Property – Online norms and the European legal development* 66 sidor ISBN 91-7267-305-2
- 2010:1 Friis, Eva *Projekt Trapphuset Rosengård: Utbildningsverkstad och empowermentstation för invandrarkvinnor på väg mot arbete – En rättssociologisk undersökning av måluppfyllelse, genomförande och normstödjande arbete .Slutrapport från den externa utvärderingen* 82 sidor ISBN 91-7267-325-7
- 2012:1 Özascilar, Mine *Fear of Crime – Comparing the 'Shadowing Effect' of Fear of Sexual Assault on Turks and Swedes* 70 sidor ISBN 91-7267-345-1
- 2013:1 Wickenberg, Per & Leo, Ulf *Ett steg fram och ett tillbaka... – Statens styrning av miljö och hållbar utveckling genom skollag, läroplaner och kursplaner* 40 sidor ISBN 91-7267-534-0
- 2013:2 Sonander, Anna & Wickenberg Per *Folkhögskola 2.0 – ett kompetensutvecklingsprojekt* 66 sidor ISBN 91-7267-360-5

- 2015:1 Serrano Cardona, Nicolas & Baier, Matthias *Stockholm and Bogotá Citizenship Culture Surveys comparison* 58 sidor ISBN 978-91-7267-383-0
- 2016:1 Wedin Hansson, Lina & Johansson, Susanna *Hållbar samverkan? En fallstudie av samverkan i hållbar offentlig byggnadsupphandling* 50 sidor ISBN 978-91-7267-388-5
- 2016:2 Wedin Hansson, Lina *Report on Best Practice Interviews on sustainable and innovative public procurement* 73 sidor ISBN 978-91-7267-390-8
- 2016:3 Wedin Hansson, Lina *Going Green in Construction A study of sustainability and innovation practices in public procurement of construction works.* 76 sidor ISBN 978-91-7267-391-5
- 2018:1 Vuleta, Davor *Ekonomisk otrygghet -en deskriptiv analys av migranternas överskuldssättning.* 85 sidor ISBN 978-91-7753-587-4
- 2019:1 Wickenberg, Per *Norm formation from the Inside of a Swedish Court.* 33 sidor ISBN 978-91-7267-408-0
- 2019:2 Måns Svensson & Oscar Björkenfeldt *New Enviromental Zones for Passenger Cars Attitudes, norms and legal compliance.* 70 sidor ISBN 978-91-7267-408-0
- 2019:3 Wickenberg, Per, Rasmusson, Bodil & Leo, Ulf (eds.) *International Studies on Enactment of Children 's Rights in Education. 30 researchers from non-western countries.* 301 sidor. ISBN Tryck 978-91-7267-419-6 ISBN PDF: 978-91-7267-420-2
- 2020:1 Baier, Matthias & Wickenberg, Per *RQ2020. Report on Research Quality Process, RQ20.* 100 sidor ISBN Tryck 978-91-7267-421-9 ISBN PDF: 978-91-7267-422-6
- 2020:2 Urinboyev, Rustamjon (ed) *Central Asian Law: Legal Cultures, Governance and Business Environment in Central Asia. A Collection of Papers from Central Asian Guest Researchers Seconded to Lund University.* 151 sidor. ISBN Tryck 978-91-7267-429-5, ISBN PDF 978-91-7267-430-1
- 2020:3 Sonander, Anna & Muhire, Heraclitos *Rinkeby - en tunnelbanestation som alla andra En utvärdering av samverkan vid lokalt brottsförebyggande arbete.* 58 s.
- 2021:1 Wickenberg, Per, Rasmusson, Bodil, Leo, Ulf (eds.) *Children 's Rights in Education. Experiences from 16 countries in the Global South during 18 years as researchers and teachers.* 78 sidor. ISBN Tryck 978-91-7267-435-6, ISBN PDF 978-91-7267-437-0

Sociology of Law Dissertations 1978–

1. Widerberg, Karin: *Kvinnans rättsliga och sociala ställning i Sverige 1750-1976* (1978)
2. Hydén, Håkan: *Rättens samhälleliga funktioner* (1978)
3. Magnusson, Dan: *Konkurser och ekonomisk brottslighet* (1979)
4. Kalderstam, Johnny: *De laglösa. Om rättens betydelse för levnadsförhållandena i en kriminell subkultur* (1979)

5. Akalu, Aster: *The Process of Land Nationalization in Ethiopia. Land Nationalization and the Peasants* (1982)
6. Esping, Hans: *Förvaltningsrätt och reformpolitik* (1983)
7. Ericsson, Lars: *Ett surt regn kommer att falla. Naturen, myndigheterna och allmänheten* (1985)
8. Carlsson, Bo & Isacson, Åke: *Hälsa, kommunikativt handlande och konfliktlösning. En studie av patientens ställning och av Hälso- och sjukvårdslagens ansvarsnämnd* (1989)
9. Eriksson, Kjell E.: *Jag slutar! Individuell konfliktlösning i arbetslivet* (1991)
10. Ödman, Ella: *Planlagstiftningen och välfärden: tendenser i utvecklingen av svensk planlagstiftning* (1992)
11. Olsson, Sven-Erik: *Kvinnor i arbete och reproduktion. Havandeskaps-penningens tillämpning* (1993)
12. Gutto, Shadrack: *Human and Peoples Rights for the Oppressed. Critical Essays on Theory and Practice from Sociology of Law Perspective* (1993)
13. Schlytter, Astrid: *Om rättvisa I barnomsorgen. Den kommunala barnomsorgens fördelningsregler ur ett vardagsperspektiv* (1993)
14. Rolfsson, Margaretha: *Unga på drift. Om sociala normer och social kontroll i Rosengård* (1994)
15. Banakar, Reza: *Rättens dilemma. Om konflikthantering i ett mångkulturellt samhälle* (1994)
16. Kähl, Ingela: *Socialarbetarkåren – den lindansande professionen* (1995)
17. Svenning, Margaretha: *Miljökriget. Miljöarenan och politikens möjligheter att styra vår miljö* (1996)
18. Hammarsköld, Claes-Göran: *FINSAM: Förändring av en välfärdsorganisation genom försöksverksamhet* (1997)
19. Mascaro, Joakim: *Aurea Norma* (1998)
20. Gillberg, Minna: *From Green Image to Green Practice. Normative action and self-regulation* (1999)
21. Wickenberg, Per: *Normstödjande strukturer. Miljötematiken börjar slå rot i skolan* (1999)
22. Ryberg, Lottie: *Arbetsstidsregleringens utveckling* (2000)
23. Pfannenstill, Annika: *Rättssociologiska studier inom området autism. Rättsanvändning i en kunskapskonkurrerande miljö* (2002)
24. Rejmer, Annika: *Vårdnadstvister. En rättssociologisk studie av tingsrätts funktion vid handläggning av vårdnadskonflikter med utgångspunkt från barnets bästa* (2003)
25. Baier, Matthis: *Norm och rättsregel. En undersökning av tunnelbygget genom Hallandsåsen* (2003)
26. Friis, Eva: *Sociala utredningar om barn. En rättssociologisk studie av lag-stiftningens krav, utredningarnas argumentationer och konsekvenser för den enskilde* (2003)

- 27.Olsson, Patrik: *Legal Ideas and Normative Realities. A case study of children's rights and child labor activity in Paraguay* (2003)
- 28.Hoff, David: *Varför etiska kommittéer?* (2004)
- 29.Zanderin, Lars: *Internkontroll och systemtillsyn av arbetsmiljön i äldreomsorgen i fyra svenska kommuner. En rättssociologisk studie* (2004)
- 30.Staaf, Annika: *Rättssäkerhet och tvångsvård. En rättssociologisk studie* (2005)
- 31.Hallerström, Helena: *Rektorers normer i ledarskapet för skolutveckling* (2006)
- 32.Friberg, Staffan: *Normbildningsprocess genom brukarsamverkan* (2006)
- 33.Börrefors, Johanna: *En essä om estetisk efterrättelse* (2007)
- 34.Appelstrand, Marie: *Miljömålet i skogsbruket – styrning och frivillighet* (2007)
- 35.Sonander, Anna: *Att arbeta med barn som brottsoffer. En rättssociologisk studie* (2008)
- 36.Svensson, Måns: *Sociala normer och regelefterlevnad. Trafiksäkerhetsfrågor ur ett rättssociologiskt perspektiv* (2008)
- 37.Anna Piasecka: *European Integration vs. European Legal Cultures. A Comparative Case Study concerning Harmonization and Implementation of EU Migration Law* (PhD, within the Renato Treves International Doctorate in "Law and Society", Milan)(2008)
- 38.Bergman, Anna-Karin: *Law in Progress? A Contextual Study of Norm-Generating Processes – The Example of GMES* (2009)
- 39.Wedin, Lina: *Going Green – A Study of Public Procurement Regulation* (2009)
- 40.Persson, Lars: *Pedagogerna och demokratin – En rättssociologisk studie av pedagogers arbete med demokratiutveckling i förskola och skola* (2010)
- 41.Leo, Ulf: *Rektorer bör och rektorer gör – En rättssociologisk studie om att identifiera, analysera och förstå professionella normer* (2010)
- 42.Johansson, Susanna: *Rätt, makt och institutionell förändring – En kritisk analys av myndigheters samverkan i barnahus* (2011)
- 43.Larsson, Stefan: *Metaphors and Norms – Understanding Copyright Law in a Digital Society* (2011)
- 44.Agevall, Charlotte: *Våldet och kärleken – Våldsutsatta kvinnors begripliggörande av sina erfarenheter* (2012)
- 45.Dahlstrand, Karl: *Kränkning och upprättelse – En rättssociologisk studie av kränkningersättning till brottsoffer* (2012)
- 46.Urinboyev, Rustamjon: *Living Law and Political Stability in Post-Soviet Central Asia – A Case Study of the Ferhana Valley* (2013)
- 47.Pizzolatto Konzen, Lucas: *Norms and Space – Understanding Public Space Regulation in Tourist City* (2013)

48. Monciardini, David: *Quello che conta – A Socio-Legal Analysis of Accounting for Sustainable Companies* (2013)
49. Erlandsson, Lennart: *Rätt, norm och tillämpning. En studie av normativa mönster vid beslut enligt LSS på tre arenor* (2014)
50. Vargas, Ana Maria: *Outside the Law. An Ethnographic Study of Street Vendors in Bogotá* (2016)
51. Lena Svenaeus: *Konsten att upprätthålla löneskillnader mellan kvinnor och män. En rättssociologisk studie av regler i lag och avtal om lika lön* (2017)
52. Ann-Christine Hartzén: *The European Social Dialogue in Perspective. Its future potential as an autopoietic system and lessons from the global maritime system of industrial relations* (2017)
53. Staffan Michelson: *Empowerment and Private Law. Civil Impetus for Sustainable Development* (2018)
54. Martin Joormann: *Legitimized Refugees - A Critical Investigation of Legitimacy Claims within the Precedents of Swedish Asylum Law* (2019)
55. Hildur Fjóra Antonsdóttir: *Decentring Criminal Law: Understandings of Justice by Victim-Survivors of Sexual Violence and its Implications for Different Justice Strategies* (2020)
56. Peter Bergwall: *Exploring Paths of Justice in the Digital Healthcare - A Socio-Legal Study of Swedish Online Doctors* (2021)
57. Mikael Lundholm: *The Social Contingency of Law—Studies of Social Control during Foreclosure in Sweden* (2021)
58. Cansu Bostan: *Games of Justice: Ethnographic Inquiries on Space, Subjectivity and Law in Northern Kurdistan* (2022)

Sociology of Law Licentiate Dissertations

- Platzer, Ellinor: *En icke-lag i sökluset. Exemplet hushållstjänster i Sverige. Licentiatavhandling* (2004).
- Larsson, Stefan: *Between daring and deliberating – 3g as a sustainability issue in Swedish spatial planning. Licentiatavhandling* (2008).

Games of Justice

Games of Justice presents an ethnographic exploration of subjective experiences relying on different historicizations and the ways they inform the connections between law and justice in Northern Kurdistan. By analyzing law and justice as ethnographic objects whose forms and functions are contingent upon being named and attributed meanings, inquiries focus on various historicizations/spatializations in Northern Kurdistan to understand: i) the modern spatiotemporal boundaries of the Turkish nation-state, its law and justice narratives, ii) experiences informing justice aspirations and their translations into the experience-distant language of state law, and iii) appearing/disappearing mechanisms attributed justness and functions of legality beyond the state law. By presenting the accounts, namings and meanings in their multiplicity, this study hopes to contribute to an imaginary of honorable and sustainable peace in Northern Kurdistan.