GOVERNING CHILDHOOD:

THE JUVENILE JUSTICE SYSTEM IN TURKEY

DİDEM SAĞLAM

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Didem Sağlam

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The Juvenile Justice System in Turkey

The thesis of Didem Sağlam

has been approved by:

Assist. Prof. Saygun Gökariksel
(Thesis Advisor) _____

Assoc. Prof. Ziya Umut Türem _____

Assist. Prof. Aylin Dikmen Özarslan
(External Member) _____

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DECLARATION OF ORIGINALITY

I, Didem Sağlam, certify that

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ABSTRACT

Governing Childhood: The Juvenile Justice System in Turkey

This thesis aims to contribute to the critical approach to juvenile justice system by focusing on child imprisonment in Turkey. Even though juvenile justice system is a complex and rich topic that is able to make valuable contribution to children studies and the scholarship on prison and criminal justice system, the studies on this particular issue is largely insufficient. To do so, I conducted in-depth interviews between January 2017 and February 2018 in İstanbul, İzmir and Gaziantep with 10 male and 5 female respondents who were kept in prison when they were under the age of 18. On the basis of this research, I examine the historical development of child imprisonment and the transformation of juvenile justice system, as well as the relationship between the modern paradigm of childhood and children-related modern institutions. Specifically, I explore the dimension of time in child imprisonment by problematizing how the changing conceptualization of time affects punishment practices and the experience of ex-prisoners. I investigate the gender dimension of the juvenile justice system by taking issue with the "invisibility" of girls and by focusing on the masculine performances within prison. Lastly, my study examines the political economy of imprisonment, prison labour along with exchange and gift economy in prison. In doing so, my research shows the way juvenile justice system works through constructing juvenile delinquency and introduce punitive mechanisms in the name of "protecting" children.

ÖZET

Çocukluğun İdaresi: Türkiye'de Çocuk Adalet Sistemi

Bu tez, çocuk tutukluluğuna odaklanarak Türkiye'deki çocuk adalet sistemi literatüründeki eleştirel yaklaşımlara katkı yapmayı hedeflemektedir. Çocuk adalet sistemi, fazlasıyla çetrefilli olmasının yanı sıra çocuk çalışmaları, hapishane ve ceza adalet sistemi gibi literatürlere de hatırı sayılır miktarda katkı sağlayabilecek zenginlikte bir alan olmasına rağmen, bu alanda yürütülen çalışmalar oldukça yetersiz kalmaktadır. Bu amaç etrafında, Ocak 2017 ve Şubat 2018 tarihleri arasında İstanbul, İzmir ve Gaziantep'te 10'u erkek 5'i kadın olmak üzere 18 yaşın altındayken kanunla ihtilaf halinde olmaktan ötürü hapishanede kalmış kişilerle derinlemesine görüşmeler gerçekleştirdim. Tezimde de bu araştırmanın ışığında çocuk tutukluluğunun tarihsel gelişimi ve çocuk adalet sisteminin değişiminin yanı sıra modern çocukluk paradigması ile çocuklara özgü modern kurumların arasındaki ilişkiyi inceledim. Özelde ise, değişen zaman kavramsallaştırmasının cezalandırma pratiklerine ve eski mahpusların deneyimlerine etkisi üzerinden çocuk tutukluluğunun zamansal boyutunu araştırdım. Buna ek olarak, kız çocuklarının "görünmezliği" ve hapishanedeki maskülenite performansları gibi konular etrafında çocuk adalet sistemindeki toplumsal cinsiyet boyutunu tartıştım. Son olarak, hapsetmenin ekonomi politiği, hapishane emeği ve hapishanedeki "hediye (gift)" ve "değişim (exchange)" ekonomisi çalışmamda tartıştığım diğer temel konulardır. Çalışmam bu konular etrafında çocuk adalet sisteminin çocuk suçluluğunu nasıl inşa ettiğini ve çocukları "koruduğu" iddiasıyla yeni cezalandırma mekanizmalarını nasıl ortaya çıkardığını göstermektedir.

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CHAPTER 1

INTRODUCTION

'Children are political prisoners'

Jean Luc Godard

1.1 Introduction to field: Hard journey

One thing I have come to realize during the various stages of this research is that, thinking and talking about child prisoners discomfort many people in society. When I indicated that I was conducting research on this issue, I have generally confronted with two frequent reactions. In the first response people have tended to be sympathetic towards children and towards me. They have said that it should have been very compelling, psychologically, for me to cope with such a "depressing issue" and they said they have felt sorry for the children. In the second response, people have marginalized the children and labelled them with stereotypical "criminal individual" characteristics. They have been also very sceptical towards me as a researcher. They questioned why I was interested in such a disturbing topic, assuming that "it isn't necessary at all". This field is already taken care of by the concerned authorities – the police, judges, lawyers and the families. According to them, as a social scientist I should be interested in issues that have real importance and that should be resolved urgently for the welfare of the society.

Actually, after a while I noticed that during my whole research process I haven't dealt with the children, rather I have strived to figure out the assumptions, perceptions and conceptualizations on childhood. Because childhood is already a given category about which all people in the society have certain images,

assumptions and expectations; even though the definitions and expectations are diversified, and even conflicting at times. In 2016, just before conducting my field research I had a chance to test and realize my prejudices, both in positive and negative regards, and revaluate my expectations regarding the children in prison. I was part of a project that aimed to bring volunteer university students together with children in juvenile prison through workshops and activities. We met many children throughout the project, since there was an immediate circulation in the institution. There were few children who attended activities regularly, others changed constantly because some got discipline punishments and were not allowed to attend activities. Some were released from the prison in the meanwhile or some were sent to the children wings of the adult prison. We have never been completely sure about what were the effects of our project on children, although we always asked them about their opinions on the project and the activities. However, one thing I realized for sure was that we (the volunteers) changed a lot during the whole process. I have learned many things from the children about both my academic and life interests. I also encountered and learned more about my "selves" as Didem, a woman in the society, a master student in the university and the researcher studying on this specific field. After the project, while I was pursuing my field research, during the interview that we made with Hakan, he laughed and said "you actually know the prison better than I". His suggestion that I know prison than him, an ex-prisoner is indeed controversial. It is also open to discussion the kind of knowledge I have on the matter, and its compliance with his "knowledge".

All these incidents led me to consider "childhood" within this context more deliberately, fundamentally because in order to understand the function of juvenile justice system and the treatment of children who are engaged with it, it is necessary

to take into account the constructions and projections on childhood as well as their transformation. Within this context, this study scrutinizes the construction and governance of childhood in the juvenile justice system by focusing on child imprisonment. It examines how institutional processes, practices, and mechanisms of prison relate to construction and governance of childhood and vice versa. In other words, it analyzes how the dominant paradigms of childhood and historical transformation of these conceptualizations influence child imprisonment. Furthermore, it questions how this governing operates through the experiences of children, by taking into consideration the present conditions of prison and the long-term effects of prison on ex-prisoners in their life trajectory.

The participants consist of female and male ex-prisoners those were incarcerated when they were under 18 years of age because of were being conflicted in law. They had different ethnic origins such as Kurdish or Romanies. Both people who were accused of ordinary crime and political crime involved in the research. I avoided asking my interlocutors what type of crime they had been charged with. Yet, even then some of them told me immediately about "their crime." I realized during my research that as soon as I told about my topic, people immediately ask what crimes that children committed. Most of the time, they are interested in the crime rather than the conditions of the prisons; their perception of particular crime also drastically shaped their approach to my topic. They tend to give more attention and empathy towards children if their crimes were insignificant for them.

After finishing my in-depth interviews, I decided to determine certain themes that were frequently mentioned in the narratives of the respondents, and later on I discussed them in the light of particular concepts. I also decided not to use the real

names of the respondents and opted for the pseudonyms to protect their personal information.

1.2 Childhood issue

Since I am interested in the perceptions of childhood, I immediately investigated a variety of terminologies, because they reflect different perspectives, priorities and concerns that bind the position of the author. First of all, in the English literature there is a specific denotation for children engaged in criminal justice system: "juvenile". Actually, it is very interesting to need an exclusive term instead of simply calling them "children". The various terms present in the literature in fact, for example; "juvenile pushed the crime (suça sürüklenen çocuk)" is one of the widely accepted and used terms frequently referred within legal and official documents, reports and researches. Nevertheless, the term is problematic in some regards because it neglects the subjectivities of the children and considers them as passive objects when it comes to their engagement and decision making process. The other term also preferred within this work is "children who conflict with the law (kanunla ihtilaf halindeki çocuklar)" which is a more neutral expression to refer to children engaged in criminal justice system for breaking the law. Further, "children deprived of their liberty (özgürlüğünden yoksun bırakılmış çocuklar)" is used for diverse situations but if it is used in association with children who conflict with the law it basically signals the incarceration of the child. "The deprivation of liberty means any form of detention or imprisonment or the placement of a person in a public or private custodial setting, from which this person is not permitted to leave at will, by order of any judicial, administrative or other public authority" (United Nations, 1990, p. 2).

Philippe Aries (1962) claims that childhood –in the way that we perceive it today- is a modern invention, a modern concept. From this perspective, it is possible to examine the relationship between the emergence of the idea of childhood and the historical ideological transformation of Turkey. "The idea of childhood" began to emerge in the last century of the Ottoman State, during Tanzimat Era, a period of "reorganization" having modernization goals and ideals. At that period, childhood began to be considered as a special category with a specific nature and this awareness led to the establishment of modern institutions exclusively concerned with children. This awareness resulted in assigning juvenile delinquency a separate character and importance that necessitates special expertise and knowledge, since "discovering" and "examination" of the childhood became crucial. Moreover, all these discussions towards the specific nature of childhood and the appropriate treatment in a compatible way with this essence were involved by the debates on reforming the penal system (Göral, 2003). Eventually, the legal context of "juvenile delinquency" is the ground that both produces and applies the modern paradigm of childhood. Because of that reason, perception of childhood in law reflects the problematic situation in society towards not only children who are in conflict with law but also towards children in general (Ümit, 2007).

The two basic approaches can be identified for studies dealing with children related issues. In the first approach, the biological features of children are highlighted and proper treatments around children are examined. Especially in juvenile delinquency, with the effects of the dominant criminology literature biological, psychological and neurological features are frequently discussed (Loeber, 1990; Quay, 1987; Quinsey, Skilling, Lalumière and Craig, 2004; Wisconsin Council on Children & Families, 2006). The emphasis on the "specific nature of childhood"

leads to the proliferation of specialized fields such as child development, child psychology etc. Within this framework, delinquency is concerned as a deviation, an abnormal condition that should be resolved by detecting its reasons and taking precautions to prevent it. Nevertheless, having a tendency to embrace biologism/ psychologism causes the underestimation of the social, economic and political context on which the concept of childhood is built.

The second approach in child- related studies, in which this study also can be categorically included, explores the effects of cultural, political and economic structures on children's lives, their formations and on the perceptions of childhood. The studies that focus on the daily lives and experiences of children, cultural/ political transformation of childhood and child-related issues utilize children literature, journals, diaries, autobiographies and other written/ visual materials (Aries, 1962; Öztan, 2012; Maksudyan, 2011; Darıcı, 2013). For this approach, childhood is not only a biological category but it is a social and political apprehension. Throughout the history, it is conceptualized distinctively depending upon the difference in economic, social-cultural and political contexts (Öztan, 2012).

Öztan (2012), in Türkiye'de Çocukluğun Politik İnşası book, aims to reveal how the child is built as a "political subject" within the emergence of the nation-state and citizenship projections during the transition from the Ottoman period to the Republic, with discrepancies and similarities. In this context, he aims to expose the attributing characteristics of the "ideal child" at the time. According to Öztan, with the second half of the 19th century, children started being a matter of interest of the sovereign in the Ottoman Empire. With the development of socio-economic relations with Europe and the emergence of a new status in society they could be identified as

middle-class, the perception of childhood underwent a transformation, especially in the centres.

According to Öztan, there is continuity on the cultivation of children in such a way to assure their obedience to the prevalent order. Modern sovereign power promotes state-indexed duties and responsibilities for children for the sake of both 19th century imperial states and the new political forms that emerged through their dissolutions. The consideration of children as an inseparable part of the nation and the guarantee of the future became the sole concern of modern sovereign power, with the establishment of the nation- state. The demarcation of the limits of childhood, the determination of margins between children and adults, and the education of children in such a way to make them accept state potency as given are the supreme goals of the state. The essential function of the state for the maintenance of the current order is normalizing the relations of domination and ensuring the symbolic system of the sovereign as hegemonic. Childhood seems to be the best suited stage to realize these processes because of the categorical characteristics assigned to it.

Studies that have policy-oriented tendencies usually stay in the limits of generating well-functioned policies and institutions. However, the risk of legitimizing the state and family paternalism over children is present for these studies if they avoid problematizing childhood as a category because assumptions on children are deeply rooted in paternalist postulates. Dworkin (1972) identifies paternalism as the interference with someone's free action which can only be legitimized as long as it gives reference to his/her well-being, favour, happiness, need, interest or values. Paternalist notion regards children as "irrational" and "dependent" creatures "who are not self-sufficient". So, paternalist view legitimizes its tutelage through the object of protecting children from harmful consequences,

deriving the justification of this mission from children's inability. Nevertheless, this protection does not solely cover children because the paternalistic character of modern state is actually prevalent for all members of the society but in different levels. In the nineteenth century, the foundation of "ıslahhanes" as a new educational and disciplinary institution had a strong relationship to the Ottoman administrative discourse and practice which enacted the belief that a modern state should both protect children from danger and protect society from "dangerous" children (Maksudyan, 2011). Paternalist view is always sceptical about the child. Since the child is uneducated, weak and pre-social; they should be educated, disciplined and controlled. This is essential both for the sake of their well-being and the welfare of the society.

As I said before, this study concerns childhood not only a biological but a socio-political category which is constructed under certain circumstances including different economic, social, historical and political factors. It consists of different perceptions on childhood including legal discourse, respondents' notions and approaching childhood within different policies. However, it should be added that I don't aim to discover what childhood is really about. I mainly deal with the outcomes of the circulation and governance of the discourses. I avoid defining childhood on purpose, because when childhood as a category is torn from the experience of children and claimed to cover all children, as well as when it is solely identified by adults, these definitions always return to children as a domination relation demanding submission. It should be noted that my research does not claim to cover the totality of the experiences of children in Turkey; not even of children who are deprived of their liberty. On the contrary, it is a study with many limitations.

1.3 Limitations

Although making the experiences and perceptions of children visible is significantly important, tracing an applicable method in line with this object raises many difficulties for the researcher. First of all, the researcher may also have some major problems about meeting the authorities. She or he has to convince the authorities from different zones like relevant ministry, scientific ethical committees, the parents of the child, and has to get written permission from the legal guardian of the child before making an interview. The guardian is the family – the parents- most of the time, but if the child is under the protection of the state the permission has to be taken from the concerned institution. For children who are detained within a detention facility, Ministry of Justice is the decision maker.

Within this frame, after a very challenging process, in June 2017, I was able to get "the permission" from the Ministry of Justice. However, it was very restrictive to pursue a well-qualified field research. For example, in-depth interview was not allowed in prison as an interview technique. I had to submit the survey having closed-end questions when I made an application to get permission for conducting the research within the prison. If a question was found as "inappropriate", it was requested from me to change or remove the question. Otherwise, I might have real difficulty in persuading the authority for approval. Also, my request to visit different areas of the prison, with the company of a staff, to make observations and get more comprehensive insights was not allowed. Besides, being present in the activities of the children without any interruption and under the supervision of a social worker or psychologist of the institution was also refused. Furthermore, I couldn't share the outcomes of the field research with public as any scientific or non-scientific document before obtaining permission from the Ministry of Justice.

Because of the obstacles related to conducting field research, I redesigned my research and carried out it with ex-prisoners who were incarcerated before 18 years of age because of being conflicted with the law. I conducted in depth- interviews with 10 male and 5 female ex-prisoners between January 2017 and February 2018 in İstanbul, İzmir and Gaziantep.

It was a challenging process due to different reasons. Although it has given more space and autonomy to me as a researcher, it was hard to access my target group. However, with the help of my affiliations with non-governmental organizations and personal networks, I could access some key informants providing connection to other respondents. In the main, I used snowball sampling technique to identify and expand my group of research subjects.

Furthermore, accessing female interviewees was really difficult. First of all, the number of girls who are involved in the juvenile justice system is relatively lower than boys. However, during my field research I realized that apart from the political female ex-prisoners, because they were already critical around their imprisonment and did not consider themselves as "criminal", talking about their involvement with crime was challenging. Mostly, their family didn't allow them to talk about this issue. Also, people from non-governmental organizations said that in some cases boys in prison tried to reach them to ask for support and guidance on their legal processes, and they could pursue their communication with them even after their release. However, girls generally are reluctant to contact with these organizations or volunteer lawyers working in the juvenile justice system, because announcement of their criminal involvement and being labelled as a "criminal" has more serious consequences for them in life after imprisonment.

1.4 The function of juvenile justice system

One of my questions in this research is what exactly is specific to juvenile justice system diverging from the general penal system because it is promoted as the specialized field of penal system aiming to "protect" the children, regardless of whether s/he is offender or the offended. Child Protection Law (2005) like other documents claiming to protect the rights and well-being of children are founded on the basis of Convention on the Rights of the Children (1989) which is based on the idea that "each and every child has basic rights because of being a child".

Child Protection Law regulates the procedures and principles to guarantee the rights and well-being of "children who need protection" and "juvenile pushed to crime". Although law claims to protect all children in society including children conflict with the law, the distinction is very emblematic because it represents two concerns which integrate and permeate to each other in juvenile justice system and children related policies in general: "punishment" and "protection". It is very parallel what Jacques Donzelot (1979) interprets the outcomes of the establishment of juvenile courts regarding treatment of children by the state and modern institutions. The court, composing of social workers, psychiatrists, doctors, educators and members of the family (frequently the mother), represents diminishing the old antagonism in the adversarial system that basically functions around finding the guilt or innocence and has replaced it with a system of regulation in which protecting, punishing and controlling are intertwined. Through this process, "offence becomes the springboard of investigation and perpetual judgement" (Donzelot, 1979). Concordantly, plenty of expertise emerged around the aim of prediction and/or prevention of delinquency in addition to detecting "pre-delinquency" that might create a risk to children and society.

Therefore, "protection" is seen as the caring, favouring, part of the juvenile justice system and any implementation that is promoted as the means for valorizing this object is spontaneously embraced. However, the protection claim, in fact, disguises the function of the juvenile justice system and its general operation logic. Again, Donzelot (1979) explains the transformation of the court regarding attitudes of state and the family towards children as follows:

> There are no longer two authorities facing one another: the family and the apparatus but a series of concentric circles around the child: the family circle, the circle of technicians, and the circle of social guardians. A paradoxical result of the liberalization of the family, of the emergence of children's rights, of the rebalancing of the man–woman relationship: the more these rights are proclaimed, the more the strangle hold of a tutelary authority tightens around the poor family. In this system, family patriachalism is destroyed only at the cost of the patriarchy of the state. The very frequent absence of the father testifies to this (p.103)

Actually, the outcomes of this objective are very problematic because they are realized under the sovereignty margins of the paternalist state. Therefore, the protection argument within legal and official discourses gives high level of legitimization chance for the actions of paternalist state towards children.

Also, when we look at the codes of conduct of these institutions "encouraging criminals to re-socialization", "rehabilitation" and "reformation" is identified as the objectives of the institution. We can say that especially in the case of children these notions are emphasized more: not "punished" but "rehabilitated", especially through education; changing the name of "Reformatories" (Islahevi) into "Education House" (Eğitimevi) can be interpreted as one of the repercussions of this. However, according to the data of 2011, 68.6% of the child prisoners performed an act which is identified as crime in law and punish again within the next year of their previous arrest (Yılmaz, 2011). Herewith, after all these discussions it seems that juvenile justice system like the penal system in general "fails" to accomplish its goals.

At this point, it can be beneficial to consider what Erving Goffman (1961) says about modern incarceration venues. He argues that even though such institutions often initiates themselves as the rational and humane solution to social problems, they are not structures that automatically organize themselves for the mere purpose of satisfying a need. On the contrary, all this organization is performed according to a plan and towards a specific aim which are to serve not the well-being of the inhabitants but the purpose of the wider system.

As Goffman states "these institutions usually present themselves to the public as rational organizations designed consciously, through and through, as effective machines for producing a few officially avowed and officially approved end….one frequent official objective is the reformation of inmates in the direction of some ideal standard" (Gofman, 1961, p. 74). However, there is a discrepancy between what the institution does and what its officials must say it does, along with the practices of the institution that are performed by staff in daily activity. Goffman sees this situation as very "ironic" because if someone is considered as "abnormal" by way of behaving in contradiction with the interaction rules of society, she or he is isolated and paradoxically s/he is converted to a person who cannot make it to adapt to the rules prevailing outside.

In Punishment and Modern Society (1993), Garland argues that repetitive operation and authority give modern institutions the potency to legitimize their presence as if they are inevitably inherent to any social structure. Through this repetitive and functional process, there emerge particular 'regimes of truth' paving the way for the construction of the institutional structure that complies with the maintenance and survival of the institution. According to him, punishment is not only a mechanism but it is a social and productive phenomenon deeply rooted in the

social structure. Thus, it has significant outcomes not only for the offender but also for the rest of the society as "law abiding citizen". Besides, Garland argues that punishment is a complex social institution that affects both social relations and cultural meanings.

Furthermore, with the help of science, modern law has attained a privileged position for being the source of truth and especially in Western societies the language of power became the law not magic, religion or any divine command anymore. Foucault says that from the mid- nineteenth century onwards legal thought was packed with some elements which come from the psychological sciences in relation to the purpose of understanding the 'dangerous individual'. These developments emerge at the boundaries and interchanges between law, psychiatry, psychology and medicine. It provides law with the authority to intervene against individuals because of "what they are". Then, law itself became a dangerous and problematic manifestation of power. The function of law as a coercive power is replaced and redefined in terms of its role in normalizing power. However, this feature is increasingly depicted in new normalizing and regulatory functions (cited in Dean, 1999).

Within this framework, we can easily argue that juvenile justice system is one of the most important fields that knowledge on childhood and juvenile delinquency are produced and reproduced by means of certain mechanisms, discourses, practices and processes. Besides, juvenile delinquency is one of the best-suited zones for the examination and disciplining of the children because it paves the way for the use of techniques of power without much restriction – despite and paradoxically thanks to their claim of precautions to "protect" children.

1.5 The roadmap

In this research, I aim to develop a critical approach to child imprisonment, because I realized that studies dealing with juvenile justice system mostly have policy-oriented tendencies whether they purpose to improve the conditions of children deprived of their liberty or restore the system and protect the society from "dangerous children". I regard them as policy-oriented because they wish for exploring shortcuts; I mean practical solutions to specific problems such as solving capacity problem with building new juvenile prisons. However, I think their effort to discover practical and feasible recipes to overcome certain troubles is problematic in some sense because it leads to promoting critically limited perspectives regarding their object, prison. Eventually, punishment is not only a mechanism but a social phenomenon producing social relations and cultural meanings and so trying to solve a peculiar problem via another mechanism leads to the ignorance of the complex relations embedded in the penal system and society in fact.

With the aforementioned points in mind, in chapter two, after briefly introducing the current detention facilities in Turkey, I will discuss the historical background of child imprisonment and the transformation of juvenile justice system. I will examine the relationship between the modern paradigm of childhood and the historical background of children-related modern institutions, because I believe that it is not possible to figure out the transformation of juvenile prisons and juvenile justice system without taking into consideration the changes in the perception of childhood and the transformation of other modern institutions concerned with children.

During this research, I realized that the time aspect of the prison is very important to conceptualize prison, where certain form of punishment, deprivation of liberty, is applicable. Because, as Messuti (2008) suggests when it is referred to this form of punishment, it has to be answered the question of "how long" since its real importance in punishment is time rather than space. So, I started to investigate how changing conception of time affects the punitive practices. Moreover, the linear conception of time is one of the constitutive features of modernity that promotes progress and individual transformation, and those are the keywords bonding genuine objects of the modern prison aiming to reform the offenders. This linear kind of understanding about time is embedded in assessment of human life as well by separating it into biological stages by way of age-based measure like childhood, adolescence, adulthood, elderness and so on. Modernity treats these cycles differently and most importantly, in a very institutionalized way.

Furthermore, the management, organization, channelling and control of time in prison are the instruments to realize the objects of penal system like "reform", "discipline" and so on. Yet, these goals become more prominent in youth transformation at the discursive level at least. Thus, I try to figure out how time operates in prison and what are the possible outcomes of this operation for both prisoners' experience of time in prison and the institutional organization.

Time becomes an interesting and paradoxical element of imprisonment, because even though deprivation of liberty is time-based punishment and time is considered as solid and objective measure for organization of modern life, what we have seen it takes different appearances within prison. Also, I realized that from the narratives of the respondents, they refer imprisonment as a milestone for their lives has almost changed everything. The prison experience permeates to their lives even

after release. The discourse of "pay his/her debt", through for example 3 months imprisonment, loses its meaning within this narrative because they think that they lose more than 3 months of their lives. Hence, I also decided to discuss this aspect of time in terms of longer effects of imprisonment to ex-prisoners life trajectory.

In chapter four, I basically deal with the gender issue in juvenile justice system; because I think in the studies dealing with this issue gender is not discussed much. One of the reasons for this situation can be defined by the number of girls in prison: it is always very low when compared to boys. Yet, I believe that statistical quantity alone cannot explain why girls are not represented and not take much attention in the juvenile justice system. Actually, it is very similar what prevalent tendency is in the field of old criminology which is the lack interest in female criminality. I think it is strongly connected with the patriarchal structure, because within this structure women's actions are generally treated as insignificant. In the context of my study, I observe that policymakers do not really regard this issue of female criminality or prison experience as a real "problem". Still, gender becomes more complicated to think of girls those are involved in the juvenile justice system. We can say that girls' delinquency is still mysterious and undertheorized phenomenon. One important reason for that is related to the modern conception of childhood, which treats childhood as a genderless phenomenon. However, in reality, children's lives are affected by patriarchal order just like being affected by different social structures and conjunctures.

I simply call this situation as the invisibility of girls in the juvenile justice system which can be observed in practical operation as well. For example, in Turkey, specialized incarceration facilities are in operation that are exclusively for children and the concerning laws and various conventions about children do not allow keep

children together with adults. However, what we know that in reality, children are detained within the children wings of adult prisons due to capacity problem or because there is no available institution in close districts. Even though there is no connotation for gender in the denomination of these institutions, they are called as juvenile prisons, actually boys are detained in these institutions and girls and boys are not kept together. There are only two education houses for girls in Urla and Denizli. Therefore, girls are detained in the child wings of women prisons, but most of the time there is hardly a child wing and they are kept together with adults. Furthermore, only the 4 of the 600 prisons are women prisons, which mean that there are girls detained in women wings of men prisons. I don't argue that juvenile prisons are better or worse than adults' prison but in discursive level, at least, they are promoted as having better conditions for children because "children need different treatment than adults". Thus, it can be easily claimed that not taking gender into consideration do not lead to equal treatment, in contrary it provokes discrimination against girls in the juvenile justice system.

Prison is the institution that organizes in a compatible way with the patriarchal structure of the society. However, it also produces specific kind of masculinities that promotes physical power, aggression and assertive behaviour, especially among the boys. Female interviewees mostly complained about the violent behaviour of staff and the oppression coming from the administration but male participants emphasized the conflicts among prisoners to achieve power and status. The performance of this particular masculinity doesn't have to be "willing" or "enjoyable", but it is a way of surviving strategy in prison.

This certain type of masculinity is established by virtue of bodily and discursive performance, but it is a never-ending process, and reproduced constantly.

It is also crucial to emphasize that even though it needs an active participation of the subjects it doesn't refer to a kind of "free choose" process. This masculinity mostly is examined within the scope of "prison culture" in literature which is constituted by prisoners. Besides, it is predominantly represented as the "marginal" and "criminal" kind of masculinity in relation with the images of the subject as well as it is seen as one of the essential feature of the "criminal personality". However, this kind of understanding leads to underestimate the prison as an institution produces this particular sort of masculinity. Furthermore, this masculinity does not only stem from the relations among prisoners but they are also produced by male prison staff's active involvement which is a part of "institutional habitus".

In Chapter five, I examine the economic dimension of incarceration. It is important to locate prison in general economic structure because even though they are heterotopic place, I mean as if it functions autonomously, it is strongly bonded to economic structure at ideological and practical level. First of all, the liberal point of view that is embodied in law promotes the idea that everybody is free and equal in the society by valorizing the commitments like 'equality in front of the law', 'free and rational individuals making decisions according to free will'. However, Hunt (1976) claims that it is the axiom of the contractual ideology that evaluates "freedom" and "equality" in a purely formal way. It portrays individuals as free and in that there is no legal obstacle to get in contract. By doing this, it pushes forward equality as a given condition.

In addition, Pashukanis in The general theory of law & Marxism (2003) argues that the crucial point is not whether law has, ideological function (along with its other functions) in society or not; but rather that the categories of law, in fact, have no other significance than the ideological one. He asserts that legal categories

describe individuals as 'isolated egoistic subjects', 'the bearers of autonomous private interest', and 'ideal property owners' that are bounded to each other via forms of contract, ownership, and exchange relations. In addition to that, Pashukanis argues that the constituting idea of the sentence is the ‘equivalence’ that makes punishment itself an exchange relation in which the offender ‘pays his debt’ and the crime becomes the act of ‘an involuntarily concluded contract’. By this means, the courts reproduce the basic cultural forms of capitalist society by negating the realities of the system of inequality, unfreedom, and destitution; which could be unbearable otherwise.

Furthermore, since prisons are economic complexes having different levels of expenditures and incomes, I also investigate labour in prison including both regularized by “formal” and "informal" rules and norms. First, I want to clarify what I mean by separating labour into two as “formal” and “informal”. In open prisons, prisoners work in workshops for manufacturing different goods and services such as textile, souvenirs, industrial products, shoemaking and food for both the public institutions and private sector. These works are run by Department of Workshops (İşyurtları Kurumu) which operates under the authority of Ministry of Justice. I call these works as “formal” because they are legally identified and regularized but it should be added that they cannot be considered as “socially contracted free labour” because there is no room for protection or bargaining power of the workers: no strike, no union organizing, no unemployment insurance or workers' compensation to pay. Besides, prisoners earn very little amount of money like one third of regular minimum wage.

Children, according to legally- binding rules, are not allowed to work as waged labours either in the closed or open type of prisons. But, it doesn’t mean that

child labour is out of use in prison. However, since particular personnel are not employed in prison, almost all works are done by children such as cleaning, servicing of tea and distribution of meals. Although no formal regulation or identification is present, there is a certain wing calling as "workers wing" referring children who are responsible from the routine works of the prison. They do not take any payment for their labour but sometimes, prison administration may put very little amount of money into their canteen account. Nevertheless, it cannot be called as wage but a kind of charity or reward for their good behaviours and efforts. Furthermore, labour is not only productive and constituent for governmental interest or private business, but it also has similar functions for micro economics of prison in establishing certain relations among prisoners. It is exchanged for products, objects, needs and security as part of the prison economy. However, it is not “conventionally” bought or sold in return for a wage as the way that is realized in the outside. That’s why I also use formal and informal separation to designate two distinct exchange of labour.

Lastly, I examine gift and exchange economy among prisoners and prison staff, because this micro-economy has important role to establish relations in the prison. It is not only the system of material assets, but also includes all kinds of relations which are formed by virtue of valorisation of human interactions and symbolic possessions. It is an economy consisting relations emerging from the circulation of bodies, labours and objects. Ultimately, circulation of objects, occupying spaces, labour and relations among prisoners, as well as staff, forms a prison economy as complex as the general economy which has many common points with it.

In sum, I believe that even though it is quite complex and rich topic which has a lot to contribute to not only child studies but also the scholarship on criminal

justice system and prison, the research on juvenile justice system are still underdeveloped in Turkey. Unfortunately, the realm of juvenile justice system has been left unattended or only attended in a conventional and very limited way. I have conducted my study in an effort to help make room for a critical approach in childhood studies and contribute to the literature on juvenile justice system by incorporating critical discussions on prisons and criminal system.

CHAPTER 2

HISTORICAL BACKGROUND OF CHILD IMPRISONMENT AND TRANSFORMATION OF JUVENILE JUSTICE SYSTEM

I have briefly discussed the historical roots of modern paradigm of childhood and historical shifts for the idea of childhood. However, in this chapter I want to focus more the relationship between construction of childhood and the emergence of child related modern institutions as well as the influence of construction of childhood on juvenile justice system in Turkey. I will identify the major historical turning points of juvenile justice system in Turkey to understand the emergence of the practices and mechanisms, associated with this system. I will also analyze the structural changes of criminal system and detention facilities in order to make sense of the penalties restricting freedom.

Firstly, I want to offer a brief overview of the chapter and especially, the historical periods under consideration here. Before discussing the historical context of the juvenile justice system, I will examine the current detention facilities in Turkey for children deprived of their liberty. Then, I will talk about specific time periods and developments starting from the Tanzimat Era. I chose this era, because in that period, the first modern prisons appeared and modern paradigm of childhood emerged. The establishment and the flourishing of Islahhanes (Ottoman vocational orphanages) in the 19th century represent the repercussions of modernization goals and the ideals of Ottoman State about the treatment of children. It points to the changing approachment of the state depending upon the modern state's main concern towards children. It targets protect children from danger along with protect society

from dangerous child. Afterwards, the emergence of the nation state has important consequences for the construction of childhood. At that time, the child had been conceived as a "political subject" enclosed with "ideal child" attributions which were the essential part of the nation and the guarantee of the future. In 1979, juvenile courts were founded in order to execute judicial process of children in conflict with the law. This new establishment was actually a hybrid mechanism that well exemplifies the transformation of the juvenile justice system, because the developments in juvenile justice system have been realized in a compatible way with general policies towards children: protect, educate, discipline, control and punish which have been intertwined with each other. However, since juvenile justice system is one of the most important fields to produce knowledge about childhood, anxieties about children dominate the child related policies as well as the interests of the different parties (state and the family) regarding children. Until the 2000s, certain structural changes occurred in criminal justice system, "room type" of prisons was built and campus type of prisons started to establish instead of small prisons locating in city centres. Also, "reformation" and "rehabilitation" has been identified as the genuine object of imprisonment. Lastly, The Child Protection Law (2005) is still one of the most important legal references for children deprived of their liberty. However, I will also problematizes the protection aim of the law because protection argument in children related policies is controversial, since the protection instigates and legitimizes the mechanisms and processes forming around "punishment", "control" and "discipline".

2.1 General information on child imprisonment

In Turkey, the three types of institution are defined as detention facilities for the children in conflict with the law: juvenile prisons, children wings of adult prisons and education houses. According to Turkish criminal law, criminal liability age is 12 which means when it is spoken of child prisoners; it is mentioned on children whose ages are between 12 and 18.[1] The juvenile prisons are the closed type which both remand and convicted child prisoners are detained whereas education houses get involved in the detention process when the judicial process ended up with a conviction. There are 7 juvenile closed prisons and 5 education houses currently take into operation as of 8th of January, 2019. The juvenile prisons are located in provinces Ankara, Diyarbakır, Hatay, İstanbul, İzmir, Kayseri and Tarsus.[2]

The considerable increase has occurred in numbers of the juvenile prisons; until 2016, the time when only 3 juvenile prisons functioned in total. It is obviously related to the extensive increase in the number of imprisoned children. Even though it is really hard to access the accurate figures about the number of child prisoners, the rough figures are still quite remarkable to demonstrate substantial expand of imprisonment rate. In December 2017, there are 2,188 child prisoners in the penal execution institutions that correspond to a 17 percent increase in 10 months.[3]

Further, children are kept in adult prisons' child wings when there is no capacity in juvenile prisons or in situation that no juvenile prison is available in close districts. Also, girls frequently are held together with women within the same wing since there are no juvenile prisons allocating for girls. Even, sometimes girls are held

[1] See. http://www.mevzuat.gov.tr/MevzuatMetin/1.5.5271.pdf
[2] See. http://www.cte.adalet.gov.tr/
[3] HAPISTECOCUK. (2017, December 5). Çocuk Mahpus Sayısı 10 ayda yüzde 17 arttı! Retrieved December 15, 2017 from https://hapistecocuk.wordpress.com/2017/12/05/cocuk-mahpus-sayisi-10-ayda-yuzde-17-artti/

in men prisons' wings assigning to women prisoners because of the absent of the women prison or the capacity problem in women prisons. Thus, actually, when juvenile prisons or juvenile reformatories in Turkey are taken into consideration, it is automatically told about the boys not girls. Nevertheless, Bakırköy Women and Children's Prison and Bozkurt Women Open Prison and Juvenile Reformatory are two hybrid penal institutions that can be specified as detention facilities for girls.

2.2 The birth of modern prison

The prison didn't exist in the Ottoman State as the place where the penalty of deprivation of liberty was executed. Because in the Ottoman State, Islamic laws, were the main legal reference to govern the judicial sphere, and the penalties restricting liberty were not identified as the punishment within the judicial structure of those times. However, along with the Tanzimat Era modernization attempts penetrate judiciary sphere as well and modern institutions started to emerge. Ultimately, penalties restricting freedom came into operation in Tanzimat Era with the projection of Kanun-ı Ceza (1841), Kanun-ı Cedit (1851) and Ceza (1858) (Demirbaş, 2017).

In 1851, the Ambassador of England, Canning wrote a report about the Ottoman's prisons and he claimed that "apart from the prisons in rural area, even prisons in Istanbul are two or three centuries backward from the prisons of his country". Canning in his "Report of Reformation on Ottoman Prisons" raised the issue of necessity to "reform" of the Ottoman prisons through the valorisation of consuls' observations and advises (Demirbaş, 2017).

1858 Penal Code had remained in force until the establishment of Republic and enactment of 1926 Turkish Penal Code. It is regarded as a landmark because of having general and special provisions with respect to establishment and implementation of modern criminal law institutions which they actually did not exist in previous two codes (Türk Ceza Hukuku Reformu, n.d.). Along with this code, the imprisonment which had been as an auxiliary tool before began to form the backbone of punishment systems (Eren, 2014).

Sultanahmet Prison, considered being the first modern prison of Ottoman State, introduced with a ceremony in 1871. It was also exhibited publicly for a while. The influential journalist of the time, Basiretçi Ali Efendi, promoted the institution with saying "this new foundation is the part of the 'civilization' road of the Ottoman State and it is the manifestation that Ottoman Government is no different from its Western rivals thanks to the pursuit of reorganization and sanitary" (Demirbaş, 2017). This prison had functioned in 1939 until demolishing in order to build a new courthouse. Within the institution, the boys between the ages of 14 and 21 were detained in a smaller building called the sübyan koğuşu (child wing) (Demirbaş, 2017).

2.3 Modern paradigm of childhood and historical roots of children related modern institutions

Actually, it is not possible to perceive the transformation of juvenile prisons and juvenile justice system apart from the changes in perception of childhood and the transformation of other modern institutions which target children. In the Tanzimat era, the period when modern prisons began to establish, modern institutions

exclusively concerned in children also started to flourish. With the effects of the modernization process, the idea of childhood was also under construction. Before the Tanzimat Era, there was no modern institution that concerned particularly children related issues because until this period children or childhood was not considered as a "special" category (Öztan, 2012).

In his influential work, Aries (1962) claims that childhood is a modern invention. He argues that contrary to widely assume, childhood is not a durable biological category but a social category which did not exist before the 15th and 16th century. Aries claims that through examining portrays of children in the Medieval Period there was no such kind of special category for children in the sense that modern society projects. Before Renaissance children were portrayed as mini- adults. They were playing the same plays with adults, they dressed like adults etc. Besides, education was not specialized for children; people from any age got the same similar seminary education as vocational education in the Medieval Era.

Nevertheless, the modern paradigm of childhood promotes the idea that the child is a "unique and independent entity" which necessitates very different treatment than adults. This transformation had significant repercussions in the field of "juvenile delinquency" and the treatment of children who conflict with the law. First of all, a special field of expertise emerges in which different authorities combine their knowledge on childhood that they produce. The first acknowledged initiative concerning the "protection" of children is the ıslahhanes (Ottoman vocational orphanages) established by Midhat Pasha in 1868 when he was Tuna governor. Thereafter, a circular was issued by the Ministry of the Interior to establish similar institutions in all the provinces of the Ottoman territory (Uluğtekin, 2004).

According to Maksudyan (2011), as new educational and disciplinary institution, ıslahhane, targets vagrants, orphan, destitute and poor children in the cities. This situation was concordant with Ottoman administrative discourse and practice which enacted the belief that a modern state should both protect children from danger and protect society from "dangerous" children. For Maksudyan, emerging of ıslahhanes was correlated with the new conceptualization of order and discipline in urban space that redefined the borders between obedience/ disobedience, security/ danger and progression/ regression. After first ıslahhane opened, the central government commanded to provincial governments to open new ıslahhanes for collecting vagrant orphans and destitute children between the ages of 5 and 13 to protect and educate.

Seventeen institutions were opened in different places of empire for two years. The 1871 Regulation of Public Administration of Vilayets made a new effort to proliferate institutions in the early 1870s when eleven of them were already available. Maksudyan says that the becoming widespread of this institutional structure could be seen as an important achievement of the reform era in Ottoman State, especially when compared to the rather slow and difficult spread of other civilian educational institutions in the province (Maksudyan, 2011).

Although ıslahhanes are considered as the institution keeping for juvenile delinquents, Maksudyan (2011) claims that the main objective of the institution was improvement of conditions and education of Ottoman orphans. In 1872 regulation, it was said that children under the age of 13 who accused of a crime that necessitated one or more year imprisonment would be put into this institution. Yet, they were not "reformatories" like in the English version that were identified with imprisonment and rehabilitation as such. In 19th century, institutional districts for children were not

drawn by strict boundaries and many orphans dwelled in these institutions. Also, ıslahhanes functioned as free boarding schools that cared children whose family in financially poor situation.

In addition to that, in the 19th century, the image of "dangerous child" began to engage European public opinion regarding children who are street urchins, abandoned or beggars within the concerns of elite discourse. Maksudyan indicates that children in streets provoked public anxiety because according to the middle-class point of view they should have been in school, family home, factory or in the workshop instead of being in the streets. Further, the Ottoman Empire concerned about vagrant boys in urban areas and started to exclude children from public spaces as a part of the "Ottoman reform".

The first institutional initiative concerned particularly the health of the children was taken through the establishment of Darulhayr-ı Ali in II. Abdulhamid Period, in 1903. Also, the idea of protecting orphans and poor children in this period led to the establishment of the Himaye-i Etfal Society (Himaye-i Etfal Cemiyeti). In this institution, children received vocational training. According to Nadir Özbek's interpretation, through these two institutions established for children during the period of Abdülhamit, monarchical and paternalistic power of the sultan was legitimized in the eyes of children and society (cited in Öztan, 2012).

One of the most significant developments with respect to the construction of childhood was the emergence of the nation during the formation process starting from the last century of the Ottoman State to the new Turkish Republic. Actually, it can easily make an analogy between the ideologically construction of childhood and the birth of the new Republic as a nation state. Republic as a young, strong and

healthy generation replaced with the “sick and old” Ottoman State in its last periods just before the dissolution. Therefore, children became the symbol of the new Republic as the prospective adults of the Turkish nation and they represented all the qualities and characteristics of the Turkish nation (Öztan, 2012).

2.4 Transformation of juvenile justice system in turkey

In a post-reform photograph of the Hapishane-i Umumi, the first modern prison of Ottoman State, a group of child prisoners is sitting in a class in front of a blackboard with the accompaniment of a teacher (Adak, 2015). The statement was written on board, " School is a house of discipline/training (okul edep evidir)” actually demonstrates the correctional objectives of the post-reform prisons. However, it is quite remarkable to see the similarities of modern prisons and modern educational institutions respecting how they organize around the comparable objectives.

After foundation of Republic, first Turkish Republic Penal Code was enacted in 1926 adopting from the Italian Penal Law (Uluğtekin, 2004). On July 1, 1929, administration of punishment and detainee was taken from the Ministry for Internal Affairs and given to the Ministry of Justice. In 1937, the first reformatory was established in Edirne in 1937 for the purpose of solely detaining children in conflict with law. In this institution, convicted children worked in shoe making, tailoring, carpentry and agriculture, and were trained by guardians because there were not teachers in the institution. In 1939, institution was transferred to Kızılcahamam. Later, in 1940 a land in the vicinity of Ankara Kalaba Village was allocated for building of new institution. The reformatory in Kızılcahamam was moved here and it

began to be known as Ankara Kalaba Juvenile Reformatory (Ankara Kalaba Çocuk Islahevi) (Mengüç, 1968).

In 1887, Sinop Prison completed its transformation with the enforcement of Usul-i Muhakemat-ı Ceza Kanunu projecting to change dungeons into modern prisons. The additional building constructed to north side of the castle for being used as juvenile prison (Yılmaz, 2009). Eskişehir Juvenile Prison, having 595 square meters, was established in 1958 (Mengüç, 1968). Elazığ Juvenile Reformatory, one of the three reformatories in the country until 2005, was founded in 1963 and its name was replaced with 'Juvenile Education House' in 2005. The children under the age of 18, whose judicial process was ended with a conviction were held in this institution (TBMM İnsan Haklarını İnceleme Komisyonu, 2000)

In 1968, six institutions were in operation for keeping children who were deprived of their liberty. The juvenile prisons were located in provinces Eskişehir, Konya, and Sinop. Also, the "reformatory" facility existed in Ankara and "correction and the reformatory" facility was in Elazığ and İzmir. Within these institutions, just as in open and semi-open prisons, agricultural and handicraft activities were carried out by children such as tailoring, carpentry, textile, and shoemaking. Status and rights in workplaces were the same as the ones of adults in open and semi-open prisons. The only difference was the ban on smoke for children (Mengüç, 1968).

One of the most significant developments in Juvenile Justice System in Turkey was establishing special juvenile courts in 1979 to execute judicial process of children in conflict with law. In the related law which is ground for founding of juvenile courts, the task of the courts was described as dealing with felonies committed by minors under the age of 15 (Çocuk Mahkemelerinin Kuruluşu, Görev

ve Yargılama Usulleri Hakkında, 1979). The establishment of the juvenile courts demonstrates that with the penetrating of the modern paradigm of childhood to official discourses had an influential role for shaping the policies and criminal justice system. Because, basically juvenile justice system is based on the idea that children should be treated different than adults, since childhood has a distinctive nature Hence, the new sensibility developed from the importance of the peculiar nature of childhood, so it led to instigate the discussions on the necessity of the reforming the penal system (Göral, 2003).

Actually, when juvenile courts came into operation in Turkey, they were already in function in some Western countries such as France, England, Belgium, Germany, Switzerland and United States. So, the courts in Turkey were not grounded on the inventions but rather they imitated the examples of these countries. In 1949, before 30 years of establishment of juvenile courts, Şensoy promoted juvenile courts with exemplifying the courts in those countries. According to him, the main motive of the trial in juvenile courts should be finding out the reasons of the "defect" (reasons behind committing crime) and inquire to reveal qualifying conditions for rehabilitation. It is very different concept than trial of adults in fact because even though penal system is grounded on "rehabilitation" objectives, for adults this goal comes into picture mainly in detention process. Judicial process is executed to detect the crime and decide on the innocent and guilt.

However, in juvenile courts judge should combine the juridical mastery with the expertise from different fields having professional knowledge on particular essence of the childhood. He argues that the reasons leading the child to commit a crime should be found by the court and the judge should seek the answers to questions as follows: What causes the child to commit crime? Is it corrupted

personality or is it the outcome of “bad friends” who dragged him/her into bad morality? Is it the result of the genetic factors that are effective in such a case? Does the reason concern bad morals, drunkenness, Dionysian and carefree attitudes that are the dominant attitudes and life styles prevalent in families and neighborhood? What kind of treatment should be carried out for a child who has committed crime for such reasons, what decision should be made, how should s/he be disciplined, corrected and treated or what kind of protection should be provided to the child? The judge should know the types and causes of juvenile delinquency in order to be able to answer these questions. In addition, if necessary, he should be able to identify and infiltrate the child by taking the opinions of experts from fields such as medicine, psychiatry, sociology and child psychology. It is also necessary to have adequate experience and capacity to "get to the level of the child" in order to communicate (Şensoy, 1949).

The new system diminished the old antagonism in the adversarial system that basically functions around finding the guilt or innocence and has replaced it with a system of regulation in which protecting, punishing and controlling are intertwined. Through this process, “offence becomes the springboard of investigation and perpetual judgement”. Concordantly, plenty of expertise emerged around the aim of prediction and/or prevention of delinquency in addition to detecting “pre-delinquency” that might create a risk to children and society (Donzelot, 1979).

In 1980, the institutions keeping remand and convicted children between the ages of 11-15 and 15-18 were: Ankara Kalaba Juvenile Open Prison and Reformatory, Elazığ Juvenile Open Prison and Reformatory, Eskişehir Juvenile Closed Prison, Sinop Juvenile Closed Prison, İzmir Juvenile Open Prison and Reformatory, and Konya Juvenile Closed Prison. The limited figures from those

times show that 230 convicted and remand juvenile prisoners were detained in Eskişehir Juvenile Prison whose ages dominantly consisted of between 13 and 18 (Yavuzer, 1982). The gender proportion had a similar pattern -even though the number of girls in conflict with law is increasing nowadays it still is considerably lower than boys - and the number of girls was remarkably lower than boys. According to Justice Statistics the number of convicted girls in the İzmir Reformatory, where all the girls in Turkey were held between 1979 and 1985, had never exceeded 11 (Uluğtekin, 1991).

Since the 2000s, structural changes have started to be made within the prisons in the way a transformation to “room system” from wing type of incarceration spaces. Furthermore, campus type of prisons have being proliferated rapidly which didn't exist before the 1970s. Before that, prisons had generally been located within city centers or close to districts. However, especially after 2000s campus type of detention facilities have been establishing that are organized as small detention cities. The older sort of prisons has been shutting down with the claim of being old and having "unmodern, unsanitary and poor conditions". The main object of execution in this process has been identified as "reformation" and "rehabilitation” (Eren, 2014). The first juvenile prison complying with these developments was founded in Ankara in 2006 (Ministry of Justice General Directorate of Laws, 2013).

In 2004, The Law on the Execution of Penalties and Security Measures was enacted. The types of penal institutions were designated in section two: it is clearly declared that there shall be separate juvenile prisons and detention facilities for children whose age is between the age of 12 and 18 (Ceza ve Güvenlik Tedbirlerinin İnfazı, 2004). Further, Child Protection Law (2005) is one of the turning points in the juvenile justice system, the law introduced with the claim of regulating procedures

and principles to guarantee the rights and well-being of "children who need protection" and "juvenile pushed to crime".

At first glance, Child Protection Law is seen as a "child- friendly" act because it claims to protect all children in society. Its core idea actually is grounded on The United Nations Convention on the Rights of the Child which argues "each and every child has basic rights because of being a child". It is controversial at some points because it cannot explain the inequalities among children or the domination of adults, family and state institutions over children. Besides, it is problematic with regard to legitimize some arguments of paternalism because it deals with children through protective reactions in any situation. Furthermore, it emerges new and tight networks around children in which protection, punishment, and control are integrated with each other and function simultaneously.

Immediately after enactment of Child Protection Law, the titles of the reformatories were change into "Education House". The juvenile prisons were introduced in İstanbul (2008) and Ankara afterwards (2012) (Ministry of Justice General Directorate of Laws, 2013). In 2016, Justice Minister at the time, Bekir Bozdağ, stated that they would open five new juvenile prisons when he answered the question in the parliament. He promoted new institutions through the features as follows: every child would have his/her own room that s/he could lock from inside; training and improvement activities would be carried out in the institutions; classroom, group study room, interview room, multipurpose hall, sports hall, workshop-like areas would be increased in number and quality too.[4]

[4] BİA HABER MERKEZİ. (2016, December 26). Bozdağ: Beş Yeni Çocuk Cezaevi Açılacak. Bianet. Retrieved December 28, 2016 from https://bianet.org/cocuk/cocuk/182057-bozdag-bes-yeni-cocuk-cezaevi-acilacak

Child Protection Law is really significant development for the juvenile justice system because it separates the juvenile justice system from general criminal justice system and approaches juvenile delinquency as a social problem that necessitates efficient social care mechanisms, instead of criminal justice system tools. It puts forward the idea that those children who are involved in justice system should be protected from the "painful" processes of the penal system. However, it is questionable, as a legal reference document, to what extent it can enforce juvenile justice mechanisms to function in that way. Furthermore, as it is discussed before, it is problematic to promote the idea of protection in children-related policies, since it legitimizes the paternalistic attitude over children. Besides, the object of protection can easily produce mechanisms that are formed with "punishment", "control" and "discipline" objectives.

CHAPTER 3

DOING TIME

3.1 The significance of time in imprisonment studies

> Of course it (time) hadn't passed.. For example, at the outside (of the prison), if I went out from the house at 11.00 and if I walked from the Bull (a sculpture - a specific place in Kadikoy) to the dock (rıhtım), time was immediately going to be 1.00, 2.00 – but it is not like that in the prison. For instance, you always do something in prison such that you go out havalandırma (backyard of the wing), play football, and then you look at the time, it is 1.00; but I felt like I had played football like two or three hours but when I looked at the time it was twelve past one. I say "How come is this possible, I have been playing football like two hours". That's sucks. I mean... You know what, it hurts in fact. The time does not pass, it does not pass and you get bored. You get bored because you do the same in each and every day, in fact... Wake up, go to bed, wake up, eat, and then go to bed. Sometimes you don't even play games because you get used to sitting (doing nothing) or lying on your bed so you become too lazy to do anything... It didn't pass, I mean. If it pass like the way it pass in outside, anyone can stay (in prison). Be sure of that (Erhan)

In its basic configuration, prison means a spatial construction which calculates, organizes, controls and even does the time in a very specific manner. It is absolutely similar with rupture of the social space in prison which is designated by prison walls, the rupture takes place in time as well (Messuti, 2008). The architectural structure of prison has a distinct image in terms of physical settings including bars and walls. However, imprisonment cannot be identified with strict corporeal boundaries of space alone. Because, as Messuti (2008) says that when it is referred to this form of punishment, penalty of deprivation of liberty, it has to be answered the question of "how long" because its real importance in punishment is time rather than space.

Modern prison, in where deprivation of liberty is implemented, became the prominent punishment device in a certain historical period. The medieval jails and

fortresses were used to detain the offenders before foundation of modern prisons. However, they had very different function from modern prisons because punishment restricting freedoms did not exist in those times. So, they were the places in which detainees were held while waiting for their trial, execution or deportation (Matthews, 2009). At this point, the question arises that why prison dominate penal system as the punishment method, and why this happens within a particular time period.

Moreover, the linear conception of time is one of the constitutive features of modernity that puts progress and individual transformation forward. The progress and individual transformation are enclosed to genuine object of the modern prisons aiming to reform the offenders (Matthews, 2009). This linear understanding of time also manifests itself within the assessment of human life diving it into biological stages like childhood, adolescence, adulthood, elderliness etc. and modernity treats this cycles as very institutional way as distinctively from previous periods.

In this chapter, I will examine the dimension of time in child imprisonment by problematizing how the changing conceptualization of time affects punishment practices and mechanisms. The operation of time and the possible consequences of this operation, the importance of time for the discussions on child imprisonment and the temporality of the prison experience of ex-prisoners with its implication on their longer life processes are some of the topics I will be touching upon.

3.2 Time as the ground of "deprivation of liberty" punishment

The penalty of deprivation of liberty, as a time-based punishment, can only be implemented by means of a particular kind of time conception because imprisonment has a distinctive character among all forms of punishments because of the way that it

combines time and space (Messuti, 2008). Although time and space have been strongly connected with each other historically, through the transition to industrial capitalism, time became commodified and functionally specialized. E.P Thompson claims that Industrial Revolution hasn't changed only the forms of production but it has also provided the "tyranny of the clock". Through the rise of industrial capitalism, time has gained a different meaning that it was not "passed" anymore but instead, "spent" (cited in Matthews, 2009).

In a similar vein, Pashukanis (2003) argues that the commodification of time is the fundamental feature that provided the development of modern prison. He says that deprivation of freedom for a designated time period is a specific form of capitalist logic which crystallizes within modern law, and reflects the principal of equivalent recompense. It reflects "the conception of man in abstract and abstract human labour measurable in time" (Pashukanis, 2003).

Rusche and Kirchheimer (2003) claim that since the prison was formed in accordance with the capitalist production relations that consist of disciplinary network aiming to regulate the poor and to impose discipline, one of the main function of modern prison is to encourage time and work discipline for the sake of industrial capitalism. Furthermore, Foucault (1977) also emphasizes disciplinary function of the modern prison, and time is the essential component for imposing discipline by means of different techniques, practices and mechanisms. Foucault mentions the timetable utilizing in prison in order to prevent idleness, vagrancy or any kind of deviant attitudes that are needed to create precise labour for the labour market and the decent citizens for society in general.

Some attributes of time-based punishments can be specified that make them so popular under specific social circumstances. Firstly, objectivity and solidity are the practical elements of time-based punishments which were not in present within punishments of Middle Ages. Secondly, time and liberty are commodified that pave the way to represent them as the possessions which all citizens hold and so they consume freely. Within this approach, time is one of the limited features that both the rich and poor hold in their hands' relatively equal quantity. Lastly, in parallel with the first and second, in modern capitalist societies time has gained commodity character which makes it available to be 'traded', 'gained' or 'lost' that also helps managing the time in terms of extending or shorten it as mechanism of rewarding and/ or punishment depending upon the performance of the prisoner (Matthews, 2009).

3.3 Time operation and/or regulation in prison

Goffman (1961) discusses modern incarceration venues under the concept of "total institutions" because he claims that these institutions have some commonalities in compliance with the organization and the logic of the modern society. However, it is significant to highlight that he does not say that the institutions organize lives of the dwellers as in the outside. In contrary, they reverse some of the basic setting of the modern life in terms of space and time in order to achieve a particular end. When Goffman defines total institutions, he refers to the regulation of time which is one of the most important characteristics of the institutions. Within these institutions, each and every piece of daily activities is performed together with "a block of people" as Goffman calls it. Every member of this block has to perform same activities at the

same time and they are treated in the same way. Also, phases of the all activities are strictly scheduled and enforced from the above by the personnel of the institutions.

> In the new system you have to wake up at 9 (or) 8. It is unquestionable... I mean, roll-call depends on the sunrise; in fact, it might be 7 or 8 as well. After morning roll-call, you have breakfast. You have only half an hour of free time, you might have your breakfast within that particular time if you wish. After half an hour, they say "come you go to (do) something". After half an hour, they tell you that you must do something. Let's put it this way, the guards say that this is your sports time so you have to attend this activity. You can not say that you do not want to. They write your name on a (activity) list, even if you say that you do not want to join. They write your name on a list in any case (Kadir)

Kadir talks about the structural change in juvenile prisons towards 2015. It is changed to the "room system" from the "wing system," which means every child has a room to sleep. The rooms are opened with morning roll-call and 9 children (the number can change from institution to institution) gathered in the common field, in the wing, and it is locked from outside. The private room is locked around 11.00 pm and the child has to wait for the morning roll-call to go out from the room. In 2016, the Justice Minister Bekir Bozdağ described this new system as follows: every child would have his/her own room that s/he could lock from inside, training and improvement activities would be carried out in the institutions; classrooms, group study rooms, interview rooms, multi-purpose halls, sports halls, workshop-like areas would be increased in number and quality too. It demonstrates that scheduling of the children's activities gains more importance in the new system as part of the structural transformation of the prison organization.

> Yes, you enter your room and it is locked down...You can do whatever you want; you can read, do sports...well, there is a microphone in the room, you know it is a kind of push to talk button. You say "ağabey (older brother) can you turn on my light, I will say when I go to sleep". He says "okay" and turns on your light. Of course, it depends on the guard. Some of them would say he would turn off at last 1.00 am and he completely turn off at 1.00, you can do whatever until 1.00. That's all.

> For instance, you do not sleep and turn on your radio and listen if you have one (Erhan)

This regulation of time is a sophisticated kind of technique among punishment practices which goes beyond programming the daily activities of the prisoners. The organization, channelling and controlling of time are fundamental means to realize the education and discipline as the supplemental and duplicate features of each other within the scope of (especially) youth reformation. The interviewees those who experienced of staying in both juvenile prison and the child wing of the adults' prison indicated that there was a difference between these two in terms of the schedule that they had to stick to. There were activities or pieces of training assigned to them that they had to attend in juvenile prison, whereas in adults' prison they had to perform a specific duty only in the roll-call times. This was the case even for the year 1991. In Sinop Juvenile Prison (the only closed juvenile prison detaining children under the age of 18 under the Article 55 of the Turkish Penal Code), waking up, bathing, physical education, workshop, going to school and leaving the school, meals, break times and sleeping hours were strictly determined by the program via internal regulation (Uluğtekin, 1991).

When we look at the codes of conduct of penal institutions, "encouraging criminals to re-socialization", "rehabilitation" and "reformation"[5] are identified as the objectives of the institution. We can say that especially in the case of children these notions are emphasized more: not "punished" but "rehabilitated", especially through education and discipline. As a compatible example to this, there are also reformatories that have been started to call as "education houses" through *Child Protection Law* enacted in 2005, in addition, closed juvenile prisons (Ümit, 2007).

5 See. http://www.cte.adalet.gov.tr/

> They forced us to join the activities. It is like everybody has to go. They said there would be no one in the room (wing). They said there would be only one person or no one. It differed from guard to guard. For example, some of them approached temperately and they didn't acted very oppressively but generally, they behaved this way and forced us to go activities (Azad)

The institutional confinement also modifies the mode of the experience of time. Prisoner's time never belongs to her/him. The possession of private and social time of the prisoners is delivered to prison administration and staff as part of the punishment. Actually, this control over time goes beyond keeping hold of prisoner's time because it is a kind of process that constructs time in a very specific way. In modern life, time is experienced by means of separating the activities in daily basis and the person has some level of autonomy on managing the time as the holder of it. However, prison means, the collapse of the barriers separating three spheres of life; sleep, play, and work (Gofman, 1961). All phases of daily activities are strictly scheduled and the sequences of these activities are imposed on the prisoner by the prison administration, staff, official rules, and regulations. Further, the time within the prison is a negation of time in fact because modern capitalism designates the time of individuals in the way labour market interested in the conception of it consisting of two phase: labour time and leisure time. In another saying, working time automatically refers to leisure, free time, in its basic logic. However, in prison, there is no such kind of separation like work time and leisure time for prisoners. Thus, in prison, there is no free time but wasted time (Matthews, 2009).

Helin had to stay in müşehade (solitary confinement) because there was no political prisoner wing for children in women prison that she was detained. She said that with the effect of spatial conditions too she couldn't sense the time except the following of the routines of the prison staff:

> I didn't have any idea about time, yes. I immediately wanted a clock in the first. They (guards) were coming for roll-call twice a day. I realized what was the time through tracing counting hours. Or else, when they brought the food I understood that the time was 6 p.m. They came at 8 a.m when they came for morning counts (Helin).

Furthermore, Helin's temporary wing experiences also a good example to show how organization of time is utilized as a punishment mechanism. The specific day of the week is determined for placing prisoners to wings. If a person is arrested apart from this day, s/he has to wait in the temporary wing which is described as a very filthy place by all the participants. Similarly, the day for ordering the needs from the canteen is also specified which means aside from the "canteen day" prisoner cannot buy even clear water to drink.

> I was arrested on Thursday; no I was arrested on Wednesday. Since I arrived there at night, they said I would wait in here for two days. I stayed there for one day. I slept because of the shock of that place. Just think, they brought bread it had been covering with ants it is such a filthy place. I couldn't eat it I couldn't eat anything during two days, didn't drink water as well. I had 60 Turkish Liras in my pocket when I was arrested. They immediately put this money into your account. I ordered water from the canteen. There is also canteen day and if you miss that day you have to wait for a week. There is also food that is given by prison but you do not want to eat in that environment. I mean such a filthy place (Helin).

Furthermore, time becomes an instrument to provide the bureaucratic organization of the prison. Still, their relation is an intersection zone that grants each of them to appear in a certain presence. In prison, as a highly bureaucratic institution, specific duties, rules and timetables, which all have to be fulfilled, specified in legal papers or internal regulations. Within this bureaucratic frame, all kinds of human relations between staff and staff, staff and prisoners, and among prisoners are conducted as if they were technical paper works requiring time management.

> It was like that even if you were dying from the pain you had to write a petition. Even if you had an emergency situation, you had to write a petition. Except for the very urgent situation (Helin)

When a prisoner demands anything from the prison administration, even in urgent situations like the moment that prisoner has to get medical care; s/he has to write a petition. The admission time of the petitions depend on the routines of the staff. There is a specific officer, the guard, who is charged with collecting petitions. Although the time when the petitions are collected and would be replied is designated, prisoners are not able to know when this would happen. Ciwan expressed this situation as: "if they thought it (demand) was appropriate, they would call you. But it was a rare situation that they called you". Likewise, Doğan told about an incident happened in his imprisonment time. He was laughing while talking because he said that pushing hard of the guards in order to keep continue their attitudes created a very absurd situation for all those were engaged in situation:

> In the first week, they ask you whether you have an illness or something. I wrote (the problem with) my teeth. They took me to the hospital on campus after 85 days for my teeth. One day, one of my friends had a swelling on his teeth. He cried constantly. We demanded medicine and they brought eye drop… I swear (laugh). They applied it. Then it caused more pain. After this, they brought what... they brought majezik (pain reliever). It was like 1000 milligrams or something but it was heavy for him. We already said to them, we put the pressure on them by explaining the situation that our hospital transfer for our teeth was not applied. We intimidated them by saying that we would make complaints about these transfers. We said we would complain about them (guards) or gendarme, I mean who was the responsible for these transfer I don't know who was in charge. Anyway, we did a lot of things to put pressure on them and they transferred us to hospital after 85 days later (Doğan)

As a matter of fact, there are two conflicting attitudes towards time in prison. On the one hand, there are strictly timed activities of the prisoner which are not open to negotiation such as the timing of görüş (the meeting of the prisoner with family or friends in face to face or by means of a phone). And the prisoner is subjected to a discipline punishment if she or he does not obey the rules about timing. To illustrate: if the prisoner does not end the meeting when the guard commands to do so, the guard takes a written record and when these records reach the number of three, the

prisoner gets a discipline punishment. These visits occur four times every month, if the inmate has no discipline punishments, as one "contact" visit which means the prisoner can communicate with her/his family without any mediator like sitting around a table. Plus, there are three "non-contact" type of communication in a month carrying out that the prisoner and the relative see each other from two separate rooms divided with a glass and talk with each other through the mediation of a phone. Also, there is phone contact which is made by the means of a phone card that is limited to 10 minutes. The connection immediately cuts when the limit of the card is exceeded.

> It is already closed. There is a bar and a glass in between (the prisoner and his/her relative). There is a phone on your hand. If you don't have it you are like a mute person. You can't understand, you can't hear. The non-contact visit is a problem. Contact one is also a problem. When it is a non-contact, you have already been waiting for 10 minutes before entering. A visit would last for 35 or 40 minutes, tops. Half an hour is a visit but they waste its 10 or 15 minutes by making you wait. If you make it on time you think you can make it somehow. You think that, even if you could do for 10 minutes, it is a gain. You say, "Well, at least I saw them (relatives)". They (guards) even waste this. They (relative) come and you talk to them very briefly... They (guards) call you for the meeting but the visit time is already on. You enter the room and wait for 10 or 15 minutes. You wait impatiently, asking when they would come. You enter the contact visit and it is the same, it is even shorter than the non-contact one. They (guards) don't extend the visit time, there is no such thing. They watch the clock and when the time is up, they immediately end the visit. Yet, you (guard) can take me to the room on time. 10 minutes or 15 minutes, it is very important for me (Hülya)

On the other hand, there is always a wait for the prisoner to an uncertain period of time. Besides the organization of time, this uncertain situation of time, not for the staff but for the prisoner, reduces the autonomy of the prisoner and increases the level of subjection. In addition, it is about waiting and "killing" or "wasting" the time because, as it is mentioned above, time operates differently within prison not quantitatively but qualitatively so prisoner cannot invest for the future. For example; Ozan regards imprisonment as a waste of the most important period of his life. He says that if he hadn't been imprisoned he could have establish a very different life

today because according to his expression, that period of time (childhood) is the time a person “lives” the present and establish the future for own self.

> So what! What would a 16 year old child want to do! What kind of logic that 14 year old child can have when he does something. Okay, 20-25 years old men or 30 years old men pay a price because they kill someone, sell drug. They don't have any expectancy from life but 14-15 years old child has expectancy from life. He will grow older. You send him to the army when he is 20 and take his one year away from him at that time. Also, they send those to prison as well. So, what is this child going to live through? He could have done many things within the period when you detained them for one year or two years. At least, he could have made savings, thought about his future and marriage. In the simplest form, he might have had a beloved one and think about her. I mean, these should be provided. To tell the truth, imprisonment is nonsensical for those under the age of 18. Honestly, it is nonsense (Ozan).

3.4 Imprisonment: Never-ending experience within different layers along life trajectory

All interviewees depicted imprisonment as long-continued experience which infiltrates to the life after release. They indicated they couldn't make it to pursue their lives as before they had even if they were imprisonment for a short time period. Although imprisonment is portrayed very solid set up and it is designated by a specific time period such as 3 months, it infiltrates many parts of life and it exceeds from 3 months to the whole life course. For example; both Ciwan and Helin think that if they weren't arrested in their childhood everything would be different. Both of them said that they were very hardworking students and good at school, for example, Helin was going to prestigious Anatolian high school in İstanbul. However, they couldn't continue their education properly after getting arrested. In their views, imprisonment had a huge effect on the rest of their lives.

> I wouldn't have been working in construction work but I would have been very good positions right now. I was overly interested in my lessons; I was a very hardworking student and really really wanted to study. Even, there was a female teacher of us from Ankara, she was always saying that if I would accomplish my education, I would have been in very good position, be a very important person. She really did the best to support me but like I said I realized that I couldn't get rid of the troubles and then I already arrested. After the 3-4 days after arresting, they took me from detention room and I entered the YGS (university entrance exam).Through this psychology, I couldn't achieve anything. After that, I decided that I have to move away from here (hometown) and I came here (İstanbul). Since then, I settled here and I have been working constantly (Ciwan).

Interestingly, all of the interviewees established a transitive narrative that included past, present, and future together when they told about the prison experience; as if a meaningful and a whole narrative of the experience was a combination of these three. One side of this is related with the post-effects of the imprisonment to ex-prisoners life for sure. However, it is also linked with the distortive effects of imprisonment to time perception. Ironically, there is much time in prison but it is useless as Hakan refers with a sarcastic tone: "You already have plenty of time to think (in prison) so you are examining whole your life, deciding on it and making plans for it". Still, even though imprisonment makes prisoner focus on future by waiting and having expectations, it also overshadows the future.

In addition, Azad said the "suffering" of the prisoners in terms of deprivation of recognition as the member of the society, being labelled, exclusion and discrimination do not end after getting out of prison. According to him, ex-prisoners have to face many obstacles when try to pursue their lives like the way the rest of the society does. It demonstrates another aspect of the temporality of being prisoner/ ex-prisoner, because it also questions time-designated punishments on the basic promise promoting that prisoner would be "free (wo)man" after 'paying his/ her debt'. Being prisoner, in physical setting, would end but it is ambiguous when society agree that

the “payment is receipt”. What Azad explained the condition of ex-prisoner he inferred a kind of social, economic and political “death" and displacement in fact:

> Of course, there is a difference. For instance, the people that we sent to jail and stayed with together couldn't get things done in their life afterwards. Because, for instance, in those ages everyone is busy with their jobs or school; in general, people go to school. After release from the prison, a person is devoid of these rights somehow. S/he is missing out the right of education. There were people who continue his/her education but it is exceptional because it is a situation that affects the whole life of people. If s/he gets a criminal record s/he can not be the officer in any state institution. Except that, even in private sector s/he finds a job with difficulty. Both, work life and education life are at the end in there. Also, s/he tries to look at the life through pessimism and tries to hold on to life. What s/he could do at that age. S/he tends to become closer someone who holds his/her hand. Or, s/he flows to the channel that s/he can able to express her/himself on. There were people who could study too, but in general, because that period affects her/him much and hinders the life so education is also hindered. I mean s/he cannot collect her/his life together. The approach of the state towards him/ her is obvious. S/he can get nowhere. No matter what s/he sets the goal to her/himself there is always going to be an obstacle in front of him/her. Her/his efforts go down the drain (Azad).

Additionally, there is a sort of "ghost effect" which would operate in ways such a criminal record which chases ex-prisoner during the rest of her/ his life. Or else, there is always a possibility or reality of going back to prison which bounds him/her through the ways such as lasting trials and recurring being taken into custody:

> ..after four-five years the court stopped as far as I knew. In last year, I went to Arabia; I would retrieve from the duty of the army via this work experience when I came back. I went to the consulate and they said me that they couldn't do this because of the decision about to arrest. I surprised with this. Then, we informed my family and they found me a lawyer. The lawyer explored and said that this decision of arrest stemmed from the old court. Then, I immediately was arrested at Atatürk Airport when I entered the country. I was into custody in there for one day. We connected to the court in Cizre by means of the conference or a screen, whatever is that. They asked me that "where are you, why don't you come to the court?". I said that I supposed that the court was closed. You see, nobody has called me and when i came from the abroad they...(Ciwan)

Again, Helin mentioned she couldn't project/build anything prospectively about her life for a long time period. Because the idea of "going back to prison" stuck in her mind due to her never-ending trials. She indicated she was afraid of that if her all efforts would turn out to be in vain:

> You are going to out but this time you can not set a goal for yourself. You think like that if they penalise you for example for another five years and the thing that you want to do left half-finished… For instance, about school, I constantly repeated to myself that "Helin, wait for the court" when I wanted to do something (Helin)

3.5 Time dimension within juvenile justice system and the conception of childhood

As one of the key features of modernism, the linear understanding of time is also embedded in the evaluation of human life. From the birth to death, there is a process for each person that includes being engaged in a certain "progression". This process consists of different stages that necessitate true socialization in order to be a dedicated member/ citizen for the state and/or society. In modern society all these stages are institutionalized under different potency. For example, person born into a family and this is the first stage of the socialization. Then, this socialization is ensured by other steps like going to school, performing the army duty and establishing a different family etc. Within this context, childhood is the stage that "true socialization" is guaranteed by two main authorities, the state and the family, via different institutions and mechanisms.

"Stone-throwing" Kurdish children are good examples to demonstrate what happens when these two authorities disagree with each other. Yet, probably it would be more fitting to articulate this situation as "what happens if the state sees the family as the opponent" because Azad, as one of them, didn't think they are competing with each other in fact. In 2011, the governor of Diyarbakır Mustafa Toprak had

announced that children who attended the demonstrations would be taken from the families and incarcerated in "Houses of Love" (Sevgi Evleri).[6] Or, İlhan Atış the governor of Adana said addressing the Kurdish children that "As a governorship, as a district governor, I am speaking sincerely, I am telling you that we, the Adana administration, love you more than your mothers and fathers do and we will continue to love you".[7] In these events, we see how the state perceived the children, because this menace of the state authorities targeting the Kurdish families was based on the assumption that the children performed the act not through their own wills, but the wills of the families. However, Azad thinks differently:

> Actually, it is tried to intimidate society. Does it work? Yes it does. What I mean is that: for instance, in Kurdistan, families try to marry their children at very early ages. They try to give responsibility to their children at early ages... Of course, they do it to prevent their children engage these kinds of things. Also, some families even do not take political responsibilities not to encourage their children to imitate them. Or else, they do not defend their ideas or announce their political view in openly. They only support patriotism from a certain distance... Sure, the family is already the most important institution that the state benefits from. The state forces its will and imposes its ideas by means of family (Azad).

As a matter of fact, the juvenile justice system in Turkey has many controversial issues that basically stem from the ambiguous position of children in society. Let me illustrate: criminal liability age is 12 in Turkey and criminal liability basically means being able to understand the meaning and results of the act of own. However, it is a contradiction within the paternalist politics because paternalist approach basically legitimizes its policies through grounding them on the idea of protecting children from harmful consequences stemming from their "inability".

6 https://m.bianet.org/bianet/insan-haklari/134475-akco-cocuklar-icin-kurum-bakimi-son-secenek (accessed 16 April 2018)
7 http://www.radikal.com.tr/turkiye/atis-serbestcocuklar-sizi-anne-babanizdan-daha-cok-seviyoruz-909396/ (accessed 16 April 2018).

The paternalist view implies that children are “not self-sufficient” and “irrational creatures”. Gürbilek claims that modern attitude towards children is benefited from two different approaches: "On the one hand, the child is seen as the symbol of innocence, purity and naivety and it is naturally good. So, it must be protected from the world of corrupted adults. One the other hand, the child is uneducated, weak and pre-social thus s/he must be educated and controlled.... The child becomes a subject of love and care due to its naïve and incorrupt nature but s/he represents a dangerous and savage character which necessitates to be incarcerated within networks of knowledge and education. These two notions bring about the modernist pendulum for children to love them and control them” (Gürbilek, 2001, p. 48).

The tendency to consider human life as a linear process is in parallel with the assumption that society develops as linear. Like, evolving society from "uncivilized" to "civilized", individuals become "civilized citizens" through the institutionalized processes including family, education and so on. In modern societies, the law is a crucial component of establishing "civilization". Since the law is used synonymously with "civilization", absence of it concluded as the loss of the civilization. Hobbes' political philosophy is one of the classical theorization of law is based on social contractual justifications that absence of law is equated anarchy as the state of nature which is a condition of “the war of all against all" (Hobbes, 1914).

Nobel Prize-winning British author William Golding's famous novel Lord of the Flies (1962) is an interesting example to think about the state of nature argument. Even though it is mostly discussed within the context of "dark side of the human nature", I find it more interesting to discuss the relationship between civilization, children, and law by the means of the story narrated in the book. In the book, all

characters consist of children and are stuck in a deserted island with no interference. It is emblematic to choose all characters of the book from only children who try to establish a communal living on a deserted island. Initially, there is total nature with no order, law or civilization on the island. Some of the children try to construct an order that can be called democratic and rational. Nevertheless, they are killed barbarously by others in the end. It is remarkable that most of them dress like wild tribes; paint their faces with substances they found from nature, covered their bodies with a little piece of materials. Since they represent the group who do not accomplish their civilization process before coming to the island, they tend to dress and behave like this. They seem like Friday who "needs" a Robinson Crusoe. Children even go as far as killing some of their peers. I think it represents exactly what Gürbilek says about one side of the modernist perspective towards children. How children can be dangerous because of their savage and uncivilized character if they are not educated and controlled. It is quite remarkable that all these discussions trace same roots with the justifications of colonization of the "uncivilized communities".

Juvenile Justice System in Turkey, like many other juvenile justice system in the world, is based on the idea that children in the penal system should be treated different than adults. Yet, there are ambiguities and conflicting practices in justice system about what exactly is specific to children. To illustrate, it is strictly stated that custody is the last resort for children who conflict with the law and it can only be realized when all precautions are exhausted.[8] In December 2017, former Ministry of Justice responded to proposal of CHP Istanbul Deputy and Member of the TBMM Human Rights Investigation Commission Gamze Akkuş İlgezdi about the numbers of the child prisoners in penal Execution institutions and stated that there are 2,188

8 Children Protection Law, http://www.mevzuat.gov.tr/MevzuatMetin/1.5.5395.pdf (accessed 16 April 2018).

children in the Penal Execution Institutions. This is quite remarkable because we see that the already high number has increased by 17 percent in 10 months.[9]

Besides, in 2006 Prime Minister of that time Recep Tayyip Erdoğan says that "our security forces will do whatever is necessary to eliminate the terrorists, regardless of whether they are children or women. Control your children".[10] Or, on January 2017, there was a fire in child wing in Adana E type prison and three children lost their lives in prison. One of these four children who was accused of setting the fire, he was the only one saved alive, was stood trial with three times aggravated life imprisonment.[11]

When we come back to the statement "our security forces will do whatever is necessary to eliminate the terrorists, regardless of whether they are children or women", it becomes clearer what happens if a child is seen as a (real) threat. It is ironically the time that children are taken seriously. This issue has been more visible especially after "stone-throwing children". Even though they were taken so serious as a threat to the state, their acts were not seen as "political" and tried to be underestimated through general assumptions about children. They were not represented as an "agent" but easily-tricked kids who were "somebody's pawn". The rest of the statement is that "control your children" is also emblematic as an intimidation to the families of the children because it exactly represents the paternalist view that regards the child as the extension of the family.

9 https://hapistecocuk.wordpress.com/2017/12/05/cocuk-mahpus-sayisi-10-ayda-yuzde-17-artti/ (accessed 15 December 2017).
10 http://bianet.org/biamag/cocuk/112981-ellerinde-tas-izi-olan-cocuklar (accessed 7 March 2009).
11 https://hapistecocuk.wordpress.com/2017/12/20/adana-yanginda-yargilanan-cocuk-icin-3-kez-muebbet-istendi/ (accessed 11 April 2018).

This situation reveals also another question about what is a "political act" and "political consciousness". Although political participation is identified as a right for children in Convention on the Rights of the Child (United Nations Human Rights Office of the High Commissioner, 1989), it is not eligible within the limits of paternalist view that regards children as "pre-political", "uneducated", and those "do not complete socialization process". Helin described her political awareness at that time as follows:

> This environment in which I live led me to being aware of (things). Yes, you cannot think politically or ideologically but you are able to realize something. Of course, I was aware of many things when I got arrested. I had already been engaged in many things. However, I think the first political thing that you think about is experiencing poverty. After seeing poverty, you say "why this is like that; why some people are living very well, while I am living in this way" (Helin).

Helin thinks that her living conditions had constituted her awareness in the first place. Similarly, Ciwan refers to his memory -and the probable memory of his children in future would have- and the events that he witnessed as the ground of his action:

> I think it is related with that child gets used to the reaction because of what s/he saw. I don't know how to say, because the child sees everything. For instance, supposing we will marry and have children, we will tell our children the things we saw at that time. How can you explain all of these to children? Above all, children who see the events that happened in Cizre, how can anyone explain that to them? Those kids have any rights to react because they saw with their own eyes. So, you can not show them what the "crime" is. They already saw the biggest "crime" and they live. After all of that, the child throws a stone and it becomes a "crime", what is the point after that if it is a crime or not! (Ciwan)

3.6 Each and every individual under the age of 18 is a child?

Even though all participants have a conception about childhood, they don't discuss their childhood experience within this frame. Even when a 20 years old female participant asked "Do you mean like him?", signalling her little boy when it was said a sentence to her like "you were in prison as a child".

> Actually, I didn't regard myself as a child. Let me explain how I didn't. I already had seen many things. You already saw where I live, you can understand little bit by yourself too. I wasn't the first one and I wouldn't be the last one (Helin).

Helin formulates this situation as "we have been early-growing children". Or, Ozan expressed this situation that the prison makes children 70 years old:

> Different, it is really different. You learn about life in prison. You learn it in very early ages. You learn what you should do and shouldn't do. Your brain becomes the same as a brain of a 70 years old person inside the prison. You live things that she or he has seen during 70 years. You are able to understand within five-six months the things that s/he has been through in 70 years. Hence, it is good. What I mean by saying good is that you become mature but waste your life (Ozan).

There are differences among participants in terms of their interpretation and understanding on what being child means to them. However, the modern conception of childhood puts forward a particular notion shaped by different fields such as psychology, biology, and jurisprudence. This is a category that is free from the social context; it is an ahistorical and universal category, the construction of which is strongly related to economic, political, historical, and social structures. It manifests itself in different forms at different times and places, even in the same area. In addition, the concept of childhood has a significant influence on children's experiences and lives (Öztan, 2012).

In addition, dominant perception of childhood in society is strongly linked with the social structure in terms of crystallization of specific images around it.

Childhood is also represented as a classless category which is applicable for all children from different class background. As Postman (1995) articulates that childhood (within modern dominant representation) is a middle-class invention. Similarly, when Hülya told about childhood, she stated that poor people's children are not children in that sense. She identifies a child through chances, possessions, and capabilities that poor children do not have.

> How can I say, rich people's children are children in that sense. Childhood is taken from us at the early ages. You become responsible many things, you see. Our children cannot play at some point. For instance, your sibling cries and you bring her/him to the house. What you can do, s/he is a three-five months baby. We were preparing milk and biscuit, giving to her/him and s/he was quiet. We were taking him/her to our aunt to clean his/her bottom. You couldn't clean as a child. We cleaned as much as we could. She (pointing her little sister) as a little girl, was dealing with the whole house. She was cooking, cleaning the house, doing laundry. It was also obvious what I was like. I was like the head of the household; the man of the house (Hülya).

Further, there are differences between girls and boys what highlight the gender differences articulated in the penal system even though there is no such kind of separation identified in the legal text. Even in some country, this separation is applied in law as well. For instance, in Iran, criminal liability age is 9 for girls whereas it is 15 for boys (cited in Ümit, 2007). Still, in Turkish law, childhood is identified through age and there is no separation based on gender. Unfortunately, it doesn't mean the equal treatment but means the invisibility of girls in the juvenile justice system. Hence, although childhood perceived as a genderless category, in practical level children's lives are affected by patriarchal structure of the society.

Therefore in contrary to what law, official documents, conventions and studies propose, not each person who is under 18 years of age is a child in the way that they assume. All children in society are not treated as the same way and they do not have same conditions and chances with their peers. Their class position, family

and ethnic background, gender associations hugely affect their childhood experiences. Therefore, age-based postulates about childhood misleading discussions like time-based punishments in terms of experience of time or effects of time on life experiences. As I said before, although deprivation of liberty is time-based punishment and time is considered as solid and objective measure of modern life, it takes different forms within prison. According to respondents, imprisonment is one the most significant turn point of their lives permeating their life after release. That's why I think time aspect of child imprisonment has too much importance. Thus, I have decided to discuss longer effects of imprisonment to ex-prisoners life trajectory.

In addition to that, as one of the essential characteristic of modernity, linear conception of time is in compliance with the ideas of progress and individual transformation, and those are the keywords embedded genuine objects of the modern prison aiming to reform the offenders. Besides, this linear kind of understanding of time manifests itself within the assessment of human life by separating it into biological stages like childhood, adolescence, adulthood, elderness which modernity treats them as differently and very institutionalized way.

Lastly, the main objects of penal system such as "reformation" and "discipline" are also realized by mediums of the management, organization, channelling and control of time in prison. Hence, I also have tried to figure out how time operates in prison and what are the possible outcomes of this operation for both prisoners' experience of time in prison and the institutional organization

CHAPTER 4

INVISIBILITY OF GIRLS WITHIN JUVENILE JUSTICE SYSTEM AND PRISON MASCULINITIES

4.1 "Gender trouble" prevails

The studies on female criminality are highly limited when compared with the documentation of different aspects of male delinquency and criminality. Criminology is not an exceptional discipline when it comes to male-oriented bias. However, it has a different role as a policy-oriented social science because it has special implications on the actual treatment of women in courts and penal institutions (Smart, 1977).

The lack of interest of criminologists in female criminality is strongly connected with the patriarchal structure because within this structure the actions of women are regarded as insignificant and policymakers do not regard this issue a real "threat" to the order of society. Furthermore, it is considered exclusive within the scope of the prevalent perceptions of the "essence" of womanhood and crime because they are regarded as incompatible with each other. The statistics on this subject also strengthen this perception. The number of women who are in conflict with the law is always much lower than that of men. For instance, according to the Turkish Statistical Institute (Turkstat), 95.7% of the prisoners in penal institutions consisted of men as of December 5, 2018.[12]

In addition to the dichotomous construction of gender roles which are identified with femininity and masculinity, involvement of fewer quantities of

[12] Turkish Statistical Institute (2017). *Penal Institutions Statistics, 2017* retrieved from www.tuik.gov.tr

women in offenses leads to the association of most offenses with "masculinity", except for sex-related offense such as prostitution. Therefore, if a woman is a true criminal, she is an abnormal woman; even she is, biologically, like a man. For example, Cowie, Cowie, and Slater (1969) try to determine the variables separating delinquent/potentially delinquent girls from non-delinquent/ "normal" girls in their study. They focus on the biological features and look for the "defects" in intelligence, abnormal activity in the nervous system and malfunction in physical health. Besides, they indicate that it is more common for males with an extra Y chromosome to be among criminals than the average population. So, they claim that Y chromosomes determine masculinity, and masculinity makes individuals inclined to delinquency. This study eventually is located within the determinist approach in criminology because it identifies criminality as a sign of pathologic situation and tries to overcome this abnormality by detecting and isolating the causal factors. Thus, crime as an abnormality for all individuals in society becomes two-layered abnormality for women, because it represents masculinity within the body of the woman, which is the feminine entity.

Gender becomes more complex when it comes to girls involved in the juvenile justice system, most importantly because the modern conception of childhood refers to a genderless category. However, in reality, children's lives are affected by different structures and conjunctures of society just like many other social phenomena and construction. The juvenile delinquency provided a convenient object of analysis, "juvenile", for criminologists and psychologist to examine the discussion on nature/nurture. The child represents the nature with his/her unachieved socialization process so s/he is convenient object for examining hereditary or biological effects of crime. But she or he is also appropriate to inquire about

environmental factors and family relations. Because of this image of the child, juvenile delinquency is mostly dealt with determinist-oriented approaches. The situation reveals itself more deeply for girls because girl delinquency is still a mysterious field for researchers. While on the one hand there is a lack of information on that field; on the other, there is confusion about whether girls would be dealt with according to their ages or depending on their genders. Besides, with their very few numbers they do not cause much trouble and they are seen as manageable. Eventually, girls in the juvenile justice system are regarded either as complete "victims" in their involvement in crime or as part of a minority who are actually considered to be violent, immoral and promiscuous.

One of the first reactions to juvenile delinquency is related to moral concerns; and anxieties about the collapse of moral values are articulated aloud while talking about girls who act in a "delinquent" or "deviant" way. It is not a new trend, in fact; we can find this approach even in one of the first modern institutions established for children (Maksudyan, 2011). As a new educational and disciplinary institution ıslahhane (reformatory) established in the early 1870s, these institutions targeted vagrants, orphan, destitute and poor children in the cities of the Ottoman state. There is no connotation in Ottoman terminology about gender with regard to ıslahhanes. The terms that were used to designate children in institutions were gender neutral such as “child”, “orphan” and “destitute”. However, Maksudyan argues that even though ıslahhanes did not emerge exclusively for boys, they mostly targeted boys.

Interestingly, vagrant girls were not considered as a notable threat in those times. The descriptions of quasi-criminal bands of children on city streets referred particularly to boys. Islahhanes were opened for educating boys initially. Only a tenth of them were for girls, or very rarely girls and boys were put together in the

same institution. However, girls were regarded as more vulnerable in comparison with boys and the main attention on girls was related to other types of "moral dangers". The major concern on girls was about sexuality. In official documents, sexual abuse and prostitution were implicitly signalled as main possible threats for girls. These concerns are growingly articulated particularly when girls started to invade public places such as schools, factories or any public space. Eventually, in 1883, the state put the issue of opening orphanages for refugee orphan girls on the agenda of the municipality and the government. It was argued that if the same precautions would not be provided for the girls, girls would be deprived of decency, good manner, and discipline. Under those circumstances, disgraceful incidents, "certain unacceptable activities", could have taken place in İstanbul (Maksudyan, 2011).

Basically, the difficulty of scrutinizing treatment of girls in the juvenile justice system stems from immaturity of the knowledge on two complex and challenging topics: gender in children studies as well as childhood and sexuality. In the late 1960s along with early 1970s, the sharp distinction was recognized between the concepts of sex and gender. While sex was identified by virtue of biological features such as anatomy, hormones, and physiology, gender was acknowledged as an achieved status constructed through psychological, cultural, and social means. Also, gender socialization theories put forward that gender is able to be totally acquired around age five as fixed, unvarying and permanent just like the sex is (West and Zimmerman, 1987).

However, this distinction is questioned by many feminist scholars and it is not seen as convincing anymore. Butler (1993) claims that this kind of separation leads to the conceptualization of "the body" as a passive medium on which cultural

meanings are inscribed or as an instrument which is externally related with these cultural meanings. However, "the body" itself is a construction; it is a domain which constitutes the gendered subjects consisting of massive "bodies". Butler develops the "performative theory of gender" to overcome this distinction of sex and gender. She argues that gender identity is not a manifestation of an intrinsic essence but it is a product of performance (actions and behaviours). Hence, everyday actions, speech utterances, gestures, dress codes and behaviours and specific constraints and taboos for sure, produce the masculine and feminine identities regarded as essentials.

Consequently, in this chapter, I discuss gender dimension of the juvenile justice system is discussed through the invisibility of girls n juvenile justice system as well as how certain masculinities and femininities are produced in prisons along with the question of what could be the possible outcomes of this for the treatment of children.

4.2 The invisibility of girls in the juvenile justice system

I considered myself a mature woman in there (Sevda*).*

The number of girls in prison is always very low when compared to boys. According to the publication of The General Directorate of Criminal Records and Statistics, as of April 7, 2017, there were 1715 boys and 63 girls as remand prisoners while 994 boys and 28 girls as convicted prisoners were in Turkish prisons.[13] However, it should be added that these statistics are given according to the number of children

[13] https://hapistecocuk.files.wordpress.com/2017/11/cisst-tcps-c3a7ocuk-mahpuslar-raporu.pdf (accessed 23 April 2018)

who are charged in juvenile and juvenile high criminal court but it is known that children are being tried in adult courts as well. Therefore, the number of children that were detained in prison was probably more than the indicated in the data.

Still, statistical quantity alone cannot explain one of the reasons why girls are invisible in the juvenile justice system and the penal system in general. The other significant factor is not considering girl's delinquency as a social problem. As it is indicated before, criminology because of its policy-oriented roots mostly has tended to bear interest in crime when it creates a problem for society. Girls, on the other hand, are not seen as a real problem. Nevertheless, those of criminologists or juridical professionals are not the only relevant fields in the juvenile justice system: social workers and psychologists are among the other agents. Especially in countries that are the parties of children rights conventions, juvenile justice system is based on the idea that children should be treated differently than adults. There are some preventive measures which aim not only to protect the society but also to protect the child who conflicts with the law; because juvenile delinquency is regarded as a general "social problem" which does not only stem from the "defects of children". Children who conflict with the law are considered as the other injured party that suffers from all this process deeply. Even though it is very controversial that whether Turkish juvenile justice system functions in that way or not, there are certain implementations to provide this at least in the discursive level.

Although in the Turkish law childhood is identified by age and there is no separation based on gender, it doesn't mean that children are treated equally in terms of gender differences; but rather it means the invisibility of girls in the juvenile justice system. To illustrate, Children Protection Law (2005) and many other laws and conventions related to children do not allow keeping children in the same wards

with adults. There are two forms of incarceration facilities in Turkey in which children in conflict with the law are detained: closed type and open type. As of 2018, there are 7 juvenile closed prisons and 5 education houses in Turkey.[14] In juvenile prisons as a closed type of incarceration facility, there are children under the age of 18 whose sentences are not finalized by the High Court of Appeal. It has restraints against escape and is guarded both from outside and inside by the security personnel. Education house is identified as an open type of detention facility in which children can go to school or go to work within the designated time periods of the day. So, the first institution to which the child would be taken when s/he is arrested is the closed type of juvenile prison. Also, convicted children in Juvenile Education Houses can be sent to closed prison for 6 months when they get discipline punishments.

These are specialized incarceration facilities founding exclusively for children but in case that there is no capacity in these institutions children are detained within the children wings of adult prisons. In the code (tüzük) of penal detention institutions, these institutions are identified as specific to children between the ages of 12 and 18.[15] However, in reality, there are no juvenile closed prisons for girls because girls and boys are not detained together in these institutions. There are only two education houses for girls in Urla and Denizli. Therefore, girls are detained in the child wings of women prisons but most of the time there is hardly a child wing and they are kept together with adults. Furthermore, only the 4 of the 600 prisons are women prisons,[16] which mean that there are girls detained in women wings of the men prisons. This comes to suggest that girls are treated in the same way with adults. It also leads these girls are deprived of the activities conducted within children

[14] http://www.cte.adalet.gov.tr/# (accessed 17 August 2018)
[15] http://www.resmigazete.gov.tr/eskiler/2006/04/20060406-1.htm (accessed 17 August 2018)
[16] https://bianet.org/bianet/insan-haklari/25410-cezaevinde-kadin-olmak (accessed 19 August 2018)

specific institutions. Thus, it can be easily claimed that discrimination against girls takes place in the juvenile justice system depending upon gender.

Correspondingly, all female interviewees in the study stated that they were held in adults' wings. Only one interviewee as an exception was not taken to the adults' wing until she was 18 years old. Helin was detained in solitary confinement (müşehade) because prison administration wanted to stick to the rule of not keeping children together with adults; and there is no political wing for children either. However, it created a paradoxical situation because the logic behind the implementation of not keeping children together with adults is the claim of protecting children in penal institutions. Yet, in this case this protection becomes a mechanism of punishment within punishment, because müşehade (solitary confinement) is a punishment exercised within the prison for prisoners that receive discipline punishment or that cause difficulty to prison staff. Helin also was subjected to peculiar rules of solitary confinement. To illustrate; generally, havalandırma (small yard encircled with four walls but it is open at the top) is open from the morning roll call until the roll call in the evening. However, Helin could use havalandırma permission twice a day at the certain times decided by the staff. She was alone in the havalandırma as well. These were practices that complemented solitary confinement punishment. Helin depicted müşehade as a very small rectangle; there is three steps margin of the short side while four steps of the longer.

There was very limited interaction in Helin's life when she stayed in müşehade. The people that she saw were only the prison staff and they didn't communicate with her except when they declared some task that she had to perform or important news about her trial or execution process. However, there was another woman in the next cell and sometimes they were having a conversation with each

other through the window. They were using mirrors to see each other as they spoke. Their effort to "see" each other is a very emblematic example for the resistance to be invisible. Prison as an already" heterotopic place" (Foucault, 1967) makes captives' bodies invisible. However, solitary confinement creates a further layer intensifying this effect because the captive is separated from the other prisoners too.

When she turned into 18 years of age, Helin immediately wrote his petition to be transferred to adults' wing where political women prisoners stayed. She expressed what she had been through and how she felt when she arrived there as follows:

> I remember I was really touched in the moment that I entered the ward because I mean I saw the people…They already were waiting for me. That day was my birthday actually... I forgot even my birthday: you know, you get into prison, you turn eighteen inside the prison... You see my mind was really full of my thoughts as such. After that, it became easier for me (Helin)

Yıldız was 17 years old when she was arrested after one-day custody. Then, she was taken to a male prison's women wing with her 2.5-year-old child. There were 6 or 7 bunk beds for 30 women and girls. Some of the women and girls also had children and there were pregnant girls and women too. Therefore, more than the half of the wing had to sleep on the ground. She indicated that there were 3 women wings in the prison and all of them had such kind of poor conditions. Yıldız stated that especially in summer it was extremely hot and there was even no air to breathe inside.

Actually, it should not be considered that gender inequalities in prison originate from the particularities of the institution. In contrast, it might be the most accurate approach of the society pursuing in the prison as well. Keeping women and girls in male prison brings about the unequal distribution of already limited resources

of the institution. First of all, not surprisingly it creates an unbalance opportunity about mobility of the prisoners because men have priority to use a bigger place.

All kinds of interactions and encounters between males and females are tried to be eliminated because of moral concerns. Further, it is also seen as a protection mechanism for women and girls in order to prevent any abuse or violence would be performed by male prisoners. However, it should be added that there is no measure to protect women and girls from violence and harassment that would be performed by prison staff. Eventually, it brings forth more restrictions for women and girls. They are kept away from the common places and some activities such as sports or courses.

In addition, girls who stay in adult prisons are deprived of the activities and treatments that their peers (boys) have. There were no particular activities or courses for children in the prison in which Yıldız stayed. There were only vocational courses and literacy course. Yıldız had never gone to school and she was illiterate. When asked whether she ever wanted to go to school, she replied, "My family wouldn't have allowed me to go to school after all, how could have I gone? I wish I could have gone, of course, there is nothing better than being educated. We might have saved our lives if we had (gone to school)". She also couldn't attend to the literacy course because she had a baby that she had to take care of:

> I didn't attend (to literacy course) because the child was getting restless. I had to diaper per minute etc. She used to cry a lot. She was a baby you know and she was very lonely. She wouldn't sleep during the daytime. We would put her in a blanket and swing her. We would walk around in the wing with her in a blanket. The woman (who was helping me) would say "is this a house or a prison?"(Yıldız)

Being illiterate is a very significant obstacle for the prisoners because all kinds of needs or requests have to be submitted to prison administration through the

medium of a petition. Therefore, if a prisoner does not know how to write s/he has to find someone to write the petition on behalf of him/her. In the women wings, the person responsible of petitions is the called "mümessil" (commissary), "çavuş" (sergeant) or "koğuş sorumlusu" (the one responsible for the ward). This person is chosen among the ones who know to read and write and from the convicted ones having long-termed imprisonment. She is in charge to collect the petitions and deliver them to the guard. She might also write petitions for illiterate women. Besides, with the effect of her privileged position, she is able to decide which petitions would be forwarded to administration. Hence, this creates a dependency mechanism for other women, especially for the illiterate ones. Actually, mümessil is a kind of authority figure in the ward because she is responsible for everything in the ward. Prison administration contacts with her in any case rather than contacting directly with other prisoners. Even when a conflict takes place between prisoners, they ask her opinion about what happened and about the reason of conflict rather to ask relevant women directly. Besides, she mostly decides what kind of tasks would be done by whom, such as cleaning, washing the dishes etc. However, in the political prisoners' wing, there is no such kind of authority figure; they pick someone as a spokesperson in order to transmit their demands to the administration. In addition to that, being illiterate means deprivation of one of the most important means providing contact with the outside of the prison: letter. Yıldız was getting help from a friend to solve this problem and Sevda couldn't write letters to her relatives because of being illiterate.

Usually, the number of women guards is considerably lower than their male colleagues. Female guards are usually responsible from the women prisoners. They are also responsible for search points in the entrance of the prison in order to search

women prisoners and the female relatives of the prisoners. They also perform bureaucratic paper works. Hardly ever a woman guard get into men's wing to carry out the roll calls. Interestingly, even though they wear the uniform which supposes to provide them to power and authority they are considered as those who need protection in front of these men.

However, women prisoners frequently encounter with male guards or prison administration in different periods of their imprisonment. To illustrate, there might be male chief guards as the head of the guards. Or else, male guards might interfere in certain situations when prisoners "create difficulties" for female guards. In these kinds of interactions, it is expected from women and girls to behave decently and respectful:

> All of them were women, their superior, the chief guardian, would come together with them who was a male. First, guardians, women, would enter the room and the guardians would say "All of you, be prepared, dress properly". Then, they would take us to the yard and they would go upstairs; they would search everywhere in detail (Sevda)

Two types of routine searches are conducted in prison. One of them is practiced by guards once a month at least. However, in case there is a suspicion pointing the presence of prohibited materials within the prison or missing properties of prisoners and prison, the wings can be searched at any time and in any frequency. The other search is conducted by the gendarme at an uncertain time of the month.[17] This sort of search is a very detailed one and according to participants, these were, psychologically, very challenging for prisoners because during these searches soldiers were equipped with as if they were in a real war.

> Coloured papers and pens were never given to us. There were only white papers and regular ball-point pens. I never forget that once we cut the papers in the shape of letters. I don't remember what we wrote but we

[17] http://www.resmigazete.gov.tr/eskiler/2006/04/20060406-1.htm (accessed 20 August 2018)

> filled each one of them with colour (of the pen) throughout the night. You know there was no paint so we tried to fill them with the pen. We were exhausted because of this. If there had been colours we wouldn't have been tired that much. But, there was an effort, you know, so it seemed so beautiful to us. Of course, the next day soldiers came in and (destroyed them)… There would be searches. We wouldn't want men to search our closets. All in all, we were women and we had privacy as women... They (men) would come in. They would take all of us to yard. And they would come in harshly. We would object by saying things like "You cannot search our closets. Do it superficially". After these, women started to conduct searches (Helin)

In addition to that, whenever the prisoners leave their wings to see their lawyer or to get medical service etc., body search is imposed on them by the "same-sex" guards. Besides, if there is "reasonable doubt" regarding that prisoner carry a prohibited substance or material with her/him, prison staff can implement the body cavity search. Although relevant code (tüzük) clearly says that "the searches and roll calls shall be compatible with the human dignity",[18] Helin regard them as practices against human dignity. She argued that body search is "harassment" in fact, no matter whether the guard is a woman or not.

Actually, the interactions between female prisoners and male guards generally generate an uncomfortable situation for women. Because, as it is said before, male staff predominantly represents higher authority and physical power when compared with their female colleagues. As a matter of fact, the involvement of male staff and especially male guards in a situation predominantly means that violence is approaching:

> This scar on my arm is a memory from the prison. They (guards) came to take my elder sister for putting her into the cell. You can't imagine how they beat and dragged her. What could I have done, I broke the glass and said "Leave her alone!". I had to do this because I had nothing else to do. I cut my arm because I threw the glass in an imbalanced way. If you could see my arm you would say "Oh God! What have you done". Two towels, two white towels were covered with blood; the ground was

[18] http://www.resmigazete.gov.tr/eskiler/2006/04/20060406-1.htm (accessed 20 August 2018)

> covered with blood. Only then, they let go of her... Otherwise, one had to go. If you refuse to go, male guards would come in... Of course, they intervene too... I had a quarrel with a guard while this was happening. Then, the dispute got bigger. A female guard started to yell at me. So, all the male guards got in... This time they (male guards) started to drag my elder sister away. So, what else could I have done, I thought the best solution was this: I smashed the glass. There was nothing to be done (Hülya)

4.3 Emergence of certain masculinities within child imprisonment

Before the 1990s, the feminist movement predominantly established on a kind of essentialist ground suggesting that individuals are gendered in relation to their inherent biological characteristics. Within this frame, sex and gender were used almost interchangeably. Then, the constructivist theory separated these two from each other, by arguing that gender is constructed and performed by the medium of culture and it has nothing to do with biology. Eventually, in Gender Trouble (1999) Butler deals with the antagonism between essentialism and constructivism and she takes constructivist claims further by arguing that not only gender but sex is also socially constructed.

Butler claims that gender is constructed through the repetitive performance of gender. The main concept of her theory, performativity, is the reiterative and citational practice of discourse generating the effects it names. “Gender" cannot be understood as a cultural construct that is imposed on "the body" or its given sex. When "sex" itself is comprehended in its normativity; the materiality of the body cannot be considered isolated from the materialization of this regulatory norm. Hence, "sex" is not a static description but one of the norms (1993).

Butler's performativity theory would be beneficial to examine gender in childhood studies for different reasons. First of all, as in the conceptualization of

childhood, sex too has been associated with "biological" features. It is considered as the static and fixed character that affects the modality of experience of gender. Nevertheless, gender represents the cultural sphere with its socially constructed base; whereas childhood is conceptualized as the stage in which individuals are considered not to take part in this cultural sphere completely. Therefore, childhood cannot be examined within this frame because there is "sex" as a given, but it is not gendered completely. However, in Butler's conceptualization, gender or sex is never a finished process, there is always "doing" stages and they are "in the process". The field of gender in children studies is mostly limited with the researches that inquire gendered education and socialization processes to impose on children. Within these researches, there is a gendering process which would be accomplished at a specific age and the established subject is regarded as passive. Although in Butler's theorization there is a construction process as well, it is a process which necessitates the participation of the subject in a performative way. So, it also gives a chance to regard children as subjects having roles in the reproduction of this normativity.

Gender relation is a complex phenomenon shaped and reshaped by the different dynamics and aspects of the society. However, since it is not free from power relations, it creates hierarchies; and it bears the mechanisms that generate subordination/domination or inclusion/exclusion. What we conventionally understand from patriarchy at first glance is male-domination in society. However, it doesn't mean that the conceptualization of man and woman as dichotomic categories that are fixed and self-proclaimed. In contrast, they are relational and historical. Therefore, for example, speaking of masculinities implies speaking of femininities and gender relations. Furthermore, even though masculinities are mostly regarded as identical with the category of man, they are not equivalent to men. They are in fact

associated with the position of men in a gender order. They can be identified as the patterns of practice with which both men and women but mostly men engage in that position. Besides, although masculinity is used as one homogenous position that is occupied by men, Connell (2005) claims that masculinities are multiple, with internal complexities and even contradictions. Furthermore, masculinities change throughout history and women have a significant role to compose them through both interaction with boys and men and their performance within the scope of gender relations. Messerschmidt (2009) states that gendered relations are the structured actions of persons in social practice. Thus, men are "doing" masculinity according to the social situation in which they are involved. Male prisons are dominated by discourses of masculinity that derive from the rigid hierarchy persisting between prisoners and guards and among prisoners.

Prison as a bureaucratic institution is organized in a compatible way with the patriarchal structure of society. However, it also produces a specific kind of masculinity that promotes physical power, aggression and assertive behaviour, especially among the boys. Female interviewees mostly complained about the violent behaviour of staff and the oppression coming from the administration but male participants emphasized the conflicts among prisoners to achieve power and status. The performance of this particular masculinity doesn't have to be “willing” or “enjoyable”, but it is a way of surviving in prison:

> There is violence, yes indeed... If you are a neat guy, you would get beaten up by prisoners, okay? If you cause too much trouble, you would have a beat-up by the guards. You should be in the middle. Personally, when I first got into the prison, I was very well-behaved. What I mean by saying well-behaved is that I was normal. I was quiet. Eight people attacked me once. You probably heard about the "welcome beating" (hoşgeldin dayağı). The day when I was beaten up by eight people, I was at a similar room to this...I was beaten up so badly. They were eight people so no matter how I hard hit them back it wasn't effective. Of

> course, I fought back because I was hurt. Even a cat would scratch your face if you push its buttons. My nose was bleeding, my eyes were swollen. Only one of them got hurt from his head. I punched him and he hit his head to the window (Kadir)

This masculinity that refers to being a "tough guy" means not only having physical power but also being aggressive and "courageous" enough to "teach their place" to others. As a matter of fact, Kadir said that he "took his revenge from all of them each piece, in the long run". He also stated that this kind of attitude which highlights being tough and fearless gives a reputation providing to gain power, sense of security or authority. Since all prisoners already know this or learn in the process, there is ongoing conflict among different parties to protect this position or gain this position:

> We would play football. When someone would foul, we would immediately start to beat him. There was no other thing that we would do. I mean, we wouldn't talk to him like "what are you doing, be careful" or something like that. We would do this on purpose. Everybody in prison would try to earn a reputation for himself. You know, to show off like "I am the agha; I am the pasha in here" (Kadir)

Besides, in this masculinity which provides status and power, there is no room for some emotions:

> Look, I am pretty sure that all the children in prison are really emotional. And when they go to bed and put their heads on the pillow, they think about many things: family and other stuff. And most of them cry; it doesn't matter how tough they are. I am sure that most of them cry. Yes, you will probably ask me if I have cried too. Yes, I did. I cried. If there is one person to say that he never cried he lies for sure. He definitely lies. Just like that. But of course, if you ask a person in the prison whether has he cried he probably would answer like "You gotta be kidding me, why am I supposed to cry, who do you think you are!" But, I am very sure that he cries. I mean, it is normal (to hide it) because nobody wants to feel degraded. Because, if you are humiliated once in there, you will always be humiliated. You will shrink and shrink. I mean there is a kind of thing if you are oppressed once; you are destined to be oppressed forever (Erhan).

Nevertheless, this masculinity requires becoming "a real man" which is equivalent to get away from the childhood. Interestingly, it is realized from the

expressions of the interviewees that this masculinity is not established through the opposition of being woman. Even though being feminine is a feature that is a reason for despise, it is not the true counterpart of this masculinity. Instead, childhood is the opponent character preventing to "certify" this performance of masculinity. In parallel with this, physical power and relatively being elder provide superiority to a child prisoner. All of the male interviewees indicated that they would have done sports constantly and they stated in proud they used to be bulky at those times.

Furthermore, as interviewees suggested, there is a difference between separated juvenile prisons and the child wings of the adults prison. Erhan, who had been detained within both of two institutions at different times, identified L2 (the child wing of the adult prison in that he and other children were kept) as a "total nightmare". Since there is no camera in the adult prisons, in contrary to juvenile prisons, there is no guards' gaze to prevent fights and physical violence. There are violent fights and physical harms among prisoners:

> There is no camera there. More precisely, there are cameras within down and upper malta but there are no camera inside the rooms. You could fight inside the rooms, in all manners of fighting. You are involved in fights in one way or in another. It is inevitable. There are many fights in L2. You, too, enter that room (fight) sooner or later. And when you get into the room, you are beaten up so badly, if you get spoiled or something happened. If you are a coward, you are dead! I mean L2 is a nightmare for you; it is the real nightmare indeed (Erhan).

Erhan also said that in separated juvenile prisons the relations among children are "softer" but there is "no mercy" in L2 and of the prisoners in there. The rules and regulations in terms of both institutionally and the micro levels which function among prisoner are the same as the adults'. Erhan claimed that L2 changed the children in a specific way and even the prison staff and administration know this:

> They (prison staff) won't place the ones coming from the no.2 to the wing A since the ones that have been to the no.2 change a lot. Because the rules in there are so different and if you try to act according to these rules you would torture others unavoidably. Since you are inflicted cruelty upon, you get used to cruelty and you do so. So, they (prison staff) know that and they don't place you in the wing A but they allocate you to B or C. Because, there are badasses, I mean the dangerous ones, and you can not mess with them easily. That's why they put you in these wings (Erhan).

In a similar manner, both Yusuf and Erhan cited the same incident while talking about "hoşgeldin dayağı (welcome beating)". The other interviewee, Bilal also claimed that it was a practice aiming to intimidate the new child. According to their expresses, this practice came into operation after prisoners' coming from other prison. After abolishment of an adult prison having a bad reputation, the children who were detained in that prison transferred to juvenile prison (that Erhan and Bilal were kept):

> ...Because that prison was the worst prison, the worst. How can I say, it was the prison that atrocity and oppression persisted at most. The ones, who came from there, would say: "that's how things worked in our prison". They used to take the money of the younger children or they beat the little ones under the stairs. For example, one child would say to another one "Don't stand up (from this chair); if you stand up you will be beaten". All of these (violent and oppressive practices among children) came from that prison. There is no hoşgeldin dayağı (welcome beating) in every wing as a matter of fact (Erhan).

This certain type of masculinity is established through bodily and discursive performance but it is a never-ending process that reproduces itself constantly. Also, it is crucial to emphasize that even though it needs an active participation of the subjects it doesn't refer to a kind of "free choose" process. On the contrary, this performance is only realized and meaningful within specific contexts. This masculinity mostly is examined within the scope of "prison culture" constituted by prisoners. Besides, it is predominantly represented "marginal" and "criminal" kind of masculinity in relation with the images of the subject. And, it is seen as the one of the

essential feature of the “criminal personality” and it leads to underestimate the prison as an institution produces this masculinity with its all relationalities. Furthermore, this masculinity does not derive from the relations among prisoners but they are also produced by male prison staff by active involvement which represents a kind of "institutional habitus".

The bodily performance of the masculinity includes the utilization of the objects too. In other words, the object becomes the medium of this bodily performance. To illustrate, tespih (prayer beads) is one of the most common objects among the male prisoners. Except for the interviewees who are accused of a political offense, almost all male interviewees confirmed that they used to have tespih at that time. Besides, not only prisoners but also guards too use tespih in a widespread manner. Actually, tespih also has a religious usage and both women and men use it to count the repetition of a religious act such as pray etc. but it is not a practice that exercised publicly much. However, the most significant difference between these two is associated with the two different articulation of the bodily performance.

In addition, the discourses of this masculinity have dialectically related to the hierarchies among prisoners. However, the (re)formation of the masculinity include the hierarchical processes between prisoners and staff and the hierarchies among staff as well. There is mümessil in the wings who means the head of the wing. It is called by different names such as "koğuş sorumlusu", "mümessil" or "çavuş" etc. This is a common practice in the adults' prison which is promoted by the prison staff. However, recently prison administrations try to abolish this practice in the juvenile prisons, probably, because of the increase of the news about the violence within the prisons. Nevertheless, the interviewees stated that this practice still persists within the juvenile prisons too. Besides, according to their expressions until recent time

prison staff has assisted this practice because of the benefits of mümessil to them in terms of disciplining and controlling. Besides, this practice is very compatible with the general hierarchic formalism of the institution. There are strict hierarchical positions among the prison personnel, too. For example, there is a head guard who is in the upper position among the guards and he has more authorization than others. Bilal cited the mümessil implementation at the time when he was in prison like:

> Fights were very rare. If you would ask the reason, it was forbidden to talk to each other. I mean, the communication was forbidden. It was for preventing a polarization, supposedly... These were the rules established by koğuş sorumlusu (ward keeper). You couldn't talk to your friend without his permission. You couldn't do this, do that etc. Mümessil would set rules up in order to protect his authority somehow.... It was really bad at our times. You know square porcelain on the base, you couldn't set foot on it, and you had to pass by through it. You had to clasp your hand in the back of you... These were not the rules imposed by prison but mümessil enforced them. For example, when our family brought some stuff like clothes etc. mümessil would take the ones that he liked. Our stuff which our family brought to us would be taken to mümessil first. He would pick the ones which he liked; then they would bring them to us. Again, mümessil would make us write on our order lists what he wanted from the canteen (Bilal).

Nietzsche examines the body as a "political structure" and political structures as bodies. This kind of Nietzschean "body" is the factored outcome of the unequal and diverse effects of converging antagonistic forces. This animated body refers not a one form but as many forms that is oriented by powers. It switches constantly its own position between subject and object because it has endogenized these positions as intertwined poles of the self/other power relation (cited in Feldman, 1991). Therefore, prison as a "body" (re)formed spatially through the unequal and diverse effects of antagonistic forces, even though its solid depiction and referring to captivity by force. Therefore, it means a differential in the spatial demands of the dwellers accordingly the clashing of the forces. To illustrate, there is a difference between guards and the prisoners in terms of the difference in their access to a

different place of the prisons. Prisoners cannot go outside of their wards without permission and accompaniment of the guards, whereas guards can use many places in the prison what they want. However, it should be added that there are also some places that guards cannot get in without permission such as governor's room. Or, someone in solitary confinement has only place as 7 step length that s/he can utilize. Yet, the experience of the space can only be realized through the body of the subject. Because body is an essential element of the material conditions of incarceration; any change in semantic and performative feature change the material conditions of the confinement (Feldman, 1991).

Hence, control and occupy certain spaces in prison has parallel logic with control over bodies and the space that bodies are allowed to use regarding hierarchy among the males. The techniques, let's call "disciplinary techniques", are already made use within the general organization of the prison. However, these are also adopted by children as a part of the constituting process of the masculinity which gives the advantageous and superior position to them. It is a kind of mimicry which consists of comprehending and internalization process how (political) power built and sustained.

Hakan mentioned that he had troubles with some children because of their behaviours attempting to dominate him:

> ...I sat, for example, he would say: "Do not sit like that". Or, when I crossed my arms during the roll calls, he would say: "Crossing the arms is forbidden during the roll calls". Anyway, I did what he said a few times to avoid conflict. But, he thought that he dominated me. I have an energetic and active personality. In the mornings, I would wake up and have breakfast. Nobody would eat breakfast. I would have breakfast and then walk. What I mean by walking is walking back and forth (volta atmak) in the havalandırma. Anyway, I was walking. A song was stuck my mind and I was humming it slowly... He said "It is not allowed to sing when walking (volta atmak), it has a meaning (anlamı var)". Then, I

> yelled at him "What is the meaning of it man (oğlum), are you a psychopath or something? Why are you pushing me hard? Don't piss me off!", he said, "There is the meaning here (anlamı var) bro". Yes and he stressed each letter highlighting like "B-R-O-O". "What is the meaning of it, go tell me" I asked. He remained silent. I said something like "Look, I would beat you really bad". Then, all of them sided against me. This boy was the right-hand of the mümessil. Naturally, all of them formed a group against me…One day, under the stairs all of them attacked me. They called me and said like "Let's talk". I realized they were going to attack me. There were çekpas (mop) and everything. There was the blind spot that camera could not record. I went first. The tension rose and I escaped. But I beat up that boy another time, eventually (Hakan).

This "it has meaning (anlamı var)" statement is a common expression among the children within the prison. All the male interviewees avoided explaining this statement to me, the researcher, because they thought that it is inappropriate to talk to a woman about this statement. To illustrate, Kadir hesitated much when I asked about it:

> The meaning.. I am going to tell you but it is little bit vulgar. Shall I say?... I mean it has a bad meaning...Let's put it like that. For example; there is a button in the wing. When you push the button, it is like a kind of switcher to turn on the light, you know. When you push the button the guards would come in, okay? I was beaten so badly in there... Then, they said to me "You could push the button and change your wing if you want" and I said, "Okay, I won't stay in a place where I'm not wanted". While I was tending to push the button they said "It has the meaning". I said "What is the meaning (of this)?" One of them said, "If you would change your wing... You can think it as this: you leave your mother and sister in your bed. You are supposed to abandon them to us". You can imagine like they do filthy things on your bed. Then, I said "I am not going to leave this wing but I swear I am going to take my revenge from all of you!" (Kadir).

To conclude, let me highlight once again that the prison works as part of the patriarchal structure of society. But it also produces specific kind of masculinities that promotes physical power, aggression and assertive behaviour, especially among the boys. The performance of this particular masculinity does not have to be "willing" or "enjoyable", but is a way of surviving strategy in the prison.

This masculinity is established through bodily and discursive performance, and is a never-ending process. It is also crucial to emphasize that even though it needs an active participation of the subjects it does not refer to a kind of "free choice" process. Besides, this masculinity is mostly examined within the context of "prison culture" which derives from the relations among male prisoners and it is represented as "marginal" and "criminal" kind of masculinity because of the dominant images about the prisoners in society. It appears as one of the essential features of having a "criminal personality". However, this kind of understanding leads to the underestimation of the prison as an institution that produces this type of masculinity. Furthermore, this masculinity does not only stem from the relations among prisoners, but is also produced by male prison staff's active involvement, which is a part of the "institutional habitus".

CHAPTER 5

ECONOMY OF INCARCERATION

> When you are released...You go to court, right? They charge a fee. It is like "look, you kept the court busy so you have to pay equivalent to it". It is for the courts...you were in jail; there is a charge fee for everything in prison including meals. Everything is for waged, everything...what on earth...What should we do? These kinds of things push people to do bad things in some ways. Believe me, look, I have to pay 9 billion (in old Turkish currency) to tax office. I already cannot look after my kids. You see! We are kind of people who would be in the seventh heaven if we have 10 or 20 TL in our pockets. I mean, I would be in ninth heaven if I get 9000 TL…How can I find 9000 TL for god's sake? We can not find food to eat sometimes. We buy them on credit (Hülya).

In 2017, the Ministry of Justice spent 5,320,095,491 Turkish liras solely for prisons and detention houses in Turkey. Also, the expense of the charged institution, General Directorate of Prisons and Detention Houses, was 27,864,595. Thus, the sum of them was more than one third of the total cost of the ministry (13,171,960,256) that spent in the same year.[19] However, there is Department Of Workshops Institution functions under the Ministry of Justice, the institution that is charged with regulation of works performed by remand and convicted prisoners. The revenues of the institution were 2,114,862,354 in 2017.[20]

By taking a glance at these figures, we can easily see that prisons are economic complexes having different levels of expenditures and incomes. Nevertheless, this economic body is not limited to formal economic regulations of

[19] Turkish Republic Ministry of Justice (2018). *2017 Activity Report.* Retrieved from https://www.adalet.gov.tr/Bakanlik/FaaliyetRaporu/pdf/rapor2017.pdf

[20] Turkish Republic Ministry of Justice Prisons and Detention Houses Department Of Workshops (2017). *2017 Department Of Workshops Activity Report*. Retrieved from http://www.iydb.adalet.gov.tr/Resimler/BilgiBankasi/FaaliyetRaporu2017.pdf

the institution. On the contrary, it is an economy involving relations emerging from the circulation of bodies, labours and objects.

Hence, this chapter scrutinizes of the economic dimension of incarceration via political economy of imprisonment, labour including both regularized with “formal” and "informal" rules and norms, and gift and exchange economy within the prison among prisoners. Further, this economy is not only handled as a sum of circulation of material assets, but also includes all kinds of relations, which are formed through the valorisation of human relations and symbolic possessions.

5.1 Political economy of imprisonment

Georg Rusche and Otto Kirchheimer (2003) argue that throughout the history, nature of punishment is adjusted by the form of productive relations. They think that contrary to reformers’ rhetoric promoting prison as a humanitarian intervention to punishment practices, it is the outcome of wider social conflicts and class struggles. They mainly consider prison as the part of a disciplinary network targeting to regulate poor and impose discipline. According to them, since every production system tend to generate punishments in a way that meets its productive relationships’ requirements, prison functions compatible with industrial capitalism with regard to encourage time and work discipline.

They assert that the bond, which is assumed to present between crime and punishment, actually misdirects the discussion in a way to prevent any understanding to realize independent importance of the history of penal systems. Instead, they suggest dealing with the emergence of different punitive practices as the depiction of the conditions of labour and the labour market. According to views of Rusche and

Kircheimer, conditions in prisons are governed towards the principle of 'less eligibility' because prisons are strongly linked to a disciplinary network aiming to regulate the poor and to impose discipline. Because capitalism necessitates disciplined labour in one hand but it also needs unemployment for creating a reserve army to ensure low wages. Therefore, in order to deter the lowest strata of the society from committing the crime, conditions in prisons should be kept conditions below than the living conditions of the poorest working classes in society. Within this logic, the only way to prevent crimes that would be committed by unemployed masses those are engaged in hunger and deep deprivation is imposing cruel penalties on them.

Foucault (1977) shares the same view with Rusche and Kircheimer on fundamentally two features of the modern prison. First, he considers that prison is closely bound up with labour discipline and it is basically a class-based form of punishment. Although, his conceptualization on the role of punishment which imposes work discipline is highly similar to them, his punishment theorization is predominantly grounded on his distinctive understanding of power rather than class conflict in the Marxian sense. He rejects the equation of power with repression exercised by some unitary agency, whether the state or the ruling class. In Foucault's conceptualization, power is not considered as something that is divided between those who have it and hold it exclusively, and those who do not have it and are subject to it. He argues that power should be considered something that circulates or something that operates only as a part of a chain. It is exercised through networks; individuals are in a position to both submit to and exercise this power. Besides, he strongly contradicts with the conventional notion of power referring power as solely

repressive, subordinated or destructive. As a matter of fact, power is reproductive with regard to constituting bodies, gestures, discourses, and desires (Foucault, 2003).

However, Foucault differently from Rusche and Kirchheimer, explains the historical transformation of punitive practices through the changes in the mode of power instead of the mode of productive relations. For Foucault, in the seventeenth and eighteenth centuries, there emerged techniques of power that were substantially centred on the body: the individual body. It contained all the devices that were needed to assure the spatial distribution of individual bodies and the organization of a whole field of visibility. These techniques also provided to take control over bodies in order to increase their productivity. They were also techniques to rationalize and economize power so as to minimize its cost by using systems of surveillance, hierarchies, reports and so on. In the nineteenth century, on the other hand, has a new fundamental characteristic has come into operation for the sovereign authority that is holding power over life. It basically refers to the state control of the biological. In early modern Europe, the sovereign authority had the right of life and death over his subjects. However, this right of life and death involves deciding whether or not someone should be killed. Therefore, the very essence of the right of life and death corresponded to the right to kill. The sovereign authority can exercise his right over life only in the moment that he can kill. Foucault says that sovereign power exercised itself as a form of "deduction" which took place from the power to take things such as life, taxes, property, and privileges from his subjects. But now, power does not manifest itself as a "deduction", as a "right of death". Thus, the major interest of power towards life gains different character in order to deal with how to secure, extend, and improve it (Foucault, 2003). The main targets of punishing are identified as rehabilitation and reform of the offender.

However, Wacquant (2009) argues that penal policy, now, is less interested in the disciplinary designs regarding such goals like rehabilitating prisoners and changing their behaviours. Instead, it is engaged in punitive practices related to locking up and warehousing of the poor to make them invisible. Through this, it tries to diminish the possibility of the poor creating a problem for the rest of society. Nevertheless Wacquant too consider prison not only a technical implementation responsible from enforcing the law and coping with the criminals. On the contrary, he argues that prison is a core political institution in neoliberal age. Further, "workfare" and "prisonfare" are two integral features of the “neoliberal Leviathan”. The regime he calls as "liberal-paternalist" is liberal and permissive at maximum level for the corporations and the upper class but it is extremely paternalist and authoritarian for those are stuck between restructuring of employment and diminishing of social protection.

In addition to decline of it, social protection turns into an instrument for surveillance and discipline in a way to be involved in the scope of the penal apparatus. Wacquant claims that the expansion of the penal apparatus is provided by market-oriented "right hand" of the state in order to compensate the void stemming from the post-Fordist withdrawal of social programs. Similar to less eligibility thesis, Wacquant argues that penal apparatus is essential to make people consent to the situation, the normalization process of precarious labour. Because punitive responses lead to constrains people from leaving and reject being engaged in labour market. Plus, being excluded from the labour market becomes a serious menace to avoid.

5.2 Labour of the prisoner

Department of Workshops was established under Ministry of Justice on 6th August 1997 in accordance with law no 4301. The activities of the institution are specified in the relevant law as establishing workshops and regulating all financial and administrative processes of them. The official documents of the institution demonstrate the main objectives of the institution as follows: “to give vocational education fitting to modern production technologies to remands and convicted prisoners”, “to provide more job opportunities to remands and convicted prisoners by way of developing new occupations ","contribution to the national economy by way of converting labour force of penal institutions into production within the designated criteria and economic potentiality", "to increase quality of services and products as properly to current market conditions", "publicity of workshops' activities".[21] Also, in 2017 Activity Report of Department of Workshops, it is indicated that a 10% increase in cooperation with the private sector is aimed.

In these workshops, manufacturing is made in different sectors such as textile, services, souvenirs, industrial products, shoemaking and food for both the public institutions and private sector. Nevertheless, it should be added that there is no paid labour in closed prisons. The prisoner can only work in a paid work when s/he is transferred to an open type of prison. In addition to that children are not allowed to work as a paid labour either in the closed or open type of prisons. Further, political prisoners reject working in prison works because they consider them as exploitation. Actually, they frequently reject to work as labourer as well as attend pieces of training and activities organized by prison because of their ideological contradiction

[21] Turkish Republic Ministry of Justice Prisons and Detention Houses Department Of Workshops Institution (2017). *2017 Department Of Workshops Institution Activity Report*. Retrieved from http://www.iydb.adalet.gov.tr/Resimler/BilgiBankasi/FaaliyetRaporu2017.pdf

with the regime and state. In 2017, a daily wage of a prisoner is 10 TL for the apprentice, 11 TL for assistant master and 13 TL for a master. When one off-day per week is taken account their wages are roughly 260 TL, 286 TL and 338 TL in a month respectively.[22] The wage gap among the regular worker, the minimum wage was 1,404 in 2017, and imprisoned labour is strikingly sharp.

In The Prison Industrial Complex and the Global Economy, Goldberg and Evans (2003) argue that prisons are industrial complexes operating in line with profit and social control as an interweaving of private businesses and government interests. According to them, prison labour is a golden opportunity for private business because it is not even "socially contracted free labour" but slavery in that there is no room for protection or bargaining power of the workers: no strike, no union organizing, no unemployment insurance or workers' compensation to pay. In addition, it has an advantage to overcome language barriers because within prison structure language is not a problem anymore to run a business in a foreign country.

5.3 "Informal" economy of prison

> Let's say asking a cigarette from someone. She gives once, she gives twice but in third you have to be a maid of others (meydancılık yapmak): wash the clothes of others...(Yıldız)

Labour is not only productive and constituent for governmental interest and private business but it has also similar functions for micro economics of prison establishing certain relations among prisoners. It is exchanged for products, objects, needs, security and so on as part of the prison economy.

[22]Turkish Republic Ministry of Justice Prisons and Detention Houses Department Of Workshops Institution (2017). *2017 Department Of Workshops Institution Activity Report*. Retrieved from http://www.iydb.adalet.gov.tr/Resimler/BilgiBankasi/FaaliyetRaporu2017.pdf

However, it isn't bought or sold “conventionally” in return for a wage as the way that is realized as in outside. After all, prisoners cannot keep any money in their pocket in prison. The money together with other possessions that prisoners have is taken from them when they got jailed and it is put into their canteen account. The certain amount of money is extracted from their account when they buy something from the canteen. It doesn't mean money loses its function or it becomes totally ineligible in prison economy; as a matter of fact, contrary to that. Nevertheless, it isn't circulated materially anymore from hand to hand to manifest economic activities.

Contrary to what is widely supposed in society, almost nothing in prison is free of charge. For adults, as Hülya said above, they have to pay a certain amount of money daily basis for living costs: meals fee, bills for electricity and using water etc. The wage for the meals, electricity etc., let’s say incarceration costs, are not charged from children until turning 18 years old. However, having no money means a deep deprivation within such an environment, which is already constructed on the logic that dwellers should live under the minimum standards of a "free wo/man". Besides, they still have to buy some basic needs from the canteen.

To illustrate, children have to buy clean water to drink because tap water is not fit to be consumed. Interviewees mentioned that water flows as muddy and smells bad. They also have to buy cleaning products personally from the canteen such as toothpaste, shampoo, soap and shaving foam. One payphone call in each week as recognized right of prisoner can only be realized through a card buying from canteen and it is for approximately 10 minutes for small talks. Until quite recently, they also had to pay a certain fee for each letter if they want to send a letter to their

families or friends.[23] Besides, women prisoners and girls have an extra cost because hygienic pads are not given to women and girls by prison but they are sold in canteen. Women whom do not have enough money to buy hygienic pads use cloths that they cut from stuff such as bed sheet. They constantly wash and use them along their menstruation period.[24]

The economic condition of the prisoner makes him/her dependent to relatives outside, to prison administration and to other prisoners. In the interviews, it is indicated that relatives or families of some prisoners, especially of women, do not support financially them since families exclude women because of their criminal engagement and the stigma that she had. Or, they cannot put money into the prisoner's account simply because they are poor. In this case, women have to perform prison works or they have to serve to other prisoners in exchange for tobaccos or other substances. Some women make beadwork stuff and "sell" them to other women. It is not transacted as a conventional trade because they do not exchange their products with money. However, it is a kind of trade involving the circulation of labour and objects. Actually, tobacco acquires currency character in prison: it is converted into labour, objects, substances, and services. Prisoners even use tobacco to exchange it with products in prison canteen.

[23] In 2016, Zafer Kıraç from Turkey's Center from Prison Studies (TCPS/ CISST) made a sit-down strike in front of Ministry of Justice to demand that child prisoners can write 4 letters each month for free. Ministry of Justice announced that postal service to children would be provided by Ministry for free (for letters only). However, during contact with the organization, it was learned that implementing this practice has been totally up to the prison administration's will. They indicated that most of the children whom they communicate through letter actually do not know that they are able to do.
See https://hapistecocuk.wordpress.com/2016/01/04/cocuk-mahpuslarin-mektuplari-ucretsiz-olsun/

[24] Civil Society in the Penal System Association (CISST)'s women subnet has started a campaign to make the Ministry of Justice provide free pads women and girls in prison because according to them it is a basic right in terms of acccesing health. Eighty-eight (88) non-governmental organizations signed a public statement to demand this right. See. http://www.tcps.org.tr/?q=node/493

As a matter of fact, there is a limit about the maximum amount of money that prisoner that can keep in their account. In addition to that, there are certain limits about the quantity and the qualities of the possessions that a prisoner can hold. Some objects and substances are strictly forbidden to keep while some others are restricted accordingly other characteristics like numbers or the colours of them. For example; wearing dresses in colour “guard blue" or "soldier green” is banned. However, the fact remains that since it is hard to access, almost all substances have exchange value in the prison market. Thus, the economic background creates a hierarchy among prisoners because the economic situation can be represented in different ways such as the quality of products and clothes. Regarding this, many male interviewers specified two common characteristics of mümessil (head of the wing) that he has economically superior position and he is affiliated with “influential persons”.

> Workers wing is where decent, reliable kids go. They distribute meals. I mean they distribute meals to guards and to wings. They distribute meals; all works of prison are done by them. They make cleaning. It is like three section; one wing let's say 1-2-3 make cleaning, 4-5-6 dish out meals, 7-8-9 clean toilets, 10-11-12 do something etc...No (it is not waged)... Advantage...There is something like that worker wings are easy going. I mean there is not much trouble, not much brawl in there. There are kids those are arrested for the first time. Disadvantages...I think there is no disadvantage in contrary it is pretty fine. (For example) B or C attends an activity once a week while they attend two, three even sometimes they attend three or four. Sometimes, they join activities every day but there is no disadvantage at all (Erhan).

Children “formally” do not work in prison as waged labour. However, since there are no specific personnel like janitor, almost all works are done by children such as cleaning, servicing of tea and distribution of meals. Although there is no formal regulation or identification, there is a certain wing calling as "workers wing" referring children who are responsible from the routine works of the prison. They do not take any payment for their labour, though. Sometimes, prison administration may put very little amount of money into

their canteen account. However, it is not a wage but a kind of charity or reward for their good behaviours and efforts. Nevertheless, interviewees, except those who identify themselves as political prisoners, claim that staying in workers wing has many advantages. To illustrate, children cannot go out from their wings whenever they want. They only are taken away from their wing to perform certain duties or activities with the accompaniment of guards. Thus, interviewees considered that staying in workers wing is positive because it gives some level of mobility chance to children even if it is limited.

They can enter different places of prison sometimes without being under the supervision of guards but there is for sure always a gaze, surveillance on them. Besides, some interviewees argued that guards generally act nicer to children those stay in workers wing than others. According to them, this situation stems from several reasons. In the first place, specific children are chosen for workers wing by virtue of their submissive temperament. They identified these children as ones those are well-behaved, quiet and "the ones who stay out of trouble". Also, in prison tattoos and scars (faça) are considered as part of deviant, troubled and anti-social personality. Actually, the tattoo is not approved in society in general because it doesn't correspond to a decent citizen body. However, tattoos that are made in prison are regarded as a self-injury practice like cutting her/his own body because of the particular method using for tattooing. Prisoners make o tiny hole in their skin by the medium of a needle and they fill these holes with ink of a pen. At a first glance, prison tattoos can easily be distinguished from tattoos that are made in tattoo studios with their forms and particular tone of green colour. They also think that since guards get to know these children in the process via frequent interaction, they establish a more humane personal relationship with children in workers wing.

Prison is a closed institution in the full sense of the word. The entrance of the institution is regularized in detail as well in the way that the short or permanent leaving procedure. The institution does not willing to employ people apart from official employees of the ministry or prisoners. In parallel to this, since 1970s prisons have been transformed in a way rendering possible a minimum level of interaction with outside of the detention system. The physical scope of the prisons has been changed from district-located prisons to campus type of prisons which are situated in distant areas of cities.[25] They are organized as self-contained cities including hospitals, markets, public housing for staff and so on.

In juvenile prisons, there is no dining hall where children can eat together. The meals are distributed to wings and children eat foods in their own wing. There is a cafeteria that prison staff eats their meals. There is also a kitchen but foods are not cooked in there but brought from another prison in the campus. Generally, meals are prepared in one prison within penal detention campus and it is distributed to other separated prisons to children's and women's. Besides, sometimes adult prisoners (men) come to juvenile prisons to deal with infrastructural, constructional or logistic issues that necessitate specific occupational expertise like electricity, paint and so on. Just like any other institution in society, there is a gender-based division of labour within the prison for both among prisoners and officers. Males can work in outdoor kind of jobs like gardening or perform other tasks within other institutions on the campus whereas women are not assigned such kind of works because of gender-based assumptions about women. They usually work in workshops on textile, beadworks etc.

[25]Doğan, Y. (2015). *1970'li Yıllardan Günümüze Türkiye'de Hapishane Tipleri ve Kaza/İlçe Tipi Hapishanelerden Kampüs Tipi Hapishanelere Geçiş.* İstanbul: TCPS – Turkey's Center for Prison Studies.

5.4 Exchange and gift economy in prison

> I remember I was really touched by the moment that I entered the wing…They already were waiting for me. That day was my birthday actually...We had certain focusing hours to read or to be busied with something etc. And within these hours nobody would make a sound. I was trying to get to know the people and I was a bit happy, to be honest. You can ask how I could be happy in that situation but I was happy. Then, it was 10 (p.m.) and the focusing time was over. They turned off the light. I asked, "Has electricity been cut off?". I was surprised because I hadn't seen the cutting of electricity before during the time I had been in prison. You see I forgot my birthday but they didn't...Do you know Etimek? You know it is toasted bread. They spread Çokokrem (cream chocolate brand) inside of the two slices of bread and there were two or three hazelnuts within it. I still didn't understand. I was questioning myself, was it my birthday? I couldn't figure out that it was about my birthday. They had prepared a package as a gift. Inside the package there were presents such as socks, underwear; the presents that they were able to give under the conditions of the prison of course. I remembered that it was my birthday after five or six minutes. You see my mind was really full of my thoughts. After that, it became easier for me (Helin).

Marcel Mauss (2002) in his famous book, The gift: the form and reason for exchange in archaic societies, fundamentally argues that the free gift idea is totally based on a misunderstanding. Each gift is a part of the reciprocal system consisting of honour of the giver and the recipient. In other words, every item of status or of spiritual or of material possession is included by the system and regarded by everyone in the community. According to Mauss, the system works with a simple logic; every gift has to be returned in a certain specified way establishing a perpetual cycle of exchanges within and between generations in a community. The specified return might have equal value to former gift that produces a stable system of statuses whereas sometimes it has to get ahead of the last one in terms of its value which produces a competition among members for honour. Actually, for Mauss, society itself is a cycling gift system, is a catalogue of transfers mapping all obligations among members.

When Helin turned into 18 years of age, she was transferred to the political women wing. Until that time, she was detained in solitary confinement because there was no separated girls' wing for political prisoners. Actually, relationships among prisoners in political wings are different at some point than other wings because even though they do not know each other before, a certain bond is already established before being kept together by means of a common ideal. They call this bond as "being comrade".

For this reason, a high level of solidarity is provided among members of the community and it also provides a further feeling of security for prisoners. Prisoners act in cohesion when they resist to some practices of prison or demand anything from the administration. Collectivism is one of the most significant features of political wings. Helin indicated that even when she was in solitary confinement, she constantly kept in touch with women in the political wing.

She said that the conditions of her cell were miserable; no water was coming when she turned the taps, no TV, no watch etc. When she transmitted the conditions of her cell to the women in political wing, women pushed pressure on the administration to improve the conditions in the cell of Helin. Thus, although the gifts that woman prepared for Helin was very symbolic and modest, it is an important practice in order to strengthen the bond among group members.

Furthermore, Helin told about that it was a basic principle to provide equal material conditions for all. The community does not tolerate the deprivation of any woman from basic needs that other women can have. There was a "commune" group of women that were responsible for finding out the needs of the women and buy them from the canteen. All money in their personal account was collecting in a

common pool and spent for the wing. Helin indicated that she even didn't have to be afraid of if their parents put any money into her account or not.

Within this context, the community does not only support individuals by way of sharing or gifting materials, and vice versa. Actually, all services and efforts that are performed for the political ideal or the sake of other people in the wing are valuable gifts that the community recognize. For political prisoners, this community consists of a large group of people involving comrades those fight for the same ideal in outside of the prison.

Although all members have been recognized as the decent member of the community, status differentiation prevails implicitly in relation to their contribution and services for the struggle. As an example, Helin narrated that they were organizing "cheer nights (moral geceleri)" for women who had the trial the next day or two days later. At some point, she realized actually these organizations differentiated from each other and she didn't understand in the beginning what was the reason behind this distinction. Women were making much effort for some organizations and they were giving exclusive care for specific persons at those nights. After a while, she noticed that one of these women was in prison for 20 years in that time and she was also tortured when she was taken in custody.

> It is a bit related to...For example, what is taught us that "wherever you are you can turn your place into a liveable place... You are never useless or bad and so you can turn your environment into good..." We were dancing halay for example; it made us feeling so good. We were organizing our activities. Everybody had certain tasks accordingly the topic what she wanted to focus on and search about. Someone search on religion, someone search on society or some choose topics that they want to focus by herself within the limit of books that we had and she combined the collecting information with her own thoughts. We had plenty of activities as such. Time was passing so fast in fact. For a while, you were exhausted from writing; you writing a letter while you were preparing a board and you were doing other things at the same time.

> Then suddenly you realized that the day turned into evening. The next day, you were saying "Oh, I have other works that I have to complete until tomorrow". Sometimes you even didn't sleep at nights. You were into so busy process after a while. To illustrate; we had such a busy programme. Or, in eids we didn't have anything less from outside. We were performing the way it was doing in outside. We took our candies and said happy eids to others with visiting them in their own rooms. As I said, yes you were in prison but you could fracture this reality with your own will (Helin)

The high level of solidarity among prisoners automatically improves the conditions of some prisoners who may not have access to the same opportunities with others because of their economic backgrounds. Plus, it increases the bargaining power of the wing in front of the administration.

Nevertheless, as Helin indicated that resistance of political prisoners regarding going against the regulation and implementations of administration is not only related to the aim of improving material conditions of the wing but also in relation with their ideological engagement. Basically, they do not consider themselves as "criminals" but captives of the state, because they try to enhance a new ideology in the society which competes with the dominant one. According to them, prison is an apparatus to intimidate them and break their will. Therefore, they think that turning the prison into a liveable place as well as a productive environment in terms of political theory and practice is the part of their revolutionary action. Besides, in the scope of their narrative, it is important to reject any inhumane treatment and living conditions against human dignity collectively because human dignity can only be protected by collective action but it is a value that has importance for the each member of the community.

In a similar vein, Azad identified the lack of self-organization as the main problem in their wing. As a political prisoner, he considers the capacity for self-organized is the main power that the political wing keeps in its hand. According to

him, even though children were arrested because of an intrinsically political act, throwing rocks to the police force in demonstrations, political conscious of them were immature yet. Or, some of them were not critical towards the actions of the state or government at all. He claimed that this situation was beneficial to the administration and guards because they could easily manage or dominate children in political prisoners. Since children did not have a sufficient level of political consciousness, solidarity among them could easily dissolve, Azad argued. He also said that because of that reason the prison staff had a chance to use some of the children as informants. This made some kids more vulnerable in the presence of administration and diminishing trust among children. In addition to that, shaky ground regarding solidarity gave an opportunity to staff set children against each other which meant "the most unbearable situation in the wing", Azad claimed.

Furthermore, solidarity among prisoners provides a strong sense of security for all the members which are one of the most essential features to determine the well-being of a prisoner. In principle, prison is founded to compensate the anxiety about security of society and it is a total surveillance mechanism which paves way for observing all actions of the prisoners. However, ironically security is the main concern for all the dwellers of the prison. Notwithstanding the surveillance imposing on them by the guards, most of the interviewees, especially males, identified violence as the most important and real threat that would cause even death of the prisoner. When Hakan told about one of his most memorable moments in prison he referred to an event involving sheer violence that he witnessed:

> Within our prison, there was an "organization (teşkilat)" issue was mentioned constantly. Mümessil organized people and he told about the issue to his assistant. However, he was acting as if he didn't know the subject. Assistant was complaining about mümessil while talking with people. He was saying like "it is unfair, we are ordering something from

> canteen for all (ortam) but he didn't give any money for this. That won't be like that. We are going to beat him and deliver him to guards". But, he was pretending in fact; it was a trick to reveal who is going to betray to mümessil...Actually, mümessil know all about these... This was the first week that I started to stay in this wing. There was Samet, he didn't like mümessil because mümessil behave badly towards him. He immediately started talking like that "I don't like either. Yes we should beat him"... We were talking as three people. I didn't answer to these talks... This was lasting for one week... After one week later, the guard came and count people. When counting is over, it is not allowed to let out from the line until the mümessil permit people to do, he (mümessil) said: "organized people against to me take a step forward". Nobody took a step. He said, "I am warning for the last time otherwise it will be too bad". Then, he showed a razor; some parts of the toothbrush had been molten and razors had been put on it as two-sided... He said, "I am going to cut his face at this night". He was saying things like that: "I am going to split his cheeks"... Then, it was 10 (p.m.). They turned up the music at full volume. They took Samet to upstairs and they beat him to death. Samet's legs were like balloons because they become inflated. His chest was like a balloon too. Under of his feet turned to black because they had burnt bottom of his feet (Hakan).

Erhan also described children wing of adult prison as a nightmare. He indicated that it was even hard to sleep by fear of being the target of random and unexpected violence in there. Because of that reason, everybody should be watchful towards the actions and intends of others. Nevertheless, even though violence from prison staff is always a threat for political prisoners, they do not have to be alert for other prisoners in their wing. Azad mentioned that one of the reasons for political prisoners reject to be kept in other wings rather than political wing is also related to security concerns.

However, it doesn't mean that there is always conflict among children who are not staying in political wings. In one hand, there are conflicts among different groups or people, one the other hand there is a certain level of cooperation together with hierarchies. After all, physical and formal structure generates a community and within daily routines, children are bonded to each other in relating to the division of labour, performing certain tasks and duties and sharing the same environment. To

illustrate, they used the term "ortam (setting)" which basically refers wing including all relations, interactions, conditions, possessions, objects, and other features. This is a term corresponding to mutuality in the wing. In order to exemplify, they spend some amount of money for their personal needs but they also give some money to "ortam" to provide common needs of the wing. The products buying to "ortam" for consuming together: they can be a cleansing agent or food that is not given from prison. All children do not give the same amount of money even some children can not give any. However, all goods of "ortam" consume together. Or, they prepare breakfast for all with foods buying from canteen because they don't find breakfast of the prison is good enough. In these breakfasts, children, especially those having more money than others, share their foods with others.

Furthermore, sharing the possessions with others might not be a voluntary act all the time. Kadir proudly indicated that he was mümessil in their wing and he was collecting money, shoes, clothes etc. from others in order to give children who didn't have these kinds of belongings. As the head of the wing, he regards himself as responsible for providing at least a minimum level of well-being for all children in the wing. Both Erhan and Kadir, they were mümessils of their wings, identified two types of mümessil. The first type is humane and decent one; he is superior to others and everybody respect and fear of him but he doesn't make cruelty without a reason. According to them, he should be the mediator in somehow to secure balance in the wing. Because eventually, the wing is a room in that every tension affects everyone. However, it should be added that the action of the mümessil to prevent polarisation could mean an aggressive act to suppress a potential fight. Mümessil is the powerful one but in this description, he behaves fairly.

The second type is a pure tyrant using his power in order to gain favour. He grabs others' possessions and forces them to serve to himself by way of violence and threat. They, Erhan and Kadir, claimed that people respect and be grateful around the first and they hate and are scared of the second one. Both of them identified themselves as generous chief for others in their wings. Both Erhan and Kadir argued they actually didn't care to hold more possessions; they could have if they would. That is to say, honour and status are gained through generous gifts in that situation but they are not materially rewarded.

> With friends from outside you hang around for a while, then you go home but in prison, you are always with your friends. I mean, they are close like your father, mother etc. You even share your bread with them. For example; you have half bread. You may halve it and give it to him. You sleep with him, you wake up with him; you do everything together with him. You chat with him. If they wouldn't exist, you are bored. How should I say? It is like you can't live, you can't stand (without them). For this reason friendship in prison is totally different. Besides, suppose that go out for a football match altogether. If there would be a fight among two wings, you watch out for each other, you see? So, friendship in there is very different from outside. Really, it is (Erhan).

Like Erhan, almost all interviewees described prison friendship totally different than friendship in outside. According to them, this strong connection basically stems from living under the same conditions and being able to understand the situation that s/he is involved. Azad argued that "no matter how you have a bad relationship with someone in prison, you get good along with him outside". Also, as Erhan says that, friendship in prison is a kind of mutual relationship that satisfies emotional needs such as the feeling of security and affinity as well as providing material and basic needs as in the example of sharing the same bread.

Consequently, prison adjusts the channels and the ways of human interaction. This could be realized through architectural settings: A prisoner could be in solitary confinement under the conditions that almost none human interaction prevailed while

s/he could be with a large number of people in a small wing. However, it is hard for a prisoner to avoid human interaction if this situation isn't provided by administration or guards in purpose. For example; male interviewees told about a rule that if two people look at each other's eyes longer than three seconds, at least one of them have to say "don't misunderstand" to not to fight. Otherwise, they are going to fight. Prison, forces prisoners to engage in intimate but potentially tension loaded relations.

It is a kind of aquarium that for both people and objects within it because of the constant circulation. Actually, sometimes objects have more significance for setting relations rather than actions. Furthermore, the bureaucratic procedure that has to be implemented for taking something into or taking anything out of the institution one of the most prominent reasons to generate such an environment. Since every object in prison has a history and they are full of meaning; circulating, sharing or grabbing of them establish and re-establish the relations. Ultimately, the circulation of objects, occupying spaces, labour and relations among prisoners as well as staff forms a prison economy that is as complex as the economy of the wider society and they have many commonalities in fact.

CHAPTER 6

CONCLUSION

In 2015, İzmir Şakran Child and Youth Closed Department of Correction Facility known as "Şakran Prison" came into question with the issues of violence in the institution. The situation was revealed by the "leaking out" of an internal correspondence written by a warden to the psycho-social unit of the institution. The statements within the official correspondence had public repercussions because it revealed the extent of violence that prevailed in institution. The warden identified the actions of violence performed by children in detail: "dividing metal spoon into four and swallowing the pieces", "betting on what length of a hose they could get in their anus and trying to do so", "removing the plaster located by the doctor so as to go to the hospital; repeatedly being taken to the hospital, causing drudgery, wasting the time of the officer and damaging the state" and "sexual assault implemented by older children to younger and weaker ones".[26] After the coming out of this situation, the psychologist was relegated to a post in Siirt "by force of the task", even though he didn't ask for an appointment. Eventually, he was expelled.[27]

While this event was at issue, 15-year-old Onur Önal was beaten to death by other children in Maltepe Child and Youth Closed Department of Correction Facility, three months after his entrance to the institution. He was in coma for a while, and then he passed away. The camera records of the event spread through even the

[26] Saymaz, İ. (2015, February 25). Şakran Çocuk Cezaevi itirafı: Çocuklar tecavüze uğruyor! *Radikal*. Retrieved August 30, 2016, from http://www.radikal.com.tr/turkiye/sakran-cocuk-cezaevi-itirafi-cocuklar-tecavuze-ugruyor-1300037/

[27] Saymaz, İ. (2015, August 18). Çocuk cezaevinde tecavüz skandalının faturası psikoloğa kesildi. *Radikal*. Retrieved August 30, 2016, from http://www.radikal.com.tr/turkiye/cocuk-cezaevinde-tecavuz-skandalinin-faturasi-psikologa-kesildi-1417056/

internet.[28] Witness B.P. stated that the officer came by after the incident and threatened him to say that Onur had fallen out of the chair.[29]

During those times, again, the case of another juvenile prison, Sincan Child and Youth Closed Department of Correction Facility, became a hot topic on January 1st 2014, due to the inhumane treatment and violence imposed by the guards to children coming from Pozantı Prison. In the camera records, it was seen that guards attacked to children with fire extinguisher, water hose and pressurized water. The eleven children who were involved in these incidents were charged with "bodily injury, intimidation and resistance to officers" as well as "damaging to public property".[30] Actually, there are lots of news about the violence and violations of rights embedded in these institutions in Turkey, even though many of them do not receive much attention. In most of the cases, no explanation is declared by the authorities. If they are heard publicly and receive reaction, only the children are punished as in the case of Pozantı, no matter whether they are the injured party of the incident.[31]

Ultimately, I want to repeat one of my questions on juvenile justice system in Turkey: what, exactly, is specific to juvenile justice system, diverging from the general penal system? It is an important question simply because violence, inhuman treatment, torture, deprivation of basic needs, lack of autonomy and many other features are not specific to child imprisonment. However, juvenile justice system is

[28] DHA. (2015, July 3). Onur Önal'ı öldüren dayak kamerada. *HABERTÜRK*. Retrieved August 30, 2016, from http://www.haberturk.com/gundem/haber/1098482-onur-onali-olduren-dayak-kamerada
[29] Köse, H. (2015, 26 Şubat). Böyle vahşet görülmedi. *Cumhuriyet*. Retrieved August 30, 2016, from http://www.cumhuriyet.com.tr/haber/turkiye/222557/Boyle_vahset_gorulmedi.html
[30] İşkence gördüler, sanık oldular. (2014, October 21). *EVRENSEL*. Retrieved August 30, 2016, from https://www.evrensel.net/haber/94413/iskence-gorduler-sanik-oldular
[31] İşkence gördüler, sanık oldular. (2014, October 21). *EVRENSEL*. Retrieved August 30, 2016, from https://www.evrensel.net/haber/94413/iskence-gorduler-sanik-oldular

promoted as the specialized field of penal system aiming to "protect" the children, regardless of whether s/he is the offender or the offended.

In the codes of conduct of these institutions, "encouraging criminals to re-socialization", "rehabilitation" and "reformation" are identified as the objectives of the penal system. We can say that especially in juvenile justice system these objects are emphasized more: not "punished" but "rehabilitated", especially through education; changing the name of "Reformatories" into "Education House" can be interpreted as one of the reflections of this. Nevertheless, these incidents demonstrate the "failure" of the juvenile justice system in terms of their "mission" to protect the children who conflict with the law or to reintegrate them to society. According to data, 68,6% of child prisoners performed an act identified as crime in law and were punished again within the next year of the previous arrest (Yılmaz, 2011).

Herewith, after all these discussions I propose to rethink the insistence on calling them "failures", because it seems that the discrepancy among the official discourse on juvenile justice system and its function on operational level turn out to create a blurred zone that makes possible any intervention to children who conflict with the law by way of the protection argument. The grey zone is the place where juvenile justice system operates and legitimizes all of its transactions. It is the system of regulation in which protecting, punishing and controlling are intertwined; consisting of hybrid mechanisms, practices and institutions. Solitary confinement that Helin experienced is a good example of how protection precautions immediately turn into another punishment mechanism. She was not kept with adult prisoners in the same wing because detaining children with adults is not allowed by the law and various conventions. It is projected as a protection measure for children but in Helin's case it evolved into a punishment practice within punishment.

It seems that, ironically, developments in juvenile justice system don't improve the conditions of children who are deprived of their liberty. When juvenile justice system is considered, "protection" and "punishment" are regarded as the two pairs of a scale operating as opposed to each other. The distinction in Child Protection Law as "juvenile pushed the crime" and "children who needs protection" can be seen as one of the repercussions of this understanding because even though the law is introduced as the law providing protection for all children in society, whether they are "criminal" or not, it projects separating them towards two concerns.

Therefore, "protection" is seen as the "good cop" of the juvenile justice system and any implementation that is promoted for valorizing this object is spontaneously embraced, hardly receiving reaction. Yet, the claims on protection, in fact, disguise the function of the juvenile justice system and its general operation logic. It should be highlighted that even a good cop acts around an agenda complying with the security notion of state, or let's say, the reason of state. Thus, I believe that rather than punishment, the objective of protection of the juvenile justice system needs even more attention to understand why all the precautions and implementations that aim to improve the conditions of children who conflict with law and to protect them immediately fail. The outcomes of this objective are very problematic because they are realized under the sovereignty margins of the paternalist state. Therefore, the protection argument within legal and official discourses provides space for the legitimization of the actions of the paternalist state towards children.

Within this framework, scrutinizing dominant perceptions on childhood is significant in order to examine how paternalist policies are grounded on juvenile justice system. Herewith, in chapter one transformation of juvenile justice system is

examined in relation to the emergence of the modern paradigm of childhood. Since it is not possible to understand the historical roots of children related modern institutions without understanding the changes in the perceptions of childhood; the conception of childhood within paternalist approach is questioned in order to evaluate the problematic situation of juvenile justice system in Turkey today.

As discussed before, childhood is a socio-political construction, meaning that it is essential to analyze it by examining the social, political, economic and historical circumstances of the society. Accordingly, in chapter two the influence of the changing conceptualization of time on punishment practices and mechanisms has investigated because juvenile justice system is vastly affected by the discussions and reforms of the penal system. Furthermore, operation of time and possible outcomes of this operation in child imprisonment is important to perceive prison organization and structure, as well as the temporality of the prison experience for ex-prisoners within their life trajectory.

Gender dimension of juvenile justice system is one of the most important topics in juvenile justice system, even though it has been interestingly left unattended and unquestioned. This lacks of interest on gender in this specific field results in rendering invisible the girls who are engaged in the system. Thus, in chapter three gender dimension of child imprisonment is discussed by way of examining the general gender structure of juvenile justice system, the emergence of certain masculinities and femininities within prison along with the possible outcomes of this process for the treatment of children.

Lastly, prisons as economic complexes should be positioned in the economic structure because it is very naïve to consider them as exempt from the general

economic structure of the society. Children are embedded in this economic structure as agents who reproduce it and are influenced by it. Hence, in chapter four, economy of the prison within the context of general political economy of incarceration is discussed. Also, prison labour including formal and "informal" forms as well as prison economy establishing gift and other exchange relations are investigated.

All in all, I have aimed to develop a critical approach to child imprisonment because I realized that the problematization of penal system and child studies has mostly had policy-oriented tendencies, whether they aimed to improve the conditions of children deprived of their liberty or restore the system and protect the society from criminals. Since punishment is not only a mechanism but a social phenomenon producing social relations and cultural meanings, trying to solve a peculiar problem via another mechanism leads to the ignorance of the complex relations embedded in the penal system. All concepts are historically and politically loaded, and I believe that being critical does not mean criticizing an outcome but being critical around even the most "innocent" concepts like protection. Therefore, it might be a good starting point to question present discussions and concepts with their historical and political affiliations.

As I mentioned above, studies in Turkey on juvenile justice system are still largely underdeveloped. Even though conducting field research in prison has many limitations -especially for those who have sceptical approaches towards the institution- I believe that innovative methodological suggestions might provide more space to critical approaches. Moreover, the challenges researchers face in oppressive settings and closed institutions may also give an incentive to develop innovative methodological tools. Eventually, what we have seen is that the knowledge that is produced and circulated in this field directly affects the treatment of children. So, it

is obvious that social scientists have great responsibility in terms of the articulation of their contribution to accumulated knowledge, with respect to both their intellectual and political positions.

REFERENCES

Adak, U. (2015, December). "Hapishane-i Umumi'den manzaralar". *Tarih*, 82-85.

Aries, P. (1962). *Centuries of childhood*. London: Cape.

Butler, J. (1993). *Bodies that matter: On the discursive limits of "sex"*. New York: Routledge.

Butler, J. (1999). *Gender trouble: Feminism and the subversion of identity*. New York: Routledge.

Ceza ve güvenlik tedbirlerinin infazi. (2004, 12 13). Retrieved June 1, 2019, from http://www.mevzuat.gov.tr/MevzuatMetin/1.5.5275.pdf

Çocuk koruma kanunu. (2005, July 3). Retrieved from http://www.mevzuat.gov.tr/MevzuatMetin/1.5.5395.pdf

Çocuk mahkemelerinin kuruluşu, görev ve yargılama usulleri Hakkında. (1979, 11 21). Retrieved June 1, 2019, from https://www.tbmm.gov.tr/tutanaklar/KANUNLAR_KARARLAR/kanuntbmmc063/kanuntbmmc063/kanuntbmmc06302253.pdf

Connell, R. W. (2005). *Masculinities*. Berkeley, Calif.: University of California Press.

Darıcı, H. (2013). "Adults see politics as a game": Politics of Kurdish children in urban Turkey. *International Journal of Middle East Studies, 45*(4), 775-790. doi:10.1017/S0020743813000901

Dean, M. (1999). *Governmentality: Power and rule in modern society*. London ; Thousand Oaks, CA: Sage Publications.

Demirbaş, T. (2017). *İnfaz hukuku*. Ankara: Seçkin Yayıncılık.

Donzelot, J. (1979). *The policing of families*. New York: Pantheon Books.

Dumm, T. L. (1996). *Michel Foucault and the politics of freedom*. Thousand Oaks, CA.: SAGE Publications.

Dworkin, G. (1972, January 1). Paternalism. *The Monist, 56*(1), 64-84.

Eren, M. (2014). *Kapatılmanın patolojisi Osmanlıdan günümüze hapishanenin tarihi*. İstanbul: Kalkedon Yayıncılık.

Feldman, A. (1991). *Formations of violence: The narrative of the body and political terror in Northern Ireland*. Chicago: The University of Chicago Press.

Foucault, M. (1967, March). *Of other spaces: Utopias and heterotopias*. Retrieved June 1, 2019, from http://web.mit.edu/allanmc/www/foucault1.pdf

Foucault, M. (1977). *Discipline and punish: The birth of the prison*. (A. Sheridan, Trans.) London, England: Penguin Books.

Foucault, M. (2000). *The essential works of Michel Foucault, 1954-1984*. (P. Rabinow, Ed.) New York: Penguin Books.

Foucault, M. (2003). *Society must be defended: Lectures at the Collège de France, 1975-76* (1. ed.). (M. Bertani, A. Fontana, Eds., & D. Macey, Trans.) New York: Picador.

Garland, D. (1993). *Punishment and modern society*. Chicago: University of Chicago Press.

Gibbens, T. (1969). Delinquency in girls. By J. C. Cowie, V. Cowie, and Eliot Slater. 1968. London: Heinemann Educational Books, *British Journal of Psychiatry, 115*(522), 618-619. doi:10.1192/bjp.115.522.618-a

Gofman, E. (1961). *Asylums: Essays on the social situation of mental patients and other inmates*. New York: The Anchor Books.

Goldberg, E., & Evans, L. (2003). *The prison industrial complex and the global economy*. Montreal, Quebec: Kersplebedeb Publishing.

Golding, W. (1962). *Lord of the flies*. New York: Coward-McCann.

Göral, Ö. S. (2003). *The child question and juvenile delinquency during the early rebuplican era* (Unpublished master's thesis). Boğaziçi University Atatürk Institute for Modern Turkish History, Istanbul, Turkey.

Gürbilek, N. (2001). *Kötü çocuk Türk*. İstanbul: Metis Yayınları.

Hobbes, T. (1914). *Leviathan*. London: J. M. Dent & Sons.

Hunt, A. (1976, June). *Law, state and class struggle*. Retrieved June 01, 2019, from https://legalform.files.wordpress.com/2017/08/hunt-law-state-and-class-struggle-19761.pdf

Loeber, R. (1990). Development and risk factors of juvenile antisocial behavior and delinqueny. *Clinical Psychology Review, 10*(1), 1-41.

Maksudyan, N. (2011). Orphans, cities, and the state: Vocational orphanages ("islahhanes") and reform in the late Ottoman urban space .*International Journal of Middle East Studies, 43*(3), 493-511. Retrieved from http://www.jstor.org/stable/23017314

Matthews, R. (2009). *Doing time: An introduction to the sociology of imprisonment* (2. ed.). Hampshire, UK: Palgrave Macmillan.

Mauss, M. (2002). *The gift: The form and reason for exchange in archaic societies.* London: Routledge.

Mengüç, A. R. (1968). *Ceza İnfaz hukuku ve infaz müesseseleri.* Istanbul: Cezaevi Matbaası.

Messerschmidt, J. (2009). "Doing gender: The impactand future of a salient sociological concept".*Gender and Society*,*23*(1), 85-88. Retrieved from http://www.jstor.org/stable/20676753

Messuti, A. (2008). *Time as punishment*. Aurora, CO: Davies Group.

Ministry of Justice General Directorate of Laws. (2013). Written response by the Ministry of Justice to parliamentary question of Malatya deputy Veli Ağbaba. Ankara.

Öztan, G. G. (2012). *Türkiye`de çocukluğun politik inşası.* Istanbul: İstanbul Bilgi Üniversitesi Yayınları.

Pashukanis, E. B. (2003). *The general theory of law & marxism.* New Brunswick, NJ: Transaction Publishers.

Postman, N. (1995). *Çocukluğun yokoluşu*. (K. İnal, Trans.) Ankara: İmge Kitabevi.

Quay, H. C. (Ed.). (1987). *Wiley series on personality processes (Handbook of juvenile delinquency).*Oxford: John Wiley & Sons.

Quinsey, V. L., Skilling, T. A., Lalumière, M. L., & Craig, W. M. (2004). *Juvenile delinquency: Understanding the origins of individual differences*. Washington, DC: American Psychological Association.

Rusche, G., & Kirschheimer, O. (2003). *Punishment and social structure.* New Brunswick, NJ: Transaction Publishers.

Şensoy, N. (1949). *Çocuk suçluluğu-küçüklük-çocuk mahkemeleri ve infaz müesseseleri*.Istanbul: İstanbul Üniversitesi Hukuk Fakültesi İsmail Akgün Matbaası.

Smart, C. (1977). *Women, crime, and criminology: A feminist critique.* London ; Boston: Routledge & K. Paul.

TBMM İnsan Haklarını İnceleme Komisyonu. (2000). *Soruşturma - kovuşturma, yargılama, ceza ve infazı Elazığ raporu 1998 ve 2000.* Ankara: Başkent Üniversitesi Matbaası.

Türk ceza hukuku reformu. (n.d.). Retrieved June 1, 2019, from http://cdn.istanbul.edu.tr/statics/cezahukuku.hukuk.istanbul.edu.tr/wp-content/uploads/2015/11/T%C3%9CRK-CEZA-HUKUKU-REFORMU.pdf

Uluğtekin, S. (1991). *Hükümlü çocuk ve yeniden toplumsallaşma.* Ankara: Bizim Büro.

Uluğtekin, S. (2004). *Çocuk mahkemeleri ve sosyal inceleme raporlari*. Ankara: Türkiye Barolar Birliği Yayınları.

Ümit, E. (2007). *Mekandan imkana: Çocuk suçluluğunun habitusu ceza ehliyeti ilişkisi*. Ankara: Ankara Barosu Yayınları.

United Nations Human Rights Office of the High Commissioner. (1989). *Convention on the rights of the child* . Retrieved June 1, 2019, from https://www.ohchr.org: https://www.ohchr.org/Documents/ProfessionalInterest/crc.pdf

United Nations. (1990, December 14). *United Nations rules for the protection of juveniles deprived*. Retrieved from https://www.unodc.org: https://www.unodc.org/pdf/criminal_justice/United_Nations_Rules_for_the_Protection_of_Juveniles_Deprived_of_their_Liberty.pdf

Wacquant, L. (2009). *Punishing the poor: The neoliberal government of social insecurity*. Durham NC: Duke University Press.

West, C., & Zimmerman, D. (1987). Doing gender. *Gender and Society, 1*(2), 125-151. Retrieved from http://www.jstor.org/stable/189945

Wisconsin Council on Children & Families. (2006, March). *Rethinking the juvenile in juvenile justice: Implications of adolescent brain development on the juvenile justice system*. Retrieved June 1, 2019, from http://www.njjn.org/uploads/digital-library/resource_1132.pdf

Yavuzer, H. (1982). *Türk islah evleri*. Retrieved June 1, 2019, from http://egitimvebilim.ted.org.tr: http://egitimvebilim.ted.org.tr/index.php/EB/article/viewFile/5722/2232

Yılmaz, A. (2011). *Eski mahpusların topluma yeniden katılımı.* İstanbul: Mahsus Mahal Kitaplığı.

Yılmaz, C. (2009). Tarihi Sinop Kalesi Cezaevi / From a geographical point of view: The Historıcal Castle-Prison of Sinop. *Doğu Coğrafya Dergısı, 14*(22).