

THE INSTITUTION OF WORK-DORMS IN TURKEY

HANDE GÖKŞİN UĞUR

BOĞAZİÇİ UNIVERSITY

2015

THE INSTITUTION OF WORK-DORMS IN TURKEY

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

Master of Arts  
in  
Political Science and International Relations

by  
Hande Gökşin Uğur

Boğaziçi University

2015

## DECLARATION OF ORIGINALITY

I, Hande Gökşin Uğur, certify that

- I am the sole author of this thesis and that I have fully acknowledged and documented in my thesis all sources of ideas and words, including digital resources, which have been produced or published by another person or institution;
- this thesis contains no material that has been submitted or accepted for a degree or diploma in any other educational institution;
- this is a true copy of the thesis approved by my advisor and thesis committee at Boğaziçi University, including final revisions required by them.

Signature.....

Date ..... August 25, 2015 .....

## ABSTRACT

### The Institution of Work-Dorms in Turkey

The purpose of this thesis is to evaluate the contemporary situation of the prison-labor in Turkey through adopting a political economic perspective. The significance and the new role that prison-labor gained regarding the transformation occurred in the Turkish penal system in the 21<sup>st</sup> century constitutes the main point of research. In this regard, the Institution of Work-dorms that is established in 1997 is analyzed throughout the thesis along with the historical aspects of the penal regime in Turkey. Through the analysis of legislation, archival material, official documents, and reports, I study the manifestations of neoliberal regulation, especially the forms of new public management, in the penal field by means of the advancement of the prison-labor. As I explore the link between the work and punishment, I argue that the neoliberal implementations of the rehabilitative model in the penal regime after 2004 cause the subordination of a social aim into an economic aim, while the involvement of the private sector within the system underscores the aspects of new public management. Since the studies conducted on the Turkish penal system mostly involved the issue of political prisoners, the aim of this study is to contribute to the social sciences literature through providing a political economic analysis of the state-punishment relations, while shedding a light on the aspects of the contemporary political economy of Turkey through the analysis of the penal field.

## ÖZET

### Türkiye’de İşyurtları Kurumu

Bu tezin amacı Türkiye’de cezaevi emeğinin günümüzdeki durumunu siyasal iktisat perspektifinden incelemektir. Özellikle 21. yüzyılda Türkiye ceza sisteminde yaşanan değişimler ışığında cezaevi emeğinin son dönemde kazandığı önem ve yeni rol tezin asıl araştırma konusunu oluşturmakta, bu bağlamda çalışmada 1997 yılında kurulan İşyurtları Kurumu Türkiye ceza sisteminin tarihselliği içinde incelenmektedir. İlgili mevzuat, arşiv materyali, resmi belgeler ve raporların incelenmesi üzerinden, başta yeni kamu yönetimi modeli olmak üzere neoliberal yönetişimin ceza alanındaki tezahürleri cezaevi emeğinin ilerleyişi üzerinden çalışmada ortaya konulmaktadır. Özetle bu tezde, çalışma ve ceza arasındaki bağlantının tarihsel gelişimi ışığında, 2004 yılı sonrası ceza sisteminde rehabilitasyon modelinin neoliberal uygulamalarının sosyal amaçları ekonomik amaçlara kıyasla ikincil plana ittiği iddia edilmekte ve devletin bunu hangi mekanizmalar ile nasıl gerçekleştirdiği incelenmektedir. Siyaset bilimi alanında Türkiye’de ceza sistemi üzerine yapılan çalışmalarda ağırlıklı olarak siyasal mahkumlar konu alındığından, bu çalışma ile devlet-ceza ilişkisine siyasal ekonomi perspektifinden bakarak alandaki çalışmalara katkı sağlamak hedeflenmiştir. Tezin literature önemli bir katkısı da ceza alanı incelemesi üzerinden Türkiye’nin günümüz siyasal ekonomisinin niteliklerine ışık tutmasıdır.

## TABLE OF CONTENTS

CHAPTER 1: INTRODUCTION .....	1
CHAPTER 2: THEORETICAL FRAMEWORK.....	10
2.1 State and the economy after 1970s: The new global economic order.....	10
2.2 The political economy of state punishment. ....	23
CHAPTER 3: HISTORICAL BACKGROUND.....	34
3.1 Prison reforms and the execution of punishment in Turkey.....	34
3.2 Construction of the confinement buildings and the prison types.....	46
CHAPTER 4: INSTITUTION OF WORK-DORMS.....	54
4.1 Contemporary situation of the prison-labor in Turkey.....	54
4.2 Private Sector Collaboration Project.....	64
4.3 Interpretation of the current situation.....	75
CHAPTER 5: CONCLUSION.....	83
REFERENCES.....	89

## LIST OF FIGURES

Figure 1. Number of prisons and prison capacity between 2006 and 2014. ....	48
Figure 2. Number of work-dorms between 2006 and 2014 .....	62
Figure 3. Number of inmates work in work-dorms between 2008 and 2014 .....	63
Figure 4. Prison population rate in Turkey between 2000 and 2014. ....	63
Figure 5. Number of inmates work under PSC project between 2010 and 2014.....	69
Figure 6. Profit acquired from the PSC project between 2011 and 2014. ....	70

## ABBREVIATIONS

CIKKTIKK: *Ceza İnfaz Kurumları ile Tutukevleri İşyurtları Kurumunun Kuruluş ve İdaresine İlişkin Kanun* (Law on the Foundation and the Management of the Workhouses of the Department of Corrections and Detention-houses)

CISST: *Ceza İnfaz Sisteminde Sivil Toplum* (Civil Society in the Penal System)

CGTIHK: *Ceza ve Güvenlik Tedbirleri İnfazı Hakkında Kanun* (Law on the Execution of Punishment and Security Measures)

DP: Democrat Party

GDPDH: General Directorate of the Prisons and Detention Houses

GDW: General Directorate of Prison Work-dorms

PSC: Private Sector Collaboration

TBMM: *Türkiye Büyük Millet Meclisi* (Grand National Assembly of Turkey)

TL: Turkish Lira

## CHAPTER 1

### INTRODUCTION

Today, the annual reports of the Institution of Work-dorms open with the following quote from Mustafa Kemal Atatürk: “The expansion of the benevolent activities of readjusting prisons as *nurture, rehabilitation and work based institutions* regains the community thousands of citizens, who lost their freedom due to going astray” [emphasis added] (General Directorate of Prison Work-dorms Annual Report, 2014, own translation).<sup>1</sup> As implied in this quote from Atatürk, the relation between ‘work’ and ‘punishment’ constitutes one of the prominent aspects of the contemporary penal regime in Turkey. In this regard, the manifestations of the contemporary dynamics of the prison-labor are illustrative of the state punishment through the political economic perspective while promising to reveal the processes and the transformations of the state in terms of governance.

In the last decade, the prison management in Turkey has witnessed a significant transformation especially regarding the management of production within prisons and the use of prison-labor. In this respect, the main argument I present in this thesis is that the mentioned transformations indicate the marketization of prison-labor coupled with the adoption of the managerial strategies and discourse by the relevant state institutions. This hypothesis derives from two main frameworks: the observed aspects of the neoliberal governance in Turkey and the historical analysis of the context-specific reforms in the penal regime. In a sense, with this case-study that focus on an instance of

---

<sup>1</sup> Cezaevlerinin terbiye, ıslah ve iş esaslarına göre düzeltilmesi yolundaki hayırlı faaliyetlerin genişletilmesi, cemiyete; doğru yoldan saparak hürriyetlerini kaybetmiş olan binlerce vatandaşı faydalı birer uzuv olarak kazandırmaktadır.

neoliberal institutional reform, I aim to provide a closer look at one of the regulatory experiments that is undergone as a part of the neoliberalization process of Turkey.

Although the labor aspect constitutes an important part of the thesis, the main purpose of the study is to investigate the implementation of neoliberal governance in Turkey on the ground. As I explore the degrees of neoliberalization in the Turkish penal policy area through a political economic perspective, I particularly aim to shed a light on the changing and active role of the state in the public realm. One of the methods to achieve this end is to analyze the transformations and policy adoptions in the relevant institutions of the state; and, in this thesis the subject of analysis is mainly the ‘Institution of Work-dorms’ which is the institution responsible for the administration and the management of the prison-labor. As I analyze the Institution of Work-Dorms, the goal is to place the recent developments in Turkey to a political economic perspective through examining the reforms carried out in a specific subfield of public domain, namely the penal field.

The use of prison-labor for production purposes is actually quite common in prisons all over Turkey. After all, despite the fluctuations in the prominence of the productive aspect of it, prison-labor has been part of the punishment system since the birth of penitentiary in the case of Turkey. Nevertheless, the contemporary situation manifests distinctive features regarding both the role and the use of prison-labor in the penal system. The establishment of the Institution of Work-Dorms in 1997, which institutionalized the prison-labor in a centralized manner all over the prisons in Turkey had significant impacts on the penal system in general. The rapid growth of the work-dorms system reached to a point today that the line of business and the production

sectors that involve in prison work-dorms ranges from industrial production such as sectors of textile, automotive, and furniture to the agriculture. The handicraft production and the service sector are also included in the system of contemporary prison-production.

However, one of the most striking features of the contemporary prison-labor is about the role of the private sector in this process of within-prison production. The project called the “Private Sector Collaboration” (PSC), which allows the private companies to carry out some part of their production within the prisons through the use of prison-labor, came into effect in 2007. Therefore, one of the purposes of the study is to figure out the main dynamics that allowed this kind of a partnership between the state and the private sector in the field of punishment. In this regard, first of all I had to understand the process in terms of the initiatives that allowed the phenomenon and figure out the contemporary prison-labor model at hand. In other words, to figure out what actually is the PSC project and how it works has been the initial point of this long-standing research.

The main premises that I put forward in this thesis are twofold. First of all, the penal administration and the management of prisons in Turkey manifest features of neoliberal regulation which I identify as a ‘regulatory experimentation’ where the use and the marketing of the prison-labor play significant parts. Secondly, I intend to demonstrate the intentional growth of the penal system in Turkey within the last decade both in terms of the incarceration capacity and the use of prison-labor. As I analyze in the third chapter of the thesis, these two policies are highly interrelated. The increase in the incarceration capacity is mainly ensured via the reforms in the construction of new

model of prison facilities. The policies regarding the construction of the prisons derive the replacement of the small and inefficient prisons by the central, huge, campus-type prisons that are more 'economical' in several regards. The upturn in the significance of the prison-work in the last decade is partly due to this reformist construction model, since it necessitated the state to use prison-labor to acquire an income to invest in the targeted penal regime.

These two processes piece together in such a way that the growth in the use of prison-labor and the private sector involvement in the process find their legitimization and basic motivation in the concept of 'rehabilitation'. Rehabilitation is the idea that the purpose of the state punishment should be re-assimilating the criminal into the society instead of bringing the punitive aspect of punishment forefront. Today the dominant form of rehabilitation activities are realized through the vocational trainings offered to inmates with the belief that these trainings would re-assimilate the criminal into the society as s/he gains a skill or a profession. The concept of rehabilitation, the use and the evolution of it in the Turkish penal regime, and the consequences of its discursive dominance are significant issues to the purpose of this thesis, therefore throughout the study this concept is mentioned continually. The identification of 'rehabilitation' with the concept of 'work' is one of the other points that play a pivotal role.

The recent literature on the penal systems is mostly dominated by the studies of social control and the development of the 'penal-state' under the neoliberal forms of governance in the last decades. The issue of social control is a significant phenomenon and the question of social order is more than relevant to penality, since the notion of 'selective punishment' could highlight many socio-economic aspects on a given political

entity. Although, whether the systems of penal regime targets the poor, or any specific identity could shed a light on the construction of the social ‘ideal’, to contribute this line of literature is not one of the attempts of this thesis. In order to be able to comment on the theories of social control or penal state, one needs to answer the question of ‘who is incarcerated’. Therefore, whom the neoliberal state incarcerates is not in the scope of this thesis. Moreover, imprisonment is still the dominant state punishment model today, and the statistics show that in many countries the prison population rates are on rise, including Turkey. However, there are also highly industrialized countries that present a declining trend in prison population rates. Therefore, although the question of the relationship between the incarceration rates and the neoliberal industrialized state is a significant question, it is not the main puzzle of the study at hand. The main puzzle of my study that I put forward in this thesis is how the neoliberal state deals with the penalty – the penal field, and through which mechanisms the governance of penalty is realized concerning the recent political economy regime. In this regard, the main question that I aim to evaluate concerns mainly the treatment of crime rather than the crime itself, since my main concern is the political economy of penal regimes and the neoliberal governance of penal institutions as well as the changes in the public service provisions. I believe that the study of the contemporary prison-labor through this perspective has a lot to offer to the contemporary literature on state-punishment relations.

In the following chapter of the thesis, I put forward the theoretical framework that the arguments and the premises of this thesis rely on. Throughout the study, I benefit from several frameworks: variegated neoliberalization, the competition state,

and, privatizing the state in order to be able to provide a coherent picture of how the state transforms in Turkey by focusing on the developments in the penal sphere. There are several reasons to my decision to adopt these theoretical tools. First of all, methodologically all of them allow for the analysis of a specific case without making direct inductive assumptions. Still, they allow for placing the analyzed case into a greater picture, so that it makes sure that the case analysis does not stand as a discrete phenomenon. Secondly, I believe that especially the variegated neoliberalization framework provides an exceptional tool for analyzing the recent developments in the management of prison-labor and the institutional transformations in the department of Ministry of Justice, since it allows for an analysis that underscore the active role of the state in the commodification of labor and the expansion of the market forces in the previously non-economic fields of governance through the adoption of the new regulation strategies. In light of this framework, in the second chapter as I conceptualize the term ‘neoliberalism’, I analyze the aspects of the contemporary global economic order to focus on the transformation of the state under the ongoing state-market relations. The forms of new public management are also discussed in this chapter as the line between the public and the private is questioned.

The second part of the second chapter is devoted to the discussions on the political economy of state punishment. As the main purpose of this part is to highlight the state and economy relations through their interaction in the penal sphere with regard to the prison-labor, I provide the discussion of several studies that focus on penalty with a political economic perspective. The discussion starts mainly with the birth and the development of the penitentiary as the focus develops on the critical theories regarding

the relation between punishment and labor. At the end, the main intention of that section is to contextualize the prison-labor in the age of neoliberalism.

In the third chapter, I provide the now and then of the execution of punishment in Turkey starting from the establishment of the modern penitentiary in the Ottoman Empire. I discuss the birth of the centralized imprisonment and the evolution of the penal regime in Turkey focusing on the historical evolution of the use and the role of prison-labor. As I aim to ground the contemporary penal regime and the altering penal policies in the historical development of the system, I also discuss the second premise of the thesis, which is demonstrating the intentional growth of the penal system in Turkey within the last decade in terms of both the incarceration capacity and the use of prison-labor.

In the fourth chapter of the thesis, I specifically focus on the Institution of Work-Dorms, the institution that is responsible for the growth and the management of prison-labor in Turkey. As I lay the institutional establishment and the evolution of the mentioned institution, I analyze the rapid development of the institution and the prison-labor in the last decade. In this chapter, I also discuss the details of the involvement of the private sector in the use of prison-labor through the Private Sector Collaboration Project. The marketing of the PSC project and the managerial strategies adopted by the institution are discussed in this chapter, as I provide the analysis of the situation with regard to the framework I adopt.

All in all, how the state deals with the penal policy under the neoliberal regulation and through which mechanisms the governance of penalty is realized

concerning the recent political economy regime in Turkey constitute the main questions at hand. Throughout the way, I intend to demonstrate the transformation of prisons in Turkey into an economic entity in terms of both the motivational implementations and the management skills. The process through which the state institution comes to perform like an enterprise while situating the active role of the state in the process and the role played by the private sector are the primary aims of the study. The hypothesis is that despite the context-specific factors that lead to the adoption of the rehabilitative perspective in the penal field through the use of prison-labor, the implementation of these policies causes the subordination of a social aim into an economic aim.

Concerning the empirical research of the study, I had several sources of information in order to locate sufficient data on the subject. In this regard, one of the main sources of information has been the state institution that deals with the prison-labor management: “General Directorate of Prison Work-Dorms” (GDW). The annual reports, the strategic plans, and the performance programs that are published by the institution have been quite useful as a source of statistical data. Mainly I worked with the numbers that I acquired from these documents. As the mentioned institution is an affiliate of the Ministry of Justice, the documents and publications that are provided by the Ministry also contributed significantly to the research at hand. Besides providing the numbers, the mentioned documents were also useful in specifying the motivations and discourse of the institutions that contributed to the determination of the framework of this thesis.

During the analysis, the legislation regarding the establishment and the regulation of the institution constitute the other sources of information and analysis. In this regard, laws and decrees about the prison management provided a valuable source in terms of

determining the official basis of the situation. Besides that, the records of the parliamentary proceedings and the written parliamentary questions provided a significant source to the analysis I provide both in terms of information gathering and highlighting the political stance of the issue.

Throughout the study, one of the other methods to acquire insight on the subject was the interviews that I conduct with several cadres relevant to the subject at hand. First of all, the meeting I had with the personnel of the “Ceza İnfaz Sisteminde Sivil Toplum” (Civil Society in the Penal System - CISST), an NGO working on the issues regarding the prisons and inmate rights in Turkey, has been quite beneficial in terms of providing insight and information regarding the contemporary situation of prisons. Moreover, I interviewed the Director of the Institution of the Work-dorms, Vehbi Kadri Kamer, in Ankara. Although this interview did not provide me with more information on the organization of work-dorms, it contributed significantly to my study in terms of the insight I acquired. Besides these sources of information, throughout the study several other sources are used in order to complement the situating of the contemporary conditions. The news articles, the interviews conducted by the press, and the studies on the Turkish penal system by the state officials contributed to this study significantly in many regards.

## CHAPTER 2

### THEORETICAL FRAMEWORK

In this thesis, I examine the political economy of prison-labor in Turkey in light of the changes in the provision of public services regarding the managerial attitudes of the state. In order to be able to provide a coherent analysis, there is a need to emphasize two distinctive points, and in this chapter, I focus on these two aspects of the situation, which help to shed a light on the political economy of punishment in Turkey and the institutional transformation of the Institution of Work-dorms. First, it is essential to analyze the contemporary structure of the global economy that has a significant impact on the provision of public services. In this sense, placing the state as an entity through its interaction with the economic systems plays a pivotal role in understanding the dynamics that alter the policies of the state. Therefore, the dominant changes in the global economic order that have crucial impacts on the adoption of various strategies in the provision of public services constitute the first part of the chapter. In the second part of the chapter, I emphasize the second aspect of the issue, which is the historical relation between the state and punishment. As I focus on the state-punishment relations, I continue to emphasize the political economic perspective on the mentioned relationship.

#### 2.1 State and the economy after 1970s: the new global economic order

The seeds of the new global economic order were planted during the 1970s as a result of the responses to the emergence of the outcomes that are historically specific to the conditions of the time. Although the initial responses to these phenomena emerged mainly in the UK and the USA at that time, soon after similar trends began to be

observed in many geographies despite the variations in the adoptions. The emergence of the new global economic order involved the presence of many processes that are interrelated and taking place most of the time simultaneously – from the production relations to the governance techniques. The forms and qualities of capitalism have changed drastically under the new economic order of the emerging global world. In terms of the capitalist production relations that affect both the production forms and the labor market conditions, there has been a shift towards ‘post-fordism’; and in terms of regulation modes, there has been a shift towards ‘neoliberalism’.

These mostly economic phenomena involve one very significant actor: the state. Therefore, besides the role of the state as an actor in the ongoing processes, how the state affected from all these changes constitutes an important question that needs further elaboration for the development of the study at hand. In this regard, there are many theories that try to comprehend the transformations of the state in the contemporary age of mentioned shifts in capitalism. It could be said that the debate over the pathways of the mentioned changes differentiates within the range of two extremes. On the one hand, there are significant amount of scholarly work that imply the decline of the state due to the impacts of the globalization process both in political and economic terms. Those scholars (Ohmae, 1995; Strange, 1996) argue that with the impact of the process of globalization, global market relations weaken the role of the state and diminish its importance. In response to that argumentation which sees the change in the institutional aspects of the state as a simple decline, there emerged another line of analysis with the argument that these transformations of the state are not pointing out to a decline in the role and the importance of the state. On the contrary, they underscore the importance of

the state in the change itself as well as the new role that is adopted by the state in the forms of regulation.

In this study, the main framework I adopt follows the second line of analysis. Therefore, I discuss the theories that analyze how the state is affected by the emergence of the new political-economic order. The main reason for this is that the subject of analysis of this study are the institutions of the state that are involved in the prison-labor, and the recent developments in this regard do not indicate the decline of the state. The type of involvement that the state exercises in the management of the prison-labor indicates a new form of regulation by the state. Therefore, I attempt to trace the dynamics of the contemporary global economic order and the role of the state as the main actor in the process.

#### 2.1.1 Neoliberalism and the state-market relations

Neoliberalism is a form of capitalist regulation. Although the term is exposed to different conceptualizations in many academic studies, there are some aspects common to them all. In general, neoliberalism refers to the market-oriented regulatory form that is affected by the global economic structure and in return affects deeply the political and social contexts. This study is put forward with the belief that any political and social phenomenon could not be evaluated coherently without considering them in the framework of the contemporary political economic relations. It is in this regard that first, the exponents of neoliberalism should be determined to be able to comment on the impacts of it on any political or social phenomenon. Therefore, in this section I conceptualize the term ‘neoliberalism’ in light of the ongoing debates in the literature.

As neoliberalism refers mainly to the contemporary regulation form under capitalism, the term ‘neoliberalization’ lays emphasis on the dynamic aspect of the same phenomenon. In other words, ‘neoliberalization’ intends to see the ongoing policy shifts as a process rather than an end in itself. In this study, therefore, I use both of the terms in different contexts as also the literature I refer to makes the same distinction.

The debate over the pathways of the neoliberalization process mostly revolves around the range between the two extremes of theorization. On the one hand, there are analyses that read the neoliberalism experiences all over the globe as converging experiences where the neoliberalism is mostly regarded as a linear path of development that is diffused across the countries. On the other hand, there is a school of literature that offers more than one ideal-type through acknowledging the variety in the neoliberalism experiences of different countries (Hall and Soskice, 2001; Thelen, 2012). By some scholars, such as Jamie Peck and Neil Brenner, this duality between the convergence and the heterogeneity arguments argued to be insufficient to capture the real picture. On the contrary, they see the contemporary evolution of the neoliberalism across different geographies as dialectic between divergence and convergence (Peck and Tickell, 2002; Brenner, Peck, and Theodore, 2010a, 2010b). Brenner et al. (2010b) provide an in-between approach in this regard through which they claim that there is no sharp homogeneity in neoliberalization processes. Nevertheless, as they emphasize more than one time, this does not mean that neoliberalization processes are occurring in different geographies in an unpatterned flux. The suggested approach by the mentioned authors to study of neoliberalism is called the ‘variegated neoliberalization’, which primarily highlights the systemic production of geo-institutional differentiation. According to the

authors, if the task is to interpret the institutional transformation and regulatory structuring, the approach, which entails both the similar patterns as well as the differentiations, projects the reality more accurately.

According to the definition of Brenner, Peck, and Theodore (2010a), “neoliberalization represents a historically specific, unevenly developed, hybrid, patterned tendency of market-disciplinary regulatory restructuring” (p. 330). The stated aspects of neoliberalization in this definition are significant to the conceptualization, and the authors provide an in-depth discussion of the each item. According to the authors, due to many aspects of it, neoliberalization is a historically specific phenomenon that emerged mainly in the 1970s. Although the roots of the doctrine can be traced back to the classical liberalism of the nineteenth century, the economic and political arrangements that are offered in the aftermath of collapse of the economic order that is associated with the post-World War II qualifies as a specific socio-economic and political response to the historically specific policy failures of the time.

The definition that neoliberalization is a “market-disciplinary regulatory restructuring” corresponds to the Polanyist understanding of the state-market relations under capitalism that signify a controlled interventionism which underline the processes of marketization and commodification. The main idea here is that the mentioned processes always brought into life through state institutions in a variety of policy arenas. It is for this reason that neoliberalization involves “the recalibration of institutionalized, collectively binding modes of governance and, more generally, state-economy relations, to impose, extend or consolidate marketized, commodified forms of social life.” (Brenner et al., 2010a, p. 330)

One of the other significant aspects of neoliberalization process is the unevenly development of it around the globe. Most of the regulatory activities do not happen in a fully formed same-type functioning everywhere at the same time, but rather they are articulated in an uneven manner across geographies depending on the context. This unevenness of neoliberalization across places is one of the reasons behind the emergence of geo-institutional differentiation. In this sense, “geo-institutional differentiation is at once a medium and an outcome of neoliberalization process” (Brenner et al., 2010a, p. 331).

Therefore, in general neoliberalization implies place-specific forms and policies that occur in compliance with the systemic tendencies towards market-disciplinary institutional forms. Brenner et al. (2010a) conceptualize the three aspects of neoliberalization processes as “regulatory experimentation” –the context-specific projects that impose market-disciplinary governance-, “systems of inter-jurisdictional policy transfer” –circulation of neoliberal policy prototypes through institutional networks across geographies-, and “transnational rule regimes” – large scale rules of the game that determine and frame the institutional regulation experiments-. All these attributions of the neoliberalization processes highlight the patterned but contextually specific aspects of the neoliberalization that could shed a light on the institutional differentiation while accepting the general tendency and the grand rules of the game. In a sense, with this case-study based work that focus on an instance of neoliberal institutional reform, I aim to provide a closer look at one of the regulatory experiments that is undergone as a part of the neoliberalization process of Turkey.

### 2.1.2 The transformation of the state

As mentioned before, the impacts of the new global economic order on the role and the involvement of the state in the economic sphere were analyzed in various ways. Against the hollowing out of the state theories, the scholars that follow more Polanyist theorization in understanding the complex dynamics of the contemporary political economy recognize the active role of the state in the new economic order in terms of both transformative aspect of it as well as the transformation of the state in return. Accordingly, state does not intervene in the economic realm less than it did before, but the intervention style of it alters under the neoliberal regulation forms. Jamie Peck (2001) interprets this through the change in the institutionalization of the state pointing out to a reorganization of the state apparatus. Another political economist, Philip Cerny (1997), also attributes an active role to the state in this new political and economic order; however, he emphasizes the motivation to adapt efficiently to the global conditions as the main reason for the promotion of these new forms of governance. It is in this regard that state becomes the active actor that enforces the rules of the global game in order to become competitive in the international arena. Philip Cerny (1997) interprets this alteration of the state after 1970s as the transformation from the national-state to the “competition state”.

As there are several theoretical approaches to neoliberalism,<sup>2</sup> there are several theoretical approaches to the transformation of the state accordingly. As Cerny (1997) provides one way of interpreting the neoliberalism (an epoch that is characterized mainly by the international free movement of the capital), some other scholars give

---

<sup>2</sup> Bob Jessop (2012) defines five main theoretical treatments of neoliberalism by different scholars.

primacy to the other aspects of neoliberalism. In this regard, one of the main treatments towards neoliberalism is seeing it as a set of policies that intend the extension of the market forces (Jessop, 2012). In this sense, the transformative role of the state is realized through the regulation of new political bodies and policies.

In order to be able to talk about ‘transformation’, there is a crucial need to emphasize what has been changed in comparison to what. In this sense, the contemporary form of political economy of governance is mostly analyzed in comparison to the Keynesian governance epoch of the post-World War II era, namely the welfare-state capitalism. The regulation mode of the welfare state has been mainly characterized by the decommodification of the certain activities by the state (Cerny 1997; Jessop, 2012). The new governance mode, in some ways, is characterized by the re-commodification of these activities once again by the state, where the state pursues an increased marketization, even in formerly extra-economic policy arenas. This is one of the main reasons that the state intervention seems as a permanent aspect of capitalism. In other words, under capitalism, intervention of the state is constant, but the forms of intervention depend on the characteristics of the regulation mode of the historically specific characteristics of the capitalism of the time.

Today, the state is seen as a commodifying actor, and even a market actor itself. It is argued that besides acting as the middleman, the state also adopts the role of the entrepreneur in the complex set of economic activities. This is what Cerny (1997) calls “quasi-market actor” in a “structured action field” (p. 268). This kind of commodified transformations in the state cause one other complexity in comparison to the welfare-

state capitalism: the blurring of the lines between the state and the market (Cerny, 1997) as well as the public and the private (Hibou, 2004).

One of the other important aspects of the new dominant governance model under neoliberalization process is the growing reliance put on the partnerships between the public and the private by the state. This partnership-based form of governance has an impact on both the economic and the political regulation (Hibou, 2004; Jessop, 2012). As Hibou (2004) argues, one of the characteristics of the agreements between the state and the private sector is their being non-permanent and always open to renegotiation. The partnership models constitute the significant aspect of the neoliberal governance, and this reliance on the partnerships mostly legitimized in the name of ‘good governance’ (Buğra, 2007).

### 2.1.3 The new public management

The new governance model under neoliberal regulation demonstrates four types of shifts in the policy adjustments according to Cerny (1997), and one of them is “a shift in the focal point of party and governmental politics away from the general maximization of welfare within a nation (full employment, redistributive transfer payments and social service provision) to the promotion of enterprise, innovation and profitability in both private and public sectors” (p. 260). The promotion of enterprise in the public sector is crucial to the new forms of public management in two regards. First of all, it indicates the increasing involvement of the private sector in the public provision as the private sector constitutes the source of ‘profitability’ and ‘efficiency’. Secondly, it indicates a transformation in the public sector institutions in terms of the management mentality. In

other words, the new public management can be characterized by the greater involvement of the private sector in public services as well as public institutions acting like private entrepreneurs in terms of the goals and the developed strategies. This expansion of the market model to the state institutions and the public services that used to be extra-economic spheres indicate a different mode of social regulation through which market model becomes the dominating factor in every sphere of life (Buğra and Ađartan, 2007).

As mentioned in the previous section, one of the characteristics of the dominant neoliberal regulation is the reliance on the partnerships in terms of governance. This does not mean less state intervention but rather different forms of intervention by the state. It is in this regard that also the public management alters through the replacement of the direct responsibility of the state to produce public services by the supervisory monitoring responsibility via the contracting-out and the privatization of the services. This new monitory role of the state is practiced in terms of the ‘performance indicators’ (Cerny, 1997, p. 266), and these indicators mostly define the ‘performance’ on the market standards. Bob Jessop (2012) defines this use of market proxies in the public sector as one of the significant aspects of neoliberalism.

Taking competition state theory as the main motivation behind these transformations, Philip Cerny (1997) explains the relation between the new economic order and the new public management in these words:

the main focus of the competition state in the world ... is the promotion of economic activities, whether at home or abroad, which will make firms and sectors located within the territory of the state competitive in international markets. In this process, however, the state becomes an agent of its own transformation from civil association to enterprise association. Rather than providing *public goods or other services which cannot be efficiently provided by the market – in other words, rather than acting as a ‘decommodifying’ agent*

*where market efficiency fails* – the state is drawn into promoting the commodification or marketization of its own activities and structures ... as well as promoting marketization more widely in both economic and ideological terms. [Emphasis added] (p. 272-273)

Although Cerny interprets the marketization of state activities as opting for the inefficiency in public services for the sake of increasing the international competitive capacity, I believe the situation could be better seen as the change in the meaning that is attributed to the efficiency by the state actors. In other words, the understanding of the ‘efficiency’ transforms as the state itself transforms under the new economic structure. Actually, Cerny points out this aspect of the competition by stating that the state institutions become such actors that they adopt the ‘entrepreneur’ approach. This also applies to the meaning of ‘efficiency’. As the state adopts an increasingly managerial and entrepreneurial mentality, what constitutes the ‘value’ gains a new meaning that overlaps more with the private mentality than the public concern. From the perspective of the private, efficiency is defined in terms of the use of the means and the sources in a way to provide the maximum profit possible. In this perspective, the value is upon the profit. With the transformation of the state, the meaning of efficiency also gets market-oriented. As Nicola Lacey (1994) asserts in the “Government as Manager, Citizen as Consumer” the public administration in England came to be mainly concerned with efficiency especially since 1990s. This dominant concern with efficiency in public administration, which Lacey calls “managerial approach”, demonstrates the feature of extended market approach into the public sector. The main problem with this new management idea is that “the figure of success becomes ‘efficiency’ or ‘value for money’ whilst the often complex and politically contested question of what constitutes

‘value’ in a particular area is moved away from the spotlight.” (Lacey, 1994, p. 534)

Therefore, the pursued goal becomes measurable, quantifiable, and tangible in terms of financial complexes and the measurable performance indicators become the measure of success.

The paradox regarding the ‘efficiency’ problem is highly related with the changing meanings of ‘public’ and ‘private’ under neoliberalism. In an article, where they analyze the shifts and recalibrations of the public-private conceptions, Candaş and Silier (2013) conceptualize the distinction between the private and the public while providing the various meanings that are attached to these concepts as well as their interrelation with each other in different contexts. According to Candaş and Silier’s conceptualization, both the notion of the private and the public can be traced under several meanings. In this regard, the notion of private could stand for i) personal autonomy, ii) the privatization of risks and responsibilities for individual and iii) cultural private referring to the empowerment of community. In a similar way, the notions of the public can bear different meanings under i) welfare-state, where the state provides the goods for the equality in the society and ii) the “minimal” state, where under the market-rationality the profit becomes the central component so that instead of central political entity charities or the private sector deliver the public services. Instead of the loss of the meaning of the public-private distinction, the authors argue that under neoliberalism the boundary between these two notions shift in such a way that the latter meaning of the public becomes dominant as the second and the third meanings of the private are promoted by neoliberal regulation (Candaş and Silier, 2013, p. 3-6).

At this point, I argue that due to the changing meaning of ‘public’ under neoliberalism, understanding of the public efficiency also alters in such a way that now the provision of the public services by the public becomes the ‘inefficient’. As the efficiency understanding of the state is replaced by the private mentality, the idea that market could provide a better service in terms of efficiency that is good for both the public and the private becomes the main motivation point. This is one of the main motivations in Turkey in terms of the policy shift in the penal field, especially in terms of the management of prison-labor. The increasing collaboration with the private sector in the penal area in the means of prison-labor and the attempts to privatize the penal provision indicate that the neoliberal regulation is highly favored as well as the increasing hegemony of the new public management. Nevertheless, all these practices that characterize the neoliberalization processes, such as privatization or partnership models, do not indicate the primacy of the private over the public. In other words, it is not the entire retreatment of the state from the picture. It once again points out the constant redrawing of the frontiers between the two notions (Hibou, 2004).

#### 2.1.4 Concluding remarks

All the mentioned theories of the political economy of the state above are powerful in demonstrating the transformations in the governance perspective of the state by providing the historical and structural explanations for the transformation. Nevertheless, none of them is sufficient to explain the situation in terms of the causes of the policy adjustments that are part of the penal area in Turkey, although they provide strong tools to set the framework. There are two reasons for that: first, the penal sphere is not a

regular area of economic activity due to several respects. Secondly, penal policy is also different from other public provision policy areas in several regards.

However, in general, the characteristics of neoliberal regulation are also part of the policy changes in the penal field, especially the change in the management of prisons. As Jamie Peck (2003) notes, in order to be able to see the real aspects of the neoliberalism, there is a need to go beyond the thick descriptions and look at what is going on at the very reality of the things. In order to characterize the new forms of governance, we should ask “what it is that the state is actually doing – why, where and with what political, social and economic implications” (Peck, 2003, p. 222). This is what he calls the neoliberalism on the ground, and I focus on the policy implementations in the penal field in order to see what is happening to the state through examining what it is actually doing.

Since the main subject at hand in this study is prison-labor, the following sections are dedicated to including the penal policies at the intersection of the state and the market relations. The theoretical analysis of the significant link between the state punishment and the political economy constitutes the main line of inquiry in the following section. Placing the changing aspects of the prison-labor in this inquiry constitutes one of the other important concerns. Overall, the main purpose in this chapter is to highlight the relation between the state and economy relations through their interaction at the penal sphere with regard to the prison-labor.

## 2.2 Political economy of state punishment

In terms of the state punishment, the relation between the concept of work and punishment constitutes the main concern of this study. Due to the belief that in order to

make sense of the dynamics regarding the contemporary prison-labor in Turkey, it is crucial to examine how the relation between work and punishment is linked historically, - and how and through which institutions this relation is changed over time - . Moreover, to understand what the role of the political economy dynamics on this relation is also significant to shed a light on the complexity of the issue.

Though the state punishment dates back far before the birth of penitentiary, the introduction of imprisonment as a systematic punishment model is relatively new in the history of state punishment. Although today incarceration is the dominant model all over the world, there were no prison houses in the modern sense anywhere in the world three centuries ago (Yıldız, 2002). Though the explanations for it vary depending on the theoretical perspective, the literature on punishment mostly agrees on the point that the birth of imprisonment and its centralized use coincide with the rise of the modernity. This is mainly due to the fact that when the birth of penitentiary is examined historically, the change in the mode of punishment towards centralized incarceration coincides with the rise of capitalism and the use of modern practices. The first centralized and systemic prison houses emerged in the USA in the sixteenth century, which for the first time incorporated the idea of the rehabilitation of the criminal rather than punishing for the sake of punishment. However, the widespread use of penitentiary as a penal institution had to wait until the eighteenth century.

By the reformist liberal scholars, the change in the dominant punishment type from the corporal punishment that is associated with the cruel punitive aspect of the Medieval Era to the penitentiary that is associated with the rehabilitative preservation of the body was interpreted as a humanist turn in the history of state punishment. This

perspective is contested by the critical Marxist paradigm starting from 1940s through the connection established between the penal policies and the capitalist mode of production.

Although Karl Marx himself wrote nothing directly referring to the penalty and penal practices of the modern era, the first Marxist criticism in this regard came from the European scholars Georg Rusche and Otto Kirchheimer in 1939. Today, still one of the most referred works in the field, “Punishment and Social Structure” was the first of its kind that criticized the emergence of contemporary penal institutions through incorporating a socio-economic analysis. They provide the critical link between the birth of penitentiary and the industrial revolution for the first time. In terms of scholarly work in penal studies, 1960s and 1970s appeared to be quite rich. In their comparative study of penal systems published in 1977, Dario Melossi and Massimo Pavarini elaborated on the work of Rusche and Kirchheimer as they established an analogy between the prison and the factory. During the same period, the works of Michel Foucault once again highlighted the critical reading of the penitentiary while placing it in the range of institutions that serve the similar purpose: social order and disciplining the body.

The common factor within the mentioned literature of Rusche and Kirchheimer and the writings of 1960s was the link that is established between the developments of industrial revolution that created the factory and the birth (and expansion) of penitentiary. The peculiar role that is attributed to the ‘prison’ as a site of disciplining the working classes was at the center of these studies as they read the birth of penitentiary historically through economic developments. None of these scholars ignored the fact that the transformation from corporal punishment that disposes the body to incarceration that rehabilitates the criminal indicated a value put upon the human life. Nevertheless, as Rusche and Kirchheimer (2003) puts it: “Certain economic changes

helped to bring about an increase in the value placed upon the human life and led the state make practical use of man power at its disposal.” (p. 53) The authors recognize the fact that “the idea of utilizing the potential labor of the criminal was not new” (p. 53), but their greatest contribution to the study of penality was lying in these words: “this idea could be put into practice unless the dominant tendencies of the age were favorable to it.” (p. 53)

As mentioned above, one of the foundational works that illustrate the significance of the relation between the political economy and the imprisonment is the “Punishment and Social Structure” by Rusche and Kirchheimer. Published in 1939 and adopted a traditional Marxist framework, ‘Punishment and Social Structure’ draws attention to the claim that the very idea and the practice of punishment should be evaluated in the context of the economic relationships in a historical perspective. The general hypothesis of the book revolves around this basic idea that “the different penal systems and their variations are closely related to the phases of economic development” (Rusche et al., 2003, p. 8). In order to support this argumentation, the authors historically analyze changes in the European penal system with regard to the economic regimes of the times. Throughout their analysis, the main argument that is put forward is that the humanitarian turn to the rehabilitative punishment could indeed be explained by the economic developments of the time as they focus on the conditions of the labor market. In other words, “the birth of the prison lies in the transition from a punitive regime oriented to the destruction of the body toward a punitive regime aimed at preserving the body, because it can be exploited in the capitalist process of production” (De Giorgi, 2006, p. 7).

One of the significant concepts that continuously occur in the work is the less eligibility. As the concept of less eligibility - which refers to the idea that punishment indicates the 'lower than minimum in the society' – construct the starting point of the argumentation, Rusche and Kirchheimer make the inference that “labor market regulates life in prisons” (Rusche et al., 2003, p. xii). In this regard, according to their analysis, when there is an abundance of labor force, the punishment regimes tend to be harsher and inhumane practices rise since the socio-economic conditions of the proletariat dramatically decline in the society. Nevertheless, when the labor force is in scarce – as in sixteenth century Europe – the containment facilities appear to be the sites where the “deviant could be made productive” (De Giorgi, 2006, p. 8).

Though ‘Punishment and Social Structure’ has its focus on the close relation between the conditions of the labor market and the relative changes in the penal system; many important studies that influenced by Rusche and Kirchheimer’s work elaborated this relationship further. In this regard, published in 1977, “The Prison and the Factory” by Dario Melossi and Massimo Pavarini constitutes one of the other significant works that followed a similar framework. The work of Melossi in the volume is especially significant as he sticks to the same framework, but elaborates his hypothesis by including the focus on ‘disciplinary training’ that is provided by the prison workhouses for the capitalist production (Ray, 1981). In other words, Melossi argues that “the workhouse survived ... both as a place for teaching the discipline of production to its inmates, and as an instrument of intimidation against free laborers outside its walls” (Ray, 1981, p. 58). Focusing his analysis on the case of Italian prisons, Melossi highlights the relation between the labor market, the workhouses in prisons, and the concept of ‘discipline’.

The literature that followed Melossi and Pavaroni attempted to test and develop the hypotheses put forward by Rusche and Kirscheimer. In this regard, many US-based studies during 1970s and 1980s tried to follow quantitative indicators –such as unemployment rates- to test the relation provided above, while including also some other aspects in several cases such as crime rates, welfare benefits, release rates, and fiscal crisis.<sup>3</sup> During the same period, several scholars criticized the work of Rusche and Kirchheimer mainly due to the deterministic and simplified perspective they put forward. For instance, in “Just Measure of Pain” Michael Ignatieff (1978) argued that labor market conditions are just one of the factors that affect the punishment regime, and deviance in society is not solely determined according to labor market. Moreover, in Ignatieff’s work “the connection between penal institutions and productive institutions ... are represented in parallelism, not in interaction” (De Giorgi, 2006, p. 11).

Despite the contributions of these studies to the literature, Alessandro De Giorgi (2006) asserts that the analyses of the relation between the unemployment rates and the incarceration rates can no longer be as indicative, since the Fordist production relations no longer signify the common economic relationships. This is not because the relation between political economy and punishment weakened, but because ‘unemployment’ statistics that illustrate formal ‘job’ no longer necessarily indicate ‘work’ in the post-Fordist economy (De Giorgi, 2006, p. 47). According to De Giorgi, inclusion of the post-Fordist aspects that highlight the transition from Fordism to post-Fordism leads to a shift in the penal strategies: from ‘disciplining’ the labor to ‘controlling’ it.

---

<sup>3</sup> For a detailed analysis of the mentioned literature; see “De Giorgi, A. (2006). *Re-thinking the political economy of punishment*. Aldershot, England: Ashgate.”

As the work of De Giorgi shifts the focus towards ubiquitous control strategies of the contemporary state, the fact that he points out the differences between Fordism and post-Fordism in terms of regulation and management of economic relations is very significant. In simple terms, whereas Fordist capitalism signified a great expansion in the mass industrial production and a more stable labor-market with its recognized complex of social rights, post-Fordist capitalism witnessed a trend of “mass-expulsion of labor force from the labor market” (De Giorgi, 2006, p. 39). As the process of structural transformation turned significant segment of working class population into a working poor, the eruption of the Taylorist management and organization that emerged from the Fordist capitalism and the decay of the domination of heavy industrial production changed the organization of labor in a significant way. As De Giorgi nicely summarizes, today “mobility, flexibility and decentralization replace the fixity, rigidity and centralization of Fordist factory” (De Giorgi, 2006, p. 44).

The argument that prisons no longer serve to discipline but to control labor arises from this shift in the global economic system. The shift from a regime of production characterized by scarcity of labor toward a regime of production characterized by surplus of labor necessitated the prioritization of ‘control’ over ‘discipline’. One of the important problematiques that De Giorgi puts forward is whether today we can still focus our analysis around the ‘unemployment’, since there is no longer the possibility of ‘full-employment’ in the Fordist sense due to the blurred lines between the economic realities such as work and non-work. However, thinking within this framework, I believe the more significant issue concerns the relation between the work and punishment under contemporary politico-economic dynamics. In other words, if factory no longer symbolizes the dominant economic production model, the analogy between the prison

and the factory seems to be requiring a re-evaluation. I discuss this aspect of the issue in the following sections.

At this point, two significant points can be inferred pursuant to above literature. First, the conditions in the labor market are highly related with the punitive strategies that determine the conditions of the inmates as well as the type of the penal system. Second, the regime of production is one of the significant determining factors for the character of the penalty. However, there are important questions that arise from the above analytical framework. What does the prison-labor signify under post-Fordist model of production? As I shall discuss in the following section, today prison-labor is mostly legitimized in the name of ‘rehabilitation’, which is the main stated motivation of putting inmates to work. Nevertheless, besides the motivation and the reality of the ‘rehabilitation’ implementations, the issue of changing institutional practices and the transformation of the penal management in light of the prison-labor production point out to a neoliberalization in the provision of the public services.

### 2.2.1 Contextualizing the “prison-labor” in the neoliberal age

Within the theories of punishment, three possible objectives of state punishment are defined as retribution, deterrence, and rehabilitation. Today prison-labor is common to most penal regimes, and mostly its legitimation lies in the idea of ‘rehabilitation’.

Rehabilitation through job trainings that would train the convict and gain her/him a skill is argued to re-assimilate the criminal into the society. Nevertheless, under the contemporary economic regime and conditions, several issues arise regarding the impacts of the job trainings in prisons. As Zygmunt Bauman (2000) asserts: “Efforts to get the inmates back to work may be effective or not, but they make sense only if work

is waiting, and they get their animus and credibility from the fact that the work is waiting impatiently” (p. 31).

With a similar question in mind, in “Punishment and Political Order”, Keally McBride (2007) argues that although it is relatively easier to see the relationship between the rise of capitalism and the punishment in the modern era, it is more difficult to follow the logic behind the rise of prison-labor in the age of unemployment. In the age of post-industrial economy, what does the prison labor signify if it no longer signifies the source of exploitable labor? One of the important aspects of prison-labor today is that it is relatively unproductive, and “incarceration is not driven by the need to extract low-wage labor from inmates” (McBride, 2007, p. 113). Then why there is this rise in the use of prison-labor, if job trainings do not have the credibility in terms of employment and the convict labor is not productive for the economy?

There are two main reasons behind the fact that the job trainings provided in the prisons are not credible. First of all, as discussed so far, the contemporary labor market is quite competitive, and even the official numbers that indicate unemployment are not promising. Under such conditions of the surplus of labor force, the work is not out there for the ex-convicts. The other reason that hinders the credibility of the effectiveness of the ‘rehabilitation’ is that the trainings that are provided within the prison facilities most of the time do not match with the desired skills for the contemporary market. For instance, as stated by McBride, in case of the USA, “the only sector of the unskilled labor market that is experiencing growth is the service sector. For the most part, prison laborers are entirely unsuited to fill this niche.” (McBride, 2007, p. 134) In other words, the market out there most of the time does not need the skills that the prisoners gain in the prison through offered trainings.

Marxist historical-sociological paradigm of 1960s and 1970s suggest that there is a link between work, labor and penalty that is constituted through the capitalist production. Nevertheless, it seems like this link does no longer hold for the contemporary economic order as in the same way it used to be. However, the link between work and punishment still exists. First of all, “today prison labor affirms that our old assumptions are still valid: those who do not labor are criminals.” (McBride, 2007, p. 141) Therefore, labor is regarded as the primary means to rehabilitation and the way out of deviancy, especially under the neoliberalism. Analyzing the contemporary incarceration boom and the widespread use of prison-labor in the USA, McBride (2007) argues that:

The ideology of work and citizenship ... dictates that all rational and disciplined people can and will choose to work. Not being able to work is a reality that our understanding of citizenship, virtue, choice, and freedom simply cannot accommodate, particularly in an era of increased market discipline. To acknowledge that some people cannot work would require a fundamental shift away from neoliberalism. Yet such a dramatic shift seems unlikely, even in the face of growing structural unemployment. The incarceration boom hides some unemployment, and prison labor maintains the fiction that unemployment is a character, not an economic, issue. (p. 142)

Today, the management of prison-labor has been mostly subjected to managerial disciplines. Increasing prison population rates are paralleled by the increasing use of prison-labor. As mentioned before, the official discourse highlights the rehabilitative motivation behind the increasing job training and production in the prisons. Nevertheless, besides the reproduction of the relation between the work and deviancy, contemporary neoliberal penal regime creates the category of “rightless workers” that includes the prison-labor (Kang, 2009, p. 140). Without employment insurance, no right

to strike, no unionization, without preference of kind of job, the convict-labor is “like a pot of gold” for private business (Goldberg and Evans, 2009, p. 13).

Despite all these consequences of the contemporary use of prison-labor, the main motivation behind the use of it is the maintenance of the prisons. First and for most, the prison labor has a great contribution to the prison budget that helps the maintenance of the prisons. Through the balancing acquired from the prison production, some prisons became even self-supporting in the USA (Lopez-Rey, 1958). As I shall discuss in the following chapters, the prison-labor mostly serves this purpose in Turkey as well. Nevertheless, through this system of institutional self-supporting, prisons transform into economic entities. As Lopez-Ray (1958) asserts, the contemporary situation indicates the subordination of a social aim (rehabilitation) to a budgetary aim. Another highly significant consequence of the system is that it turns into one of a vicious circle. Especially with the involvement of the private sector in the prison-labor, the increasing income of the institution is returned back into the system as an investment on new confinement buildings. The increasing capacity of the prisons turns the system into a supply-based model of incarceration while allowing for the increase in the capacity of the prison-labor.

## CHAPTER 3

### HISTORICAL BACKGROUND

Work in prisons has been part of the penal system all along since the birth of penitentiary in Turkey; however, different and various aspects of it came into prominence in different periods. In this chapter, I analyze the history of imprisonment in Turkey while focusing on the prison-labor aspect of it. In other words, besides the historical evolution of the penal system in Turkey, the use of prison-labor through highlighting the periodical fluctuations in its significance while considering the context-specific conditions constitute the main purpose of this chapter.

#### 3.1 Prison reforms and the execution of punishment in Turkey

##### 3.1.1 The Birth of centralized imprisonment and the evolution of the penal regime

The nineteenth century of the Ottoman Empire was marked with the reforms in the state administration in various domains including the penal sphere. Although there have been several incarceration models in the Ottoman state punishment prior to the prison houses - such as dungeons-, the centralized and institutionalized mode of imprisonment introduced in the second half of the nineteenth century with the opening of the first prison in 1871 (Sipahi, 2006, p. 18). The legal changes in the Tanzimat era have significant impact in the adoption of the imprisonment as the dominant mode of state punishment (İbikoğlu, 2012). Prior to the legal changes that occurred in the nineteenth century, the penal code of the Ottomans was based mainly on the Islamic law and the customary law. Especially the dominance of the customary law in the execution of the punishment prioritized the idea of punishing as a deterrent on others, where the

punishment was either physically harsh or execution was public (Şen, 2009, p. 4). At that time, the penal regimes in Europe have already been transformed to the imprisonment where the main motivation behind the execution of the punishment transformed from deterrence to rehabilitation. As most of the administrative reforms during that century, the reforms in the penal regime also followed a trend of ‘westernization’. As the enactment of the *Tanzimat Fermanı* (Edict of Gülhane) in 1839 promised the equality before the law, it also aimed to make the penal system more egalitarian (Şen, 2009, p. 17).

In 1858, the modern penal code replaced the penal codes of 1840 and 1851, which were the first attempts to constitute a bureaucratic criminal code in the Ottoman Empire. Unlike the previous penal codes, the penal code of 1858, which is translated from the 1810 French Criminal Code, included the protection of the individual rights (Fielding Schull, 2007), and it officially defined the punishment types as *kürek cezası* (servitude), *kalebentlik* (confinement), and *hapis* (imprisonment) (Şen, 2009, p. 18). During the Hamidian period starting from 1876, further legal changes that intensify the centralization of the prison system took place. In 1879, with the adoption of the new law regarding the criminal procedures, the introduction of the ‘prosecutor’ is realized for the first time in the penal system of the Ottoman Empire. In 1909, *Meban-i Emiriye ve Hapishaneler İdaresi* (Department of the Prison Administration) is established as a ministerial institution of the Ministry of Internal Affairs (Şen, 2009, p. 52), and that was one of the first institutional attempts to centralize the prison administration.

The adoption of the modern penal regime including the frequent reforms in the penal code during the second half of the nineteenth century and the development of the prison houses after 1870s marked a significant turn in the penal regime of the Ottoman

Empire. These first attempts to modernize the criminal system in the Ottoman Empire through the adoption of novel penal codes and the centralizing the prison system are seen as part of the modernization process of the Ottoman Empire that was dominant in the 19<sup>th</sup> century. Here, it is important to note that the emergence of the penitentiary in the Ottoman Empire is dissimilar to its counterparts in Europe. As it is suggested by most of the scholars, the transformation from the punitive corporal punishment to the rehabilitative imprisonment practices was related to the rise of capitalism and the needs of the labor market in North America and most parts of the Europe. Nevertheless, the similar transformation in the Ottomans did not occur due to the so-called needs of the market and the capitalist production, as first and most of all if we even talk about the existence of the capitalist production. The transformation in the penal regime of the Ottoman Empire could be better explained by the external influence – namely the pressure from the European states – faced by the Empire due to several reasons. The Europeanization attempts of that time with the increasing internal and external pressures necessitated the reforms and the regulations in the penal area. During the second half of the nineteenth century, many officials from the Ottoman Empire visited the European countries and attended various conferences regarding the reforms in the penal area, as well as many European officials visited the Ottoman Empire to monitor the recent developments.<sup>4</sup>

With the abolishment of the empire and the establishment of the Republic, the developments in the penal sphere were continued and institutionalized further. During the Republican era, a new penal code is issued in 1926 which identified the four types of

---

<sup>4</sup> Ömer Şen (2009) provides a detailed historical account on the penal reform in the Ottoman Empire. The modernization and the European influence on both the needs and the forms of the penal regime are told in detail in his work “Osmanlı’da Mahkum Olmak”.

punishment as light imprisonment, imprisonment, heavy imprisonment, and exile (İbikoğlu, 2012); and, in 1930 a new law regarding the conduct of prisons was enacted. In 1929 administration of prisons is transferred from the Ministry of Internal Affairs to the Ministry of Justice, which has been a benchmark in the penal regime reform of Turkey. In this regard, 1920s witnessed the introduction of new criminal procedures under the Republic. The establishment of the new institution called the ‘General Directorate of the Prisons and Detention Houses’ (GDPDH) in 1929 introduced a new organizational structure to the management of the prisons. Through the law numbered 1721 that was enacted in 1930, the prison administration was regulated in legal terms for the first time.

During the period from the late Ottoman era to the early Republican era, despite the appearance of the prison-labor in practice several times, inmate-labor has not been regulated nor used by the state in a centralized manner. The first official regulation of the inmate-labor was realized with the establishment of the GDPDH in 1929. Since then, the evolution of the prison-labor has been nested within the evolution of the penal regime, as the reforms regarding the penal institutions from the legislation to the building of the confinement types embodied -and sometimes prioritized- the forms of prison-labor. Mainly for this reason, in the following section the developments in the penal regime from 1930s on will be discussed concomitantly with the changing significance of the prison-labor in the penal system of Turkey.

### 3.1.2 Prison-labor in Turkey: now and then

Different forms of prison-labor have always been part of the prison system. The main reason behind the use of inmate-labor was initially the financial difficulties that the

Empire face back then, coupled with the overcrowding of the existent prisons. It is known from the letters of the prison wardens that one of the main problems they face during the first decades of the penal reform was the insufficiency of the prisons to meet the rapidly increasing demand for incarceration. When this scarcity of the capacity was coupled with the financial troubles of the Empire, the prison wardens saw the inmate-labor as a way of dealing with financial scarcity. According to Arda İbikoğlu (2012), this prescription by the prison wardens could be interpreted “as reliance on old penal methods to run overcrowded prisons with scarce resources” (p. 30). Nevertheless, the work in prisons has not been the primary concern of the state in practice until the Second *Meşrutiyet* (constitutional monarchy) (Şen, 2007, p. 7). During the early Republican era, the very attempts of institutionalizing the ‘prison’ included the institutionalization of the prison-labor and the work in prisons.

In the Republican era, the prison-labor gained greater significance and in some respects, it acquired a more institutionalized form. During the 1930s, the first Labor-based Prisons were introduced, which were transformed to “Open Prisons” in 1960s and still function today. Ali Sipahi (2006) analyzes the period between 1933 and 1953, arguing that this has been the only time period in the Republican history that the inmate-labor is exploited as a productive labor force; as after 1950s the importance attributed to inmate-labor has been in decline due to the transformation in the economic legal organization from labor-intensive employment to the capital-intensive employment (p. 1-21).

During 1930s, Sipahi (2006) argues that the labor-based prisons were established as a state enterprise for increasing the national production rather than as a social control

mechanism (p. 25). As he analyzes the decision-making processes that led to the foundation of these institutions, he concludes that the decisions were more technocratic than they were politic. During the time, most of the state officials that involved in the discussions on the organization of the penal regime attended the international congresses, as well as many deputies from Europe visited the Turkish prisons. The foreign models in this regard constituted an important keystone for the establishment of the legal framework as well as the newly instituted criminology institutes in the universities (Sipahi, 2006, p. 28). All these have significant contributions to the adoption of the new discourse on punishment that takes the ‘rehabilitation’ as the central idea in punishment. Today, the rehabilitation discourse still stands as the main justification behind the use of prison-labor in Turkey as well as in many other countries.

By the new regulation in 1938, the organizational structure of the GDPDH divided into two components, where the one division became responsible for the labor-based prisons, and the other became responsible for the rest of the ‘old prisons’. During 1940s, the work-dorms -which refer to the establishment of workshops within the prisons - were introduced in the ‘old prisons’; however, they were not as sufficient in productive terms as the labor-based prisons. The fact that the commerce has always been part of the prison life due to the productive activities of the inmates (İbikoğlu, 2012) indicates that the work-dorms were just the regulation of the ongoing activities of the convicts by the state.

In terms of the execution of the sentence, the new punishment regime of the Republic envisaged a “stage system” that includes four stages progressively. The first stage of imprisonment resembles the Pennsylvanian system that indicates the total isolation of an inmate in a cell for all day long. The second stage resembles the Auburn

system that indicates the collective and silent work during day-time and isolation in the cell for the night. In the third and the fourth stages, there is no cell confinement and the prisoner is employed for some work.

In 1953, some amendments were realized in the penal code of the time. The progressive stage system that includes four stages was altered in such a way that the advantages of the labor-based prisons were abolished. The duration of the time spent in the labor-based prisons was reduced significantly. At the end of 1950s, the number of inmates that work in labor-based prisons and the number of inmates that work work-dorms were almost equalized. According to Sipahi (2006), this transformation in the prison-labor policy could be explained by two dimensions. First of all, the penal policy of the Democrat Party was to increase the importance of the districts as the legal government units, and to diffuse into Anatolia via small prisons was one way of achieving this. The other reason was mostly economic: the disappearance of the labor-problem that was witnessed in the 1930s made the labor-based prisons redundant. For instance, in 1952 İzzet Akçal stated that “the abundance of the free workers in recent times” (as cited in Sipahi, 2006, p. 175) is the reason behind the closure of the mine-prisons.

After the coup of 1960, the criminal law was changed once again. With the enactment of the law numbered 647 in 1965, the classification of the sentences and the classification of the prison types rearranged. The first article of the new law classified the penal sentences as death, short-term imprisonment, and long-term imprisonment. Another significant legal change that was introduced by the mentioned law was about the classification of the prison types. According to the article 11, the prisons classified for the first time as “open”, “semi-open”, and “closed”. Today, this classification still

applies to the prisons in Turkey, though the semi-open prisons no longer exist since the establishment of the Work-dorms Institution in 1997. Sipahi notes that, the disappearance of the 'labor' even in the name of the prisons was a significant indicator of the decline in the stress put upon the labor in the penal regime. Nevertheless, the fact that the article 17 of the law numbered 647 identified the work in prison as compulsory for all inmates demonstrates that work was still an important part of the penal regime. In other words, although the productive labor aspect of prison work is dwindled in practice throughout the decades as the need for it lost its substantiality, in legal terms the prison work did not disappear.

Although not discussed by Sipahi in detail, during that era, it can be argued that the other factor that enabled the appearance of prisons as a viable source was the widespread prison-labor models abroad during 1930s. Especially in the totalitarian regimes such as Germany and the former Soviet Union, the coupling of the punishment with heavy work in prison/labor camps could both provide an example for the solution to the labor problem in Turkey as well as setting a foreign model to it. Likewise, the decline in the prominence of the productive aspect of punishment in 1950s could be explained by the impact of the external context. With the end of the World War II, the use of prison-labor at the disposal of body in heavy industry came to decline. In the context of Turkey, the transition to the multi-party system and the rise of Democrat Party coincides with the adoption of a new penal regime in terms of the prison building trends and the decline of the prominence of labor in punishment. The similarity of this new prison system with the Pennsylvanian system that was dominant during that time in the USA points out the significance of the impact of the external context on the penal management in Turkey.

The diminishment in the importance of the labor in penal policies grew in the 1980s as the main concern of the penal policy gravitated towards to the political prisoners. After the coup of 1980, the execution of state punishment to the crimes against the state was in rise, and the political prisoners were dealt within the military prisons throughout the 1980s and 1990s. In 2000s, due to the policy changes in the previous decades, the distinction between the prison-types became to be defined in terms of security. With the amendment in the article 5 of the penal regulation in 2001, the new categorization of the closed prisons as ‘high-security’ and ‘normal-security’ was realized. The construction of high-security prisons, which are identified as F-type prisons, starting from 2001 has been an important step in demonstrating the emphasis on managing the political prisoners. In a study that focuses on the change of the penal regime after the 1970s, Arda İbikoğlu (2012) argues that whereas the militarized prisons of 1980s was the first introduction of disciplinary control mechanisms in Turkish prisons aiming to discipline prisoners as soldiers; the later developments, such as the construction of F-type prisons in 2000s, signify a change from the disciplinary regime of control of 1980s to ‘security-oriented managerial control’. The main manifestation of this transition is the transformation in the construction of the prison-types, from ward-system to small unit confinement. According to İbikoğlu (2012), this transition is not peculiar to the F-type prisons, but the general policy of GDPDH has become to build small-unit confinement models that are accompanied by the disappearance of the corporal violence in the Turkish prisons. As the author aims to understand the underlying dynamics of these transitions, he concludes that the main reason behind these was the struggle between the political prisoner organizations and the official authorities that was witnessed in the military prisons during 1990s. Adopting a Foucauldian

account, İbikoğlu asserts that the new managerial control regime that focuses mainly on ‘managing’ the prisons “imagines the prisoners as rational individuals”. In his words:

The focus of the new regime is *managing* the prison. In this conception, the prison consists of multiple populations (prisoners, corrections officers, administrative staff, etc.), and the circulation of various goods and people (prisoners, corrections officers, laundry, food, visitors, and lawyers). In this complicated managerial system, the prisoners are simply a population with a normal/ median behavior - that of the utilitarian individual. Provided the right incentive structures, this population may be easily managed since they would naturally desire to cooperate. In this new regime, the daily task is to sustain the flow of life in prison, and manage it through the manipulation of its different components ... The prisoners in this scheme are no longer mere subjects of a sovereign or subjects that are transformed into the ideal prisoner/ citizen. They are members of a population that is being managed; and, for managerial purposes, they are reduced to the natural characteristic of their species, the utilitarian individual. (İbikoğlu, 2012, p. 100)

### 3.1.3 New penal regime: 2004 - present

The law numbered 5275 on the execution of punishment and security measures (*Ceza ve Güvenlik Tedbirlerinin İnfazı Hakkında Kanun - CGTİHK*), which was enacted in 2004 and took effect in 2005, abolished the previous law numbered 647 and constituted a substantially different penal regime especially in terms of the discursive shift. At this point, it is crucial to note that the role of the European Union harmonization process is the primary reason behind the enactment of the new law that abolishes the prior penal techniques and the penal discourse. The law 5275 is much more detailed in many regards compared to the previous relevant laws as it regulates almost every aspect of the execution of state punishment. Nevertheless, the main aspect and the most important characteristic of the new law is the emphasis that is put on the “rehabilitation” in every regard. For instance, in the first section of the law the purpose and the principles of sentencing are defined mainly through the rehabilitation aspect of the punishment. The third article of the law which defines the ‘main purpose of execution’ states that the

main purpose of execution is to protect the public against crime and to prevent recidivism, and the achievement of this end is possible via the harmonization of the inmate with the society through rendering her/him “productive, law-abiding, and responsible” (CGTİHK, 2004). In this regard, the principles that will be pursued in execution are defined in the article six as “to ensure that the criminal will maintain an orderly life”, therefore “means and opportunities that will enable the rehabilitation of the inmate” (CGTİHK, 2004) would be used. In the same article, it is also specified that it is compulsory for an inmate to comply with the rules and regulations. The following article is dedicated to the evaluation of the measure of success in rehabilitation, which defines the success as the acquired attitudes and skills by an inmate.

The second section of the law identifies the types of prisons and their qualities. Once again, the significance attributed to the rehabilitation is quite evident even in the definition of prison-types. The prison types are categorized as such: closed prison, high-security closed prisons, women closed prisons, juvenile closed prisons, and open prisons. According to the definition, open prisons are the facilities that “prioritize the work and profession in the rehabilitation of an inmate, with no security personnel outside the prison compounds or barriers against fugitives” (CGTİHK, 2004, article 14), whereas the closed prisons are defined as “facilities with security personnel inside and outside the prison compounds; equipped with technic, mechanic, electronic or physical barriers against fugitives... provided with sufficient security and allows for individual or group rehabilitation activities in line with the needs of inmates” (CGTİHK, 2004, article 8).

During the discussions on the proposed law in the parliament, one of the prominent issues of debate highlighted and criticized by the deputies of the opposition party was the way that ‘rehabilitation’ instrumentalized within the law. The fact that the

law imposes rehabilitation as a duty of an inmate rather than a right was one of the most emphasized aspects of the new law during the discussions (*Türkiye Büyük Millet Meclisi Tutanak Dergisi* [Grand National Assembly of Turkey - Journal of Proceedings], 2004).<sup>5</sup> When the article three on the “main purpose of execution” was being discussed, a deputy of RPP, Yüksel Çorbacıoğlu, stated this fact, reminding also that in international agreements “work, education, health, social activities, cultural activities are defined as rights of an inmate, not duties” (TBMM Tutanak Dergisi, 2004).

The main reason for all these criticisms lies in the section six of the law, where the duties of an inmate are defined. According to the second clause of the article twenty-six, “an inmate is obliged to totally accord with the security and rehabilitation programs” (CGTİHK, 2004, article 26, clause 2). This article legally defines the accordance with rehabilitation programs, which are mostly realized through “work”, as an obligation. The disciplinary punishments and the acts that necessitate these punishments are identified in the articles from 38 to 41. In the article 41, the acts that necessitate the punishment of divestiture from waged-work are listed as such: not wearing the working clothes, leaving the work space without permit, not following the work directives, not showing sufficient care with work, hindering others from working solemnly, ruining the work equipment on purpose, endangering the work or workers by inattentive and reckless behavior, mucking up on purpose or *not working when necessary* (CGTİHK, 2004).

---

<sup>5</sup> During the parliamentary debate on the articles of the new proposed law, this issue was brought into question by several deputies such as Muammer Kılıç on article 1, Feridun Ayvazoğlu on article 2, Yüksel Çorbacıoğlu on article 3, Halil Ünlütepe on article 26, and Mehmet Küçükaşık on article 29.

### 3.2 Construction of the confinement buildings and the prison types

As implied in the previous section, during the 1930s there were mainly two prison types: labor-based prisons and the ‘old prisons’. The Single Party era of the Republic was marked with the primacy of the labor-based prisons. This aspect of the prison work was lost starting from the 1950s, as the main scope of the Democrat Party (DP) government was to increase the number of work-dorms rather than labor-based prisons. During DP government, numerous new ‘old prisons’ were constructed. The number of confinement buildings built in two years by DP was 60. Compared with the number of prisons that were constructed between 1929 and 1950 –which was 87-, this number was recognized as a great success by the government (Sipahi, 2006).

By 1936, there were sixteen labor-based prisons in Turkey. By the end of the 1960s, there were only six open and eight semi-open prisons. 619 of the 633 prisons were closed-prisons with the 95 work-dorms in total (Sipahi, 2006, p. 41). Besides the decline in the labor-based prisons that prioritize the productive aspect of punishment, the amount of prison construction was rapidly increased throughout the years.

In 1944, the Minister of Justice mentioned the need for the construction of huge central prisons for the first time, declaring that 467 small prisons are not necessary for the country. The logic behind this was that few huge prisons could accommodate same number of inmates while providing the opportunity to employ them all. Even though small prisons also can provide the workshops for few inmates, they are not as efficient in term of production. The construction of huge central prisons rather than small ones would be economical for the administration of the penal system (Sipahi, 2006, p. 51). Nevertheless, with the change in the government, the penal policy also altered and the

diffusion of the penal system through the construction of low-capacity prisons all around the country was preferred by the DP considering the context of the time.

Since 2000s, this trend has been reversed. The new policy of the General Directorate of Prisons and Detention Houses is to close the small and low-capacity prisons around the country and construct huge and high-capacity prisons instead. The reason for this transformation is stated in the annual report 2014 of GDPDH as the need for closing the prisons that are now dwelled in the residential areas, that do not provide the efficient environment for the rehabilitation activities, and that are no more “economical”. The report states one of the targets of the institution is constructing huge campus-type prisons, primarily starting from the big city centers in accordance with the 2013-2017 investment plan of the institution. The first campus-type prison was built in 2006 followed by five others. According to the report, four other constructions of campus-type prisons are given start in Diyarbakır, Kayseri, Şanlıurfa, and Tarsus. The construction of new campus prisons is accompanied by the shutting down of the old small prisons. In this regard, the annual report reports that the target which was to shut down 43 inefficient prisons could not be reached, as only 22 prisons were achieved to be shut down. In the report, this is explained by the increasing demand for the prison capacity which made it impossible to close that many prisons at once. Nevertheless, with the construction of the new high-capacity prisons, the prospect is that it would be possible to shut down the remaining prisons of the target in the following year, 2015.

The figure 1 below demonstrates the variation in the number of prisons and the prison-capacity in Turkey from 2006 to 2014. As the figure illustrates, the prison capacity has been constantly increasing since 2006 whereas the number of prisons has been in a significant decline. The explanation for this situation lies in the mentioned

trend of replacing the low-capacity prisons with the high-capacity campus-type prisons. The main reason behind this transformation of the prison construction style is stated in the Judicial Reform Strategy 2009 as the need for “physical spaces of modern penal regime which are free of security problems that prioritize the rehabilitation of inmates. On the other hand, in line with the consideration of the rising needs, enhancing the capacity of inmate accommodation in prisons comes up as an exigency. In order to meet that demand, modern district prisons which are convenient for rehabilitation activities with high living standards were built and planned to be built” (Judicial Reform Strategy (JRS), 2009, p. 42, own translation).

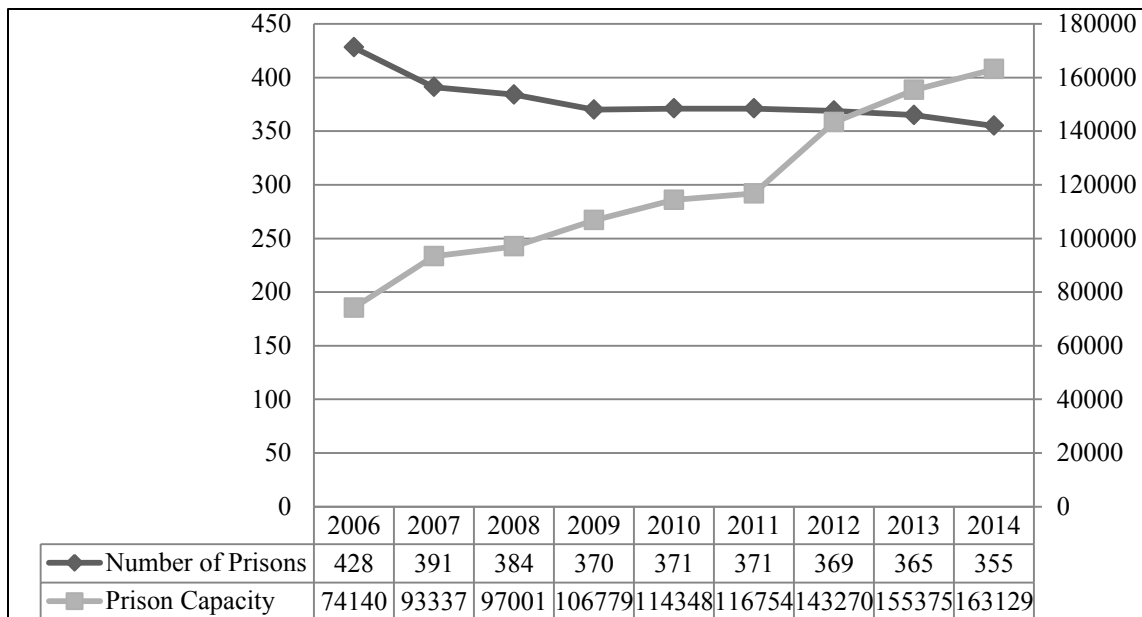


Figure 1. Number of prisons and prison capacity between 2006 and 2014.

The issue of construction of new prisons and the destruction of the old ones has been also subject to many parliamentary questions ranging from national level to district level. For instance, in March 2010 group deputy chairperson of Peace and Democracy Party issued a written parliamentary question to the Minister of Justice of the time, Sadullah Ergin, regarding the change of prison capacity and conditions between 2002

and 2010 (TBMM Genel Kurul Tutanağı, 2010a). The written answer to the above question by Ergin provides several statistics indicating the rising capacity during the mentioned period. According to the official answer, during the period 2002-2010, 52 prisons were opened with the capacity of 39.270 in total, as 198 prisons were closed with the capacity of 15.615 in total due to insufficient conditions. Despite the increase in the net capacity, it is also stated in the answer that there is still deficiency of 8.201 in capacity by March 2010 (TBMM Genel Kurul Tutanağı, 2010b).

Another target that is stated in the annual report of the GDPDH is to construct open prisons to each and every city where there is a closed prison. According to the reports, in 2013, the number of open prisons in Turkey was 49 with the capacity of 20.419 inmates. In 2014, the number of open prisons was 53 with the capacity of 21.581 inmates. By June 2015, there are 59 open prisons in total and additional 64 open prisons that are affiliated to the relevant closed prison administration. This continual rise in the number of open-prisons reveals the signs of reprioritization of the labor aspect in the penal regime.

All in all, we can talk about two trends in the penal regime in the last decade: constant demand for upsizing the prison capacity and the change of confinement types towards the ones that enables efficient rehabilitation activities. These two trends are interrelated with each other. As increasing the confinement capacity becomes the main target of the penal regime, the financial burden on the state significantly increases. The profit the institution acquires through the use of prison-labor is an important income for the institution to invest in the construction of new prisons. In this regard, as mentioned by Sipahi (2006), the open prisons, which are labor-based, provide a significant source

of income. Then what about the work-dorms in the closed prisons that are also constantly increasing? As it will be discussed more in detail in the following chapter, the work-dorms also began to become a source of income for the institution since the initiation of the private sector collaboration in terms of use of prison-labor.

The Judicial Reform Strategy of 2009 is a significant project that is documented by the Ministry of Justice, and it was foundational for the future reform trends in the penal regime. The reform strategy recognizes the major changes and developments that have been witnessed in the penal regime in Turkey “in accordance with the contemporary sense of punishment” (JRS, 2009, p.41, own translation). As stated in the judicial reform strategy, the law numbered 5275 that is discussed above constitutes the legal foundation of this new modern penal regime. The latest developments and the future projections involve the amelioration of prison facilities through the construction of modern campus-type prisons that allow the capacitation of greater amount of inmates as well as more efficient production activities. The emphasis on the contemporary modern aspect of punishment, namely ‘rehabilitation’, is mentioned more than several times in the strategy plan as it did in all of the mentioned documents that are published since 2004.

#### 3.1.4 Concluding remarks

Just like the Judicial Reform Strategy, the 2013-2017 investment plan of the GDPDH exhibits propensity for two policies: first, the replacement of small and inefficient prisons by the central, huge, campus-type prisons that are more ‘economical’, and second, the increasing importance that is attributed to the work in prisons both in terms of work-houses in closed prisons and the open prisons. When considered in the historical context of the development of the penal regime in Turkey, this return to the prioritization

of the labor aspect rather than the punitive aspect of penalty could indicate several trends. Although the increase in the number of open prisons, the change in the prison forms, and the change in the penal discourse resemble the penal regime of the 1930s, I argue that this new trend in the penal regime does not demonstrate a return to the old system. On the contrary, the importance that is attributed to the establishment and the performance of the work-dorms and the recent re-prioritization of the production within the prisons demonstrate distinctive qualities. First of all, the contemporary political economy of Turkey presents different characteristics than the economic conditions of 1930s. The primary reason behind the stress put upon the labor aspect in punishment in 1930s could be explained by the labor-shortcomings of the period. As Sipahi (2006) notes, “the increasing involvement of the state in the economic sphere and the labor problem which continued in the 1930s and 1940s were determinant factors in the establishment of the labor-based prisons and the legal framework accompanying them” (p. 30). Nonetheless, it is no longer possible to talk about labor-deficiency as we live in a context of surplus of labor today.

If we could not explain the re-emergence of the importance of the prison work by the labor demand, then how could we explain it? The argument presented in this thesis is that there are two main factors behind the latest developments. First of all, the transformation in the Turkish political economy after 1980s has a significant impact on the reappearance of the prison-work as a dominant strategy. In other words, the latest upturn in the significance of the prison-work is not due to the increasing demand for disciplined labor, but the neoliberal turn in the provision of public services necessitated the efficient use of prison-labor by the state to acquire an income to invest in the

targeted penal regime. The expansion of the neoliberal regulation to the penal policy after the 2000s has a significant impact on the regained prominence of the regulated and effective prison-labor.

Secondly, the impact of the external forces on the transformations of the penal system in Turkey is undeniable. External pressures from the EU have played significant role in many governance areas in terms of institutional transformation in Turkey during 2000s, and the penal area was also among them. The humanitarian failures in Turkish penal system have been subject to evaluations in the Human Watch Reports published by international organizations in the beginning of the 21<sup>st</sup> century. The main point of criticism on Turkey during those times targeted the inhumane conditions that are experienced in Turkish prisons as well as the widespread cases of torture and ill-treatment by the official authorities. The external pressures from the EU, especially considering the harmonization process, brought the need for ameliorations in the penal system and the focus on the rehabilitation perspective in punishment to the forefront. This aspect also mentioned in the Judicial Reform Strategy (2009): “The developments in the international arena and the process of EU candidacy necessitated an effective judicial reform. Our country has to consider judicial reform in a future-oriented strategic perspective ... On the other hand; with the latest developments in legislation, significant steps were taken in terms of harmonizing with the European Union *acquis*, pursuant to the target of full-candidacy” (p. 45, own translation).

The key to the both of the developments and needs mentioned above is “prison-labor”. In other words, the implementation of efficient use of prison-labor could provide an answer to both of the above problems: discursively it could be the source of rehabilitation that the institution would like to highlight, as well as it could provide a

source of income to the institution if used efficiently. Here the main problem rises in terms of the efficient use of prison-labor. As mentioned in many studies (Sipahi, 2006; Savcı, 2004), although the productive system in the open prisons was profitable, it was not likely to say the same for the work-dorm activities since neither the production nor the training provided by the state was profitable for the institution. Once again, this is the main point the private sector involvement comes into the picture. The collaboration with the private sector by the institution allows for the ‘efficient’ use of prison-labor which is justified on the grounds of modern idea of rehabilitation while providing the necessary income that allows for the expansion of the modern penal system without increasing the financial burden on the state. Nevertheless, at the end we end up with two interrelated processes: the commodification of the prison-labor through the marketization of it and the institution of Work-dorms acquiring characteristics of enterprise.

The last and the most significant point that should be discussed in the framework of this thesis is the identification of ‘rehabilitation’ with the concept of ‘work’. Historically, the link between the work and the rehabilitation came into the picture in Turkish penal system in 1930s as we understand from the practices of the time as well as the discourse of the technocrats that involve in the reformation of the penal regime. Sipahi (2006) points out this fact by stating that the idea of work becomes “an instrument that serve the rehabilitation of criminal” (p. 30-31).

## CHAPTER 4

### INSTITUTION OF WORK-DORMS

In this chapter, the focus is on the contemporary situation of the work in prisons in Turkey. In order to be able to provide a coherent picture, first I present the institution of work-dorms in terms of its foundation and the contemporary legislation that shapes both the institution and the inmate work within prisons. Then I illustrate the rapid development in the use of prison-labor. To achieve this end, I use the data that I have acquired from the annual reports of the Institution of Work-Dorms, Ministry of Justice, and the GDPDH. After that, I concentrate on the project of the ‘Private Sector Collaboration’ (PSC) which is the main subject and the point of departure of this thesis. During that part, I will provide the developments that led to the birth of the project, the details of how the project works, as well as the expansion of the project throughout the years. As I analyze the PSC project in light of the relevant legislation, statistics, news articles, reports, and the interviews. Once the situation of the contemporary prison-labor in Turkey is presented, in the last part of the chapter I evaluate the findings in light of the framework and premises I put forward so far.

#### 4.1 Contemporary Situation of the Prison-Labor in Turkey

##### 4.1.1 Institution of Work-dorms

Since 1997, the work in prisons is regulated by the institution called *İşyurtları Kurumu Daire Başkanlığı* (General Directorate of Work-dorms), which is one of the departments of the Ministry of Justice. In general terms, General Directorate of Work-dorms (GDW) is the institution that is responsible for the establishment and the management of the work-dorms in prisons, as well as determining the basis and procedures of the inmate

employment within prisons. Besides, GDW is also responsible for determining the price of the goods that are produced in the work-dorms as well as determining the daily wage for the inmate-labor each year. GDW is a special-budgeted public administration, therefore it is not funded by the state entirely, but it also acquires its own budget through several sources of income, such as the production in the prisons.

In 1997, the institution of work-dorms is founded via *Ceza İnfaz Kurumları ile Tutukevleri İşyurtları Kurumunun Kuruluş ve İdaresine İlişkin Kanun* (Law on the Foundation and the Management of the Workhouses of the Department of Corrections and Detention-houses - CIKTIKK). In the law, the purpose of the institution's foundation is stated as "to carry out the practices that aim the protection and the development of the profession and the skills of inmates or to teach them a profession and a skill" (CIKTIKK, 1997, own translation).<sup>6</sup> In this regard, the concept of "work-dorms" is defined as "the units, such as workshops and facilities, which are constituted for the protection of the profession and the skill of inmates or teach a profession and a skill to them, as well as marketing the economic valuables that are produced by these means" (CIKTIKK, 1997, own translation).<sup>7</sup>

Since its foundation, there have been several changes in the law on the establishment of the work-dorms institution. First in 2001, then in 2004, and lastly in 2012 three articles in total have been changed so far. The article numbered eight regarding the wage payments of the inmates was changed in 2001. Prior to 2001, the

---

<sup>6</sup> Hükümlü ve tutukluların meslek ve sanatlarının korunup geliştirilmesi veya bir meslek ve sanat öğrenmeleri amacıyla yönelik olarak çalışmalarını sağlamak üzere; işyurtları açmak ve bunların bütün mali ve idari işlerini bir merkezden düzenlemek ve yönetmek

<sup>7</sup> İşyurtları, hükümlü ve tutukluların meslek ve sanatlarını koruyup geliştirmek veya bunlara bir meslek ve sanat öğretmek, bu suretle üretilen ekonomik değerleri pazarlamak için ceza infaz kurumları ile tutukevleri bünyesinde oluşturulan tesis, atölye ve benzeri ünitelerdir.

subsistence allowance that is acquired by the state from each inmate due to daily food expenses of an inmate was cut from the daily wage of the inmate, and the payments to the inmate by the institution are made accordingly on a monthly basis. In 2001, this article was changed in such a way that the subsistence allowance is no longer cut from the inmate's wage. In other word, since 2001 any inmate who works in the prison-system is exempt from the subsistence allowance. When the amount of the subsistence allowance and the daily wage earned by the inmate are considered, it would not be very assertive to think that the abolition of subsistence allowance, which amounts around 5 TL per day (GDPDH Announcement, 2013), would be a significant motivation for an inmate to be willing to work in the work-dorms.

Another article that was changed in 2001 was the article numbered seven, which is about the sources of capital for the institution. With the mentioned change, the budget that could be allocated to the institution is increased around 100 times, from 2 billion Turkish Liras to 200 billion Turkish Liras. This increase in the budget of the institution indicated the significance attributed to the penal field starting from 2000s. In 2004, further changes were made in the sub-articles of the same article regarding the details of the budget payment processes.

Nevertheless, one of the most significant changes for the purpose of this thesis was occurred in 2012. With the change in the article numbered three, the administrative structure of the institution is reconstituted. Until 2012, the High Commission of Work-dorms used to be composed of the General Director of the Correctional Houses, Director of Personnel, and the Head of the Administrative and Financial Department. After 2012, the High Commission is restructured in a way that now it includes the Director of Strategy Development instead of the Director of Personnel. The significance of this

structural change in the administrative body of the Institution of Work-Dorms lies in the increasing emphasis put on the strategy development in institutional terms. As I shall discuss more in detail in the upcoming sections, the emphasis put on the strategies, performance indicators, and the annual targets play a pivotal role in the transformation of the institution into an economic entity.

The mentioned law on the foundation of the institution states that the details about the inmate work would be regulated through the regulations. In this regard, the objective and the principals of inmate employment, the scope of the work, the length of working hours, the rules regarding the wage amounts are all regulated in the *Ceza İnfaz Kurumları ile Tutukevleri İşyurtları Kurumu ve İşyurtlarının İdare ve İhale Yönetmeliği* (Regulation of the Execution and Tender of the Institutions of the Department of Corrections and Detention-Houses Work-dorms and the Work-dorms). I mention all these aspects of the contemporary prison-labor conditions in light of the legislation including the regulations and decrees in effect.

According to the regulation, the working hours are determined as maximum of 7.5 hours per day. The regulation also recognizes the ‘overtime’ work, which is determined as up to three hours per day. However, as stated in the same article, the overtime can be increased under specific conditions if it is crucial for the sake of ‘public benefit, quality of the work, or increase of the production’. This means that the duration of overtime can be increased any time, since the stated reasons are quite vague and literally cover any situation.

The daily wage for an inmate is also determined by the institution as stated in the regulation. According to the annual reports from 2006 to 2012, the daily wage for an inmate worker varied between 4 TL to 6.5 TL in the mentioned period. In general, this

amount increased by 0.25 TL each year. The inmate-workers are categorized under three categories (master-foremen-apprentice), and they are paid accordingly. According to the annual report of 2012, the amount of daily wage for a master was 6.5 TL, for foremen 6.25 TL, and for apprentice 6 TL. The table that shows the daily-wage amounts of an inmate by year is provided below. One of the important awareness at this point is that most of the inmates work during their ‘training process’, and they do not get paid in the meantime till they officially become an apprentice. According to the law, however, they are also exempt from the subsistence allowance.

The scope of the work in prison can be grouped under three categories, and these categories are highly related with the type of execution. As mentioned in the previous chapter, in the contemporary penal system, the execution of imprisonment is applied through two types of prisons: Open Prisons and Closed Prisons. In general, inmates who are residents of open prisons have to work in either the plants inside the prison facilities or plants outside the institution, since it is the delineative aspect of these types of prisons. On the contrary, inmates who are residents of closed prisons are not allowed to work outside the institution but can work in the facilities of work-dorms.

Bearing this in mind, it could be said that the scope of the work in prison falls under three categories. First of all, the employed inmates either work *within* the work-dorms or *outside* the institution. The work outside the institution applies only to the case of Open Prisons. The work within the institution as a part of the work-dorms system may acquire two different forms regarding the purpose of the production. First, as the GDW is a special budgeted institution, the products that are acquired through the production within the work-dorms constitute the income of the institution as these goods are sold by the institution itself either to the public institutions or to the private sector

corporations. Many of the furniture for public institutions are produced this way, especially the ones for the Ministry of Justice. Second, in line with the ‘Private Sector Collaboration’ project, the institution rents the work-dorms to the contracted corporations and firms so that private firms can carry out some part of their production within the prison work-dorms through employing inmates. This second form of production relations that involve the private sector is presented much in detail in the following sections.

Regarding the regulation of work-dorms, the notice numbered 137/3 issued by the Ministry of Justice in 2010 constitutes one of the most detailed legal documents that provide the details of the management of the work-dorms. The notice regulates the financial, legal, administrative, and prison-labor related issues. The second section of the first part of the notice states the tendering official of the work-dorms and the rules that bind him/her. In this regard, the general director of the prison is the officer that is authorized for the tendering, as well as determining the expenses of the prison for which s/he is responsible.

According to the protocol that is the supplementary of the notice, the wage that will be paid to the inmate-worker who works outside of the institution cannot be less than the minimum wage. The social security payment of the inmate should be done by the employer directly to the Social Security Institution. The income of the inmate is not subjected to taxation according to the 23<sup>rd</sup> article of the Income Tax Law. The daily working hours for an inmate worker is 7.5 hours, and they cannot be made to work on official holidays.

#### 4.1.2 Rapid development of the prison-labor and the Institution of Work-Dorms

In the previous section, the laws and the regulations that designate the conditions for the prison-labor and inmates are presented. In this section, the focus will be on the development rate of the institution regarding several aspects. Relevant statistics are quite significant in indicating the trends regarding the prison-labor and the production in prisons. In this section, the data that is acquired from the annual reports, performance programs, and the strategic plans of the institution will be analyzed. In general, the statistics on the performance of the work-dorms indicate the rapid development of the institution, whereas the discourse and the management emphasis indicate the managerial turn in the administration of the institution.

The strategy plan of 2014-2018 of the Institution of Work-dorms (IW) opens with the introduction written by the Undersecretary of Ministry of Justice Birol Erdem, who states that the work-dorms in the prisons today render the prison facilities as education and production centers. In many respects, this statement has its premises. Within the same document, there is section dedicated to “shareholder analysis”, where the shareholders of the institution defined as public internal shareholder (departments of the Ministry of Justice), external shareholders, and the clients. In the same section, the finding of the analysis and the interviews conducted with the shareholders is argued to be that “the products and the services produced in the prisons contribute to the national economy” (IW Strategic Plan 2014-2018, p. 28).

The annual reports of the institution that reveal data such as the number of work-dorms, number of working inmates, the income and the profit of the institution, have been published since 2006. Nevertheless, the quality of the reports varies in terms of the provided data throughout the years. Especially the reports until 2008 fail to provide

complete statistics in many relevant areas. During my visit to the institution in 2015, one of my objectives was to be able to acquire data that is not provided in the annual reports. Nevertheless, at some point I realized that the main problem was not that the statistics were poorly reported, but the main problem was that keeping a neat record of performance indicators is a respectively recent practice. As a matter of fact, in some regards they still face difficulties in keeping a record of several matters. Due to this reasons, the statistics that I provide below cover mainly the years from 2008 to 2014, although when available the data from 2006 and 2007 is also presented.

First and for all, the increase in the number of the work-dorms since 2006 is significantly high. As illustrated in the Figure 2, the number of work-dorms has been increased to 250 in 2014, which have been 180 in 2006. This means that the number of the work-dorms is increased by 39% in the last eight years. However, when the latest developments in the prison building that are mentioned in the previous chapter are taken into account, this could also indicate a higher percentage increase regarding the work-dorms rate due to the decrease in the number of prisons. In other words, the work-dorms rate is getting much higher than these numbers indicate, since many small-scale prisons are replaced with the campus-type prisons, therefore the capacity of work-dorms increase even more rapidly. For that matter, the increase in the capacity could be better understood if the increase in the number of inmates that works in the work-dorms system is considered.

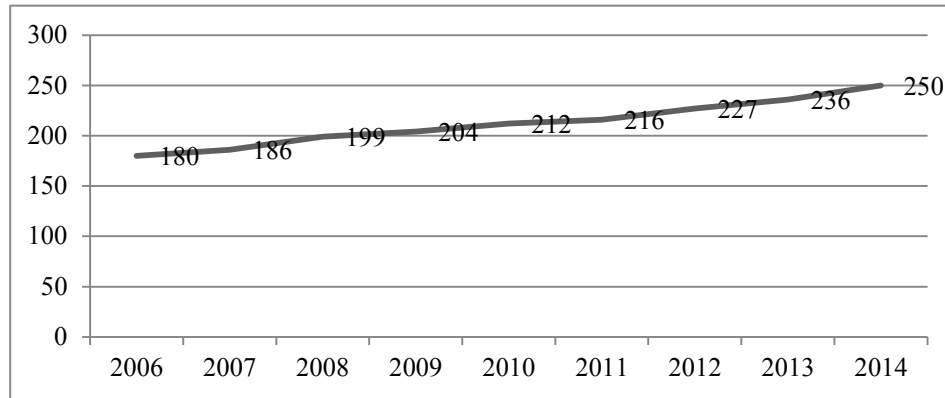


Figure 2. Number of work-dorms between 2006 and 2014.

According to the data, since 2008 the number of working inmates is increased by 243% over the last six years. In the first three years, the increase rate was around 20% each year, making a peak in 2011 with the increase rate of 62% followed by a downwards trend to around 10%. As shown in Figure 3, the number of inmates that put into work by the institution increases rapidly each year since 2008. In 2014 this number reached to 34,114. The rate of inmates that work in the prison increases in a similar fashion. The rate of working inmates to the prison population was 9,64 % in 2008, whereas this ratio increased to 21.48 % in 2014. Since the prison population rate is in a constant increase in the last ten years as shown in the Figure 4, all these numbers indicate a growing practice in the penal field of Turkey.

As the figures and provided statistics illustrate, the capacity of the prisons as well as the prison-labor has been increasing throughout the years. Nevertheless, the growth of the institution is not limited to these capacity indicators. In a similar manner, the financial indicators of the institution also build up notably. According to the budgetary data provided in several report types, the financial gain of the institution from the prison-labor increases each year. Significant amount of this income returned to the system through ‘employing’ more inmates each year and investment on the new facilities. Since

2008, one of the other components in the financial assessment is the income that has been acquired from the PSC project. When analyzed, besides the total institution output profit mentioned above, the profit that is acquired from the private sector collaboration also increases each year due to the growth in the number of agreements and deals made with new firms. In the following section, I focus specifically on the PSC project, examine how it works and through which mechanisms it is made grow while also examining how the project initiated in the first place.

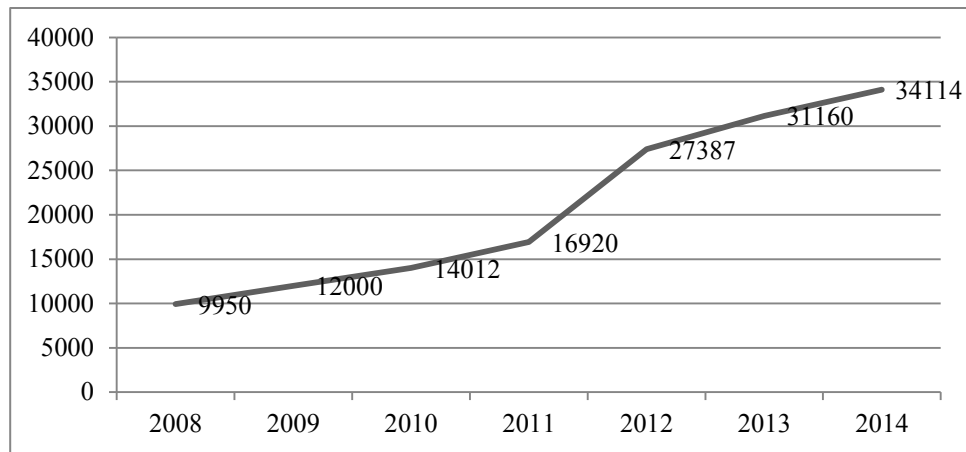


Figure 3. Number of inmates work in work-dorms between 2008 and 2014.

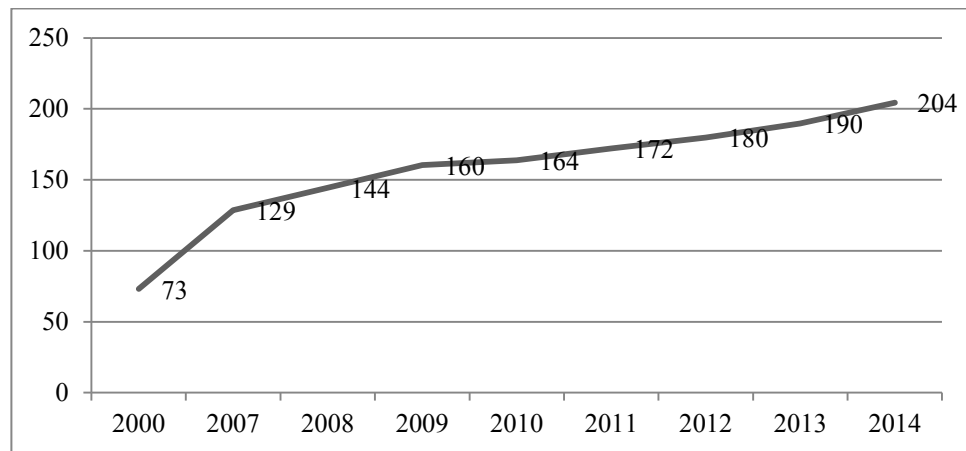


Figure 4. Prison population rate in Turkey between 2000 and 2014.

## 4.2 Private Sector Collaboration Project

### 4.2.1 Establishment and the Development of the PSC Project

“The Private Sector Collaboration” is a policy that is adopted and institutionalized in November 2007, which intends to increase the involvement of the private sector in the prison work-dorms. Prior to 2007, the private sector was part of the production process only as the ‘demander’ and the ‘buyer’ of some goods that are produced within the prisons or as the supplier of the jobs for some ‘Open Prison’ inmates. From 2007 onwards, private sector has also become an active actor in the production within the prisons, as it has become directly one of the other employers of the inmate workers. Since there is no specified law or regulation regarding the private sector involvement in prison production that states the rights and duties of the inmate under this project, the rules that are stated in the laws and regulations of the work-dorms apply to this form of inmate employment as well. In other words, the inmates who work in the work-dorms for the private firms are not subject to different conditions than the inmates work for directly the institution itself.

As mentioned above, there is no specific regulation regarding the private sector involvement in the use of prison-labor. Nevertheless, some details of the project are caught in the appendix of the notice on the work-dorms. In the appendix, one of the provided documents is the example agreement document that should be signed between the institution of the work-dorms and the private firm. Although the agreement states the parties as well as the financial details of the agreement, there is no mention of the details on how the process works in the agreement. At this point, one of the beneficial documents is actually the advertisement brochure of the project. As I shall discuss later, the project is highly advertised through several means, and the brochure of the project,

which is designed for the private firms, is quite an informative source. According to the advertisement brochure, in terms of the deal between the institution of the work-dorms and the private company, the institution provides the following: the place for the production, the meal and the health expenses of an inmate, the workplace security, and the ‘disciplined environment’ for production. While not paying any kind of rent for the workplace, according to the agreement, the firm should provide the training for the job, bring in the machinery that is necessary for the production, and pay for the bill expenses such as electricity, water, and heating. As stated in the example agreement of the notice, in return for the above benefits, the firm has to pay 20 TL per inmate worker to the institution. This amount includes the social security contribution as well, but the insurance transactions are controlled by the institution of work-dorms itself. Though the amount paid by the firm to the institution is 20 TL, the amount that is acquired by the inmate is well below that number as I demonstrated in the previous section.

When the PSC project came into life in 2007, the first collaboration realized in the Mardin Prison, and the first collaborator on behalf of the private sector was Akgün Kuyumculuk (Jewelry). The first initiative for the project set forth by the state, and the demand is offered to the owner of the firm. According to the interview that is conducted by Eren Güler with the owner of the Akgün Kuyumculuk in 2008, the project offer is accepted and the project is initiated as a favor for the prosecutor of Mardin, since the owner of the Akgün Kuyumculuk, Süleyman Akgün, is a friend of the prosecutor. In his own words, Süleyman Akgün tells the story of how the project came into life as such:

At first, there was no such project in our minds. I have been visiting Mardin-Midyat for touristic purposes for five days. Since I was there, we also stopped by the prosecutor, as he was a friend of mine. He asked me: “we are trying to do something for the inmates here, would you offer an help?”. They even offered me to run the business. Then we visited the prison together. ... Finally, they

asked us whether we would take the job, so we said we would like to help. We thought we would give some machinery and provide them with some information. However, we arrived to the point that “from now on, let this facility entirely work for you, you place the orders, you bring in the machinery”. They said, as an Institution of Work-dorms they would like to collaborate with us. (Güler, 2008, own translation)

Here, one of the significant points that should be in the focus is the fact that the demand has been coming entirely from the state institution. Although the demand from the state is a necessary condition for any private sector involvement in public services, in this case the situation is actually beyond that. In the following parts of the interview, Süleyman Akgün tells how they were actually “forced” to say yes to the project due to the intimate relationship he had with the prosecutor. As it is understood from his statements, it was not such a desired investment on Akgün Kuyumculuk’s part to get involved with unskilled workers who have absolutely no experience or skill in jewelry. Nevertheless, since he cannot disoblige a friend, he had to accept the offer in the first place.

As it is obvious in the case of Akgün Kuyumculuk, the first private collaborator in the Private Sector Collaboration Project, despite the institution’s offers that would actually decrease the production costs for the producer firm, the private sector was mainly hesitant towards the project. This is one of the underlying factors behind the fact that the institution had to promote the project through several strategies. As stated in the annual reports of the institution, since 2007, one of the main performance targets of the institution is to increase the agreements with the private sector by 30% each year. The stated means to achieve this end is to organize at least one visit per month to a private firm, and the institution keeps record of the number of the visits as well as the agreements as a performance indicator.

Although in the initial situation, the public institution was the insistent demander of the project and still today they realize the monthly visits, whether there have been any developments in the attitude of the private sector within those eight years was one of the questions in my mind. Therefore, when I have talked to the Director of the Institution of the Work-dorms, Vehbi Kadri Kamer, I asked about the current situation regarding the attitude of the private sector towards the project. According to his assertion, year by year the interest of the private sector with the project increases, and nowadays they even receive tenders from the private sector.

Despite the increasing interest of the private sector with the project, still today Institution of the Work-dorms is the most significant player in the expansion of the project. Nevertheless, in general, it could be said that there are three parties involve in the PSC project, and therefore there are three sides to the story: the institution (public sector), private sector, and the working inmates. All of these sides are significant to the case at hand as they differ in terms of motivation, type of involvement, and the gainings.

In case of the private sector, the motivation and the gainings are quite clear as the main motivation of it revolves around the idea of 'profit'. If the two main concerns of a private firm are profit and efficiency, the hesitance of the sector towards the project does not come from the absence of the former, but the lack of the latter. As also mentioned by Akgün as one of his concerns, to invest in a prison-production is quite costly especially when one takes into account the fact that inmates do not usually have the necessary qualification for the efficient production. Nevertheless, once the firm makes the venture, the profit follows in the long-run. As it is understood from Akgün's statements, there are two main reasons for that. First of all, as the time passes and the inmates acquire the skill, production becomes more efficient and profitable. For instance, in case of the

Akgün Kuyumculuk it is claimed that the products that are produced in the Mardin prison are same as the ones that are produced in the factory of the firm in Istanbul in terms of complexity and quality, although they have started with the easier products at first. After some point, only the products that require a high technology were being produced in Istanbul. The products that are produced in the prison are then brought to Istanbul for the marketing purposes.

The other reason for the production in prison being profitable is the advantage it offers to the employer in terms of the employment relationship. Definitely, prison-labor is a form of flexible labor where the worker lacks the employment security. Besides the fact that they can easily be dismissed, any inmate is also easily replaceable since there is a pool of inmates that are willing to work in every prison. In this regard, the employer does not have any official responsibility in terms of employment towards the inmate-workers. Furthermore, due to their status as a convict, they lack many of the rights that regular ‘free’ workers have. For instance, they are not allowed to strike or unionize. All these aspects of prison-labor diminish the risk factor for the employer firm, as the labor force it deals with have no saying.

Another side to the story involves the perspective of the inmate workers. In the case of Mardin prison, Akgün claims that the motivation of the inmates to be a part of the project is significantly high. According to him, the reason behind it lies in the better conditions that the working inmates experience. For instance, instead of sitting in three to four meter squares rooms, being able to work in a wide and comfortable environment of 200 meter-squares of ‘factory-like’ place offers an inmate better living standards in terms of living environment. The conditions that the work-dorm offer make them feel like they are outside the walls of the prison, as they have to get up in the morning, go to

a work, and return to their room. After stating that, Akgün adds how the inmates are zealous about learning the skill, since they have to go back to their old conditions if they fail to learn the job. Besides that, they would also lose the other advantages of being working such as the wage that they are paid and the exemption from the subsistence allowance.

The statistics regarding the private sector collaboration demonstrate a similar trend with the general development of the work-dorms. As shown in the Figure 5, the number of inmates that work under the PSC project for a private firm is increased by 776% within the last five years. According to the annual reports, the first year the project started, there has been only 190 inmates working for the PSC. In 2014, this number reached to 1,665 almost doubling each year. The profit that is acquired from PSC also increases throughout the years. As shown in the Figure 6, while the profit acquired from the PSC was around 2 million Turkish Liras in 2011, in 2014 the profit reached to almost 13 million TL. Although there is no reliable data for the last eight years on the collaboration agreements with the private sector, it is understood that each year significant number of agreements are signed as the performance indicators evaluated in a positive manner.

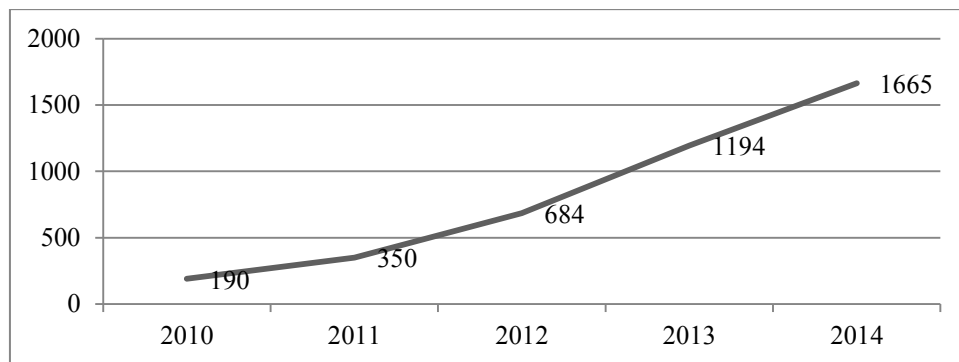


Figure 5. Number of inmates work under PSC project between 2010 and 2014.

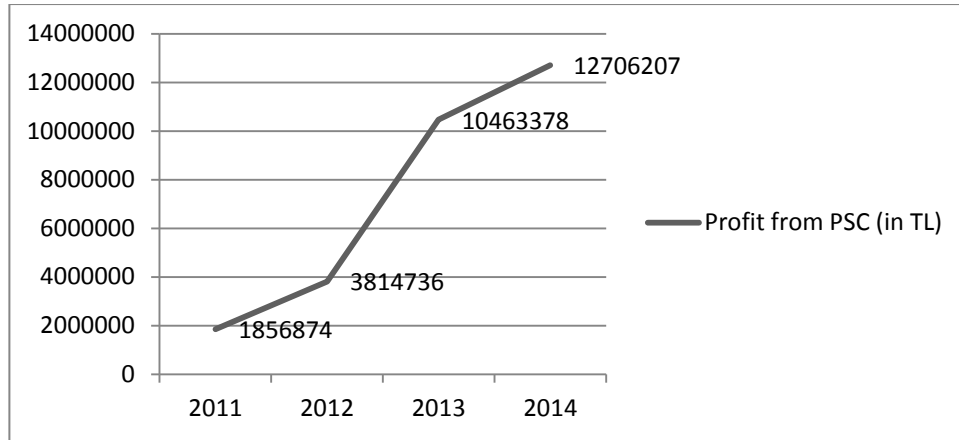


Figure 6. Profit acquired from the PSC project between 2011 and 2014.

#### 4.2.2 The managerial strategies and the marketing of the PSC Project

In the previous sections, I demonstrated the rapid increase in the use of prison-labor and the rise of the private sector collaboration within the management of prisons in the last decade. At this point, another line of analysis should follow the adoption of managerial strategies by the institution in order to illustrate one of the other main arguments of this thesis. As discussed in the introduction, the contemporary state in Turkey adopts a managerial approach in the penal administration. The turn to managerial approach by the state in the administration of a public institution signifies significant aspects of the new form of governance. It is not only that an institution with a social public aim turns into an economic entity through the production facilities and the profit motivation, but also the institution turns into an entrepreneur via the strategy developments. The extended market approach into the public institution and the idealization of the private sector in terms of efficient management of the inputs should make one question where the ‘value’ stands in the penal field. The performance programs, strategy plans and the annual

reports that are published each year by the institution become the measure of success in the name of the institution, and all these reports mainly concern the financial growth.

The annually published performance programs of the GDW states three main policies and the priorities of the institution as; rehabilitating convicts via vocational training, increasing the quality of the products and the services, and promoting the activities of the institution of work-dorms. These priorities also constitute the three aims that the institution plans to achieve according to the strategic planning. Therefore, for each of these aims there are defined targets that constitute the content of the aim. In terms of the first aim, namely the vocational training of the inmates, the targets are determined under three topics. The first target in this regard is to provide a vocational training at least three times a year to all inmate workers. The second target is to increase the number of inmate-workers by 10% each year. The third target is to increase the amount of the line of business by 20% by the end of 2018. The last target serving the aim is to increase the private sector collaboration agreements by 10% each year (GDW Performance Program, 2015).<sup>8</sup>

For the case of the second aim, namely the increasing the quality of the products; the targets are to modernize the machines and the equipment, providing vocational training to the personnel, and enabling each personnel to attend at least one exposition until the end of 2018. Another target in this regard is to continue to acquire at least one of the quality certificates of CE or TS for the products of the work-dorms till the end of 2018. This target actually indicates the desire to bring the prison products to the same quality level with the market standards, which would definitely increase the demand for

---

<sup>8</sup> Despite the fact that aims and targets are similar every year, the numbers and the due dates of the targets alter each year. The numbers and the data provided in the text are from the Performance Program 2015.

the prison-labor in the market. In order to achieve all these ends, the last target is to finish the establishment of the department of the Research and Development (*Ar-Ge*) until the end of 2018.

The last aim stated in the strategic plan is the promotion of the prison-labor activities. The targets in this regard is to attend as many fairs and expositions as possible, to promote work-dorms activities in national or local media at least once a year, to update the promotion brochures and the product catalogue, and to establish the department of 'Promotion and Marketing'. The last target to achieve the mentioned aim is to organize visits to public institutions and private sector at least once a month for the purposes of promotion and marketing.

Besides the performance programs, since 2006, the institution publishes the report of the annual activities. Though not given significance in the first two years, since 2008, the annual reports published by the GDW state the 'performance outcomes' of the institution regarding the 'objectives' and the relevant 'targets' that are constituted by the institution itself. In this sense, the main 'strategic objectives' involve similar items as the aims in the performance programs: i) increasing the quality of the products and ii) advertising the activities of the work-dorms. As the performance programs states the targeted objectives, the annual reports report how far the target is reached.

As mentioned above, in line with the second objective, one of the targets of the institution was to establish an advertising and marketing department within the institution, which was initiated in 2009 according to the annual reports. Another target which is to increase the collaboration contracts with the private sector, and one of the strategies to achieve this end is the strategy of organizing visits to private corporations/firms at least once a month. In this regard, the number of parties that are

appealed to and the number of contracts that are signed is quite significant in the annual reports. Accordingly, the number of contracted private firms increased to 21 in 2009 and to 30 in 2010. In 2012, additional protocols are signed with 31 firms, while in 2014 this number grew to 79 (IW, 2014). In the annual reports, the target is determined as to increase the private sector collaboration contracts at least by 30% each year, therefore these numbers are found quite successful in the reports.

All these strategies indicate that GDW is highly concerned with the marketing of the project, and the increase of the private sector collaboration is one of the significant targets of the institution. Nevertheless, the main point I aim to infer in this section is the significant transformation in the administration and management of the institution in terms of increasing the growth and the efficiency of the economic activities. At this point, I would like to underline the point that it is not just the aim of the activities prioritize the economic and financial growth, but also the methods and mechanisms to achieve these ends transform into a market-like approach. Even the jargon that is adopted in the performance programs, strategy plans and activity reports indicate this market-oriented view and appreciation of the marketized understanding of achievement.

Another significant issue arises when the marketing of the project is analyzed in detail. In other words, how the activities of the institution are promoted signals several important points. For the promotion purposes, in the advertisement brochure of the project, the benefits of the program are divided into three subcategories: the benefits to the firms, the benefits to the inmates, and the benefits to the society. Besides the fact that the benefits to the firms are prioritized, the content of these benefits are quite lucid in terms of indicating the perspective. The benefits to the firms are listed in the exact following order: the cheap labor, disciplined work environment, low production costs, a

rent-free workshop, inmates with a will to work and training, a potential employee that can work in the firm after release, and the moral satisfaction of rehabilitating an individual. As analyzed in the previous section, the institution actually provides all the mentioned items to the potential clients of the private sector. Nevertheless, the fact that the prison-labor is recognized officially as a cheap, ‘disciplined’ labor that could reduce the production costs evidently points out the commodified feature of the prison-labor itself. The marketization of the labor of the convicts whose rights are intrinsically restricted in such a way also cast a significant doubt on the ‘rehabilitative’ intentions of the project.

#### 4.3 Interpretation of the current situation

##### 4.3.1 Public-private collaborations and the neoliberal strategies

The discussions on the relation between the public sector and the private sector in the penal system have been part of the agenda of the Ministry of Justice for some time. Especially the issue of privatization in penitentiary is one of the serious considerations at least since the beginning of the 21<sup>st</sup> century, as it is solemnly mentioned by several state cadres in several contexts.

In 1997, the Minister of Justice of the time, Oltan Sungurlu, called for the private sector to open private prisons in Turkey (Sarıkaya, 1997). This was one of the first times that privatization in the penal area has publicly found voice. The reason behind this call was pointed out by Sungurlu as the costliness of the prison management and incarceration. Therefore, especially the incarceration side of the penalty was a burden on the state, as the state had to spend significant amount of money in both constructing prisons and accommodating inmates. In this sense, the privatization model that is offered by Sungurlu was one of a “build-operate” model. As Sungurlu claimed, once a

businessperson builds a prison, ministry was ready to provide it with inmates. They would not interfere with the management neither with the personnel. Ministry would only audit the institution occasionally to see everything goes according to the book. According to Sungurlu's claim, in his prior ministry this project of private prisons almost came into being as Sakıp Sabancı, one of the most important businesspersons of the time, was quite interested with the project. Nevertheless, due to the change of government in the next elections, the project was delayed for good.

The same year Oltan Sungurlu gave this speech on the need for privatization, the Institution of Work-dorms was established. Later on, throughout the years there have been more than several articles written on the feasibility of the privatization in the penal field by various authors in Turkey. In a symposium that is held in 2001 by the Ministry of Justice, Vahit Bıçak, an assistant professor of law in the Ankara University, made a speech on the advantages of the privatization in the penal system. As he stated, the main motivation behind the privatization is to make the institution more efficient and effective.

In the speech, Bıçak (2001) lists the contemporary problems of the prisons at that time. According to him, the excessiveness of the staffing, the inadequacy of the health services, and the inadequacy of the hygienic conditions seems to be the main problems of the prisons in Turkey. In this regard, the proposed solution to these problems, according to Bıçak, lies in the privatization.

As he explains in the speech, the privatization can take place in three ways: the full-scale privatization through the "build and operate" system, the limited privatization through the outsourcing of the services to the private sector, and the privatization of the prison labor through the use of inmate labor by the private sector. As he also noted in the

following parts, since it is not possible to transfer the current public prisons to the private sector at an instant, some ways of gradually integrating the private sector in the penal system could be adopted. In this regard, one of the other policy suggestions that Bıçak proposes is to replace the small prisons with the campus-typed prisons that have greater capacity, and as I have demonstrated in the previous chapter today this project of replacement being realized.

The main rationality behind the argument that the solution to the management problems lies in the privatization is the belief that the private sector and the public sector are not rivalry but instead complementary to each other. Therefore, instead of denying the beneficiaries of the private sector, the public sector should collaborate with the private sector. According to Bıçak's speech, the advantages that could be acquired through privatization are numerous. First of all, the demand for the increasing capacity could be met faster by the private sector. Secondly, privatization would decrease the public expense, which is considered as a burden on the state. Third, privatization would allow the state to have a more effective role in the supervision of prisons. The idea here is that if the executive and the supervision are separated, both would be more effective and efficient. Another advantage stated by Bıçak is the prevention of the eroding of the state.

As we see in general, the main concern in the prison management mainly revolves around the economic concerns. The questions that are raised by Bıçak at the end of the speech are: How could the system become more efficient and effective? Would privatization be economic? In which ways and under what conditions privatization becomes more efficient and economic? These arguments of providing efficiency in public services through privatization and outsourcing are actually quite

common to pro-neoliberal thought. Nevertheless, this “comparative efficiency” approach carries a significant problem (Dolovich, 2005), which is already mentioned in the previous chapter. The attribution of value to the idea of efficiency in a marketized fashion undermines the social aspect of the penal policy. This undermining is even doubled when labor appears as another parameter.

In Turkey, there is no private prisons yet, nor the privatization of the penal services through outsourcing. Nevertheless, the acceptance of the superiority of the private sector in efficient and ‘valuable’ production and amelioration of the provision of public services through the involvement of private sector in the penal field is already taking place. This understanding, I argue, is peculiar to neoliberal governance, and the developments especially within the last decade illustrate the ongoing emphasis on the adoption of neoliberal strategies in dealing with public concerns.

#### 4.3.2 Contemporary situation of prison-labor

The growth and the development of the prison-labor in Turkey reveal features of a controlled interventionism, which underline the processes of marketization and commodification. For that matter, this ‘regulatory experimentation’ with the prison management arises several important issues regarding the treatment of convicts who are highly affected by the changes in the penal policies and the management of the work-dorms. The idea of ‘rehabilitation’ that come into prominence in the new management model is also very significant to the recent developments while arising further questions. One of the most repeated words in terms of discursive statement of the Institution of Work-dorms is ‘rehabilitation’. When I have met with Vehbi Kadri Kamer, the Director of the Institution of Work-dorms, the meeting went quite different than I expected. First of all, I believe I need to mention that the institution was very eager to meet with me

when they realized that I am conducting a study on work-dorms. As I recognized later, the enthusiasm with my study was about the possible promotional effect of my study, which would promote the activities of the institution while highlighting the possible areas that could be ameliorated via the findings of my analysis. Once the meeting was arranged and we were face to face with Kamer, he was somewhat suspicious about my intents. From the very beginning of our conversation, he questioned my intents in writing a thesis on this subject, although he was glad that some academic study would be produced on the matter. At the beginning, he did not hesitate to ask whether I am planning to write a thesis that is 'critical' about the issue and I may say that his skeptical attitude persisted after that point.

Then he began to explain the contemporary practices of the institution as well as the intentions behind these practices and recent developments. Throughout our conversation, one of the most mentioned issues by Kamer was the rehabilitation aspect of the work in prisons. Kamer even started his speech by first stating that Turkish penal system is a huge penal system as he supported this statement by the number of inmates that the system includes. After this statement, he directly moved on to the rehabilitation subject, and he legitimized the need for rehabilitation through the increasing capacity of the prisons each year. As he asserted himself, he sincerely believed that if convicts could be provided with vocational training they would not commit crime again. When I asked him about whether they know how effective these rehabilitation programs on recidivism, he admitted that they do not know since it is almost impossible to keep statistics on recidivism. Despite the prominence stressed on rehabilitation as a dominant way of preventing recidivism, there is actually no study in Turkey that inquires the relation between trainings in prison and recidivism. Moreover, the institution does not keep

statistics of whether the convicts are able to find jobs after they are released, although it is one of the prominent promises of the project.

Since the answers to above questions are unknown, the question I raise in this regard is whether this system of rehabilitative penalty could work any way under the current circumstances through these implementations. There are two points I would like to construe at this point. First of all, although the convicts are not included in the statistics regarding unemployment, still the unemployment rate is quite high in Turkey. Under these circumstances, it is not very realistic that an inmate could easily find a job in the aftermath of her/his release. Nevertheless, besides its questionable reality, more significant point here is that the discourse on the relation between work and criminality conceals the structural problems that lead to the question of crime at the first place. The suggestion that ‘who do not labor commits crime’ points to an ideological stance, where working presented like a choice. This de-prioritization of the structural aspects of employment, punishment, and penalty is a part of the neoliberal treatment of the societal issues.

Moreover, the contents of the vocational trainings that are offered in the work-dorms are usually outmoded in terms of employability. İlkay Savcı (2004) points out this fact in her comprehensive study on work-dorms in Turkey. Although the subject of analysis is the work-dorms in the Open Prisons in her study, the interviews that she conducted with the inmates working in the workshops reveal that the quality of the trainings that are offered in the work-dorms mostly about the use of machinery that is usually not adapted to the technology of the time it is offered. For instance, one of the demands that are common to many convicts is basic computer training, which is not realized by the institution. Under these circumstances, in an era of post-Fordist

production relations, the idea that an inmate becomes employable when s/he is released is under suspicion.

In conclusion, what do these developments signify in terms of the political economy of Turkey? First of all, the contemporary context of neoliberalism and its trends are easy to follow up in the penal system and prison-labor. It is seen that the trend of “public-private partnership” actually expands its scope through penal institutions. Through the public-private collaborations, the line between the public and the private becomes blurred as well as the line between the state and the business. The extension of the market forces in the penal field is coupled with the managerial approach of the state in public matters and institutions. With the establishment of the Institution of Work-dorms in 1997, the initial steps towards the incorporation of the institution and its turn into an economic entity were taken. However, with the involvement of the private sector in the penal field through the demand of the state the aspects of the neoliberal governance came into existence. In this regard, the particular form of neoliberalization is caught in the issue of prison-labor in Turkey, especially since 2008.

## CHAPTER 5

### CONCLUSION

The political economy of prison-labor in Turkey and the aspects of the new penal regime have been the main subjects of the study in this thesis. In this regard, the evolvement of the new penal regime in Turkey in terms of the major changes and the dominant trends has been one line of inquiry during the study as it helps to underscore the significance of the prison-labor in the present conditions, whereas the reprioritization of the labor aspect in the punishment system that promotes the evolvement of the new penal regime has been the other line of inquiry. At the end, I argue that these two aspects of the system of punishment in Turkey bolster each other in such a way that the maintenance and the advancement of the new penal regime are rendered possible.

Throughout the study, there were two main questions that were the subject of analysis, which stemmed from the necessity of understanding the recent involvement of the private-sector in the penal regime of Turkey. The first question in this regard was about placing the role and the use of prison-labor in the age of post-Fordism in such a way that the growing use of it makes sense under the present conditions of global economic order. Considering the contemporary forms of neoliberalism, how could we make sense of prison-labor, especially when there is no labor-shortcoming which used to explain the productive incentive behind the existence of prison-labor as well as the disciplinary aspect of punishment?

To be able to provide an answer to above question, there were two trajectories in the thesis. The first of these has been the analysis of the use of prison-labor in the case of Turkey through highlighting the periodical fluctuations in its significance while

considering the context-specific conditions. In this regard, I argue that the transformation in the Turkish political economy after 1980s has a significant impact on the reappearance of the prison-work as a dominant strategy in the penal field. Although work in prisons has been part of the penal system all along since the birth of penitentiary in Turkey, different and various aspects of it came into prominence in different periods. The climax of the productive prison-labor was witnessed during the period between 1930s and 1950s. Prison-labor at that time mostly used for the heavy industrial work, especially for mining. The establishment of the “Labor-based Prisons” served the purpose of the efficient use of institutionalized penal labor. During that era, the prominence of the productive aspect could be explained by two significant contextual factors. First of all, the fact that Turkey was in the process of industrial turn necessitated a great demand for labor force at that time. Nevertheless, there has been a labor-shortage both due to the novelty of the industrial transformation in the country as well as the demographic impacts of the recently experienced wars. Under these circumstances, prison-labor has been a viable source of labor that could be used for heavy industrial work. During that era, it can be argued that the other factor that enabled the appearance of prisons as a viable source was the widespread prison-labor models abroad during 1930s. Especially in the totalitarian regimes such as Germany and the former Soviet Union, the coupling of the punishment with heavy work in prison/labor camps could both provide an example for the solution to the labor problem in Turkey as well as setting a foreign model to it.

Likewise, the decline in the prominence of the productive aspect of punishment in 1950s could be explained by the impact of the external context. With the end of the World War II, the use of prison-labor at the disposal of body in heavy industry came to

decline. In the context of Turkey, the transition to the multi-party system and the rise of Democrat Party coincides with the adoption of a new penal regime in terms of the prison building trends and the decline of the prominence of labor in punishment. As it is examined in the third chapter, the penal policy of the DP was to diffuse via small prisons into the Anatolia in such a way that the capacity of the penal system in terms of incarceration would increase, whereas the productive aspect of it would be in decline institutionally. The similarity of this new prison system with the Pennsylvanian system that was dominant during that time in the USA points out the significance of the impact of the external context on the penal management in Turkey.

The neoliberal turn in the global economic order was witnessed during 1970s and 1980s predominantly in the USA during the Reagan administration and in the UK during the prime ministry of Margaret Thatcher. Concomitantly, the major changes in the penal policies were witnessed both in terms of incarceration trends and the prison management. Especially in the USA, the incarceration rates has been on serious rise since 1980s that today the dominant debate on the USA penalty is about the mass incarceration which points out to the extremely increasing prison population rate of the country. Furthermore, this incarceration growth is coupled with the neoliberal management models in the penal field, as the widespread privatization and the expansion of the system today discussed under the rubric of “prison-industrial complex”.

In Turkey, the transformation to neoliberal regulation forms was commenced in 1980s during the prime ministry of Turgut Özal (Öniş and Şenses, 2007). Despite this time-wise parallelism with the USA in the transformation of the economic order, the transformation in the penal policies towards a similar penal regime had to wait until the end of 1990s in the context of Turkey. The major explanation for this delay could be the

contextual conditions in Turkey during the 1980s and the 1990s, as those decades were marked by the prominence of the political prisoners due to the impacts of the coup of 1980 and the rising Kurdish political conflict in 1990s. The intensification of the penal policy towards incarcerating the increasing number of political prisoners in this period turned the compass towards the construction and the management of military – and later on F-type – prisons.

The initial steps that aim to prioritize the prison work were taken in 1997 with the establishment of the General Directorate of Work-dorms. The institutionalization of the prison-labor in this regard constituted the foundation of the return to the productive aspect of punishment. Nevertheless, the virtual implementation that re-prioritized the significance of prison-labor in an institutional form realized with the change in the penal regime through the enactment of the new law in 2004 regarding the management of the penal system. Since then, the major trends in the penal regime of Turkey once again points out to the increasing significance of the prison-labor. Nevertheless, the contemporary appearance and the use of prison-labor within the new penal regime show distinctive characteristics than the prison-labor witnessed during 1930s. First of all, in the early Republican era the dominant work model in the prisons were occurring in the Labor-Based Prisons which are called Open Prisons today, and the line of business mostly involved the heavy industry. Today, the line of business that is held in the prisons ranges from parts production in automotive and textile industry to the service sector. Moreover, the latest upturn in the significance of the prison-work is not due to the increasing demand for disciplined labor as it was between 1930s and 1950s, but the neoliberal turn in the provision of public services necessitated the efficient use of prison-labor by the state to acquire an income to invest in the targeted penal regime. In other

words, the expansion of the neoliberal regulation to the penal policy after the 2000s has a significant impact on the regained prominence of the regulated and effective prison-labor. Therefore, the answer to the first question regarding the role and the use of prison-labor under contemporary economic order finds its explanation in the maintenance of the prisons, since the effective management of the prison-labor provides a sufficient financial income to the institution that enables it to become self-supporting and even investing in the growth of the penal system.

The second main question of the thesis involve the role of the state in the process: what does the state actually do in the mentioned process of change, why and how it does it? What is the neoliberalism on the ground in the context of Turkey? The argument I present in this regard is that the marketization of prison-labor and the expansion of the market-forces into a public realm involves the active role of the state in the process. First and for all, the re-emergence of the importance of the prison-work after 2004 is realized through the state institution that is solely responsible for the management of work-dorms. The prison management, as well as the management of the prison-labor, is subjected to managerial disciplines by the state. The profit-oriented objectives of the public institution that are realized through market disciplinary techniques manifest features of neoliberal public management. The contemporary objectives of the penal regime such as increasing the quality of the products and the services that are produced in the work-dorms and promoting the activities of the institution through the intentional, organized practices highlight the aspects of the contemporary neoliberal public management.

However, more significantly the preoccupation with enhancing the efficiency of the production within prisons resulted in the involvement of the private-sector in the

prison production. The expansion of the market forces to the public field both in terms of the appearance of the profit-seeking enterprises within the field as well as the transformation of the public institution itself through the attainment of the market-oriented discourse, objectives, and measurable standards indicate the twofold marketization of the prison-labor and the public management. Consequently, as the state comes to act like a quasi-market actor in the contemporary political economic conditions, the line between the public and the private also comes into question. The separation of the public and the private changes under neoliberalism as the definition of the terms alters accordingly, and consequently the line between them becomes blurred.

How do these all relate to the framework of variegated neoliberalization? As provided in the second chapter, Brenner et al. (2010) conceptualize the three aspects of neoliberalization processes as *regulatory experimentation* –the context-specific projects that impose market-disciplinary governance-, *systems of inter-jurisdictional policy transfer* –circulation of neoliberal policy prototypes through institutional networks across geographies-, and *transnational rule regimes* – large scale rules of the game that determine and frame the institutional regulation experiments-. I argue that the project of the private-sector collaboration and its impact on the penal regime constitute an example of regulatory experimentation in the context of Turkey. Nevertheless it is not disjointed from the global situation as it demonstrates the features of transnational rule regimes which is the new public management models, as well as it manifests the qualities of inter-jurisdictional policy transfer.

So far, I have discussed the growing trends, the underlying reasons behind those trends, and the process of implementation of these policies. Nevertheless, at the end, the most significance question involves the consequences of these neoliberal

implementations in the penal field. First of all, the implementation of these policies cause the subordination of a social aim into an economic aim as the state institution itself becomes a quasi-market actor that marketizes the prison-labor. The concept of rehabilitation in this sense plays a pivotal role in the presence of the system as it is. The rehabilitation idea is present in the explanation of the legitimacy of the existence of the prison-labor today, but moreover it is also the main concept that underlies the neoliberalization of the management of the prison-labor. Therefore, the system supposed to be initiated as a social phenomenon where the rehabilitation is served as an idea that would reintegrate the 'deviant' back into the society. Nevertheless, at the end the penal system becomes an economically-oriented institution. This subordination into an economic aim is already quite problematic, but it also prognosticates the further possible socio-political problems in the future if the systems as it is succeeds and advances.

The other problem with the implementations of the practices through the rubric of rehabilitation arises when the explanations for and the consequences of it are compared. Although rehabilitation emphasis is the legitimization basis for the presence of the prison-labor, the credibility of the vocational trainings that are offered in the prisons are questionable both due to the surplus of the labor force in the market and the quality of the skills provided to the inmates. Especially the latter makes the system dubious with regard to the suggested social aim, and it supports the argument of subordination relation between the two aims of the system.

Moreover, at the end of the day system bolsters itself in such a way that it turns into a vicious cycle. The growth of the penal regime and the construction of the campus-type prisons that resemble production-complexes enable the growth of the number of working inmates, but it also renders possible the actual productive aspect of the prison-

labor. In return, the increasing productivity of the prison-labor enables the investment in the penal regime that allows the rapid growth of the system. When the growth of the penal system at its full speed - as demonstrated in the fourth chapter - considered in line with the official discourse that foresees a more advanced privatization of the system due to the treatment of the ongoing process as the initial steps towards the so-called contribution of the private sector, the all in all picture is not promising in terms of the social progress.

Whether done intentionally or not, one of the other significant consequences of the contemporary system is the creation of the 'rightless worker' in the age of neoliberalism. The aspects of prison-labor that differentiates it from the non-incarcerated labor constitute a dangerous zone in this regard. Once the system evolves and reaches the desired capacity, the possibility that prison-labor becomes an arbitrary 'compulsory labor' raises crucial questions both in terms of the social aspects as well as for the situation of the labor market. Although today one of the impacts of the prison-labor is to maintain the established link between the work and punishment that allows for the treatment of unemployment as a character and not as a structural problem through the implementations of 'rehabilitation' ideal, in the near future the system is evidently open to further problems.

## REFERENCES

- Bauman, Z. (2000). Social uses of law and order. In D. Garland & R. Sparks (Eds.), *Criminology and social theory* (1st ed., pp. 23-46). Oxford: Oxford University Press.
- Bıçak, V. (2001). Hürriyeti bağlayıcı cezaları infaz sistemi: Kamu sektörü - özel sektör ilişkisi. In *21. yüzyıla girerken cezaların infazı sempozyumu* (pp. 199-209). Ankara: Adalet Bakanlığı.
- Brenner, N., Peck, J., & Theodore, N. (2010). After neoliberalization?. *Globalizations*, 7(3), 327-345. doi:10.1080/14747731003669669
- Buğra, A. (2007). Polanyi's concept of double movement and politics in the contemporary market society. In A. Buğra and K. Ağartan (Eds.), *Reading Karl Polanyi in the twenty-first century* (pp. 173-190). New York: NY: Palgrave Macmillan.
- Buğra, A., & Ağartan, K. (2007). *Reading Karl Polanyi for the twenty-first century*. New York, NY: Palgrave Macmillan.
- Candas, A., & Silier, Y. (2013). Quietly reverting public matters into private troubles: Gendered and class-based consequences of care policies in Turkey. *Social Politics: International Studies in Gender, State & Society*, 21(1), 103-123. doi:10.1093/sp/jxt018
- Ceza İnfaz Kurumları ile Tutukevleri İşyurtları Kurumu ve İşyurtlarının İdare ve İhale Yönetmeliği [Regulation of the Execution and Tender of the Institutions of the Department of Corrections and Detention-Houses Work-dorms and the Work-dorms]. (2005). *T.C. Resmi Gazete*, 26036, 27 Aralık 2005.
- Ceza ve Güvenlik Tedbirlerinin İnfazı Hakkında Kanun [Law on the Execution of Punishment and Security Measures]. (2004). *T.C. Resmi Gazete*, 25685, 29 December 2004.
- Cerny, P. (1997). Paradoxes of the competition state: The dynamics of political globalization. *Government & Opposition*, 32(2), 251-274. doi:10.1111/j.1477-7053.1997.tb00161.x
- De Giorgi, A. (2006). *Re-thinking the political economy of punishment*. Aldershot, England: Ashgate.
- Dolovich, S. (2005). State punishment and private prisons. *Duke Law Journal*, 55(3), 437-546.
- Fielding Schull, K. (2007). *Penal institutions, nation-state construction, and modernity in the late Ottoman Empire, 1908-1919* (PhD). University of California Los Angeles.

- General Directorate of Prisons and Detention Houses. (2013). *Announcement*. Retrieved 12 August 2015, from [http://www.cte.adalet.gov.tr/duyurular/2013/Kasim\\_iase\\_artirimi/ilan.asp](http://www.cte.adalet.gov.tr/duyurular/2013/Kasim_iase_artirimi/ilan.asp)
- General Directorate of Prison Work-Dorms. (n. d.). *Private Sector Collaboration Project brochure*. Retrieved 10 August 2015, from <http://www.iydb.adalet.gov.tr/sayfa.asp?pageID=52>
- General Directorate of Prison Work-Dorms. (2006). *Annual report*. Retrieved from [http://www.iydb.adalet.gov.tr/dokumanlar/faaliyet\\_raporlari/FaaliyetRaporu2006.pdf](http://www.iydb.adalet.gov.tr/dokumanlar/faaliyet_raporlari/FaaliyetRaporu2006.pdf)
- General Directorate of Prison Work-Dorms. (2007). *Annual report*. Retrieved from [http://www.iydb.adalet.gov.tr/dokumanlar/faaliyet\\_raporlari/FaaliyetRaporu2007.pdf](http://www.iydb.adalet.gov.tr/dokumanlar/faaliyet_raporlari/FaaliyetRaporu2007.pdf)
- General Directorate of Prison Work-Dorms. (2008). *Annual report*. Retrieved from [http://www.iydb.adalet.gov.tr/dokumanlar/faaliyet\\_raporlari/FaaliyetRaporu2008.pdf](http://www.iydb.adalet.gov.tr/dokumanlar/faaliyet_raporlari/FaaliyetRaporu2008.pdf)
- General Directorate of Prison Work-Dorms. (2009). *Annual report*. Retrieved from [http://www.iydb.adalet.gov.tr/dokumanlar/faaliyet\\_raporlari/FaaliyetRaporu2009.pdf](http://www.iydb.adalet.gov.tr/dokumanlar/faaliyet_raporlari/FaaliyetRaporu2009.pdf)
- General Directorate of Prison Work-Dorms. (2010). *Annual report*. Retrieved from [http://www.iydb.adalet.gov.tr/dokumanlar/faaliyet\\_raporlari/FaaliyetRaporu2010.pdf](http://www.iydb.adalet.gov.tr/dokumanlar/faaliyet_raporlari/FaaliyetRaporu2010.pdf)
- General Directorate of Prison Work-Dorms. (2011). *Annual report*. Retrieved from [http://www.iydb.adalet.gov.tr/dokumanlar/faaliyet\\_raporlari/FaaliyetRaporu2011.pdf](http://www.iydb.adalet.gov.tr/dokumanlar/faaliyet_raporlari/FaaliyetRaporu2011.pdf)
- General Directorate of Prison Work-Dorms. (2012). *Annual report*. Retrieved from [http://www.iydb.adalet.gov.tr/dokumanlar/faaliyet\\_raporlari/FaaliyetRaporu2012.pdf](http://www.iydb.adalet.gov.tr/dokumanlar/faaliyet_raporlari/FaaliyetRaporu2012.pdf)
- General Directorate of Prison Work-Dorms. (2013). *Annual report*. Retrieved from [http://www.iydb.adalet.gov.tr/dokumanlar/faaliyet\\_raporlari/FaaliyetRaporu2013.pdf](http://www.iydb.adalet.gov.tr/dokumanlar/faaliyet_raporlari/FaaliyetRaporu2013.pdf)
- General Directorate of Prison Work-Dorms. (2014). *Annual report*. Retrieved from [http://www.iydb.adalet.gov.tr/dokumanlar/faaliyet\\_raporlari/FaaliyetRaporu2014.pdf](http://www.iydb.adalet.gov.tr/dokumanlar/faaliyet_raporlari/FaaliyetRaporu2014.pdf)
- General Directorate of Prison Work-Dorms. (2015). *Strategic plan: 2014-2018*. Retrieved from [http://www.iydb.adalet.gov.tr/bilgi\\_bankasi.asp?icerik=4&kategori=53](http://www.iydb.adalet.gov.tr/bilgi_bankasi.asp?icerik=4&kategori=53)
- Goldberg, E., & Evans, L. (2009). *The prison industrial complex and the global economy*. Oakland, CA: PM Press.

- Güler, E. (2008). Cezaevine fabrika kurdu, dünyaya gümüş satacak. *Hürriyet Gazetesi*. Retrieved from <http://www.hurriyet.com.tr/ekonomi/8812149.asp>
- Hall, P., & Soskice, D. (2001). *Varieties of capitalism*. Oxford [England]: Oxford University Press.
- Hibou, B. (2004). *Privatizing the state*. New York: Columbia University Press.
- İbikoğlu, A. (2012). *Incarcerating politics: Prison reform in contemporary Turkey* (PhD). University of Washington.
- Ignatieff, M. (1978). *A just measure of pain*. London: Macmillan.
- Institution of Work-Dorms,. (2014). *Özel Sektör Sahip Olduğu İş Tecrübesini Hükümlülere Aktarıyor*. Retrieved 14 August 2015, from [http://www.iydb.adalet.gov.tr/haber\\_detay.asp?newID=804&ozel-sektor-sahip-oldugu-is-tecrubesi-hukumlulere-aktariyor.html](http://www.iydb.adalet.gov.tr/haber_detay.asp?newID=804&ozel-sektor-sahip-oldugu-is-tecrubesi-hukumlulere-aktariyor.html)
- Jessop, B. (2012). Neoliberalism. *The Wiley-Blackwell Encyclopedia Of Globalization*. doi:10.1002/9780470670590.wbeog422
- Kang, S. (2009). Forcing prison labor: International labor standards, human rights and the privatization of prison labor in the contemporary United States. *New Political Science*, 31(2), 137-161. doi:10.1080/07393140902872245
- Lacey, N. (1994). Government as manager, citizen as consumer: The case of the Criminal Justice Act 1991. *The Modern Law Review*, 57(4), 534-554. doi:10.1111/j.1468-2230.1994.tb01958.x
- Lopez-Rey, M. (1958). Some considerations on the character and organization of prison labour. *The Journal of Criminal Law, Criminology, and Police Science*, 49(1), 10. doi:10.2307/1140530
- McBride, K. (2007). *Punishment and political order*. Ann Arbor: University of Michigan Press.
- Ministry of Justice. (2009). *Judicial reform strategy*. Retrieved from <http://www.sgb.adalet.gov.tr/Yargi-Reformu-Stratejisi.pdf>
- Ministry of Justice. (2010a). *İsyurtları Uygulamalarına Dair Genelge [Notice on the Practices of Work-Dorms]*. 137/3. Retrieved from [http://www.yayin.adalet.gov.tr/genelgeler/15\\_isyurtlari/137\\_3\\_isyurtlari\\_uygulamaları\\_hakkında\\_genelge.pdf](http://www.yayin.adalet.gov.tr/genelgeler/15_isyurtlari/137_3_isyurtlari_uygulamaları_hakkında_genelge.pdf)
- Ministry of Justice. (2010b). *Strategic plan of Ministry of Justice: (2010-2014)*. Retrieved from [http://www.cte.adalet.gov.tr/menudekiler/raporlar/ab\\_stratejik\\_plani.pdf](http://www.cte.adalet.gov.tr/menudekiler/raporlar/ab_stratejik_plani.pdf)
- Ohmae, K. (1995). *The end of the nation state*. New York: Free Press.
- Peck, J. (2001). Neoliberalizing states: thin policies/hard outcomes. *Progress in Human Geography*, 25(3), 445-455. doi:10.1191/030913201680191772

- Peck, J. (2003). Geography and public policy: mapping the penal state. *Progress in Human Geography*, 27(2), 222-232. doi:10.1191/0309132503ph424pr
- Ray, G. (1981). Review: Dario Melossi and Massimo Pavarini "The Prison and the Factory". *Crime and Social Justice*, 16 (Winter 1981), 57-60.
- Rusche, G., Kirchheimer, O., & Melossi, D. (2003). *Punishment and social structure*. New Brunswick, NJ: Transaction Publishers.
- Sarıkaya, M. (1997). *Cezaevleri Özelleştiriliyor*. *Hürriyet Gazetesi*. Retrieved 13 August 2015, from <http://www.hurriyet.com.tr/index/ArsivNews.aspx?id=-266324>
- Savcı, İ. (2004). *Cezaevi işyurtlarında çalışan hükümlüler: Bir alan araştırması*. Ankara: Ankara Üniversitesi Rektörlüğü Yayınları.
- Şen, O. (2007). *Osmanlı'da mahkum olmak*. Cağaloğlu, İstanbul: Kapı Yayınları.
- Sipahi, A. (2006) *The labor-based prisons in Turkey: 1933-1953* (MA). Bogazici University.
- Strange, S. (1996). *The retreat of the state*. New York: Cambridge University Press.
- Türkiye Büyük Millet Meclisi. (2004). *Tutanak Dergisi*, Term 22/3, Meeting 31, v. 68 (December 2004). Retrieved from <https://www.tbmm.gov.tr/tutanak/donem22/yil3/bas/b031m.htm>
- Türkiye Büyük Millet Meclisi. (2010a). *Genel Kurul Tutanağı*. Term 23/4, Meeting 79, 30 March 2010.
- Türkiye Büyük Millet Meclisi. (2010b). *Genel Kurul Tutanağı*. Term 23/4, Meeting 106, 25 May 2010.
- Thelen, K. (2012). Varieties of capitalism: Trajectories of liberalization and the new politics of social solidarity. *Annual Review of Political Science*, 15(1), 137-159. doi:10.1146/annurev-polisci-070110-122959
- Yıldız, G. *Osmanlı Devleti'nde hapisane ıslahatı: (1839-1908)* (MA). Marmara University.