

**Officers of the Judicial System or
Guardians of Morality Norms**

*Examination of Police Brutality towards Trans Sex Workers
in Istanbul*

**Neyir Zerey
6202837**

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Graduate School of Social Sciences
University of Amsterdam

First Supervisor: François Bonnet
Second Supervisor: Gert Hekma

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Neyir Zerey

Tan Sokak Tan Apt. B Blok 2/16
34740 Suadiye – Kadikoy / Istanbul
Turkey

neyirzerey@gmail.com

University of Amsterdam
Master of Science in Sociology
Gender, Sexuality and Society
Graduate School of Social Sciences

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Summary of the Thesis

This masters' thesis is based on the investigation of police brutality on trans sex workers in Istanbul. LGBT organizations, Human Rights committees and the media report excessive and illogical police use of force against trans sex workers. As a result, Turkish police force is known to harass trans sex workers and to place them gratuitously under provisional arrests.

So far, most studies on this topic examined trans sex workers' side of the story. Preexistent knowledge put an emphasis on the scornfulness of sex work and the attributions put to artificial gender roles in patriarchal societies. They also aimed to show the solid divergence between the mainstream hetero identities, and the marginalized non-hetero identities by the discussion of monolithic gender and sexuality norms and its intersections with the disparagement of sex work. At the same time, the dominant masculinity rhetoric in the exploration of police officers' behaviors during duty hours is accentuated to show "who is the man" in police stations. In addition to this, police culture hosting a feasible ground for homophobic and transphobic behavior is said to constitute a unified voice engendering brutality occurrences towards trans sex workers.

This thesis focuses on police officers' understandings and their views on trans sex workers. It explores the policing side of the story by a comprehensive sociology of Turkish police officers' practices. Based on the interviews and patrols with 15 Turkish police officers during which police behavior could be observed firsthand, the thesis emphasizes the juristic and organizational contexts of policing TSW. It also focuses on the implementation of the different laws regulating police work. The strategic responses of cops to organizational incentives, to supervisors' orders and to citizens' complaints explain much of police misconduct, as opposed to alternative explanations focusing on a transphobic police culture. The perverse effects of laws and organizational incentives appear as the reason of brutality towards trans sex workers, and not cops' individual opinions on them.

CHAPTER 1

1. Introduction

1.1. Research Problem Description

“Use the tear gas on Buse! Hit Bülent, hit him hard!” (Bülent is Buse’s male ID card name; the police officer is trying to humiliate her publically by announcing her biological male gender) (ARHR, 2007: 127)

Annual reports on human rights for LGBT individuals in Turkey are reflecting severe problems and hateful stance towards trans sex workers in Istanbul. Attempts of control over the police brutality towards trans sex workers draws on a predicament given that on the one hand the existence of policies such as Universal Human Rights and LGBT communities’ hard work in the recognition of sexual minorities’ rights, are forcing Turkish state democracy to organize the police institution regarding these guiding principles; on the other hand Turkish democracy, as a result of many different power relations’ interconnectedness that will be discussed below, is not amenable to overrule or to judge this suspicious brutal behavior of police officers towards trans sex workers. Even with the attention taken to annual reports on LGBT rights in Turkey, these attempts of control are neglected and they even receive resistance from police forces and from members of the parliament¹. Phelan suggests that safety and security constitute central interest of liberal democracies and in this case, the violence against trans sex workers points out to the exclusion of one minority group (Phelan, 2001).

The most visible example of this lack of control over the police abuse of force is the incessant news on trans sex workers’ combat with police officers in public. These incidents are catalogued in the Annual Reports on Human Rights for LGBT community archive and they are all reflecting verbal, physical, and psychological mistreatment from police officers. Despite the fact that Turkey’s Constitution clearly prohibits this kind of unequal treatment, pledging in the article 10 that “all individuals are equal without any discrimination before the law,” police fail to demonstrate that transgender/transsexual people are in possession of any kind of threat which would result in their deprivation of constitutional rights.

This thesis deals with police brutality on trans sex workers. It aims to explore the policing side of violence occurrences and it endeavors analyzing the reasons of these brutality incidents coming from the state actors. The limited preliminary literature will be investigated in the following section and furthermore, I will survey the background analysis of the study area with the aim of identifying the roots of this sociological problem.

¹ <http://www.todayszaman.com/columnist-228301-hate-crimes-increasingly-target-transgender-persons.html>

1.2. Literature Review

Several researches show that prostitutes compared to the general population are at greater risk of violence and exploitation including homicide, rape, sexual assault, robbery and harassment (Alexander, 1988, Miller 1997, 2002; Schuler, 1992; Farley & Barkan, 1998; Kulick, 1998; Melendez & Pinto, 2007). Notwithstanding, sex work is defined as an occupation where a sex worker is providing sexual services in exchange of money (Scott et al., 2005: 322). Consequently, it is being suggested that the bad reputation of sex work has been influencing the social discrimination of sex workers (Scott et al., 2005:327; West & de Villers, 1993; Kulick, 1998; Prestage, 1995). These researches' sphere of interest is mainly on women prostitutes since they compose the majority of the sex workers. These studies indicate that the violent attacks towards women sex workers are rooted in the misogynistic behavior, which is reinforced in patriarchal societies (Scott et al., 2005: 328). "Violence is intrinsic to the very definition of prostitution," says Weitzer (2005: 941) in order to highlight the inseparable relation and causality between sex work and brutality. One of the particularities he reckons while explaining prostitution's self-contained relation to violence is 'street prostitution'. Weitzer shows that people are less tolerant towards street prostitutes rather than indoor sex workers (Farley et al., 1998: 419; Weitzer, 1999, 2000). Because they are working in the streets and not in a brothel where the safety is more likely to be attained, street sex workers become easy targets for harassment incidents (Scott et al., 2005:330; Perkins & Bennett, 1985). Another dynamic compensating to this built-in relation of violence and prostitution is the organization of the work, namely the differentiation between working in groups or solo street prostitution. Studies indicate that sex workers working in groups are less likely to be attacked compared to the ones working lonely, in isolated areas (Perkins & Bennett, 1985). Overall, street prostitution is associated with lots of societal problems that enhance the inherent connection between prostitution and violence such as "disorderly conduct, sex in public places, increased noise and traffics, and police harassment" (Scott, 2001; Weitzer, 1999, 2000).

Moreover, Farley, Baral, Kiremire and Sezgin conducted a research in five different countries in order to show whether prostitution could be considered as a job or it is simply a violation of human rights. They are giving a comparative analysis of the nature of prostitution in South Africa, Thailand, USA, Zambia and Turkey by focusing on the relation of violence and post-traumatic disorder among sex workers. Throughout the study results show that 73% of the prostitutes they interviewed reported physical violence in prostitution; 62% stated that they were raped at least once since entering prostitution business (Farley *et al.*, 1998:12). The research that was conducted in Turkey was based on prostitutes working in Istanbul, and 90% of them reported physical threatening of their customers, 68% told that they have been threatened with a weapon in prostitution. The number of people who stated that they were physically assaulted in prostitution is as high as the other rates; 40 among 50 prostitutes stated that they have been bodily-harassed (Farley et al., 1998: 10). The same study accentuated the vicious relation between female prostitutes and police officers. As a causality of police brutality, the study indicates on one

specific motive: since police officers and other governmental branches are in charge of the “public morality,” they feel obliged to fix the immoral ones or the deviants, in that case these people are the sex workers. Accordingly, this status is giving them the right to apply force if they think it is necessary and reasonable. According to the interviewees’ statements, 46% of the prostitutes working in Istanbul have been physically assaulted by the police; they were either kicked / beaten or they have been hit by a nightstick (Farley et al., 1998:10).

When we narrow the lens of the prostitution studies to trans sex workers, the limited research done on this issue indicate that the risk of being assaulted and being victims of verbal and physical abuse is higher compared to the other categories of sex workers (Scott et al., 2005). To prevent human rights violations and to protect this minority group, Amnesty International has identified a growing need for the inclusion of LGBT community in their worldwide protection of human rights and the example of Turkey reinforces the idea that the existence of trans sex workers is considered by police officers as immoral and punishable by imprisonment, it is deemed to corporal punishment and to torture (Wright & Wright, 1997). It is being said that the number of trans sex workers is up to 4000 in Istanbul, and it is almost 15% of the sex workers in general (Insan Kaynagini Gelistirme Vakfi, 2011:35). The reports also indicate that the possibility of customer brutality is even bigger for trans sex workers compared to other sex workers, and the double stigmatization (related to sex work and to gender identity) appears to be the motive for it (Insan Kaynagini Gelistirme Vakfi, 2011: 36). Studies focusing on policing trans sex workers have indicated the intersection of gender and sexuality as causality to this phenomenon and they neglected the discussion that would draw upon police discretion and policing traits such as quasi-military model’s requirements, the ordering mechanisms, and the legal framework that sets the general rules in this context. Examination of police brutality towards trans sex workers through gender theories constitute the existing knowledge that draws on the stigmatization of a sexual minority group and furthermore the commonality of this phenomenon across cultural studies is highlighted in almost every study (Nichols, 2010; Farley et al., 1998; Melendez & Pinto, 2007; Stotzer, 2009, Miller, 2002; Moran & Sharpe, 2001).

In my study, I am aiming to underscore the violence committed by state organs, namely by law enforcement officers of the Turkish police institution and I will try show the reasons of this phenomenon through inductive analysis of interviews and observations that I will perform with police officers to explore why police officers harass trans sex workers despite the presence of national and supreme laws. While examining police brutality towards trans sex workers in Istanbul, I will separately look into three dynamics that are influencing this phenomenon. First, I will give a literary review of the existing knowledge on gender and sexuality dynamics in Turkey, which will help me to draw a map of identity politics regarding these insights. Then I will highlight Turkish police institution’s formulation and furthermore I will examine police brutality towards trans sex workers via across cultural examinations. Finally, I will indicate the legal framework through which police brutality in Turkey will be examined by referring to criminal law articles and to existing knowledge in non-governmental organizations’ archives.

1.3. Background of the Study Area

1.3.1. Gender and Sexuality Dynamics in Turkey

With the declaration of the Turkish Republic and the adoption of Western values and lifestyle in the first quarter of the twentieth century, a major break or even a social split has occurred in the community, which has a rich and complex background. Such a sudden change certainly affected concepts and experiences in sexuality in contradictory ways. While liberating women and justifying segregation between male and female roles, it has simultaneously created gaps between generations and various social structures. However, control of women's sexuality has remained as one of the most powerful tools of patriarchy in Turkey. The sexual oppression of Muslim women is not only the result of an Islamic vision of sexuality, but a combination of political, social and economic inequalities practiced through the ages. Turkey, which is a predominantly Muslim country, is the inheritor of the Ottoman Empire in which Kur'an formed the basis of family law. The conservatives, including the Islamists' attempts to limit the effects of modernization show that they actually wanted to protect the cultural and ethical legacies of Ottoman/Turkish society, and they wanted to preserve shari'a (Islamic law) as a regulator of gender relations in order to maintain old school ethic and moral values (Ilkcaracan, 2008: 47). The foundation of the Turkish Republic in 1923 was followed by the introduction of several reforms, including the abolition of shari'a, secularization of the state, and revolutionary changes for women. In 1926, the Turkish Civil Code was introduced and Ilkcaracan says:

“Women were presented as the “emblem” of secularism and the new republic, just as the conservatives and Islamists used them as symbolic and literal protectors of family values and the social status quo.” (Ilkcaracan, 2008: 62)

Islamic and customary laws concerned themes such as namus (honor), ırz (purity, honor), iffet (chastity), haya (shame), or müstehcenlik (obscenity), which created a double standardization between men and women. In the work of Sherifa Zuhur (2005), it is argued that the criminal codes in the Middle East and the Muslim world in general are reminders of the primary social identification of women as reproductive and sexual beings who are constrained by men, the family, and the state (Zuhur, 2005). The conservatives have traditionally viewed reforms on gender relations as influenced by Western thoughts and they considered them as a threat to the prevailing cultural identity. The effects of Islam on many sexual behavioral patterns of Turkish men and women can be distinguished, except among a highly educated minority residing in major metropolitan areas. There are significant differences in the sexual lifestyles of people from rural and urban areas (Ilkcaracan, 2008). In terms of sexual behavior, Turkey manifests a very complex picture, because the Turkish cultural mosaic is made up of many different value systems. Along with ancient Turkish traditions and Islamic influences, elements of secular Western culture, atheistic socialism, and various regional cultures interact with each other to create an extremely rich and complex whole, which gives birth to various understandings of a range of sexual, and gender identities. Therefore, it is not enough to look at the construction of female identity in understanding the

sexuality dynamics in Turkey, since the formation of female sexuality is working in tandem with the construction of male sexuality.

The construction of masculinity is overlapping with social class; sexual deviants from lower social classes tend to be associated with effeminacy, while men from more middle and higher social classes separate themselves from any kind of linkage with sissiness even though they may perform in such ways (Bereket & Adam, 2006: 145). Hegemonic masculinities still have social authority and they are further reaffirmed within gender identities. It is clear in the speech of men mocking those who display femininity and consequently they abstain from any kind of overt womanly behavior for themselves (Bereket & Adam, 2006: 140-142). Male same sex relations are defined with a masculine who penetrates (*kulanpara*) and who is not stigmatized as homosexual, while the one penetrated (*ibne*) is therefore feminized by sexual receptivity and expected to be feminine in other ways (Murray, 2000). This attitude is even apparent in some legal and official practices of establishments, like the Turkish army. The effeminate, passive partner is sent for medical evaluation and eventually discharged from the army. The emergence of various sexual identities in Turkey, then, raises many questions implicating globalization processes with the diffusion of models of sexual identity from the West (Adam, 2001; Bereket & Adam, 2006: 131- 135).

Although expression of sexual identities and gender variances were permitted until the end of 18th century under the Ottoman Empire, the tolerance for variations of sexualities disappeared in the early 19th century, surprisingly with the adoption of Western culture. Extreme nationalists who take great pride in the patriarchal society type, which has been ruling for centuries, deny the existence of any sexual minorities, or claim that those who danced as “*köçek*” (old terminology used for transvestite) were belonging to religious minorities, thus they were either Greeks, Armenians or Jews living in Ottoman Empire (Janssen, 1992). A transvestite is described in the Turkish context as a person with a strong urge to wear clothes belonging to the other sex and a transsexual is described as a continuous insuppressible feeling of belonging to the sex of which he/she does not possess the primary sexual organ. In regards with these two portrayals, the word *köçek* in nowadays-Turkish language means an imperfect man. It means a man, who pretends to be a woman, but who is not since that person cannot become a mother, nevertheless s/he has the freedom of movement, which belongs to the male feature (Janssen, 1992: 84). The word transsexual (*transeksüel*) is the modern way of describing this category of people in Turkey. Most of the time, the ambiguity of their gender identity is not understood by the majority of people since they do not comprehend why a man would give up the superior position (masculinity) and would take the role of the subordinated (the feminine identity) (Janssen, 1992: 89).

Media instruments’ focus on LGBT people carried mostly on famous singers, namely Zeki Müren and Bülent Ersoy, who were successfully accepted by the society and who still receive big social respect regardless of their gender identity or sexual orientations. In this context, the social recognition of trans

people constitute a controversial situation considering police brutality occurrences towards trans sex workers. Although it is being suggested that violence is intrinsic to the understanding of sex work, the level of violence that trans sex workers are being subject to is still posing a problematic situation. Trans people's sexual orientation and gender identity was first reflected as the source of the problem in the last decade, with the increase of LGBT organizations' cataloguing of private and state actors' harassments. In parallel with this, the society's perception on this minority group became counterfactual. A convoluted gender identity became alleged as a deviant category by the majority of the public due to their clothes, their behavior and their occupational standards. Most importantly, the society feared their bad influence on Turkish youth. There are several hypothetical explanations for this social problem and one of them is drawing on social constructivism, which is based on the "collective definition" of the event as a social problem. On the other hand, there is an objectivist approach that lies on the presence of a real and damaging condition of the event. Hall *et al.* (1978: 216) accentuated the legitimization of police brutality because of moral panics since the threatening conditions of social ethics should be taken under control to possess "total social authority ... over the subordinate classes." From what is reflected in the media, Turkish policing system appears to fit in this hypothetical explanation. Society's stance towards trans sex workers and towards famous trans individuals changes drastically. Consequently, the moral alarming results on the institutional level; there are new laws or new adjustments on existing laws that are taking place to suppress the threatening conditions of trans sex workers, and not trans identities.

Subsequently, during the last couple of decades, it is concluded that variations of sexuality and abnormal expressions of gender identities belong to the Western practice and they do not fit the existing Turkish morality norms. These practices are considered to come from the 'immoral' West and therefore they constitute consequential threat on the persistence of the social and moral order. However, there is extensive evidence of long standing sexual relations between people of the same sex, and of trans culture in Turkey. Yet they are all being disrupted and harassed systemically by private and state actors. Police, the law enforcement officers whose first duty is to protect the citizens by nature, is said to choose not to do so for various reasons. I believe that a brief examination of Turkish police institution would highlight its general structure which I consider being an important component when investigating the brutal behavior towards trans sex workers.

1.3.2. The organization of the Turkish Police Institution

"It is not predictable in what conditions a police officer will return to his home in the evening. From that aspect, it is a sacred vocation. It is constituted of making war in peace time." (Celalettin Tüfekçi Director-General of Security, in *Polis* 1975 [274]: 36)

The coup d'état in 1980, which has emancipated the martial law commanders' absolute power on the country, on a daily basis, has brought big changes in Turkish police institutional system. Its budget has been expanded, quasi-militaristic system has been brought and the large extension of police force became remarkably present in all cities in Turkey. The first establishment of police organization is dating

1845 during the Ottoman Empire (Ergut, 2004). Through time, it was detached from the gendarmerie (1879), organized under the Ministry of Internal Affairs (1909) and endured with it until the enactment of the Police Duties and Powers Act (*Polis Vazife ve Salahiyetleri Kanunu*, No: 2559) in 1934 and the Law on the General Directorate of Security (*Emniyet Teşkilatı Kanunu*, No: 3201) in 1937 (Metin and Eraslan 1994: 10-12). It is a centralized organization in line with the administrative system of the country. In the provinces, the provincial directorates of security (*il emniyet müdürlükleri*) are accountable to governors and in the districts to head officials of districts (*kaymakam*) (Cerrah, 2006). Turkish police institution is now performing three different duties namely: judicial (*adli*) policing, administrative (*idari*) proactive policing and political (*siyasi*) policing duties. After the coup d'état in 1980, the military took over the state apparatus, its reflection on the organizational level in the police institution was remarkable: the ranking system in the police departments were re-organized hierarchically corresponding to the seniority system that was also used in the armed forces (*Polis* 1981 [349]: 33). The main idea was to strengthen and discipline the police institution in regards to military system. The enlargement in the police staff has resulted in a highly controlled system of law enforcement as the number reached 170,000 in 2006 that meant a proportion of one police officer to 265 citizens (Cerrah, 2006: 82).

The police institution in Turkey is organized regarding the rational-legal/ bureaucratic model. A strong executive chief gives orders and sets the rules among the district they are responsible for in almost every police station and the same system applies in the city police departments, which are known for their “manliness” and austere attitudes. Turkish police force’s structure is regulated according to the Police Corps Law (*Emniyet Teskilati Kanunu*). The general feature of police force is based on the guidance from a central foundation. Semi-autonomous and yet depending organs of the police force are working in a hierarchical system that requires strict chain of command and an absolute compliance to orders. Provincial police establishments are founded in order to diminish compensatory time damages (Metin, Eraslan, 1992: 31). Police stations are appertaining to the central police department; they receive orders and they give reports to city police department. The value system that police officers should be into is ordered by the chief executive of the police department; the hierarchical system appears as the key factor to prevent them from thinking differently. The integral trait is thus assumed to coexist within the unconditional obedience to the chain of command.

Several discursive patterns that are embodied within Turkish police institution are used in order to preserve and to fit into numerous populist concepts. The reinforced military image of it and its reflection as “public order army” are used to refer to the savior feature of the Turkish army. It underpins the sacred and honorable trait of being a police officer by protecting the commonwealth and the societal order (*Polis*, 1963 [131]). In this case, the Turkish army, fighting against the external enemies and protecting the Turkish nation from any possible threats becomes interrelated self-evidently with the Turkish police institution that is protecting the society’s inner order through fighting with “internal enemies.” Internal

enemies have shifted faces among the Turkish history. During 1960s, the police was aiming to stop the “anti-imperialist” movements, at the end of this decade the name, the interest of this movement has changed, and thus it was about controlling and policing the leftist movement, during the 1970s the center of misdemeanors became the communist movement. In accordance with this period, a new unit has been introduced to the institution under the name of “Society Police.”

Despite the democratization attempts during 1990s and 2000s, in tandem with the membership rules of the European Union, it can be argued that these moves (a couple of amendments in the constitution and the re-writing of the Turkish Criminal Code as well as the Code of Criminal Procedure), could not make any fundamental change in regards to the basic rights and freedoms. Nonetheless, with the new act of the parliament on May 2005 anticipating the hiring of university graduates to Turkish police institution; it can be said that the endeavors of making drastic alternations among the police institution’s inner traits has not only been limited by the changes in the criminal code. The details on this topic will be discussed in further chapters. In total, Turkish police officers have been ordered to keep the homogeneousness of the Turkish nation, in regards to the nationalistic and ethnic entity and consequently this command has been executed via the promotion of a militaristic patriotism.

The first article of the Police Duties and Powers act states:

“The police protect the public order, the security of the public, individuals and property and the inviolability of domicile. They secure the conservation of the people’s honor, life and property and the public’s peace. They help those who are in need of help, and the children and incapable people. They perform the duties that are assigned to them by the laws and regulations.”

The second article relies on a dictating strategy of the first article, which orders to take proactive measures to prevent the activities, which would not be in accordance with the laws, rules, regulations, governmental orders, public order, and to perform the duties written in the Code of Criminal Procedure and other related laws about a committed crime. In this case, the open-ended trait of the “public order” is indicating the necessity of the police officer’s judgment in deciding what the public order is, or how a public order should be. With the article 11, the police are provided with the legit powers to prevent people from performing certain actions. Thus the police were given a big autonomy in order to avert and to prohibit certain acts as in: “those who behave against general morals and manners and who possess shameful and unacceptable attitudes from the perspective of society’s order and who speak, sing, make music and engage in performances having these qualities” (Law of Misdemeanors, TCK no:5326). In addition to this, controlling instruments in Turkish police’s institutionalized system are setting the accountability mechanism of the police organization in Turkey, which rests on a quasi-judicial disciplinary and administrative mechanism of its own and on the judicial mechanism of the social formation with respect to the conduct of the police officers (Metin & Eraslan, 1994).

Police officers with a wide spectrum of power instruments are targeting misdemeanors, deviants in order to keep the common wealth and the public order regulated. Among the deviant group, trans sex workers are listed as a priority for various reasons. As discussed in the previous section, trans sex workers in Istanbul are considered as not fitting neither into the gender appropriate norms, nor into occupational standards, therefore with the aim of keeping the societal order, police is intervening with brutality in trans sex workers' scene; they appear to be the new internal enemies.

1.3.3. *Police Brutality towards Trans Sex Workers and Examination of this Situation within the Turkish Judicial Framework*

“To be trans in Turkey means that the police assume that you are an inborn criminal.”
(Hossein Alizadeh, Middle East and North Africa regional coordinator at the International Gay and Lesbian Human Rights Commission)

Across cultural studies show that there is a clear distinction among sex workers according to their genders and sexual preferences. So far, trans sex workers have only been shown in statistics and more specifically they were usually ranked among the statistics in comparison with male and female prostitutes. The comparative studies among male and trans sex workers indicate that they are being victimized for two main reasons: first because they are in prostitution and second they are in possession of an abnormal gender identity and a deviant sexual orientation (Boushaba, Tawil, Imane & Himmich, 1999; Liguori & Aggleton, 1999; Schifter & Aggleton, 1999). Nevertheless, Farley and Barkan underscored the increased level of violence against trans sex workers when compared to male sex workers and female sex workers. It appears that trans sex workers are at the bottom line of the hierarchical strata among prostitutes; consequently, they are receiving the maximum level of brutality, extortion, eviction, detention in the society (Nichols, 2010).

Studies conducted since 1999 have shown that transgender people are the victims of a great deal of sexual violence, specifically physical harassment, attempted sexual assault, rape, and attempted rape. In addition, this violence is often being perpetrated specifically because of their gender identity or sexuality expressions thus it is being suggested that this kind of violence is motivated and aggravated by hatred or bias due to condoning homosexuality (Weitzer, 2010: 264; Stotzer, 2009; Lawrence 1999). The discrimination has also influenced the formal employment. Trans people do not particularly possess any other choice but street prostitution as they are not accepted by the brothel owners to make indoor prostitution (off-street prostitution); trans citizens are consequently forced to make prostitution in the streets (Zatz, 1997; Scott, 2001; Weitzer, 2000). Studies also show that male and trans sex workers are unwilling to report any interpersonal or institutional abuses to police stations because of the bad treatment from the law enforcement authorities (Moran and Sharpe, 2001). The research conducted by Liguori and Aggleton indicates that the number of reports regarding sex work violence reflect only a small proportion of what is really happening out in the streets since sex work on its own is shown as a motive that would perpetuate violence against trans prostitutes in general. These interconnectedness

results in the increased risk of violence and exploitation compared to the general population (Farley, 2004; Farley& Barkan, 1998).

The most recent study concerning police brutality towards trans sex workers was conducted in Sri Lanka and it shows that transgender sex workers are being victims of verbal, physical and sexual abuse (Nichols, 2010:205). Intersection of gender and sexual orientation in this specific context is reflected to be the reason of the violence (Nichols, 2010: 215). Nichols shows that their transgender identity is the main source of the discriminatory behaviors and brutality occurrences. In addition to this, the author also indicates as a second source of bias their feminine gender identity (Nichols, 2010: 216). Overall, this study designates that the experiences of sex workers vary regarding their gender identities and sexual orientations (Scott et al., 2005; Kinnell, 2008; Wright& Wright, 1997). The findings of this study are in accordance with the previous studies on transgender sex workers to the point that they all reflect on the social construction of gender and sexuality in different contexts that sets different paradigms when discussing police violence towards gender minority groups (McCann, Minichiello and Plummer, 2009).

Trans people have been subject to violence in Turkey, they have been abused either by private or by state actors. Several trans sex workers' reports about the police brutality and the arbitrary arrests that they were subject to appeared in LGBT organizations' and Human Rights Committees' catalogues. The zone of discrimination has expanded in employment, education, housing, and healthcare as well. The situation has worsened since March 2005 with the entry into effect of the Law of Misdemeanors (TCK No. 5326), which gave the permission to police to fine or to penalize Turkish citizens on a variety of charges, none of which are defined explicitly under the law. Article 32 charges a fine of 100 lira on anyone who disobeys orders "to protect public security, public order, or common wealth." In Istanbul, the routine fine is 69 lira. This law has elicited the solid legal background for police officers to persecute trans sex workers. In addition to this, through the initiation of a new system among police departments, police abuse towards trans sex workers has been even more fueled. The policing system implicates institutional incentives such as giving bonus points for the number of fines that police officers give to the lawbreakers or to the ones who threatens public security, order or common wealth. Since then, LGBT organizations' dispatches indicate that trans people have barely been reporting abuse or violent incidents to the police, as they became the sedentary executors of this brutality (ARHR, 2009). Under these circumstances, Human Rights reports designate that trans people are targeted under the Law of Misdemeanors, facing fines, detention, extortion, expulsion from their homes, and brutality from the police. The sprawling use of the Law of Misdemeanors violates a number of Turkey's most fundamental obligations under international law. Under the International Covenant on Civil and Political Rights, Turkey must protect the rights of liberty and security of person (Article 9), freedom of movement (Article 12), freedom from arbitrary interference in one's private life (Article 17) and equality before the law (Article 26). The International Covenant on Economic, Social, and Cultural Rights also obligates Turkey to recognize the

rights to work (Article 7) and an adequate standard of living (Article 11), all of which are threatened when transgender people are unfairly targeted.²

This thesis dealing with the investigation of police brutality on trans sex workers aims to show the reasons of the incessant harassment in Istanbul. The intrinsic relation of brutality with sex work and the victimization of marginalized gender identities and sexuality representations in a general context were surveyed at first place in order to reflect the general perspective of brutality occurrences towards sex workers. Moreover, the overlapping characteristic in the marginalization of sex work and ‘deviant sexual orientation’ has been analyzed via the brief analysis of monolithic gender and sexuality dynamics in Turkey. This concise study indicated that marginalization of trans sex workers is rooted in the endorsement of mainstream heterosexist norms which at the end condemns the marginalized sexual identities ineradicably. The dominant reproaching stance towards LGBT individuals in Turkey is also officially entrenched by the application of certain juristic codes. Given that the law is acting upon the misbehavior, misconducts; not crimes, and not identities per se, its interpretative application by the police gives a big place for police discretion and thus for arbitrary criminal condemnations. As a result, I believe that the officers of Turkish police institution holding their place in the strong hierarchical system should be canvassed in depth in order to understand the real motives of brutality occurrences towards trans sex workers.

1.4. Research Questions

What is a trans sex worker to a police officer? How does a police officer perceive trans sex workers in the monolithic Turkish gender system? Is police violence depending on widespread societal attitudes? Is it stemming from deep roots in the juristic criminal system?

It is indeed tough to discuss whether the source of this problem is rooted in the occasional and arbitrary behavior of individual police officers or it is a socio culturally driven judgment of the entire institutionalized system of law enforcement. Regarding the context of my study and taking into account the given dynamics discussed above, in my research, I will be questioning if police officers are being guided by socio-culturally shaped and masculinity boosted feelings or they are being guided by their job requirements and thus, they are just obeying to the chain of command in their police departments in Istanbul.

In parallel with this outline of my research, the questions that I will be interrogating during my study vary within different topics. The meaning of a trans sex worker, the different jargon that is being used to describe the notion and the meanings attached to these words will give an insightful explanation in discussing trans sex workers’ situation according to Turkish police officers. Their duty obligations of

² <http://www.mfa.gov.tr/universal-declaration-of-human-rights.en.mfa>

being a police officer in the Turkish law enforcement system, the laws framing the specifications of the necessities, the issue of prostitution and especially the problematic law of Misdemeanors' zone of influence in the criminal system will be the major points of my argumentation. I will also question how the hierarchical system, namely the chain of command in the police stations is working; and the interrogation will mainly draw upon the strict compliance to orders in policing. How do they answer to orders? How do they interpret the laws enclosing prostitution acts? Is their supervisors' perspective what matters the most? Do they get to raise their own voice when it comes to trans sex workers? For that reason, I want to examine up to what point police officers are holding the power to use coercion and excessive force towards citizens and how do they decide within excessive and logical use of force.

Finally, I would like to underscore my main focus point investigating this phenomenon to be deemed as the motives of the police officers' (ab)use of violence since hitherto examinations on this topic has only reflected trans sex workers' side. Do they also name what they are doing as "police brutality" or does it have its legal and logical motives? Could it be inscribed as an abuse of given powers or not? As a result, my research questions focusing on the meaning of trans sex workers according to police officers will be addressed to discuss whether the brutality occurrences take place because of the misuse of the police discretion on deciding what fits the morality circle and what does not or it is the result of the supremacy an institutionalized chain of command problem in the case of trans sex workers' mistreatment.

I presume that the discretion of police officers is formulated through the perception of sexuality and gender dynamics. However the chain of command does not seem to be working at the same level in both parts of Istanbul, namely in the European and in the Anatolian side taking into account that police harassments towards trans sex workers is likely to occur in the European side as media instruments do not reflect any news coming from the Anatolian part of the city. Therefore, I hypothesize that the inclusion of policing conjuncture and discussing police discretion and the Turkish police institution's traits – the quasi-military model that necessitates hierarchical order and the chain of command, will merge eventually with the findings on identity politics.

1.5. Theoretical Background

Much has been stated when discussing sociological problems related to police brutality and sex work. In previous researches, theoretical frameworks have mostly been constructed upon the overlapping discriminative trait towards prostitution and 'abnormal' sexual orientations or gender identities. As a result, in prior researches, the fragmentation in analyzing police brutality towards trans sex workers has been focused in cogitating separately on trans identities, and prostitution. Theories showed that trans identities' marginalized trait has been rooted in society's repugnant stance towards those not fitting the monolithic gender and sexuality norms and towards those annihilating the expression of hegemonic masculinities. I believe that the shortfall of the attention captured to theoretical explanations on policing while scrutinizing law enforcement's brutality occurrences engendered a loophole in the formulation of

the theoretical background in previous researches. Therefore, I will first give the necessary indications to devise the theoretical background starting with the feminist theories, and gender theories. Finally, I will discuss policing theories and its effects on the investigation of brutality occurrences towards trans sex workers.

1.5.1. Scorned Sex Work and Artificial Gender Roles in Patriarchal Societies are Reinforcing the Discrepancy between the Mainstream 'us' and the Marginalized 'them'

Feminist theorists' thoughts on prostitution indicates that prostitution is the reason and the consequence of deeply rooted gender, class, racial and national inequalities which are changing across culturally since their outcomes diverge depending on the context through which they are being examined (Kempadoo & Doezma, 1998). Feminist scholarship also suggests that patriarchal systems result in the subordination of opportunity, power and status of women (Nichols, 2010: 200). On the other hand, Zatz implements the idea that it is not the sex work per se that promotes oppressive values of patriarchal systems but instead the particular cultural and legal production of a marginalized prostitution is reinforcing the overpowering characteristic of violence towards sex workers (Zatz, 1997: 291). In overall perspective, radical feminism' focus on the oppression on women takes prostitution as a discriminative instrument that is being reinforced within the patriarchal system. For that reason, prostitution, as an institution, is creating a double standardization among women (as graceful and graceless), which gives the opportunity to others (men) to reign over women's bodies (Insan Kaynagini Gelistirme Vakfi, 2011:58).

Furthermore, Sheila Collins, while focusing on the patriarchy, predicts that this kind of violence is telling us how the manifestation and the institutionalization of male dominance over women, children and aliens are taking place. The sex-positive feminist ideology emphasizes on the legalization of prostitution to prevent discriminative actions and to create a safer and an organized environment for sex workers. In this case, the aliens- trans sex workers as a results of their occupational standard are being dominated and discriminated and as a result, they are in the deprivation of the protection of any law enforcement (Caldeira, 2002). Religious rules, namely Islamic practices which unquestionably prohibit variations of sexuality expressions, such as transgender or transsexuality are also rooted in this historical standpoint through which a meaning to comprehend the inability of a police officer to function without bias is given since it fuels patriarchal society type that necessitates reproduction as the source of sexuality (Caldeira, 2002: 235).

Moreover, gender theorists approached this issue by focusing on gender/sexuality systems of a society and they suggested that transgender people face many challenges in a society that is intolerant towards any system of gender that is not binary, which is solely consisted of two sexes, male and female. These sexes are rooted into specific conducts and appearances and everything that is not listed among this scale is considered as deviant. The separation that is made upon 'us' and 'them' pioneers the perception of

those not fitting the monolithic system as a threat to societal norms and consequently as a menace to the society (Morone, 1997; Devine et al., 1999). Male-to-female transsexuals are defying the binary gender system since the male body, highly associated with male heterosexuality, is being disrupted by being transformed to a female body (Connell & Messerschmidt, 2005). They are consequently perceived as jeopardizing their original male sexuality and more importantly the hetero-patriarchal masculinity. Gayle Rubin says that the body as the medium through which selves interact with each other can not pursue to its ideal feminine reflection; in this case this occurrences takes place because of the occupation, and challenging gender identity (Rubin, 1993: 180). In an overall perspective, as Suzan Pharr reveals, the gender binary system necessitates a dominant heterosexist norm that creates a biased victimization towards trans sex workers.

Through a historical perspective, it is thus argued that the roots of this violence are found in the long history of a patriarchal societal order, which refutes any disruption of gender and sexuality norms and particularly those that are threatening dominant hegemonic masculinities' standards. Cooper (2000) in his work showed that in patriarchal societies the norms were set regarding heterosexual and masculine standards and thus concludes that masculinity and the internalization of masculinities are socially constructed (Cooper, 2000:684) . By the time men's sex, gender and sexuality have started recognizing and corresponding to the social nature of masculinity, the issue of hegemonic masculinities has lead to diverse discussions about its original nature, its culturally changeable feature, its relation to violence, to occupations (Connell & Messereschmidt, 2005: 832). Hegemonic masculinities have been attributed to two main expectations; namely being stoic and anti-feminine (Migliaccio, 2009: 226; Herek, 2004). These characteristics are boosted by "risk taking traits, self-discipline, physical toughness and muscular development, along with aggression, violence, emotional control and overt heterosexual desires" (Hinojosa, 2010: 179; Connell & Messerschmidt, 2005: 851). Subsequently, emphasized femininity is considered as subordinate to hegemonic masculinities. It is drawing upon heterosexual receptivity to men, dependence, and motherhood (Miller et al., 2003: 358). Trans identities in this sense are seen ambiguous because it is not clear why a man would insult the masculinity honor by choosing a reduced social standing (Harris, 2000: 790)

1.5.2. Who is the Man?

Masculinity Rhetoric in Police Stations

According to the theory on internal hegemonic masculinities, it is clear that for many police officers that their job is an open arena to reflect and to redefine their masculinities by harnessing hegemonic masculinities' traits to other subjects. Connell says that risk-taking practices as means of establishing masculine reputation in a peer group context is the part of the embodiment process (Connell & Messerschmidt, 2005: 851). Due to the dominance of the chain of command over police officers, they intend to prove and to reinforce their masculine traits by showing violence on other subordinated masculinities (Hinojosa, 2010: 181). Police institution, a web of power relations, constituted by the

hierarchical order of honor and hyper masculinity, seems to be the best place for police officers to gain and maintain control of situations which remains associated with manhood, as a result male officers do gender, along with the awareness of dominant societal norms and consequently they are positioning a dominant characteristic (Martin, 1999: 561; Miller et al., 2003:357, Bordua & Reiss, 1966: 71). In a way, policing is serving as an institutionalized power that maintains the status quo characterized within the gender system (Miller 1997, 2002; Kempadoo & Doezma, 1998). Police officers identify themselves with the institution they work for, and related to hegemonic masculinities; police officers' sphere of discipline and self-discipline is protected in case of a challenge of authority, or upon a threat to their masculine identity and to the general hegemonic masculine world. It is also suggested that in order to display a command, many police officers engage in activities highly associated with hypermasculinity and thus they end up punishing 'the other' (Hinojosa, 2010: 180; Cooper, 2008: 695). The Law of Misdemeanors and the encouraging bonus points that they acquire for giving fines to the lawbreakers are contributing to the reinforcement of hegemonic masculinities. Cooper highlights the importance of ranking and evaluation during the acceptance into the realm of manhood and in this case, it is explicitly put into practice by a reward depending on the number of fines (Cooper, 2008:672).

These theories are circling around the notion of stigma, which is the characteristic of persons that runs counter to a norm of social unit where this rule is defined as a shared belief that a person ought to behave in certain way at a certain time (Stafford & Scott, 1986: 80; Croker et al., 1998: 505). My aim is to underscore the materiality of a specific social structure, the police institution. Until now, the focus has remained mostly on cultural representations and cultural discourses that are gathered around the notion of interlocking systems of gender and sexuality. Herein I suggest that materiality of the institution is mediated and shaped by cultural dynamics such as nationalism, religious discourse, hegemonic masculinities and other variants related to the concept of stigma. Nonetheless, these cultural representations take place through the material structure- the inner order of the institution that I think should be analyzed. In sum, I will try to avoid the binary based, essentialist ways of reframing the analysis of police brutality towards trans sex workers in Istanbul. Furthermore I will implement the theories on policing traits to understand the models on policing and the compatible hypothesizes on the chain of command and the decision-making's dynamics since the general negligence towards policing theories among studies concentrating on police brutality towards trans sex workers constitute a big hole in examining this sociological problem.

Therefore, I hypothesize that there are two main factors shaping police brutality. The first one draws upon the discretionary power given to the police officers by the legal framework, which is deeply interrelated with gender and sexuality dynamics in Turkey given that the interpretation of the law is made through these norms. The law of Misdemeanors confers the authorization to police officers to penalize certain acts and behaviors that would jeopardize the law and order and the general morality norms. The lack of description for these behaviors bestows an immense discretionary right to cops,

which requires an in-depth sociological investigation. Second, the strict chain of command in every police department is the element that restricts and obligates certain acts. It is clear that the orders that police officers receive from their superiors are not the same in every police department regarding the fact that police brutality towards trans sex workers is distinguishable in one part of Istanbul. Consequently, I argue that gender theories and policing theories are merging at a very critical point in scrutinizing the Turkish case to the point that, police officers' positions towards trans sex workers rear throughout the same monolithic gender and sexuality dynamics. Yet, the entrustment with "cleaning the streets" takes place only on the European side of the city. What is it the motive for this strict segmentation? Is it the chain of command? Is it in the nature of Turkish police institution? In order to enlighten this topic, I will now investigate the components of the quasi-military policing model and the place of the police discretion in the concept of law enforcement.

1.5.3. Quasi-military Model of Policing and Discretionary Power's Position in Policing

Berkes and Jermier, in their research conducted in 1979, came up with a general pattern on police institutions. Quasi-military model characterized by "impersonal, highly directive, authoritarian leadership and routine tasks" redounds in the self-perception of police officers as crime-fighters (Jermier & Berkes, 1979: 1). The quasi-military command model is a policing pattern that is hierarchical and requires authoritarian command system in order to persist (Jermier & Berkes, 1979: 3). This model is consistent with Weber's rational-legal authority type and results in nowadays policing to perform "duty without regard to personal considerations and an obligation to obedience" (Weber, 1947: 330-340).

The meaning of the command can be explained in two ways, the first one refers to the "technique of control" in the police institution and the second explanation is describing a more general concept of the command, which gives the legitimacy of the order and elicits obedience to it (Weber, 1947; Bordua & Reiss, 1966:70). It is being suggested that the central command system based on a reactive strategy, which tends to evade the hierarchical command relations and thus challenges the control over the police departments. Regarding this paradigm, police officers' regular brutal behavior is explained through an attempt "to control the situation and assure strict obedience to the law" (Jermier & Berkes, 1979: 3). In this case, the obedience is framed by the law of Misdemeanors in Turkey. This endeavor is thus resulting in the socially constructed interpretation of the law by police officers whose supervisors created a flexible arena for them to act upon those who do not fit the conventional norms of the society.³

Although police institutions are highly relying on the strict subordination and on a rigid chain of command, they are supposed to be demarcated from the military. In fact, the failure of this demarcation is seen as a lack of democracy (Kraska, 2007: 502). Militarism is seen as a set of beliefs and values that is using the use of violence or the threat of using it as a best way to solve problems. Indeed, militarism, a

³ <http://arsiv.ntvmsnbc.com/news/412699.asp>

concept that has always been present among policing, shows its traits in ranking procedures, uniforms, codes and discipline and especially with its culture (Maguire and King, 2004: 21). Kraska and Cubellis (1997: 627) noted:

“The military model represents constraint, discipline, honor, control, competence, and a type of patriotism. To others it stands for tyranny, state violence, human rights abuses, war, and an ideology which sees social problems as being best-handled through state force.”

Consequently, police as an institution means “discipline” in both inside and outside. This characteristic fuels police officers’ disciplined nature since they aim to keep the outside world regulated and ordered. Angela Harris (2000: 781) says, *“Men use violence or the threat of violence as an affirmative way of proving individual or collective masculinity or in desperation when they perceive their masculine self-identity to be under attack.”* Bittner too remarked a basic differentiation between police and other institutions and said that *“police are institutions or individuals given the general right to use coercive force by the state within the state's domestic territory”* (Bittner, 1990: 1331). Therefore, police are sometimes morally obliged to employ force to accomplish legitimate ends of controlling crime and maintaining order (Skolnick and Fyfe, 1993: 238). Chevigny (1995: 139) says, *“While the power to use force is a defining characteristic of police officers’ job, the line between excessive and justifiable force is difficult to draw.”* This creates a distinction between the use of force and police brutality. The use of force is often seen as a necessary and legitimate tool of police officers’ job on the other hand police brutality appears to be a non-justifiable, but conscious act (Skolnick and Fyfe, 1993: 19-20). Since the usage of excessive force is a context-dependent act, police officers do not have a clear policy on it. Differentiating between the excessive and reasonable force shows that describing or identifying police violence is complicated because there are certain situational justifications and excuses used by the police when they are being judged of being brutal (Westmarland, 2001: 528). Throughout the preliminary studies, it is indicated that trans sex workers are being victims of abuses and harassment by police officers who check their genitals, slap them, harass them, punch them, because “they are who they are” (Ditmore & Gordon, 2003: 20-21). Scholars suggested two reasons for the unrestricted power usage of police officers: it is rooted in the presence of ambiguous situations that their supervisors cannot predict; and secondly questioning police officers’ judgment is against the solidarity bond (Jermier & Berkes, 1979: 5). Other scholars have presumed two different approaches regarding this issue: On the one hand, police officers’ role in defining who is criminal and who is not has a central signification among risk-management tactics that define central rules of policing (Maguire & King, 2004: 19). On the other hand, as Martin’s reflections on the freedom of interpretation of police officers show, choosing between aggression and negotiation depends on the decision whether performing masculinity or not (Martin, 1999).

A number of researches show that there is a consistent set of stances found in a police institution (Crank, 1998; Peak and Glensor, 1999). Although it was assumed that there was a conventional pattern in police

officers' behavior, Paoline and other scholars are suggesting that "officers vary more widely than the conventional wisdom" (Paoline et al., 2000:577). The scholarly findings denote certain themes that are common in police culture such as power, action, urgency, risk, force and machismo play an important role in formulating this sub-culture (DeJong et al., 2001: 61). In addition to this, the continuity of police violence is due to the weakness of institutionalized mechanisms for controlling police activity (Costa, 2011: 1). The accountability mechanism within the organization to see if the police proceedings are held under close judicial check or if there exists a de facto immunity system to a certain extent, which would provide police officers with some free space to decide on the treatment of each case constitutes, an important focus point when discussing police brutality towards a minority group. Therefore, the violent behavior of certain police officers cannot be explained simply by their individual judgments or social motives. The examination of the inner mechanism of police institution is necessary to understand the reasons of police brutality since regarding the dominant strengthened quasi-military model of policing in Turkey, the law and the social circumstances are suiting police brutality into a suspicious field.

In conclusion, the dominant feminist discourse highly suggests underscoring the binary elements such as power-resistance, dominant-dominated, transgressor-controller in analyzing police brutality. Radical feminist theorists' critique on the usage of stigma and gender/sexuality binary among prostitution studies is entrenched in the formation of an absolutist and doctrinaire discernment whereas according to them researches should be more deeply rooted (Weitzer, 1995: 934). These components are formulating the solid background of the analysis however questioning whether it is the outcome of the biased police officers' misuse of authority related to the power of discretion that is being given to police officers by law or it is an institutionalized chain of command problem in the case of trans sex workers' mistreatment in Istanbul I suggest that a grounded ethnographic data on police officers' daily patrols and interviews with them is the best way to answer my research questions. Because it would enhance the current researches' radius and it would also enrich the knowledge gathered from the texts and the discourses.

1.6. Methodology

Brewer argues, "A great deal of the police research is based on ethnographic methods of participant observation and in-depth interviewing" (Brewer 1991: 18). I aimed to conduct this research in order to break the binary based discrimination explications when understanding police brutality towards a sexual minority group in a city where the general rules of appropriate behavior are determined in regards to self-evident historical concepts, which find their justifications on the institutionalized level by penal law system that gives the uncontested power to police discretion. My primary aim has been to understand the reasons of the stance of police officers towards trans sex workers in Istanbul considering the fact that the preexistent knowledge on this issue reveals problematic situation of victimization of trans sex workers but most of the time it is being related to cultural constructs and also they are not encompassing police officers' viewpoint. My aim in performing this ethnographic research is to be able to reflect what

it means to be a police officer, as an outsider inside the police departments via empirically grounded data collection methods.

1.6.1. Data and Methods

This thesis is rooted in the primary analysis of data collected in Istanbul, involving the interviews with cops and patrols during day and night times; moreover interviews with two LGBT organizations in a limited period of time (from April 2011 to June 2011). This research is taken from 17 in-depth interviews and fieldwork notes attained during the day and night patrols, meeting in cafes, restaurants and police stations with fifteen (n : 15) male cops working in various districts. My aim was to see if all police officers' judgments in one city are equally influenced by socially constructed norms when it comes to interpreting the law, and to observe if they are behaving according to the commands that they are receiving from their commanders. Both of the LGBT organizations are located in Ankara, the interviews were made in their offices, these two organizations were picked up for their commitments on various activism projects about trans sex workers and their existing relations with Human Rights associations. One of the LGBT organizations, KaosGL has already been informed about the research project and they were willing to give an interview on this subject matter. The second LGBT organization, Pembe Hayat (Pink Life) was chosen because they are mainly working on trans issues, identity recognitions and sexual citizenship rights as well as they are doing propaganda for destigmatization of the sex work. My respondents in both organizations were helpful, provided me with different perspectives to look through while examining police brutality towards trans sex workers.

It is being said that having solid gatekeepers is a successful way to get into closed groups; since most of the time gaining trust is hardly possible when doing ethnography if the group members feel like they are being judged or misinterpreted. Trust should be continuously cultivated says Reiner (2000: 224); in regards to this issue and I believe that when police officers opened up to me and told honestly what a trans sex worker meant to them, it highlighted a key point in my research. My gatekeeper was good friends with two of the cops; they were socially meeting with each other for years. The first two interviews were with these two cops, my gatekeeper was with me during that time, he helped me gaining their trusts easily, without any questions asked. This technique helped me to get access to other cops who would otherwise never give me an interview; they would not even consider taking this project seriously due to legal and bureaucratic necessities such as the authorization papers from Internal Affairs. Although I passed all the bureaucratic stages successfully and I was able to get an authorization signature from the head quarters of Istanbul police departments, an approval of the mayor, an authorization letter from the police department contacting the Internal Affairs, I could not get a permit paper from the Internal Affairs. Instead, I received a mail informing me that I was not granted for the right to make patrols and interviews with cops, without citing any specific reason in the letter. Moreover, although patrolling in the back seat of the car was not permitted to researchers, especially to those who do not possess any permit papers, I was granted to patrol with them many times in these two months thanks to my solid gatekeeper.

From here, snowball-sampling technique was utilized to expand the sample. Snowball sampling helped building a preliminary informants' list and then I possessed a chain of police officer that would expand the sample. The semi-structured interviews that I conducted overlapped sometimes with the time of my observations. All of the participants were interviewed by me, in different locations, cafes, restaurants, police stations, in their police cars. Participation to interviews was solicited by all of them, one cop introduced me to another police officer who brought another cop, and the snowballing sampling developed successfully. This technique provided me a guaranteed trust that I did not have to work hard to earn. Since fourteen of the cops I interviewed were connected to each other, the words that they used to present me to my next respondent were my reference letters to join their encounters. They did not hesitate to walk me through their experiences, and they did not even vacillate to inform me about some of their lawless behaviors. Only one of my interviewees was not reached by the snowballing sampling. I deliberately went to a random police department, told them about my thesis project and asked them if they would like to be interviewed. The cop who was standing at the entrance door did not let me in the police station; he made me sit on a bench in the garden. We started chatting, he did not want to be recorded, nor did he want me to take notes. At the end of twenty minutes, he asked me all of a sudden if I had the necessary permit papers, I replied that I was still waiting for the Internal Affairs to answer my request. He said, "Well then, thank you... you may leave now." The interview was abruptly stopped not because I did not have the necessary permit papers, but merely because I did not go there with a reference in my hand. He simply found a flimsy pretext for refusing my interview request since I had already performed half of my interviews at that time without the authorization papers.

Instead of using pseudonyms, respondents' names were replaced by numbers, regardless of the order of sequences, in order to protect their privacy as promised at the beginning of the interviews. Not only the names but also their departmental qualifications were also blotted out as much as possible. Cops, working in various districts indicated different jargon to illustrate trans sex workers, some of them had pejorative meanings. Police officers were coming from different cities; for some, their job was the reason of being in Istanbul for the first time in their lives. Seven out of fifteen (7/15) were more experienced than the latter; these seven people were not university educated. The rest went to college for two or four years, had their bachelors in different majors; chemistry, Turkish literature and language were listed among their educational backgrounds.

As a participant observant, my interrogations were addressed to understand their everyday life and to make descriptions of their patrols in the areas where the rate of trans sex workers is higher than other places. The first questions considered cops' preliminary thoughts on trans sex workers at length, the first words that they used to illustrate a trans individual, and a trans sex workers mattered a lot. The initial interview questions' list was edited along with the course of the fieldwork, the questions remained almost the same but the order altered regarding previous interview sessions. Interviews also included questions regarding their experiences with trans sex workers, patrols were used as verification to their

words. In addition, participants were asked to describe their job requirements, their ways of being a cop, the law enforcement processes, and their contemplation of the juristic perspective and their portrayal of Turkish morality norms. There were also confidential expressions; cops noticed beforehand not to use any of the names that they were indicating in order not to give rise to a scandal.

Marks (2004: 871) thinks that the only way to understand the difficulties that police members are going through and the issues that they are coping with every day is to get into direct interaction with them. In parallel with this, participant observations provided an intensive, permanent and precise engagement to police officers' daily life and their environments. It made me understand their rationalities behind the decisions that they are taking every day and consequently it made possible to comprehend and decode the interviews regarding what I experienced in the patrol car with them. In other words, the interviews gained sense with the participant observation that I conducted as an outsider inside the police car. Furthermore, the observations that I made also enhanced my suppositions on the power relations in the institution. I was furthermore able to discuss how the hierarchy works in the station and how authoritarianism is taken for granted by police officers.

The interviews performed with cops, LGBT organizations were first fully transcribed, and then they were translated to English. Distortions within these two languages were minimized to the extent; however, there are lingual differences (expressions, proverbs) that were aligned as appropriate as possible with the English language therefore sometimes I preferred to use Turkish versions of words which will be shown in *italic* and the Turkish versions for some expressions will also be shown between brackets.

CHAPTER 2

2. Juristic, organizational and prostitution context

Diving Into Police Officers' Narratives

The main endeavor of this thesis is centered on the discussion of cops' behaviors towards trans sex workers. The preliminary theoretical information, reckoned in the previous chapter, indicates that cops' attitudes towards trans sex workers are rooted in their prejudiced thoughts which are being shaped and fueled by society's gender and sexuality norms, the masculinity rhetoric and its application in policing. The fieldwork and the interviews performed with fifteen Turkish police officers designated divergent motives when discussing police brutality towards trans sex workers. They articulated their duty, namely the requirements that cops have to fulfill and the juristic framework as reasons to take action towards certain behaviors.

The general attitude of police officers towards trans sex workers is positioned regarding different factors. Contrarily to what it was being posted in the media; they claim that they do not have strong hateful feelings, or a grudge towards trans sex workers; and yet there are some who do not fit the general profile that I revealed as regards to my ethnographic data. Most of the police officers are not indisposed by the "existence" of trans individuals, but instead it is the sex work part that limits their sympathy towards them. Actually, some of them wanted to prove this by saying that "It was their right, their choice to be however they wanted to be." On the other hand, some of them found difficult to describe precisely a trans individual and they were trapped within the monolithic gender boxes, thus their answer relied on "someone that is neither female nor male" which is creating a question mark in their minds. In addition to this, not being able to put them in either of the gender boxes and finding the urge to dress up as a woman strange and giving up on the masculinity creates big complications in their explications and thus it affects their behaviors. Yet they all realize that being a cop requires them to take action, whenever there is something criminal, not when they face someone that they cannot put in a either of the gender boxes.

Most importantly, cops stressed on their job descriptions and on the laws pertaining to trans sex workers. The juristic context and the course of events in their practices during their patrols constituted the major discussion points. In this following section, I will first discuss the description of policing according to cops, their perception of their duty requirements in regards to trans sex workers' situation. The preliminary duty related necessities that are communicated by police officers will guide the course of my analysis towards the intersection of these obligations with the problematic situation of trans sex workers. What does their job require them to do? What kinds of measures are being taken? How is the judicial framework set to take these measures? To answer these questions, I will focus on the Law of

Misdemeanors and the processes of the application of this law. I will then investigate the application of the Prostitution Law and its clauses' effects on trans sex workers taking into account that prostitution is legalized in Turkey. Finally, I will interrogate the hierarchical adjustments' effects on power relations between trans sex workers and cops. As discussed in the previous chapter the hierarchical chain of command in the Turkish police institution constitutes a clear representation of the quasi-military model of policing, which comprises the institutionalization of the law enforcement system without leaving any space for personal considerations and moreover a strict obligation for obedience (Jermier & Berkes, 1979). In accordance with this, the laws are framing the contextual outline through which these orders are being executed by police officers.

“It is mostly about the criminal perspective of things, not them per se that we are bothered!”

“A police officer would react if there is a denouncement other than that, why would I bother myself? I don't want them to change who they are, I just want them to follow the rules.” (Police officer n°2)

The word “rules” appeared in almost every conversation and in every depth interview that I had with police officers. Their relations with trans sex workers are based on various dynamics but the main guidance is rooted into the concept of “rules”, namely the legal and administrative framework. What are the basic rules, the juristic scaffold circling around the brutality incidents? What are the fueling reasons?

“You can not see a police officer who would go after a transvestite if he is following a thief, even if the transvestite is waiting for a customer out in the street with a super mini skirt. However if he sees a murder while he was running after the thief, then he would go for that one, do you understand what I mean?” (Police officer n°13)

Trans sex workers, or sex workers in general are not all the time at the prime location on the duty list for a police officer in Istanbul. There should be an institutional agenda, a supervisor order, or an overt citizen complaint for police officers to take action. The criticisms towards police acts were indicating the arbitrary trait of arrests and yet my respondents highlighted repeatedly that when they take a trans sex worker into custody, it can not be called an “illogical arrest” at all, just because, as police officer n°13 also indicates, they must have been involved in a criminal activity, either as a victim or as the committer. It is important to highlight that the juristic framework and the law regulating the Police Duties and Powers Act were both reflected as a goal to achieve, rather than designating the juristic perspective as an instrument. Therefore, the judicial context was used as a discourse of justification for being involved in brutality occurrences. As a legal confirmation of this reflection, the criminal codes, setting a suitable platform for police officers to criminalize certain behavior and not certain identities, are also certified by the law regulating policing duties, which permits them to exercise force, if it is necessary regarding certain conditions generated by certain acts. On the whole, the juristic context penalizing certain acts

leaves trans identities technically untouched since there is no implication of criminalization for “being” someone, but instead it is designated as “doing” something.

Cops cited different reasons, motives for penalizing certain behavior of trans sex workers. What are the crimes committed by trans sex workers? Knowing that prostitution is not criminalized by the Turkish Penal Code, what is it then? What is the “disturbance of morality”? Who decides when it is disrupted? What are the real causes for the first non-brutal contact between trans sex workers and cops in Istanbul? Concisely, the juristic motives, thus the legal instruments of the incessant chase between police and trans sex workers will be examined in the following. Cops’ own descriptions of their jobs, of the inner mechanism of Turkish police institution and the juristic framework will be analyzed below.

2.1. Juristic Context

Policing as a “to-do” list

“The police force exists in order to protect citizen’s life, to defend their material assets, to maintain order in a society. We help those who are in trouble; we go to the crime scene whenever we receive a call. For this reason, those who are subject to criminal sanction are to be sent to judicial courts. Those who try to escape are to be chased after. Those who try to cut themselves, or who try to suicide are to be prevented; then they are sent to the hospital. Towards those who hinder police officers, and those who impede law enforcement officers’ actions, cops are allowed to use logical proportional force. We receive orders from our superiors, they draw us a map to be strictly followed, and it is also our job to obey their commands.” (Police officer n°1)

The “to-do list” determined by the job’s description and their supervisors’ orders appear to be the source of power channeling the way cops behave in the streets, during their duty hours. Other than this, as police officer n°1 accentuates, all police officers are supposed to follow the rules of being a cop and they should answer daily announces and “enforce the law as it is being indicated in their job description,” which compels them to go out and to “solve crimes.” The general judicial framework that is enforcing police officers to take action towards trans sex workers covers three different concepts therefore it is constructed above three juristic codes. Sex work is organized according the law regulating the prostitution (TCK 5237, 227/2, accepted on 26/09/2004). According to this law, individual prostitution is legal in Turkey; however, forcing someone into prostitution, providing a place for prostitution, mediating and trafficking people from foreign countries for prostitution purposes are penalized. “Disturbance of the public morality” is controlled by Law of Misdemeanors (TCK 5326, accepted on 30/03/2005) which gives a tremendous discretionary power to cops as discussed earlier. The law of Misdemeanors, ordering them to decide which behavior or act is considered as moral or immoral, and thus which action is to be penalized by a fine is indeed creating a grey area in the matter of justice. Apart from these topics, cops also underscored how bulky trans sex workers’ criminal records were, since they also receive fines for

petty crimes; such as unauthorized assumption and theft that are enacted according to the law regulating the crimes committed towards property holdings (TCK 5237/141, accepted on 26/09/2004).

“Let’s say, they have many customers coming and going. They enter the building stay in the apartment for an hour and then they leave. They make a night of it. Let us suppose that their customers stop their cars in front of the building. You can never guess what kind of people are their customers, they might not be safe people. However, I am not going to discuss their characteristic. The customers ring the wrong bells, repeatedly. The person living in that apartment wakes up in the middle of the night and the customer shouts, “I am here, open the door!” People are being disturbed all the time. Our appearance in the scene is circumstantial. Their neighbors CALL US! Although there are not any sanctions regarding this particular event, there should be a complainant for you to take action by the law of misdemeanors so that you can write down “disturbance to the environment.” After all, that is not deterrent at all. Because it does not stop the prostitution, and it is not a crime according to Turkish Penal Code!” (Police officer n°3)

“There is also one other issue. The complaints were coming one after the other 3 or 4 years ago. The citizens were saying that travestiler were being too much interested in the little boys living in the neighborhood. I would say they were trying to take their attention so that they would be like them. The identity of an adolescent on age 14-15 is not set yet, around these ages, the formation that you give will be there forever. Public are afraid that their boys would be influenced by transvestites. And if the citizens are complainants, then the law of misdemeanors is applied, we can write a fine, because there has been a violation of the general morality, which was reported by the citizen X...They go out in the main roads, show their breasts, their legs, their fake boobies and the traffic is screwed. Cars cannot move because one or two cars stop the engine to see what the transvestite is showing. It is a violation of traffic rules. If we don’t take action towards these matters, complaints keep coming or other commanders from different districts say one work to our supervisor, our commanders ablaze with anger, they shout loudly at us and I remember one time that we even received a punishment because the district was not clean enough.” (Police officer n°4)

Regarding this example of occurrences that covered almost all subject matters, I revealed different concepts to investigate in each interview. The topics that were highlighted among the answers covered: acts being subject to law of misdemeanors, acts being subject to prostitution law, the public notifications, the morality of the public, the general attitude of citizens, the orders of cops’ supervisors, and finally the local differentiation within one city were placed among the list.

The technical juristic framework penalizing and liberalizing certain behaviors constitutes the structure through which I will analyze the data I gathered. I will now briefly explain the organizational system in the Turkish police institution, which will provide the necessary context to scrutinize the juristic context.

Then, I will discuss the distribution of trans sex workers in Istanbul before discussing cops' experience with prostitution issue and the application of prostitution law. Afterwards, I will give the juristic context of the law of Misdemeanors, which criminalizes the immoral behaviors, and the penal action towards these acts is executed by giving fines as discussed earlier in the thesis. Moreover, I will scrutinize the application of law regulating prostitution, which criminalizes the acts listed above by jail, and by forensic atonement money depending on the prison terms.

2.2. Organizational Context

The police stations are segmented according to thirty-nine districts in Istanbul. Each one of them is in charge of the safety and the welfare of that specific area. They are requested to execute their duties regarding the complaints that they receive on the police line and according to their supervisors' orders in their police department. Police officers working in one district are taking under control the crimes that are happening in their districts and if the crime is taking place outside of their sphere of duties, they contact other district's police stations.

Additionally, there are various units in the Turkish police institution and each are dealing with specific aims. The Gambling and Morality Desk (Kumar ve Ahlak Masasi)⁴ is supposed to take under control the prostitution actions by applying the law of prostitution, as well as making raids for gambling actions. This unit gets specific instructions regarding the specificity of laws while they are being trained. They are required to possess certain attributes in order to be eligible for this unit. This unit is in charge of the metropolitan territory, regardless of the district. Therefore, they are supposed to handle prostitution actions that were criminalized by the law in the overall metropolitan district, Istanbul. In general, police officers working in the district police stations are not as knowledgeable as this unit is when it comes to the application of the prostitution law. As a result, the prostitution cases are being directly transferred to this unit. Prostitution in Istanbul takes place in various locations; the Morality Desk constituted approximately of twenty-five people, is in charge of thirty-nine districts in Istanbul while policing trans sex workers' criminalized acts related to prostitution. To begin with, I will now give the analysis of the distribution of trans sex workers regarding their district in order to draw a road map of the incidents.

2.3. Prostitution Context

2.3.1. Outdoor Prostitution

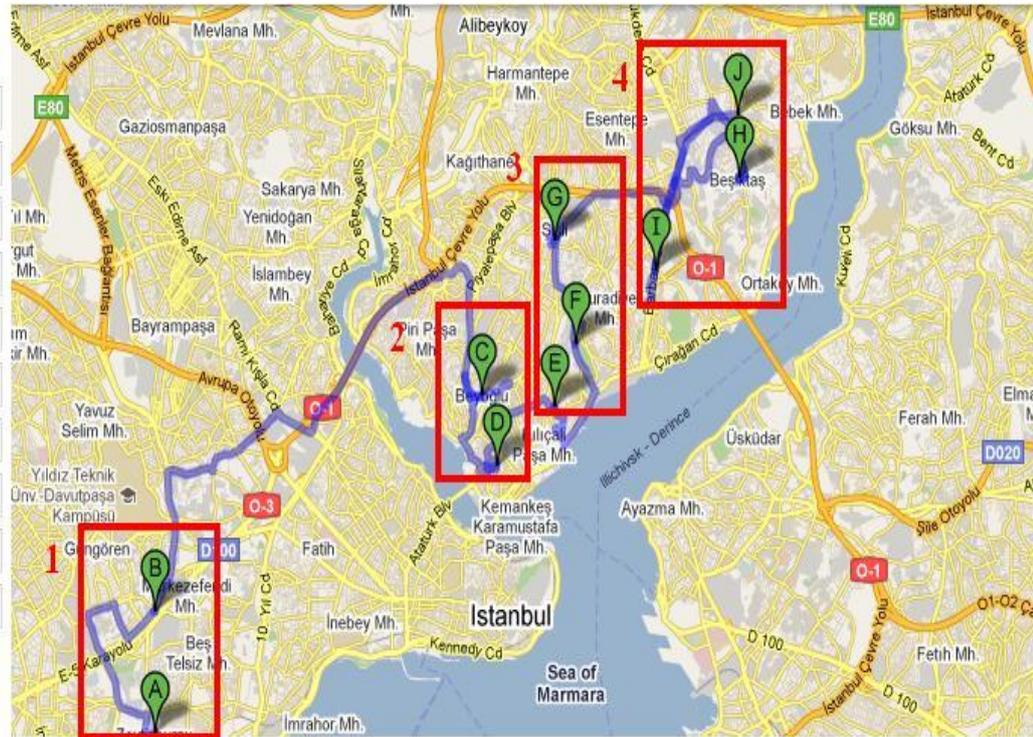
According to cops, not all trans sex workers are listed within the same category and this differentiation is mainly rooted in the districts they are situated. As said by cops, Istanbul, a big city as it is, has been divided in four, in terms of prime locations for trans sex workers. Within these four locations, there has also been a separation between indoor and outdoor sex workers and consequently, the results of this segregation have been additionally discussed during the interviews. As stated by cops, the metropolitan

⁴ <http://www.polis.web.tr/asayis-adliye/iste-turkiyenin-en-cok-operasyon-yapan-polis-ekibi.htm>

city, divided into four starting from Zeytinburnu (E5 highway side) up to, Taksim, Şişli and then Balmumcu, Beşiktaş, is hosting different kinds of people from all economical classes. I was being told that once moving from Zeytinburnu towards Beşiktaş, the looks and subsequently the behavior of trans sex workers show a remarkable amelioration. These traits, the looks and the behaviors' interrelation will be discussed below, by different examples communicated by police officers.

Distribution of the sex work

- A Zeytinburnu, Turkey
- B Merter, Istanbul, Turkey
- C Beyoğlu, Türkiye
- D Tünel, Istanbul, Turkey
- E Taksim Meydani, Istanbul, Türkiye
- F Harbiye Mh., Istanbul, Türkiye
- G Şişli, Turkey
- H Beşiktaş, Istanbul, Turkey
- I Barbaros Bulvarı, Istanbul, Türkiye
- J Nispetiye Caddesi, Istanbul, Türkiye



Cops stated that they recognize the faces; they know whom they are going to see in the specific areas. Thus, they are moving “alerted” if they are patrolling in one of these “black listed areas.” The prostitution itself is not attributed as a problematic situation to the entire city; these locations stated above appear to be the only niggling places. These congested areas are listed since they attract all kinds of people, some of them are listed as places of amusements, and some provide suitable conditions (roadside, under the bridges) for prostitution acts. That brings along the discussion of the dispersion of street prostitution of transgenders and transsexuals in Istanbul. Some parts in the European side are free from the brutality news because trans individuals can not find customers, the demand is not as developed as it is in other parts. Sometimes they cannot afford to live in certain parts of the European side for economical reasons and for social reasons; some districts are more traditional than the others are, therefore, there is not one room for a trans individual. In accordance with this, the society’s reaction towards trans sex workers and cops’ commanders orders are listed as a priority for cops in ‘cleaning the streets’.

On the other hand, the Anatolian side of the city appears to be free from brutality occurrences. The disparity between the European and the Anatolian side of the city is engendered by environmental reasons. The seaside roads on the Anatolian side are indicated as the place where the street prostitution

rarely takes place. The positioning of roads was shown as a reason to this situation since on the Anatolian side, “the roads are large enough for cars to stop, so we can’t say that they are blocking the pedestrian or the car lanes. We barely see trans sex workers there anyway.” In addition to this, although cops know that trans sex workers are also working on this side of the city they do not feel the obligation to take precautions because: “they are mostly walking down the streets, or sitting at the bus stops, it is not like anything we experience on this side of the city, there are pits where cars can stop without disturbing the traffic” (Police officer n°3). Foremost, their supervisors do not see it as a big problem since their presence does not receive complaints from other district’s supervisors or from the public.



General overview of the distribution of sex work on the Anatolian Side

2.3.2. Distinctive differentiation of trans sex workers regarding their districts

“Although the general rules of action are set for the entire country, the precautions that supervisors take depend from one district to another regarding the problem. For instance teams working on the Anatolian side of the city do not receive any instructions regarding trans sex workers, simply because they are not numerous there and the society is not bothered by them, but whenever we look at Beşiktaş and Şişli area, since they are numerous and they cause societal problems we take different actions...So I wouldn’t say it is a huge problem for the whole Istanbul but it is more about these districts you know. For instance, Beyoğlu, a cosmopolite part of the city, tourists, young people, and celebrities they all go there. In addition, trans sex workers are a big problem for that part of the city, because at the end of the night, they are all out in the streets, looking for customers and they become really persistent after some hour. You can find them in every corner and they are as problematic as glue-sniffers are. However, they are not that expensive, comparing it to the ones at Beşiktaş area. In this part I mean, near by the Barbaros Boulevard, the problems don’t occur that much, and I don’t know why that is happening, maybe the quality of trans sex workers increases and their prices increase as well.” (Police officer n°13)

Cops made clear distinctions among trans sex workers' behavior regarding the district they are located. The distribution is not solely related to their confluence but also the grouping of trans sex workers, multitudinous trait of their appearance posed another problem since the more they are numerous, the less cops are able to deal with them, according to my fieldwork results. The analogy between the glue-sniffers and trans sex workers reflected the kind of problematic situation that they were causing at Beyoğlu area taking into account that there are numerous brutality incidents in that part of the city. Moreover, in Beşiktaş district, which is indicated as one of the high-class area for trans sex workers, their behaviors, according to police officer n°13, was distinguished from the other three districts in a positive way. In regards to this information starting from Zeytinburnu, cops stressed on the fact that the more the area becomes dangerous, the more trans sex workers start moving in groups. It is also shown as a catalyzing effect for the initiation of brutality actions. Furthermore, they also emphasized on the “cheap quality” of trans sex workers in the first and the second sections. There was a general pattern in their description: the places where trans sex workers meet with their clients tells much about the quality.

“As long as there is a demand for them, they will keep appearing everywhere and the current situation is confirming that people want to have sex with them, in Zeytinburnu, Harbiye, Beşiktaş and even Etiler. Nevertheless, there is a grouping between them, they cannot work in each other's area, you know they have these decisions and everyone has their own districts. I think they have group leaders who decides who is going to work in which area. I am talking for outdoor prostitution of course. It is not like a gang but at least, we know who we are going to deal with once we go to Harbiye, the faces don't change and neither does the behavior.” (Police officer n°15)

The groupings and the leaders taking possession of the districts have been voiced in more than one interview. Regarding this roadmap starting from Zeytinburnu, the situation appears to be prospering socio-economically and it is convalescing considering security arrangements when moving towards Nişantaşı.

“[At Zeytinburnu area] either they are standing near by the E5 highway, or there are also some standing near by Taksim surroundings, at Tarlabası for instance. Once you see one of them at Tarlabası and you can track them up to Şişli. They meet with their customers there, and it is weird to see how their appearances change once you start moving. Their clothing changes and everything else related to their looks... It is distinctive. The ones near by Şişli never comes to Taksim surroundings, they have their hairdressers and their shops there. I mean they live there. And besides they wouldn't be accepted in this area” (Police officer n°10)

Some of these places have specific traits, an attractive characteristic and Beyoğlu is listed on top of the scroll. Owing its reputation to clubs and bars and to art-deco characteristic, Beyoğlu; one of the most

crowded places in Istanbul, especially at nights, is indicated as one of the troublesome locations due to trans sex workers' constant layout at bus stops in Tarlabası,

“Beyoğlu area is really dangerous I don't understand how people feel safe in here. There are still few who stand at the bus stops, they have their settled and constant places there. Moreover, those who are standing at the bus stops are the good-looking ones, to attract the customers of course. They arrange the deal, and reach an agreement with the customer and there are some houses, right behind the bus stops, it might also be a hotel room. The ugly ones are usually in the room; they are waiting for the customer... However, generally, when we take our patrols at Tarlabası area, we are looking if anything illegal is happening, it might also be drug dealing. Therefore, it is not only for trans sex workers. There is absolutely more crimes happening here than everywhere else. At Cihangir area, we do not do such thing; why is that? We know that they do not have many customers there... Nevertheless, when you move towards Nişantaşı area, you can easily see the difference. I mean right after you pass the Hilton Hotel, you see how high quality they are. Some of them have Range Rover Jeeps! Their customers are usually celebrities and they pay a lot! Most of them live at Cihangir; you must know how expensive the rents are there. So some of them are lucky, they make a lot of money” (Police officer n°11)

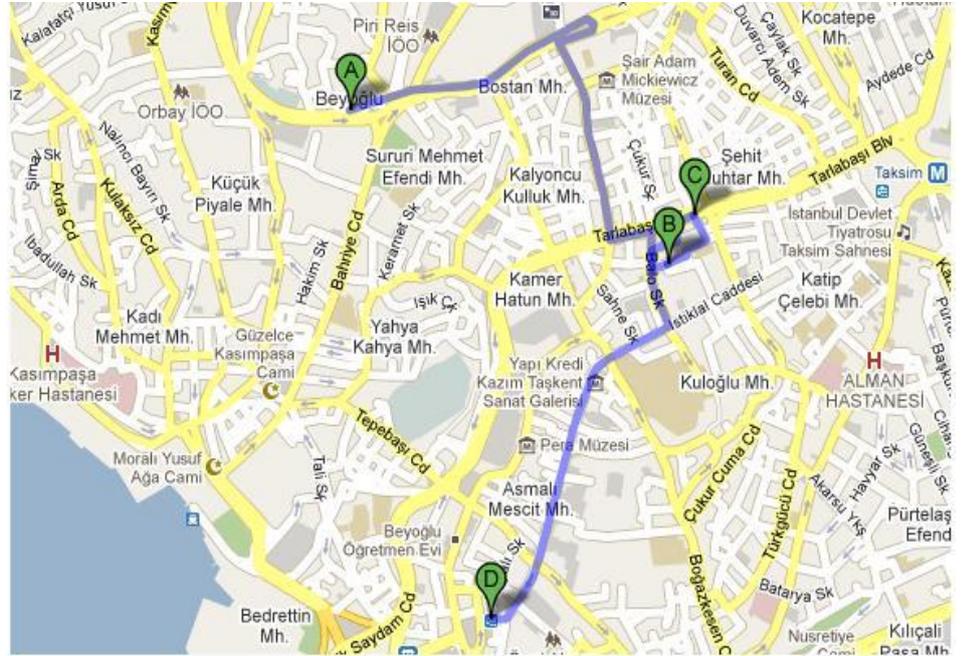
The delinquent characteristic of Beyoğlu / Taksim is also a result of their localization in one specific street in the middle of Beyoğlu entitled as *“travestiler sokagi”* transvestites' street, at Büyük Bayram Sokak:

“Let me say that; you intend to enjoy yourself at Beyoğlu, they have a special street there, it is like a red light district but it is not official. There is no way for you to pass through that street without getting into trouble, either they would pass a word to you or else. They would think if you are trying to steal their customers. It depends from their quality you know. I mean not all of them are the same, if you look at the ones at Beşiktaş district, you will easily see the difference. Their looks change drastically and it affects their behavior. If they are ugly, then they become aggressive you know, because they don't make so much money” (Police officer n°12)

By the time I was talking to police officer 12, we were patrolling on foot at Beyoğlu area, and he was showing me the corners and the bus stops where trans sex workers usually pick up their customers. Although there was daylight, he thought that at least two of them would be at their spots. The bar that most of the cops mentioned as *“travesti bari”* (transvestites' bar), as they referred to it, was closed at the time therefore we did not make the big tour, instead we did the short tour, it was a ring patrolling around Beyoğlu up to Tünel area. I could not spot any “criminal or immoral” behavior while we were patrolling neither did he, we kept on walking without witnessing any actions. Then we came to Büyük Bayram

Sokak, the transvestites' street. Although we spent half an hour at that street, everything was quiet, there were not any quarrels or anything like they described. The reason he gave me to the pacific environment was that “*well of course, during day time, things are quiet in here.*”

- A Beyoğlu, Türkiye
- B Büyük Bayram Sokak, İstanbul, Türkiye
- C Tarlabası Bulvarı, İstanbul, Türkiye
- D Tünel, İstanbul, Turkey

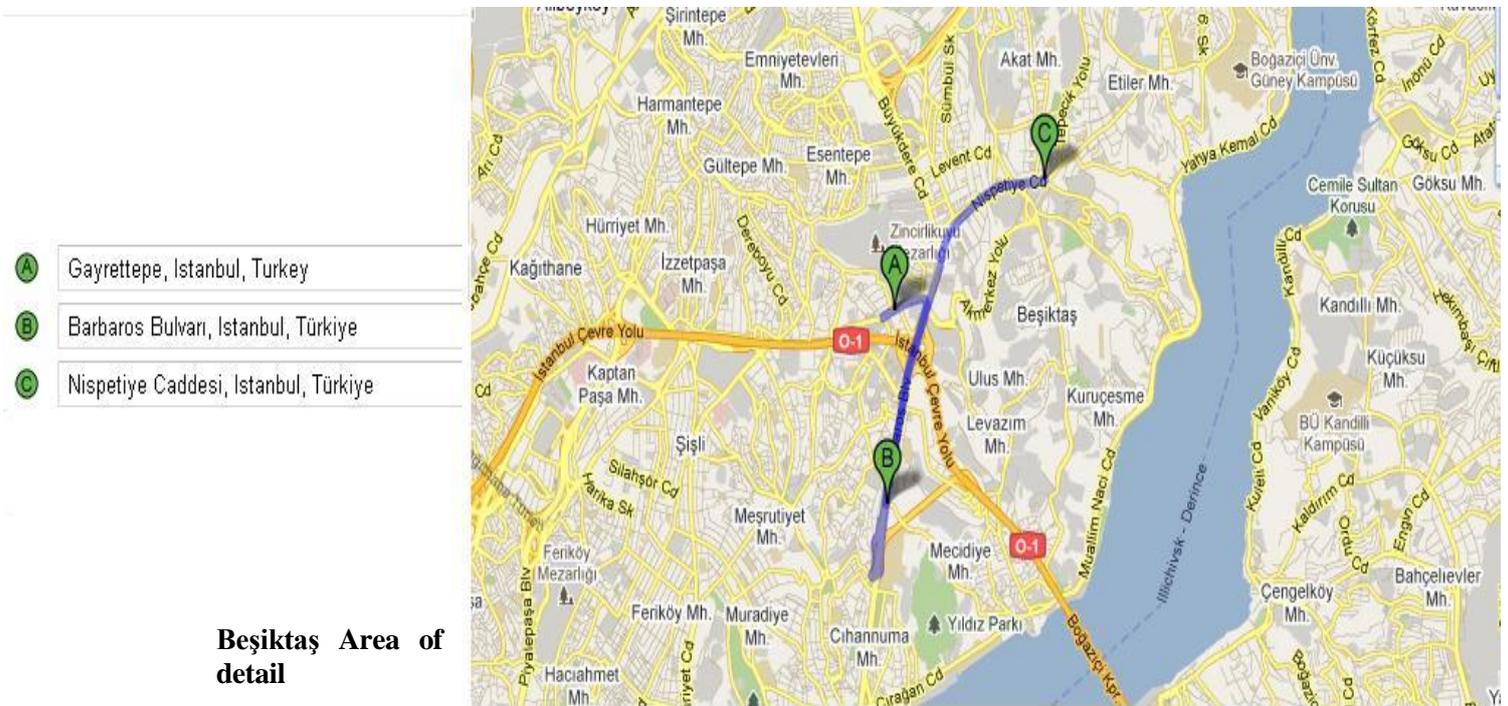


Beyoğlu Area of detail

My respondents informed me about the two faces of Istanbul, and regarding this, “*incidents that take place during night time are reflecting the real face of this city.*” Philips and Smith, making sense of the time and space settings of the social life are using Giddens’ theory to comprehend the “interaction effects that may or may not exist depending on... the structures of the social life” (Philips and Smith, 2000:483). Regarding this, incidents that occur at nighttime in public spaces are providing certain conditions for a more brutal and severe physical force application when compared to the daytime. Thus, what it appears to be safe during the day, turns out to be delinquent at night. This theory is overlapping with the situation of trans sex workers in Istanbul since the whole action takes place at night. The other dynamic influencing the amelioration while moving towards Beşiktaş area is listed as the earned financials of trans sex workers. Cops highlighted many times the impact of “making money” and they suggested the causal connection between the amelioration in their financial situations, and the possibility of not having any problems with them. The way cops were talking about them indicated that they are not causing many troubles at Beşiktaş area, as they do in other locations:

“Here at Beşiktaş, they are not so many. It depends though, sometimes at nights we see them but it is nothing like what they experience at Şişli or Beyoğlu. All of them are the owners of their houses; they are rich! They do not go out in the street unless there is something extraordinary. I mean I know them by their faces, there are 5 or 6 of them here, and their houses are located at Ortakoy, it is a great place you know it... they make enough money to take care of themselves, so they are usually happy.” (Police officer n°14)

On my second night patrolling with police officer n°13, we started touring at around Beşiktaş area, mostly around Gayrettepe and Barbaros Boulevard. It was a Friday night; he explicitly wanted to make the second patrolling experience on this day because he thought I was going to get a chance to see some action, which I could not experience at my first night patrolling. On a dark corner, we saw three trans sex workers, and he said “Look, do you see them, they are waiting for customers”, and he started approaching towards them, asking me to see their face. He said “Hello girls” (*Merhaba kızlar*), and they stepped on the walkway, made a move towards the opposite direction, pretending that they were leaving the area. He did not do any moves, and he stated that he did not receive any complaints or any orders from the station; therefore, there were no need to take action. He honked a little bit as sign of “goodbye” and then we moved away. He started complaining about trans sex workers that are in different districts, and he considered this mini incident as a proof of what he was saying about the high quality of trans sex workers in Beşiktaş district.



The hierarchy between trans sex workers is visible within districts and it appears that the ones who were able to contact with rich customers, they found the possibility to move into houses. Conversely the ones that are trying to find a client out in the streets are apparently not that expensive and therefore they can not gather enough money to move to the “better” side, and whereupon earn more money.

“Those who can not afford the necessary money, they cannot move into a house and they cannot take care of themselves. They cannot have plastic surgeries and thus they do not have another option but to look for customers out in the streets because no one runs after them.” (Police officer n°12)

Therefore, the more they are in street prostitutions the more the conditions more penalized with fines for trespassing the morality norms is likely to take place. There is an absolute vicious circle⁵ considering that the more they stay out in the street, the chances for being caught by the police are higher. However, unless they stay out and try to make more money, they cannot survive either. There has been a turning point for some of the trans sex workers, as said by cops. For some, rich customers brought the high quality of life and they do not have to go out to look for more customers, and they moved their businesses indoors.

2.3.3. *Indoor Prostitution*

“The indoor prostitution is safer, and it makes things easier for us” (Police officer n°14).

Cops’ emphasis on the exquisite disparity among the outdoor sex workers brought the topic of indoor prostitution into sharp relief. Cops reported that trans sex workers, in the last couple of years, started moving into houses and it initiated a safer position for those who are able to afford to rent a house. Cops indicated that the problems that have been occurring between cops and trans sex workers, due to the trait of outdoor prostitution, radically decreased since there has been a notable diminution in the number of people performing street prostitution and subsequently a drastic decrease of immoral acts in public has taken place. Those who could earn enough money to perform the sex work in a private house are considered as the lucky ones:

“It wasn’t like that before but now at Beyoğlu area the situation is getting better. I do not know why exactly, maybe the law was effective, but I do not think that is the case or maybe their cultural level went up [He giggles]. But the number decreased remarkably, they are not on the roads that much.” (Police officer n°10)

Cops stated that rich customers have been providing the necessary tools (money and other clients) to trans sex workers for reaching a better life. Consequently, they became eligible for renting an apartment and carrying on prostitution business, this time indoors. The law of Misdemeanors’ purpose was to penalize those, whose behavior was considered as immoral and graceless when the act is committed in a public place, or if that act has been qualified as blemishing other citizens’ rights. However, the immorality as being communicated by cops, the sex work and “dressing up as a woman” is still taking place, but now it is being masked by indoor prostitution. As they claimed, they are not in lack of knowledge about the current situation of trans sex workers’ indoor places, they know exactly where they are located, for instance the location of their houses as well as bars or other places where they meet with their customers were articulated. However, they do not take any legal action towards the new situation, since the prostitution is not taking place in the streets. Therefore, it does not possess that much of immoral trait anymore; their supervisors and the citizens are no longer complaining:

⁵ See appendix 2.

“There is indeed a decrease in their numbers. Before, they were all outside, in the roads. However, either now they have houses, or they go to bars around Harbiye and Elmadağ. Now they make their agreements with their customers indoors, which is better for us and for them. There are some warehouses near by that famous bar, and they put some beds there, they meet with the clients, make a deal, go to the warehouse, have sex and then they come back and look for more clients. They have sex with 5 or 6 people until the sun comes up, and their only purpose is to get enough money to move into a decent house. I know that for sure!” (Police officer n° 10)

Outdoor Prostitution		
Zeytinburnu - Merter	Beyoğlu - Elmadağ	Şişli- Nişantaşı
<p>-They are the most dangerous ones. They are causing problems in agreeing on getting into police cars or reacting towards the fines</p> <p>- They are located in Merter area, near to highways, at the intersection of roads near to Zeytinburnu.</p>	<p>-They are not nice looking.</p> <p>-They are dangerous to police officers since they are holding razors or other sharp objects and they might cut themselves or harm police officers with these sharp objects</p> <p>-They usually cause problems if they are drunk, which is a frequent situation.</p>	<p>-They are nice looking.</p> <p>-They are also carrying some sharp objects but it is only for protection from the clients.</p> <p>-They are trying to get enough money to make indoor prostitution in their houses.</p>
Indoor Prostitution		
<p>- Mostly, they live at Beşiktaş, and on the upper sides of Şişli.</p> <p>-They are becoming rich, they are renting good places, most of the time they have nice cars (Jeeps, Porsche some of them) and an income of minimum 3000TL per month (approximately 1300 Euros)</p> <p>-They do not have to go out and look for clients since they are the ones receiving calls from their clients</p> <p>-They are much more beautiful than the rest of trans sex workers because they are able to take care of themselves, they can put nice silicones and buttocks and a good nose shape. They cannot be separated from a biological women.</p> <p>-Some of them are transsexual; they already had their sex change operations.</p>		

CHAPTER 3

3. Implementation of the Juristic Framework on Trans Sex Workers

3.1. The Law of Misdemeanors: Cops' Decisions on Morality and Immorality

“All bureaucracies risk getting so involved in their methods of operating that they lose sight of the primary purposes for which they were created. The police seem unusually susceptible to this phenomenon.” (Goldstein, 1979:235)

The Law of Misdemeanors activated in 2005, aimed to reduce the immoral actions in public places and it gave a big discretionary power to police officers in deciding whose behavior is apt to Turkish morality standards and who needs to be punished by this criminal code. The discretionary power was engendered because the law did not enclose the necessary description of morality. Overall, police officers' actions appear to be an institutional and juristically regulated issue since they claim that the usual fines are written regarding the law of Misdemeanors for behaving impudently, which would be considered as a disturbance to underlying Turkish traditions and customs. As discussed in the previous chapter, the rules require them to take action and therefore “it is their job to enforce the law.” It was challenging to discuss what cleanness meant to them, who was in charge in deciding what is “clean” or “impudent” and what is “appropriate” since their explications enclosed various norms; various norms were indicated as vital for some of them, the same norms did not matter that much to the others.

According to cops, protecting the citizens, as it is indicated in the job description, has been prioritized and therefore necessary measures have been taken, by limiting citizens' behaviors, manners and their outfits. The application of law of Misdemeanors has been repeatedly criticized by both LGBT organizations in Turkey and international Human Rights attorneys. The police institution aims “safety for the society, service for justice,” as its motto indicates; however, cops' decisions on what is moral, and which acts fit Turkish traditions/morality norms are mostly stimulated because of public complaints and police chiefs' commands on cleaning the streets. This situation has increased the number of misdemeanors enormously in the last five years. Thus, the community became filled with delinquent citizens, technically speaking, since “*the law is insufficient; the only result is the atonement money*” as they say.

“There is obviously something called streaking, you know...some behaviors are attributed as graceless and impudent. According to this, trans people wear really mini skirts, they are so short that a Turkish woman would not even buy. They go to highways, to busy streets and they expose their bodies to others. We, cops, are taking under control those who commit these kinds of shameless [hayasızca] exhibitions. It depends from one district to another though, but they have to pay the fines because they don't want to fit the society's norms.” (Police officer n°12)

As a result, with the admission of Law of Misdemeanors in 2005, there has been an additional requirement to cops' to do list. Although most of them think that this juristic codes' zone of influence is still insufficient to deal with all the problems in the streets, and especially with trans sex workers, generally they do not find hard to decide what is immoral and what is not:

“When people try to earn their lives by prostituting themselves on the roadsides, those people are punished. Of course! Because it receives a public castigation, then what we do, we write fines. Is this law sufficient? When you look at the number of fines, you would think it is. Nevertheless, we should think the other way around; there are still trans sex workers in the roadside. Yes. So? This code does not have a preemptive trait then. It does not bring a drastic solution. The problem is still out there.” (Police officer n°7)

The general morality is defined in various ways according to police officers: It occasionally includes religious rules, masculinity norms, but it certainly contains the description of the traditional Turkish way of living, “a path that would not blush our grand parents and also a way that would help the Turkish youth, mostly children, to grow in a health environment” (Police officer n°2). That is why “wearing really mini skirts, having a big cleavage, swearing out loud, singing out loud, putting colorful dresses that would not fit an appropriate way of dressing up, showing the parts of the body that should be kept intimate” (Police officer n°2) are also listed among the list for writing a fine to a person for having transgressed the general morality norms. Technically, the juristic regulation that was brought on 2005 did not specifically aim trans sex workers, but in the end as the media and Human Right reports designate, those who ended up at the most aggrieved position were trans sex workers. During the interviews, there has been a persistency in indicating the public demands, citizen notifications since the law is covering the public morality issue. Other than traffic polices, every police officer has the right to write a fine to a trans sex worker if there is something wrong with the appearance or if she is harming the community's wealth. Regarding this, as I indicated earlier, the criticisms that are brought by media instruments and LGBT organizations encloses the idea that cops became the ethics watchmen and that their duty sphere has been expanded more than usual. Is the law of Misdemeanors aiming to create guardians of morality? Are people, who are in possession of guns and nightsticks and who are authorized to use those if they need to, becoming “ethics watchmen”? Is the “ethics watchmen” title suitable for police officers in this case?

3.2. Cops as Guardians of Turkish Morality norms

The reflection of the media, LGBT reports and human rights reports always mention one specific term when arguing about trans sex workers' arrest: “cops love playing the role of the guardian of Turkish morality”.⁶ I asked many times during my interviews if that was the case, if cops felt the obligation to

⁶ http://www.kaosgl.com/icerik/seks_iscileri_haklarini_talep_ediyorlar_hak_ihlallerini_degil

protect the customs while protecting the law and order. My questions probed if the general morality norms, the Turkish traditional customs were set as the “default rule” which required to be followed and which would not accept the presence of exceptions. Alternatively, in case of an exception, I questioned if it should substantiate the very existence of this default rule, since these exceptions are to be punished by nature. Most of the cops refused this idea of being a guardian of morality, they said what they did had its legal confirmations and they were not exaggerating anything.

“Let me tell you this; it has nothing to do with public morality or general Turkish morality. Police officers do not actually care if they annihilate public morality, or they do not judge if how they are, as transsexual or transvestite, fits Turkish traditional norms or not. As a police officer, I am interested only at the criminal sides of the things, the materialistic side of the whole course of events matters the most” (Police officer n°12)

The police officer n°12 was a civilian. While we were talking about this situation, I was walking with him in Beyoğlu area, on my second day patrolling and he was pointing out the places where they are mostly located. In fact, we saw two trans sex worker, standing in the corner of the street, the cop looked at them, and then we continued walking down the street. *“And why I say that, because the Law of Misdemeanors clearly prohibits you or another person to transgress certain rules. Some fines that are written according to law of misdemeanors make the allotment obligatory. But I swear that I never write any fines in an arbitrary way, I do not force them to pay the amount of money unless they do something that is bothering the public, or unless they violate the traffic rules. Imagine two cars stopping at the traffic lights and the car that is behind all of a sudden calls the police and he let us know that there is a transvestite in this road and the car is blocking the traffic. Other than that, why would I even bother going there if trans people were not doing anything illegal! We, as Turkish police officers, do not hold any grudge towards them because of their choice. Again, I repeat it; it is only when they disobey the law that we are taking action. I read in the newspaper that some of them see this situation as a biological disease [referring to Selma Aliye Kavaf] that it is caused by hormonal stuff. But it is not how each state attorney, and we are also representing the state, sees this, some of them loath trans people, and I would even say that some don't even want to see one trans people outside. I personally feel sorry for them, I mean they do not have a job; they do not have a protection. But even they make me mad sometimes, I shout at them when they don't listen to my commands, which I do not make up in my mind, you know, they are set clear in Turkish Penal Code! However, apart from that, if they were not into anything criminal why would I even bother them? I would never interfere to her private life whether it is immoral- and believe me it is not normal at all! I am allowed to execute my duty within the juristic framework you know... I can't go and hit her or punch her face just because she drives me crazy with her immorality, I am*

only allowed to use simply the instruments that are listed by the law, and they are limited for certain circumstances.” (Police officer n°12)

In several conversations, although the topic was circling around the preservation of customs, which enclosed both religious and societal norms, there has also been a clear denial of the “ethics watchmen” title. However, this denial appeared to be a feeble argument for some cops to the point that the morality norms were described within the religious context, the Islamic framework *“that requires believers to take control over others who misbehave.”*

Police officer n°6 invited me to his office, in the police station since he was a veteran and he was not going out on patrols anymore. He has been a cop for almost fifteen years and his experiences with trans sex workers were numerous. The religious tone in his answers indicated that the morality for him was about living according to Islamic rules, which definitely proscribes homoerotic relationships in which being with a trans individual included.

“ Police officers do not go after trans sex workers usually. We receive phone calls, complaints from citizens and then we go there, tell them to move away, to go to another street etc...I personally would never accept such thing, neither would my family or relatives. But I know those people who are having relationships with them, and they are like famous people, singers, and actors. But I think it is about a mode of life relying on self-control, which is required by Islam. Some of them tell me, I am also befriended by some of the famous people, that they feel disgust after having sex with them. They say “Oh my God! [Aman Allah'im!] Why did I do such thing?” It is just a temporarily wish, something that should be controlled because when you die and you pass through the Sirat Bridge [which brings the person to heaven or to hell depending on his/her sins according to Islamic belief], you can't explain why you have been with a third gender, you know.. Therefore, when you say public morality, the general ethics norms, it covers also the religious perspective of things. Muslim people can not do such things; they should live up to certain traditional and religious standards.” (Police officer n°6)

Police officer n°5 followed the same perspective of keeping the society regulated by preexistent norms. He indicated the importance of preservation of Turkish morality norms, without the religious tone this time. On top of this, he accentuated the importance of “following the rules,” and reminded that their job description implied “law enforcement” and not being “guardians of morality” as I indicated in my question when interviewing him at first place. In parallel with this, the rights of others and the limitations of freedoms that are given to citizens were the major topics in our discussion. The law of Misdemeanors penalizing those disturbing the general morality norms was in the end shown as a preservative measure for keeping certain standards in the community:

“You can be a transvestite, it is not a crime and it is not forbidden and should not be forbidden [in Turkey]. You can be homosexual, or gay call it however you want to call it but the problem beings when you start harassing others and transgressing the limits and the law tells you that the freedoms that you are given are over at this point, from now on you can not trespass this limit because you are messing with other people’s rights and freedoms. You know... you have to have some limits, without them there would be anarchy and in fact if trans people have their limits under control or if they would act with a dignified morality, why would we even go after them?” (Police officer n°5)

The legal loophole in the Law of Misdemeanors authorizes cops to set what the general morality norms are and it gives them the tremendous discretionary power to apply the law upon those who do not fit the general ethics. Police officers denied the new title continually, and they emphasized repeatedly that the results would be the same if the person disturbing the morality was not a trans sex worker. They stressed for many times on the concept of already defined rules and the topic was again girdled with their job descriptions:

“We are not trying to be guardians of morality, we are only executing our duties, and there are tons of things indicated in the law which are waiting out there to be accomplished. And this is one of them, if you do not fit the general morality rules; I have been permitted by the law to take action. Besides, the public does not accept it anymore; they cannot stand seeing them day after day. People do not just pass by a travesti and say “aa look there is a travesti there” but instead they throw rocks at them or do something bad you know. Then they call us, on 155, the police line, and give us the place where they saw them and we go and execute our duties. We are only using the instruments that are permitted in order to prevent crime. One of them is the ID control, and then we check if there is any susceptibility for prostitution. Those are the rules, and we have to follow them.” (Police officer n°11)

As a result, the accent was put on the criminal predisposition of trans sex workers. The accusations coming from the media instruments and LGBT organizations were repeatedly denied. It was not the urge to control the morality of Turkish society or the supposed hateful stance towards trans sex worker that initiated the brutality occurrences. Instead, *“the sex work, the street prostitution, improper behavior and inappropriate actions jeopardizing other people’s freedom zones”* were indicated as motives for taking the first step. At that point, this discussion led to the topic of the decriminalization of prostitution in Turkish judicial system, which has taken place for different reasons. Yet, sex work was cited as the reason of the execution of the Law of Misdemeanors. If the sex work is decriminalized, how do police officers execute regarding the Prostitution Law?

3.3. The application of the Prostitution Law

“How many peoples are in charge of prostitution in Istanbul? Do you know it? You think 100 people are in this mess right. No. There are only six teams; every team has three

members for the night shifts, and another 3 members for the day shift. In total, it makes you 18 people. Two supervisors, one commander, it is roughly 25 people. Only 25 people trying to control 18 million people' mess, in one city. It is a densely populated city, and crime happens everywhere. TCK has already set up the norms, TCK 327/2 prohibits citizens to mediate, to ensure a place for prostitution, so you can prostitute yourself if you want to...We receive notifications, for both female or trans people, but we can not prosecute trans people for prostitution. They do not have pimps! They do not go to illegal whorehouses; they are not accepted there! They are either in the backseat of a car, or in the bushes! But if I don't have anything to accuse them, then I can't apply prostitution law. And I can't discriminate trans prostitutes, because they are trans, it's again against the law. Sometimes, we catch them with a pimp, there is an arrest regarding TCK 327/2, they are committed to prison for 60 days. If I catch the same person again, then the second time they stay for 90 days. That is it! So would you stop doing it if you knew that you were going to be set free in such short period? I would not! (Police officer n° 9)

As I mentioned earlier, district police teams are normally responsible for general enforcement of the law and there is a separate team working on gamblers, prostitution mediators, and drug dealers. I was being told that most of the time, cops working in district police stations, since they are not trained for this multiple aimed program, they are not as adequate as the special team is on the application of the prostitution law and therefore the units of the districts do not go after sex workers, or they do not chase organized prostitution gangs. Instead of this, the special team, constituted of almost twenty-five people, organizes raids, generally unexpected ones according to the decisions that are being taken after the meeting at the department or after receiving mostly anonymous denunciations on the police line. The legalization of prostitution was disparaged in most of the interviews. Cops criticized the prostitution law's zone of influence for being too restricted and not allowing them to do their jobs, which is "to protect and to serve the society."

"Prostitution law is useless. There is no such thing as prostitution law actually. If we are lucky, we can find the mediators, the pimps. And that happens if we are lucky. Now everyone is aware of the law so they are not working with pimps. So they can do whatever they want to do. I can't even put my hands on them if I don't have necessary proof." (Police officer n°10)

This law covering multiple actions engendered by prostitution purposes explains in detail the motives and the results for trafficking, forcing, mediating and providing a place for sex work. Cops reported that, in general, since trans sex workers are not working with pimps and instead they prefer dealing alone, or with their friends, this law becomes ineffective in regulating prostitution transactions. The outdoor prostitution, taking place in the street, without the presence of the mediator can be hardly implicated within the domain of this juristic code. Nevertheless, the situation changes when it comes to indoor

prostitution. If the mediation takes place in a club or a bar, the special unit can also investigate if the property owners were aware of the situation, and shut down the place for providing a suitable place for prostitution. However, if the sex work is taking place in a house, registered in the name of the trans sex worker, cops “*have their hands tied*” again and they can not apply the law of prostitution.

3.4. The effect of the Law of Misdemeanors on TSW

3.4.1. *Law of Misdemeanors: it criminalizes street prostitution; therefore, it fosters indoor prostitution.*

The general problems that cops are indicating are seemingly at a parallel stance when compared one to the other, but there is a conclusive common point as a source of problem: prostitution. Goldstein in his article accentuates the act of defining problems in sub groups, identified as crime, disorder, delinquency and violence (Goldstein, 1979:244). He gives us various interrelated facts; one of them is the decriminalization of prostitution with the intention of reducing the magnitude of policing. The same case is valid for the decriminalization of prostitution in Turkey. Nevertheless, citizens still require cops to fight against prostitution actions, either because it is an offensive conduct towards an innocent passerby, or because they block the pedestrian or motor traffic in mostly crowded areas of Istanbul. Thus, the problem of trans sex workers remains as a problem, despite the fact that prostitution is not criminalized by the state, but simply because it is still bothering other people living in the society, for moral and ethical reasons. The inclusion of the penalization of general morality’s rupture, by the intrusion of the law of misdemeanors, appears to be covering the blank area for decriminalized prostitution, and in fact, it creates a preemptive condition: it allows police officers to foreclose prostitution before even it happens.

“There is an expression that we say, going out for job (ise cikmak), which encloses finding a customer out in the street. For those who do that, we are allowed to apply only the law of misdemeanors and then they are set free. However, we realized that, afterwards they come back for different reasons, like unsavory scandals, encroachment, thievery, laceration and so on. All of those include the safety of others and as you can see this is what we do, we protect citizens, the community welfare. I do not think there is anything wrong with that! No? Citizens require us to take measures; this is what we do. ” (Police officer n°1)

Although cops’ general attitude towards the Law of Misdemeanors was negatively positioned and most of them thought that the code did not have any aversive effect, the decrease in the number of trans sex workers emanating from the application of this law, especially in the Şişli- Nişantaşı- Beşiktaş districts, was articulated many times. The decrease in the number of street prostitution was initially indicated as an outcome of trans sex workers’ financial amelioration as discussed earlier in this chapter. In addition to this motive, the money penalties that they received every time they were out seeking for customers were reflected as a cause for the outset of indoor prostitution.

“Once the Law of Misdemeanors has been activated, those who already earned some money started moving into houses. They started indoor prostitution. The ones that you see on the roads are broke. The ones who have already moved into houses have upper class customers, executives or artists. They even say that to us, they say our customers do not want us to go out in the streets and they receive some sort of a salary. Either they stay at home, or they go to their customers’ villa. The ones who are prostituting themselves out in the streets are still there because they are still trying to get enough money to rent a decent place, they are not happy to do that out in the streets, we know it for sure. But as long as they stay out in the middle of the roads, we have to execute our duty, so the money they earn goes away to pay their fines.” (Police officer n° 5)

The juristic framework, which was activated in 2005, has been functional in moving trans sex workers to make indoor prostitution, which is eventually reducing the first contact, the execution of law of Misdemeanors and thus the possibility of brutality occurrences that could come from both sides. Sex work still occurs occasionally in various places, but as long as the process of finding customers is not thrown into sharp relief, brutality incidents are not taking place as they used to, according to cops. The outdoor prostitution entitled as the most dangerous type of sex work in previous researches preserves this trait in Istanbul as well. Customer brutality incidents towards trans sex workers have been occurring frequently in Istanbul and sometimes they redounded in murders.⁷ These assassinations were committed in public, mostly at nights, as it is reflected in media, and it indicates the clear understanding of the virulence of outdoor prostitution. The dangerous trait of outdoor prostitution requires trans sex workers to take necessary measures, such as carrying sharp objects to protect themselves, and fighting in the case of an attack. With the initiation of indoor prostitution, cops states that the brutality incidents between trans sex workers and them reduced drastically.

3.4.2. Outdoor prostitution remains dangerous

It is indeed important to highlight that the brutal reactions of trans sex workers towards police officers in case of law enforcement procedure were listed as the major reason for cops’ vicious reactions:

“Because of their situation, they are living with paranoia. They always think that people surrounding them will approach with hostility therefore; they behave in an aggressive and harsh way. So they look like brutal people, however this situation is a complete misinterpretation. People surrounding them, mostly us, the cops, we are not hostile. In addition, I know that they are not born this aggressive. Life brought them to this point.”
(Police officer n°1)

⁷<http://www.nethabercilik.com/haber/istanbulda-travesti-cinayeti.htm>,
http://www.istanbul-lgbt.org/lgbtt/haber_detay.asp?haberID=137

“The general problems are certainly rooted in their behavior while we are trying to take them under custody. It is crazy! They go mad! You can investigate your thesis on this subject matter: “the difficulties that travestiler are causing when cops try to take them under custody”” (Police officer n°2)

Almost every cop indicated the brutal response from street sex workers, harassment and obscenities that they were being subject to once they were trying to “execute their duties,” as put by police officers. Their arguments on the misrepresentations of media instruments were based regarding their experiences during their night shifts, especially whenever there is a public complaint, or a supervisor’s command:

“Let me say this, there has been an announcement, you go there, she sees that a police car is approaching, she doesn’t move at first. I say, “Could you please come with me, we have to go to the police station” and she says “I am going back to my home, what do you want from me?” I know that she is not going back home, and the only thing she is trying to do is to mess with me. Her goal is to complicate things. Some of them get into police car, and being a decent lady. But it is really rare, I mean if you find them out in the streets, then they start kicking the car’s doors, you don’t have any other option, but to force her to get into car. You make the paper work at the police station; you tell them that you do not want to see them again... Useless words, it is in vain to even say that you do not want to see them again in the same spots. This problem is futile no matter what you do. Whenever we approach the; they indulge in extravagances, they harm public properties. When we perform the personal search, she tries to cut herself, or she tries to pierce my body with a box cutter. She harms herself and then she calls her attorney and she is trying to make us feel guilty for whatever she is doing to herself. People in this society don’t give a damn about them; they all think they are at the very bottom of everything.” (Police officer n°8)

Brutality examples while coping with street prostitution have been illustrated in almost every interview. The course of events starts with the first “intercession,” when cops try to get them into police cars for not following the law of Misdemeanors. Nevertheless, even before that, every one of them is aware of what they should be expecting and almost all of them declare a strategy when handling these issues. Therefore cops adopted preventive measures in consideration of the anticipated brutal behavior of street trans sex workers.

“Now what do we have? We are now aware of the level of brutality of travestiler and we know that they are giving that reaction with a male instinct, so their strength is far too much when compared to a woman’s force. So what do we do? We know what we are dealing with, in order to suppress the first reaction, cops are obliged to use force at first place. They are always trying to intimidate police officers so that they can run away without being caught. Therefore, they are always reaction brutally and they do not leave any other option to cops

but using force. In order to discourage them before they start making any crazy move, cops are supposed to make a great leap forwards. This is how it works” (Police officer n°9)

“Let’s say that a travesti is trying to attack a cop with the broken beer bottle, and if this attack is aiming upper waist or even up to the head, it is considered as an attempt at murder because it is driven to kill the person right in front of you. What are you going to do if that bottle comes accidentally to the jugular vein? So, you have to counteract at first place, regarding what you are carrying on you. It might be the stick or something else. Therefore, it is nothing like what they tell on TV. The excessive use of force is not left open in the law; your first priority should be to obtain a safe area. And they say that the excessive force keeps occurring during custody hours, it all depends on the person on probation. So if they are coming with broken beer bottles, we are allowed to use our nightstick to make her drop the beer bottle, not to hurt her.” (Police officer n°12)

As a result, the street prostitution’s position on the European Side varies drastically even within one-kilometer distance. They highlight how much the looks and the quality of trans sex workers were changing with reference to their location. The predictable brutal reaction of trans sex workers is handled by different strategies of cops, and the Law of Misdemeanors takes the initial lead towards prostitution acts. As I indicated earlier, cops claimed that they were not the first ones acting brutally, and they were not intending to harass trans sex workers arbitrarily. In reference to this, all the information that was gathered so far by media instruments and LGBT organizations was said to be just an inadequate representation of what was really happening outside. Therefore, I questioned them about their experiences with trans sex workers. With some of my respondents, I got the chance to go on night and day patrols. During day patrolling, I have not seen any brutal act regarding trans sex workers, and there were not any announces on the police radio. However, at night, I witnessed some of the incidents they were telling me. They were trying to show me that what they do has nothing to do with their prejudice, but as they put in words: *“cops need a safe space, this is what we are trying to do at first place, you saw how she kept on screaming in the middle of the road, and I didn’t even touch her!!! They are dangerous, really. I am scared when I am too close, they are heavy and strong.” (Police officer n°9)*

After completing the interview with police officer n°8 at one of the cafés that cops usually hang out, I went out patrolling with him. He was a civil police, his car was a random one, not a police car but he told me that almost every trans sex worker in the district A knew him because he has made a lot of raids so far [he made specific designation about not to specify the district’s name since there are not too many cops working in that district therefore I chose to replace the name by the pseudonym A]. Since he was the expert, he brought me right to the point and we were waiting in the car a bit distant from trans sex workers. They were numerous; at least ten people in approximately two hundreds meters long pavement and he told me to watch him. He left the car, went into the local shop pretending that he

was buying something. On his way out, he said something to one of the trans sex workers. She suddenly started shouting and calling her friends and suddenly, there were four of them standing in front of him, in a threatening way. They all started saying “get the fuck out of this place” [siktir git] and other cursing words and I was able to hear those words because they were saying it distinctly aloud. He was looking at me by turning his head towards the car, and then he came back, asked me *“Do you understand what I am talking about now? They would do whatever it takes them to continue prostituting. Do you understand now why a cop would behave brutality? Do you think it is easy to take all these swearing? And all I said was: I thought we agreed on you not showing up on this pavement again”*

As a result, the differences between outdoor and indoor prostitution has its outcome on police officers’ behaviors. Behaving more assiduously and even not going to the dangerous areas that have already been blacklisted are listed among the precautions that cops stated. Yet, they are supposed to take action in case of their superior’s orders since the police institution is based on a strict chain of command. Moreover, the fine writing procedures, which have been entitled as arbitrary and gratuitous, are encouraged by the organizational incentives that they receive from their commanders. These enticements are the bonus points that they get for making a certain amount of arrests or for giving certain amount of fines as predicated by the Law of Misdemeanors. Trans sex workers have always been reflected by LGBT organizations as the easy target to catch since the law of Misdemeanors is indirectly taking aim at them. In this case, the easiest way to get more bonus points is overreached via penalizing trans sex workers’ behaviors that are regarded as immoral, by the application of the Law of Misdemeanors, or by carrying out the prostitution law. Cops are therefore acting as pawns of the Turkish judicial and law enforcement system; they show full compliance to organizational orders and they use the incentives as strategic additional benefits.

CHAPTER 4

4. Cops strategically respond to organizational incentives and show full compliance to duty requirements as opposed to “cracking down gratuitously on TSW”

4.1. Prostitution Law and the ‘Tricks’ Cops Do

Goldstein discusses the imbalance between the very nature and the goal of policing by investigating the concerns for substantiating it and he calls it “means over ends” syndrome (Goldstein, 1979:236). This syndrome appears to be the case for Turkish police officers as well. Although the goal of their work is supposed to protect and to serve the society, as they repeatedly indicated during interviews, the operating methods are seemingly disrupted in order to execute their duties and to achieve a goal (the bonus points), by serving a moral aim opted by their supervisors, which they also agree on. Prostitution, entitled to be bad for the society’s welfare and health, is to be penalized by cops, although the Turkish criminal system is not criminalizing it. The bonus points, the organizational motivations for encouraging cops to give a certain amount of fine in regards to Law of Misdemeanors, are also valid for the special unit, the Morality Desk, solely dealing with prostitution and gambling incidents. The same rewarding system applies in a way that the more they make arrests by applying the law regulating prostitution, the more they receive bonus points. Albeit these incentives do not officially exist, this motivational strategy has been confirmed by my respondents.

“People can make prostitution; they have the freedom to do it. Prostitution means earning your life by selling your body, by selling sex long story short. This is a threat to society’s health because in the case of polygamy, when the husband catches a disease from a prostitute, he goes and contaminates his wife, his family, and his children... and the police are required to catch them.” (Police officer n°4)

Gender and sexuality norms in Turkey confirming the heterosexual relationships’ position as normal set certain standards among citizens’ behavior. As police officer n°4 indicates, the maleficent sides of prostitution are explained within the Turkish familial system, a heterosexual relationship requires loyalty from both sides and therefore it clearly prohibits any extramarital relationship. At this point, the legalization of prostitution complicates the application of the law and cops subsequently try different tacks to achieve their goals:

“If you want to catch prostitution in action, you have to make raids. How does it happen? You go undercover and you pretend to be a customer. Then what, you have the money that you already took the serial number on a paper. You go there, you hope that you have a mediator or at least this transaction will happen in a place where you can develop forensic paperwork. If the trans sex worker takes the money, then you say “busted!” Trans people, I

worked hard on them, I made couple of raids and I was undercover... They do not do that for sex, I know it sure. All they care about is money... They do not enjoy it... As the law is very limiting, I had to make few changes when I entered the data in the record book. For instance, there were two trans people, and I had to say that one of them was the pimp of the other, in order to charge them with prostitution law, knowing that she wasn't the pimp. And I know for sure I am not the only one doing it, because it is hard to get more bonus points unless you make some arrests and our supervisors are persecuting us to do our jobs, they are never happy without seeing some arrests during our duty hours.” (Police officer n°9)

This instance gives a great example of Goldstein's ascertainment. The means are annihilated while reaching the end goal and the whole process of policing becomes susceptible in consideration of fair and proper legal assessment. Although I have not witnessed this situation, my respondent was quiet open when he was telling gradually all the things that happened during his raids. On the other hand, he certainly did not accept that lawlessness became the law when I told him so. He notified that all he does is for the public good. Even though what he told me did not fit into juristic framework, he insisted on telling me that they aimed “to regulate certain conducts by applying the criminal law of the jurisdiction,” and to obtain the unofficial bonus points that were promised by their supervisors. In addition to that, the information I gathered indicates that in the police departments, after the general meetings that are done regarding the complaints, and considering departments' own investigations in the neighborhoods, they prioritize the issues that should be taken under control. Depending on the area, the priorities vary from bribery to theft and at times prostitution transactions are put on top of the list if there is a general problem that keeps occurring. “*These institutional decisions are being applied ‘regarding the laws’ and of course, for community's welfare*”, they repeated, regardless of their subsequently added information on the police records with the aim of getting more bonus points, and doing less work while obeying to orders.

Not only the bonus points but also attorneys of Turkish judicial system appeared as one of the dynamics of the unruly situation. The district prosecutors possess large discretionary powers when it comes to sentencing someone for prostitution and in the case of trans sex workers, as my respondent informed me, “some of them do not want to deal with any of them”. The interlocking situation in this case, making more arrests, getting more bonus points, convincing the prosecutor that the person was involved in prostitution influence the territorial distribution in the application of the prostitution law.

“The number of arrests that you make matters a lot, when we are talking about prostitution. When I take a trans under custody, and if the prosecuting attorney sets him free; I will have to go out in the street to look for more incidents, regarding my supervisors' commands. Now that we know almost every prosecuting attorney, I can tell which one is going to set trans sex workers free, because s/he does not want to deal with them and which one would keep them in jail. So what do I do? I try to find something in the areas where I know for sure that the

prosecuting attorney will not let them free so that my supervisors would not require me to do more. Moreover, it is all because the number of people working for prostitution arrests is limited; we are supposed to do A LOT! Our supervisors are pushing us everyday to clean the streets. It is like fishing, when you set out to sea, you have to catch something before coming back home, because your family is hungry and they are waiting for some food. If there were more teams dealing with all these issues, we would not have been oppressed by our supervisors. I know it for sure.” (Police officer n°9)

The commands of the district supervisor, the limited number of officers, admonitions received either from different districts’ supervisors or from chambers, the prosecuting attorneys’ stances towards trans sex workers latterly influence the geographical distribution of incidents in Istanbul. These dynamics seem to disrupt the judicial processes and this particular situation lays the proper ground for suspecting the fairness of the Turkish judicial system. Nevertheless, *“the commands, the rules of action are set strictly and accept no exceptions but obedience,”* added police officer n°9 at the end of our conversation, therefore in the next section I will discuss the influence of the chain of command on cops’ relations with trans sex workers.

4.2. Cops follow orders that are Mediated by Hierarchical Chain of Command

Supervisor’s Orders - Hierarchical Power Relations’ Influence in Turkish Police Stations

Although policing has a to-do list, chief executives are not provided with a clear guideline according to which they are ought to run police stations and execute their duties in the most efficient and effective ways (Walsh & Vito, 2004:52). Commanders in Turkish policing system are the head of the hierarchical chain and thus their orders are to be followed without questions, in addition to this *“all of these [compliance and obeying to rules] are done with the aim of protecting the status-quo and even more importantly, we aim to provide the best service to the community”* (Police officer n°4). As a result, it is not solely in consideration of the bonus points, the organizational incentives that police officers the take action but also a word from their supervisors is sufficient for them to ‘take care’ of trans sex workers.

“Our commanders pass from these routes, they see trans sex workers out in the street and they immediately pass an announce on the police radio. They say “come here and clean this mess, what are you doing wherever you are!” If they had not said this, why would a police officer bother himself to go there and deal with a drunken travesti? Our commanders see that they are exhibiting their intimate parts. If they weren’t doing that, I mean showing their breasts, why would they say “there are known women [bilinen bayanlar, a code used in the announces on police radio for trans sex workers], come here and get them immediately, or you will see what I’ll do to you” (Police officer n°6)

The strong institutionalized model is affecting the whole process; the chain of command is severely strict and it requires full compliance since it is strengthened by either threats, or unofficial punishments. Most of

the police officers highlighted that shortfall of cops working on the specialized units as one of the difficulty while executing their duties. This situation is also valid for cops working in district police stations given that their job becomes more difficult when they are oppressed by their supervisors. When the supervisors receive bad words not only from their co-workers but also from corporations who state their grievance in straight line to the commander, the commanders of district police stations are forced to handle the situations in order to protect their honors.

“It is also about the other directors’ oppression. Let me tell you this example. A director from Y district asks to the director of X district “What is the situation with your district? It is full of travestiler” it means “don’t you do your job properly?” There are many fights, transvestites harm people’s shops, and they broke the windows when they fight. Then they ask “don’t you care about what is happening in your district?” Or there is a trade corporation in one district, if one of the members say, “every morning, when I come to my shop I smell human pee, or my window was broken couple of times during the last month, or I don’t like it when my shop is surrounded by transvestites, they block the pedestrian lane and people don’t want to come into my shop”. These words are communicated to police stations. People working in the area say, “I opened a shop here, I pay my taxes regularly, I employ people here, my family lives on this shop, and do I have to take this every day? They put down my business, do what you have to do, take those away from here!” This complaint is communicated to the district police commander, and he resents it because it means people are not happy, he can’t make his job properly.” (Police officer n°4)

These commands become harsher in case of a bad word received by another law enforcement chief, or by someone in a higher position due to years of office. The commander of district X resents the outer intrusion since it is dishonorable and it indicates that the chief cannot control the units and does not have power on enforcing the law or regulating the society. Thus, he is considered as incapable of doing his job. This is highly related to the application of internal hegemonic masculinities in policing, the strict hierarchical power relations that are guiding supervisors, and other law enforcement officers reaches its highest point when there is an external admonition; thus, it is considered as a humiliation.

“Let me tell you this. It is harsh for a supervisor to receive words as a command from another supervisor, which happened a few times. If I were the commander, I would feel the same. The supervisor from another district sees trans sex workers in our district and gives an immediate call to our supervisor, say “what is the situation with your district? Do you see all these prostitutes? Is this how you do your job?” Then what happens? We are grazed and lectured for an hour, and sent to that area to take all trans sex workers from the streets. Do we like it? No. Nevertheless, an order is an order. We are responsible to execute orders.” (Police officer n°13)

After the external intervention, the patrols become more careful and there is an inside alert within the units, an unwritten prevention is taken and the police officers become more focused on “cleaning” the streets, and consequently they fabricate some of the required conditions to make an arrest on prostitution, as discussed above. Units start working under strict control of their supervisors; they face disciplinary precautions forcing them “to do whatever it takes.”

The juristic perspective, the laws covering the prostitution and the legal preservation of the moral status-quo in the society are formulating the basis of cops’ behavior when reacting towards trans sex workers. The lawless tricks, the oppression of cops’ supervisors precipitates the Goldstein’s model of policing (Goldstein, 1979:236). The means over ends syndrome fits the conjuncture of the Turkish example to the point that although the description of policing itself encloses “to serve and to bring justice” to the society as a whole, the means are being disrupted by the time they are pursuing the organizational incentives and due to the strictness of the chain of command. The strong institutional model and the quasi-military trait in the Turkish police institution is requiring cops to follow the rules and the orders, as a believer would do for the commands of its religion, without exception or any excuse. While performing what ever it takes to fulfill the required demand, the organizational incentives appear as a reward for putting the morality and the prostitution in order.

Furthermore, as indicated earlier in the thesis, the society’s stance towards trans sex workers is also affecting the process of deciding on morality terms. It defines and reshapes over the time, the gender and sexuality dynamics, stabilizes certain morality norms and leaves the ‘others’ sidelined. Apart from cops’ perceptions of morality, the society’s intrusion in the policing process shows itself via the police line 155. Citizens have right to inform the police about incidents that they think is immoral and the police is required by law to take the situation under control. Therefore, I will keep track of the citizen complaints on Police Line 155, and reflect the motives that cops illustrated to prove their moral and duty imperatives, without becoming an “ethics watchmen.”

4.3. Citizens’ Complaints on Police Line 155 activate the Law of Misdemeanors

Trans sex workers, their neighbors and the belligerence between them

“...It is not personal; it has been this way like five or six years ago. Now, it has nothing to do with arbitrary police acts. It is about the society’s order, and society’s regulation has to do with public opinion. You can kick out one person living in your building, if she or he is not following the traditional way of living other flat dwellers are pursuing, even if this person is married! You have right to do that. You call the police and let us know about the problem it is all in the law of Misdemeanors... So it is not personal, it is absolutely a societal problem. We go there and give them fines regarding the Law of Misdemeanors, that’s how it works” (Police officer n°1)

The paradigms shifting from one period to another regarding the demands of societies, different strategies are being settled in police stations, thus chief executives have prioritized some of the citizenry demands over others. Starting from the 1980s, the old school ways of ruling the police departments have been questioned repeatedly with the aim of achieving “a safer, more effective and more efficient ways of policing communities” (Wito and Valsh, 2004: 53). Turkish citizens are supposed to call the police line 155, whenever they are facing a problem, or if they see someone facing a problem that can only be solved by governmental police services, since police departments are created to provide public safety for a defined governmental jurisdiction (Wito and Valsh, 2004: 51). This delineated governmental authority requires police officers to consider the community complaints and solve them with the given tools. The police force’s existence is also indicting that there are some occurrences, which cannot be solved by non-state actors, but herein the society’s stance towards a social problem matters a lot, and provides a legitimate ground for these belligerent occurrences between cops and trans sex workers. The society’s stance towards trans sex workers is salient when discussing the application of law of Misdemeanors because the legal application process is activated when they receive complaint calls on 155 Police Line, or when there is a walky-talky announce regarding a citizen’s complaint. Although I did not precisely ask their thoughts about the Turkish society, most of them talked about the community problems and they were highly critical about the society’s conservative stance towards trans sex workers. There were clear disparagements regarding the society’s demands, and most of them concluded that Turkish society was “conservative,” “problematic” and sometimes “hypocritical” for various reasons.

“They used to say that police officers are uncultured and uneducated, and clueless about life issues. In addition, they say that is why they are oppressing trans sex workers. However, it is wrong. Now in our police department, 85-90% of people are university graduates and what they say does not make sense anymore. Instead of writing down, as “police officers should be more educated” they should discuss about the level of culture in the society itself. We do not chase trans sex workers because we want to!!! The public requires us to do it so. It is upon their notification to the police line that we are taking action.” (Police officer n°14)

Police officer n°14 highlighted how much the society was resisting towards patterns not fitting the preexistent monolithic gender system composed of exclusively by males and females, which is consequently enforcing heterosexist family standards in the society. Therefore the existence of trans identities, would neither fit the binary gender system nor the heterosexist norms, as it is seen as a “homosexual relationship with a male partner dressed as a woman” (Police officer n°2), and it is also believed to “offend other innocent citizens”. At this point, I would like to indicate society’s positive stance towards Bülent Ersoy, which is creating an ambiguous situation when compared to not-famous trans individuals that citizens see outside, in the real world. As a counterfactual, neither LGBT organizations nor cops consider her as an example for trans people, or as a representative for LGBT

individuals in Turkey. Therefore, she posits an exception for both parts, *“she shows that if you pursuit a decent path in your life, you can be respected, therefore you don’t have to be a prostitute”* said police officer n° 5. This citation can be interpreted as a disapproval of the occupational standards of trans sex workers. Their statements enclosed the notions of the dominant sexuality rules, that people are either female or male. Bülent Ersoy does not represent trans individuals, but on the contrary, she is indicated as a confirmation of the norms of sexuality reinforcing the monolithic gender dynamics. Bülent Ersoy, an operated trans individual possess a pink identity card that represents the woman sex. The state, by granting her the pink identity, created a non-negotiable platform for discussion, and it changes everything in cops’ understandings; *“it can not be argued whether Bülent Ersoy is a she or a he, the state says the last word, Bülent Ersoy is a woman with a pink identity card, that is the last point, without further argumentation”* (Police officer n°11). When discussing her situation and their thoughts on her transsexuality, they indicated without exception that she could not be compared to any other trans individual in Turkey for economical reasons and for the social reputation she has. These motives are also valid for the society’s stance. In addition to that, LGBT organizations were indisposed when the conversation was about Bülent Ersoy. They would not identify themselves with her, and neither would she, since *“she would not even accept being a trans individual! She never said I am a trans woman, not once in her life”* (A, Pembe Hayat), and instead she is referring to herself as a woman.

“It is called as an internalized transphobia, when she was deported from Turkey during the 1980’s; a group of trans citizens organized a meeting for her at Taksim. And just on her way to the plane, the reporter asked her what her thoughts were about the protest organized for her; she only said, “May their road be open” meaning that she doesn’t have anything to do with that march or with trans identities.” (S, KaosGL).

As a result, she is being recalled, as a colossal disappointment, therefore, she is never reflected as a public face among LGBT organizations’ activisms and demonstrations. It can be said that the fame is covering the trans identity and provides an indisputable trait while leaving no place to the discussion of morality. The high quality of her life standards earned by the respected occupation seems to ‘hold back’ trans identity’s unfitting trait into Turkish traditional gender and sexuality norms. In parallel with cops’ perceptions, citizens’ complaints appear to aim the occupational effrontery, the sex work. As a result, most of my respondents designated the importance of society’s perception of trans sex workers as a threat to citizens’ children, and as an offensive existence towards people living in the society:

“Our behavior depends on the society’s perception, which is absolutely different from a European society’s stance. Our process of understanding is different, when we comprehend what is really going on, we strain historically what we see. Moreover, it is also interrelated with domesticity; it is different when you compare Turkish family norms with a European family life. In Turkish society, people are more into domesticity. Europe has already acknowledged trans identities, but it is certainly not the case in Turkey. Society sees

transvestites as a different category of people; therefore, there is a prejudice. Whenever transvestites are around, they do not want their son to see them because they are afraid that their sexual orientation might also change seeing transvestites all the time. They are afraid their son might also become a transsexual and get into a gay relationship.” (Police officer n°13)

As is in various interviews, one of the reasons for initial contact was shown as the society's disparagement towards trans sex workers. According to cops, society's criticisms are not only limited with the unfitting feature of trans identities to domesticity concept but it also enclosed an offensive trait therefore a denigration of sex work. Moreover, the masculinity rhetoric, exerted to accentuate that it is not appropriate for a Turkish man to dress up as a woman, subsequently brought the discussion of hegemonic masculinities and therefore the preservation of chastity of manhood (Connell & Messereschmidt, 2005). This rhetoric finds another scope of application, which is also perpetrated with children sexuality's untouched and easily manipulative trait:

“We receive calls from the citizens regarding trans sex worker's criminal acts, for instance, “travestiler committed a theft” or “they are punching someone” or “they are being punched by someone”. This is the first step. The second step...They go to a neighborhood. Let's call it X either they go there or start living there. Their neighbors, other people living there, they go out with their children. Even more importantly, their children play out in the street. In addition, travestiler are bearish, they fight a lot! Would you like to live in a neighborhood like that?” (Police officer n°3)

Police officers' comments on the society were not only limited with the criticisms of those who are disturbed by the presence of trans sex workers. They also illustrated some of the conversations they had with trans sex workers. The hypocrisy trait was based upon those who happen to have sex with trans sex workers but who would not allow their existence in the society. In that sense, the conservativeness of the society about sexuality issues appeared as the motive for being hypocritical about trans sex workers' position.

“I believe that there is a sexuality problem in Turkish society. In old times, people used to put their dogs in the darkness and that dog had only the chance to see his master, and whenever he was facing another person, he used to attack. People who are having sex with trans sex workers are like that dog, they attack on them coz they haven't seen anything but their wives or if they are not married, they don't even get to see a naked woman. Those men do not care whether it is a human or not, they simply attack. That creates a social disruption in the society.” (Police officer n°9)

“Do you know how conservative our society is? Because of this conservativeness, the level of dissatisfaction of men is high you know... People do not get to be with women, they do not have sex with anyone until they are married. Therefore, either they go to prostitutes or,

as it usually happens in Anatolian cities, they are turned on by animals or they have sex with a sheep or a donkey. Moreover, it is all because of the lack of sexuality...So men start being with other men, and if the raped one is young, he starts dressing up as a woman. I know it is weird and unbalanced, but the society would not accept a man dressed up as a woman. 90% of the society think that they cannot explain it if they ever have sex with a travesti to the person who will question them when they are dead. It is a sin. Our citizens think that they are also creating a wrong role model to our kids. They say, "They are wearing mini-skirts, their legs are completely visible. It is disgraceful and dishonorable."
(Police officer n°6)

As I indicated in the first chapter, sexuality is treated as a black box in Turkish society. Ostracizing all matters related to sex and banishing identities that do not fit preexistent monolithic sexuality norms has been a common societal conduct. Adopting certain measures to take these kinds of disruptions under control has been listed among the intentions of the juristic system as discussed in the previous section. In addition to this, the public opinion on this matter has been appraised. Citizens who have complaints in regards to trans sex workers, in their neighborhoods or while they were passing from one of the neighborhoods where trans sex workers are located, they state their grievance on the police line 155. As Fyfe *et al.* indicated, during the twentieth century, performing random patrolling was illustrated as the most effective and efficient way for preventing crime and with the adoption of emergency telephone systems, there has been a remarkable convenience for attaining the best output in patrolling (Walsh, 2001:350 [Fyfe et al., 1997]). Consequently, like in many different examples dating the second half of twentieth century, policing in Turkey is nowadays based in service delivery strategy which is based on "random patrols, rapid response to calls and re-active follow up investigations of crimes" (Walsh, 2001:350). In this specific case study, the reasons for citizens' complaints are various and they were defined within the framework of personal rights. Nevertheless, LGBT organizations' controversial response relies on the idea that "*they don't receive any phone calls; they just do arbitrary arrests and then blame it on the society.*" The disturbances that citizens say they are being subject to constitute a big list, according to cops. However, I was not provided with these records even though I required it many times.

"When they disturb other people, it means that they overdrew the limits that were given to them. It is an invasion of private life. You are free to listen to music for instance, but you can only turn on the volume if there is no one who would be disturbed by this music. There are old people living in the same buildings, do they have to suffer because of your lifestyle? No." (Police officer n° 5)

"The general morality finds its roots in Turkish traditions and customs. With a simplest example, if you are having a sexual life, you should do it in your house; it should belong to

your privacy no one needs to see it, it should not be public at all! However, look at travestiler they are seeking for sex out in the street.” (Police officer n°12)

As a result, these complaints are shown as one the motives of their first actions. The police line is therefore designated as the reason why cops run after trans sex workers, it is considered as the catalyzing effect that activates the Law of Misdemeanors. The police line’s purpose is consequently not limited only to receive public complaints but it also functions as an instrument to create an inclusive public opinion on societal issues that should be taken under control by the application of the juristic conjuncture:

“What we are trying to do is to answer citizen complaints in time, so that they would live in safe areas. Unless they come here to the police station or they give us information on the phone, we cannot deal with all these problems. We are not given great powers you know. We can only take into custody if someone is trying to hurt him/herself or someone else. There is not a penal provision at the end even though they are disturbing other citizens, by showing their knives or something else.” (Police officer n°13)

“There has been a public opinion on this matter; this is how the decisions by our supervisors were taken as well. There have been tremendous complaints. The public was disturbed. [Travestiler] they were trying to find customers in the main roads of the city, the ones that everyone is using. And when you are driving to someplace with your family, you were forced to witness them prostituting themselves.” (Police officer n°5)

Contrarily to what it is reflected about cops who are suspected to abuse their powers because they let their personal opinions guide their duty related decisions; the juristic conjuncture, organizational flaws and institutional incentives have been cited many times as reasons for the initial contact with trans sex workers. Citizens’ complaints on police line 155 activating the law of Misdemeanors compel cops to come into action whenever an incident occurs. On the other hand, the supervisors’ commands, fueled by the public opinion, by organizational agenda, or by an external intrusion are to be accomplished without any counter deterrence. Moreover, the organizational incentives are also listed as a reinforcing power to take action. The official requirements to go and clean the streets, to make raids or to account for a citizen’s complaint is indeed creating a counterfactual situation when investigating their thoughts about trans sex workers. Cops’ insights about trans sex workers were ingrained into different interpretation of how they come to understand their position: as “a member of the society”, as “a prostitute”, as a “victim of life” or as a “rule breaker”. The answers varied from one cop to another; most of them were empathetic; but conversely, some considered them as immoral for humiliating Turkish masculinity traits. What are cops’ feelings towards trans sex workers? How would they describe their situation? What are their personal opinions, as cops, on this topic? Do they blame trans sex workers? Is there a hateful stance? The following chapter will deal with cops’ feelings and their opinions on trans sex workers’ situation.

CHAPTER 5

5. How cops feel about what they do to TSW?

“I see them as human beings, and this is my personal opinion. I do not have any prejudices or any thoughts that would keep me from behaving towards them in a human way. And let me clear one issue, I have never written a fine to a person just because she or he is a transsexual or a travesti. If they disobey the law, and certain rules that are also defined and criminalized by TCK, then I have to catch them and give them the fine.” (Police officer n°14)

In the first chapter, I stated that my aim was to answer various questions including in “How cops feel about trans sex workers? How cops feel about what they do to trans sex workers?” Leaving aside the juristic conjuncture, cops’ individual thoughts on trans sex workers were constructed on various dynamics. While making sense of their brutal behavior, police officers communicated trans sex workers’ realities, their life standards and the difficulties that they are going through while performing street prostitution. Customer brutality necessitating trans sex workers to carry sharp objects to protect themselves was listed among the reasons of their dangerous conducts. They put an accent on trans sex workers’ past experiences, their childhood or adolescence stories that they were being told once they take them in police stations. Among these constructed reasons, the preceding cops’ behaviors were also listed along with the incentive of trans sex workers’ brutal behavior. As an attenuating circumstance for their vicious manners, they cited substance usage (alcohol or drugs) for their violent reactions towards cops. In parallel with these statements, the media and human right reports’ attribution on cops’ arrests of being gratuitously done have been repeatedly denied. In fact, the hateful feelings of cops, as it has been stated so far, were replaced by their empathetic thoughts. The aggrieved but at the same time criminal characteristic of trans sex workers were frequently articulated:

“I see them as aggrieved and victims. I feel sorry for them because they are in the wrong path. When I say the wrong path do not get me wrong, it is not something religious or anything but, I feel sorry because I know that no one would want to sell his or her body. No one would do such thing unless s/he is being pushed by different reasons. I can say that most of the police officers approach them with good will and we do not want to hurt those who are already whacked and emaciated. I would say that if they go to their private houses and if they stop looking for customers in the streets, no one could say anything, because you know... prostitution is not criminalized in Turkey. Because it is their choice to be transsexual or transvestite, it is their own thoughts, their own personalities. I do not know...I know one thing that we cannot make everyone become apt to Turkish norms. I wish they were though...But that is another issue. But people should not intervene into

other people's lives that much...It harms the freedom you know...of course unless it becomes a criminalized public affair.” (Police officer n°5)

Cops' feelings on trans sex workers did not overlap with their behaviors. Their aggrieved position has been voiced commonly; different causalities have been discerned regarding the viciousness in their behaviors. Some of their statements appeared as the motives for trans sex workers' brutal behavior, and some were indicated as an extenuating circumstance. In overall perspective, cops were percipient about trans sex workers' life conditions, and their brutal behavior towards them. Furthermore, the news in Turkey have reserved a considerable place about customer brutality occurrences, and the murders of trans sex workers. The reasons of these ferocity acts have been put through forensic investigations and yet most of them are still unsolved. Therefore, the judicial punishments are considered inadequate according to LGBT organizations. The deficiency in chastising those attacking trans sex workers seems to provide a feasible ground for further vicious acts, as self-defense mechanism. Customer brutality is indicated as a motive for trans sex workers' brutal behaviors and for their “atrocious instincts”, as put by cops.

“They are going through a lot of traumas, they have that feeling of brutality, it is merely ineluctable. Their customers try and even manage to cut them with razors, they hit them, punch them, no wonder what is happening in those rooms. I saw them many times trying to cut their own wrists. I think a person who would hurt herself would easily harm another person but even that has a source inside.” (Police officer n°3)

Cops also indicated that these traumas were pushing them to take substances, and that they were using this “as an escape strategy from the reality which is really harsh for them” (Police officer n°13). Drunk, or high, police officers claim:

“We are fed up! We do not want to deal with them anymore. They stop the traffic for instance; a normal person would not stop the traffic all of a sudden. Therefore, it means that they are drunk at that time. I go there; I have to check the alcohol level in her blood. I tell her to get out of the car, she says, “I won't, I don't want to come out, leave me alone.” I beseech for it after certain minutes, because there might be some press members, you never know when they show up. She says “no,” and they are incredible stubborn when they are drunk like any other people. My partner tried to make the personal search once we had her blow to the machine [to measure the alcohol level], she started screaming, “you touched me, you have to pay for it, give me my money!” you know, it's a damn problem” (Police officer n°6)

The usage of drugs and other substances were uttered many times, but they were not counted as a delinquent behavior, instead they were referred as an extenuating circumstance while making sense of the brutal behavior of trans sex workers. In fact, contrarily to the previous researches in which the substance usage has usually been shown as an entertaining element (Prieur, 1998; Kulick, 1998), in this

case, it is shown as the reason for brutality occurrences. The life conditions being too hard, cops found the substance usage as an “easement for all that they have been going through.” Nevertheless, as a counterfactual, they also assumed that insobriety is the reason why *travestiler* are always remembered for their rowdiness. It seemed that this constructivist approach was attained and developed when they took them under custody in police stations, and while they were keeping them until they were sobered up. The chitchats between cops and trans sex workers had a considerable place in police officers’ understandings of transsexual and transgender individuals. The monolithic thoughts that take sexual diversities as a congenital biological disease were replaced by the constructivist approach statements by most of the police officers.

“Some claim that they were born like that, and others say that they have been mistreated, raped during their childhood. I don’t know the exact reason, but whenever we speak to them, they tell us “my life hasn’t been easy at all, I wish you knew what I’ve been through when I was 10”” (Police officer n°13)

“There is a lack of sociality you know... the education that you get from your parents is missing in most of them because either their parents were separated or their economical situations were really messed up when they were kids. 90 % of them are like that. They were excluded from the social life. I mean at the age when they were supposed to go out and have fun, they could not do such things. They were raped by either their uncles, or their male cousins. However, these types’ manhood was not broken; these poor people were the damaged ones. So afterwards, they happen to find people who suffered from the same incidents, they befriended with each other. So here they are now...” (Police officer n°9)

These kinds of information were not only reached in the course of communications that cops had with trans sex workers. Their customers were notifying police officers with similar information as well. The contradiction on this situation is that in one of the mini-books that LGBT organizations have published, it contained some interviews with trans sex workers and they said:

“We always say sad stories to our customers, you know... they always want to know how did we end up at this situation, so we give them what we need, the lies! I don’t care if they feel ok with it or not but this is what they want, we all do the same, my story is about me being raped at the age of twelve by my male cousin, afterwards it was like a rip in a seam” (Insan Kaynagini Gelistirme Vakfi, 2011:20)

These contradictory statements compel to make any further comments on the accuracy of cops’ stories; though, there was at least an apparent consistency among my respondents. Turkish law enforcement officers illustrated various reasons for the brutality news on the media. The different causalities that cops reflected regarding trans sex workers’ aggressive attitudes designated that life conditions they went through constructed the ruling truculence in their attitudes. Making sense of these constructed reasons, cops were also saying that they were not the main problems in trans sex workers’ lives. Cops stressed on

their efforts of treating them as good as they could, in contravention of their complaints, emphasizing that they were not at the top of the guilty list when talking about trans sex workers' victimized position. As an outcome of my study, most cops do recognize what they can and cannot do, knowing what their rights are during duty hours. They claimed that they were mainly guided by the criminal perspective of things, and indeed trans sex workers were mostly perceived as *"a member of this society as long as she follows the rules."* The limited amount of people ($n: 15$) that I interviewed during two months does not allow me to possess clear or absolute assessments on police culture and on its constituents. Therefore, I can only describe various behaviors and attitudes that I observed among law enforcement officers of Turkish police institution that was identified as integral and monolithic. In fact, this benevolent position has been criticized by LGBT organizations, they thought, "they are casting for an excuse to approach the trans sex worker and harass her".

5.1. Constitutional Provision Makes the General Rule: *All individuals are equal without any discrimination before the law*

"...Whatever perspective you have, this is something bad, I mean who would want that? I really and deeply feel sorry for them; it is a pity situation. However, what can you do? Life brought them to the point that they are selling their bodies over money." (Police officer n°4)

After discussing my interview questions with all of my respondents, I realized that there was a pattern in their understandings of trans sex workers depending on their duty districts. The ones working in the areas where trans sex workers are mostly located were more knowledgeable about the situation and expressed their empathetic thoughts. This study also showed that the more they were with them, for one reason or another, the less they were prejudiced towards them.

"Since I am mostly working at Şişli area, I see them all the time. And regardless of how they are, or who they are, I approach them gently, and if they have a warrant I try to convince them first to come to the police station with me. I have never discriminated them in my life!" (Police officer n°11)

As I indicated at the beginning of my analysis, the common configuration of my respondents illustrated a benevolent type of behavior towards trans sex workers and similar to my other interviewees' responses, the severe low life quality trans sex workers are pushed to pursuit was repeated recurrently. Apart from these motives, other reasons such as the street prostitution's dangers, being marginalized in the society, to be sidelined by their families appear to be among distinctive guidelines in cops' empathetic perspective. One of my interviewees explained his experiences from Şişli area and stated that:

"They are trying to catch their customers in car parking places. Can you imagine how difficult that is? They have the intercourse in the surrounding areas, in the bushes sometimes. Their life is not easy, we know that, but we are also working you know and

there are rules that we should follow, so do other citizens. Therefore, it is not about a prejudice at all. But there are strict duty obligations” (Police officer n°5)

Moreover, those who are working in the busy areas were more focused in developing strategies to deal with their feelings and thus they came up with various coping tactics to deal with the problematic situation: their duty requirements on the one side, the disadvantaged position of trans sex workers on the other.

“I really feel sorry for them and that is why I avoid sometimes talking to them because even now I feel sympathy and that is not how I am supposed to do my job. Because I know that if she tells me one story, she will feel closer to me, but I still need to execute my duty. I have one story and it happened on one of the first days when I started working as a police officer. They brought some trans sex workers to the police station and we needed to collect their fingerprints, so I was taking care of one of them and she said I always wanted a husband like you. [He giggles] I felt weird, but I saw that she was trying to cheer me up, I mean this is how they are in general, they seem to be full of life, joyful and they seem to be unconcerned but I know that they weep inwardly and that they are not happy at all. This is why I feel for them...Seriously I never differentiate anyone. Either male or female, the person that I am talking to when I am on duty is a citizen, a human being to me. It does not matter if he dresses up as a woman or not...Most of them are tired of living. Some of them tell me that they want to leave this life and go back to where they came from. Her family is also accepting her as she is, so it is a good thing that the family does not reject her.” (Police officer n°12)

“Everyone has a different life style. We do not check on people “this one is travesti, the other one is woman, and that one is gay” we just see them as citizens. I also know that this perspective depend from one person to the other, however the first duty of a Turkish police officer is to maintain the welfare of Turkish citizens. Therefore, we only see them as human. Unless she commits a crime, she can do whatever she wants to do. I would not go and hunt her at a bus stop, just because I suspect that she is waiting for a client, she might as well be waiting for a bus to go and see her parents. You never know.” (Police officer n°7) [The interview was called off really soon after finding out that I did not have a state permission to interview the police]

In this past interview quotes, I recognized that, although I did not explicitly questioned the ways through which they sympathize with trans sex workers, cops indicated a specific opinion guiding their understanding. The society’s needs and the rules regulating those requirements were highlighted similarly like in previous interview quotes. Subsequently, they claimed that they see individuals as parts of this communal entity. However, there was also another dynamic, which set a different norm among all the other rules, the notion of “family.” Being a member of a family, and having parents was prioritized

by cops when discussing trans sex workers' aggrieved position. As a result, knowing that trans sex workers are members of the society but taking into consideration that they also go along with their families nuanced and moderated cops' perceptions. The family, which is considered as a "sacred and integral" attribution in Turkish culture, appeared as a strong reason that they give for their empathetic thoughts since trans sex workers' condition "does not allow them to be with their parents". They even felt 'relieved' when they found out that their families accepted them as who they are. Moving along with the traditional Turkish norms, most of them were confused about where to put them among the preexistent gender boxes. Police officer n°8 reflected his confusion about it and he argued that:

"I think they are not males but I can not say that they are females either. They look different you know. They try to function like women but they cannot. They look like guys, they are tall, their feet are big, and even sometimes bigger than mine. They are a third gender but it is not natural. In general, I do not think of it as a prostitution issue. You know what I mean. I mean they are out there prostituting themselves and we are trying to catch them all the time, but at the same time, we feel sorry for them because they do not have any other option. It is a state related problem, but definitely a social problem. There should be a ministry or something like that which would take care of them otherwise they are going to die out in the streets, murdered by their customers. This is sad you know...I mean the first thing that comes to the mind when you say travesti is prostitute, and prostitution. Moreover, I know that this is not what it means; it means a man dressed up as a woman this is why it should change. Because it is not easy for us, I cannot even tell you what they really are. I don't even think of it in my social life so that I wouldn't have any opinion on that matter..."

"Not wanting to think about it" in their social life was a general attitude, an escape strategy for preventing the intrusive trait of being police officers during their civil lives. As indicated at the beginning of the thesis, law enforcement on constitutional basis necessitates treating everyone equally, without discriminating citizens regarding their gender, race, religious beliefs and sexual orientations. The small talks during the patrols confirmed this: being a human, a citizen of this society, being a living and breathing human being are well enough for them not to discriminate anyone. However, there was a general indication that police officers are not saints, but all of them agreed that it did not give them the opportunity of abusing their power. In addition to this, I was informed that brutality acts that took place five years ago were committed by "cops that were raised from the ranks, dedicated but old, and pot-bellied with no higher education and with a strict view on these matters" (Police officer n°6). The connection between the importance of university education and the treatment that trans sex workers receive was highlighted in different occasions in regards to the initiation for hiring of university educated cops in the police force in 2005.

5.2. “The university educated police officers make their presence felt more and more.”

For over five years, Turkish police force is hiring people with a university diploma, which, according to my interviewees, brings a high level of understanding to the variations of life. It is being remarked that the university education is making them understand better the conditions of a trans sex worker, and in fact their educational level is precluding them from think in monolithic ways and plays an initiative role to fit into “European standards”. Although there was not an obvious statement about what those standards were, they were frequently implying during our conversations the differences that exist in different countries’ police stations and they were comparing foreign trans individuals with Turkish transgenders/transsexuals. Even if the result of this comparison was not in favor of Turkish trans sex workers since “*they were nothing like European transsexuals, external appearance and behavior wise*”, they thought “*it was necessary to become more humanist and get rid of the past mistakes*” (Police officer n°8).

“The differentiation started with the hiring of university graduates in the police force. I know that everyone has a different understanding of tradition, and customs. Nevertheless, these people, instead of treating them differently, they all started seeing them as citizens, regardless of the difference in the understanding. Therefore, the young police officers do not go out in the streets and play guardians of morality like the one they used to before. It is really bad that old school police officers did not get what it meant to abuse the powers that were given to them by the system.” (Police officer n°8)

This citation opened a new door in my analysis to the point that the differentiation among university graduate and those who started from scratch in the police force is actually a big deal for young cops. Most of the police officers complained about the debts that they were paying for what happened in the past. They were clearly disturbed by their image on the society and in the eyes of trans sex workers that “every police officer would profane the powers since they were not educated enough and they would misuse the authorized powers and have the possibility to take you into custody arbitrarily”. Regarding this issue, police officer n°6 and n°8 approbated this idea and asserted that:

“...Previous police officers’ behavior towards them...it was unacceptable. Our society does not accept trans people, and since they don’t, they created a public opinion which was also accepted by cops. They track the same mentality with the public, but imagine they have nightsticks, and guns. Now if you talk to a trans sex worker, she would say that “police officers treated me really bad so far, why would I even consider treating the next one in a good way?”” (Police officer n°6)

“...Cops sometimes behave inappropriately. Conservative cops find it weird that a man would want to be with another man. Therefore, they used to apply excessive force out of disgust. These cops are mostly old police officers, those who entered the police force when they were young. At that time, time there was not any requirement for a university degree.

Now every police officer should have a bachelor's diploma. They beat up trans sex workers sometimes, and I ask them "bro, what the hell did you do?" and they say "yes so what!"⁸ I am a university graduate, and I always approach trans sex workers gently, I start making jokes so that they would feel comfortable, so that they wouldn't think that I would hurt them. I say "hello girls" at first moments, and they like it a lot! You know instead of giving them orders, making jokes is an icebreaker...And therefore there is for sure a differentiation of good cops-bad cops... Imagine this, you are a nice woman, and there are 50 people making a pass to you, how would you treat the 51st person? Even if he is innocent, you would not see him that way" (Police officer n°8)

Although having a university degree was indicated as a distinction among cops, the good and bad cop differentiation was not conclusive. The highlight put on the amelioration of cultural level did not manifest itself in every university-educated police officer. Therefore, I could not create a definite pattern among them.

5.3. Not all of cops were in good terms with trans sex workers: Prejudiced Cops

In parallel with these claims, some of the police officers showed how some university-educated cops were easily affected by their conservative stances in their social lives during their duty hours. These claims were rooted into masculinity rhetoric, and there was a regularly repeated word "fellowman" (hemseri) placed in the sentences to emphasize their denigration on "being a trans individual" and "selling their bodies over money".

"There are of course some conservative police officers who would arbitrarily arrest a trans sex worker, who would act upon nothing and use excessive force towards a citizen. In addition, the basic reason behind this is that since the human being started to exist on the earth, the man has been the symbol of power. When they sell their bodies over money to the same sex customers, they are lowering themselves, and thus receive bad reaction from their fellow creature." (Police officer n°2)

Not all of my respondents were in good terms with trans sex workers. The police officer n°2 indicated during the interview, he considers trans sex workers as "*fellow creatures who flout themselves for money*" and he enclosed the interview by telling my his own experience:

"I am from Erzurum, as a person from Erzurum, I have a serious position, and I carry a rosary [prayer beads] in my hand. On one of my first days on duty, I came to the police station and I was told what to do. I said ok, and then one of my colleagues said, "Bring one of the princesses here!" Until then I had no idea how they looked like, I saw some of them

⁸This police officer was not only critical about veteran cops' behavior towards trans sex workers. He continued his words by indicating : However, these same cops would also treat a citizen regarding their place of birth. We call it treating a man with his identity card. If there are two people, not trans sex workers, one coming from Diyarbakir [an eastern city of Turkey where Kurdish people are mostly located, and the other one from Tokat- a city located on the northern part], they would release the guy from Tokat and take into custody the one from Diyarbakir.

on TV, they had long hair, with a male voice, they did not have a barb on their face with a heavy make-up on it, but at the end it was a man. I was told to take his declaration. So he said, nickname is Fadime, his identity card name is Serafettin. I looked at his homeland, Erzurum! [He puts his hand on his forehead as a sign of consternation.] I was greatly upset about it since I cannot regard it as a suitable thing for a man to become a trans, I asked him few questions and apparently he is my neighbor from the next building in Erzurum! I was furious did not know what to do, hit some doors and harassed him a bit, but not too much. I took it under control. I told myself “you can’t be responsible for everyone from Erzurum.””

Although the general pattern reflects an understanding type of police officers, the minority group of prejudiced cops is indeed creating an indefinite image since they would not accept them at all, and as a result, they would misuse their state authorized powers. This cop particularly expressed his thoughts of shame towards trans sex workers. In addition, the part that disturbed him was not only limited by sex work but he conveyed pejorative standpoint towards “dressing up as a woman.” As a “proud Turkish man,” he felt offended to have a fellow townsman who turned out “to enjoy dressing up as a woman” and that also made their town’s name appear as ignoble, which was unacceptable according to him. In parallel with his experience, he also left a slightly open door for the chance of arbitrary brutality in the streets and he continued his words by uttering:

“There is a 1% of possibility for a police officer to attack a transvestite out in street, without any reasoning. That would happen more likely before, and I am aware that these kinds of occurrences took place 5-6 years ago more often. Nevertheless, nowadays police officers are young and university graduate people. They are aware of public manners and they know how to treat people, how to talk to them, etc.”

Police officer n°4 also appeared to have a parallel stance towards trans sex workers:

“I think it- [being a trans] is all right I mean... not completely because it is a biological disease. Nevertheless, I swear to you I am fine with however I do not think any healthy-minded people would do what they are doing but what can I do about it? They are who they are. Unless they hurt other people, or they attack police officers, which happens quiet often, we don’t care about them.”

Referring to transsexual/transgender/homosexual behavior as a biological disease is common among Turkish state attorneys. As I already mentioned in the previous section, Aliye Kavaf, ex-representative of the ministry responsible for Women and Family affairs, declared during a press release:

“Homosexuality is a biological disorder, it is a disease and, it should be treated... Turkey, as a whole, is denouncing homosexual marriages; therefore discussing the rights to children rising in these families would be absurd.”^{9 10}

Furthermore the counterfactual examples are not only restricted with these comparisons. One story, which kept appearing in different interviews, has been expressed in two different ways. Police officers exposed the aggrieved position of trans sex workers in both, but there was a clear nuance that changed the whole course of events. Police officer n°13 insisted on the criminal aptitude of trans sex workers, and he also highlighted that “it has not been the first nor it was going to be their last attempt to commit illegal acts” when he narrated the story:

“I think that every transvestite comes across with events that make him/her aggrieved. I mean the list of their grievance would take pages if we write them down. Have you heard of this situation at Beşiktaş? Two or three transvestites were living in the same house and they had a Rottweiler dog. They have customers in their house and all of a sudden they pick up a quarrel after the negotiation for the price I think and the customers, some snob boys, who happen to carry guns, realize that trans sex workers try to rob them and steal their money. Then one of the people shoots the dog when he tries to attack the customers and they kill the dog. Then trans sex workers called us and reported that their customers tried to seize them by violence and that they killed their dogs. It was sad, but it was their fault, they deserved it.”

On the other hand, according to the police officer n° 6, this side of the story is about the sadness of trans sex workers, and he explained the situation without mentioning that trans sex workers attempt to steal their customers’ belongings. I do not possess a definite knowledge on this incident, since the correctness of what they were saying was not accredited. Besides, they did not provide an official declaration of the incident. Therefore, I assume that either police officer n°13 was not in good terms with trans sex workers and he has always been prejudiced towards them or police officer n°6 wanted me to hear his empathetic thoughts:

“Poor people, life slapped them once and they still suffer from it. Are you aware of the incident at Beşiktaş? Well some trans sex workers try to work on a deal with their customers and I don’t know why but there happen to be a dispute on something then the customers apparently have guns on them and they shoot the dog, steal trans sex workers’ money. We found out afterwards that these guys have also different warrants on their names, for nine different criminal affairs. Anyway, later that night, these guys, the

⁹ Aliye Kavaf’s words on her press statement on November 2010.

¹⁰ <http://www.hurriyetdailynews.com/n.php?n=gay-rights-activists-protest-turkish-minister-2010-04-15>

customers I mean, hit a police car and one of our police friends gets hurt. We caught them and dispatched them to the court. Still, they were set free by the court! Can you believe that? They killed the dog, they robbed trans sex workers, they already had a warrant and hit a police car and still they are walking as freemen outside now! I cannot tell you how sorry I felt when I saw these transvestites crying aloud because their dog was murdered. These acts are tearing us apart, seriously, who would want another person to cry that much. I mean it is obvious that they are doing prostitution for money, because they need it, and you kill their dog! We feel sorry for them because they were crying for their dogs who tried to protect them. Seriously, tell me, how would you feel? I mean this event is known by every police department in town, why would we hurt them seeing that their customers are already harassing them and creating deadly wounds in their lives. It is not the only thing; there are many stories that include customer brutality, why do not they also put it to the newspaper? They throw rocks at them, they spit on them, and sometimes they even throw emptied beer bottles. It is such a pity...”

Although each one of them was telling the same story, the causes and the results that they had in mind were completely different. Underlining the criminal predisposition of trans sex workers, cop n°13 created a reasonable framework for what happened to them, and created a lucid causality for the murder of their dog. Conversely, police officer n°6 referring to the incident as a customer brutality did not blame trans sex workers, instead he emphasized the severity of their victimized position by stating other examples. This is indicating that none of the police officers, even those working in the same district, possesses the same perspectives when examining and judging the same incidents. At the latest, the slightly open door to commit mistakes was also verbalized:

“Police officers are not artifacts; they are not robots who received the necessary amount on information on everything. Therefore, they are not perfect. It would be wrong to expect perfection from a police officer, since he is a HUMAN BEING. Therefore, he can make mistakes, but that still does not allow them to beat up trans sex workers arbitrarily. I believe that we are still paying for their debts. And I am really glad that I am working with university graduate people nowadays.” (Police officer n°1)

Although the majority of cops were in good terms with trans sex workers, there were also some who could not stand the idea of “a man dressed up as a woman.” This attitude was clearer when two different cops told the same story through two different perspectives. Even this situation is indicating that the police institution is not monolithic and differentiation among cops’ views is persistent. The homophobic and the transphobic stance seem to be shunted during their duty hours; the laws and other juristic formulations are framing cops’ views.

CHAPTER 6

6. Conclusion

In this thesis, I sought to address police brutality towards trans sex workers who have been victims of hateful crimes coming from both state and private actors in Istanbul. The media, LGBT organizations and Human Rights committees' reports indicated the ruthlessness of brutality incidents and subsequently, cops' hateful and prejudiced stance were primarily shown as the reason for the harassments and for their 'gratuitous' arrests. Through police officers' narratives, it became apparent that Turkish police officers' motives are not rooted in their prejudiced stances but rather it is their duty requirements, the organizational flaws and the legal loopholes in the Turkish judicial system that compose a viable ground for the arrests. Consequently, the study results indicated that the arbitrary nature of these arrests was incongruous considering the present juristic framework and their statements about trans sex workers and in addition to that, trans sex workers' life conditions and their brutal behavior superseded cops' hateful stance when they cited the reasons for violent occurrences.

The preliminary researches indicated that sex workers, in general, receive public castigation and compared to the general population, they are said to be at greater risk of viciousness (Weitzer, 2005). The studies also indicated that prostitution's autonomous relation to violence and the marginalization of trans identities constitute the unavoidable motives to brutality occurrences committed by state actors. The gendered nature of victimization and the primary emphasis put on violence against 'sex work' have so far composed the feminist scholarships' focus while examining brutality occurrences against trans sex workers (Nichols, 2010). The intersectional nature of oppression entailing gender and sexual orientation as an explanatory ground for victimization of trans sex workers and the discrepancy between the mainstream sexual identities and the marginalized sexual minorities formulated gender theorists' main endeavor in defining and motioning the reasons of brutality occurrences towards sex workers (Connell & Messerschmidt, 2005). So far, policing theories, the influences of police culture and the implementation of juristic codes have been waved aside in the preliminary researches, and defining brutality within the blankness of policing theories and of police officers' statements was too simplistic.

Therefore, I constructed my research on the grounded hypothesis that drew upon the intersection of gender and feminist theories with policing theories. I intended to understand cops' role in analyzing police brutality. I aimed to answer several questions: "What is a trans sex worker to a Turkish police officer? How do they feel about the brutality occurrences? How do they perceive trans sex workers in the monolithic Turkish gender system?" The research questions I addressed in this thesis endeavored investigating the reasons of brutal behavior of police officers. It aimed to explore whether brutality occurrences were rooted in deeply grounded transphobic feelings of cops or it was just an outcome of the implementation of the juristic framework, an output of the chain of command, a result of the

unconditioned compliance to their supervisors' orders. This thesis, based on the interviews and the field notes I gathered during two months spent with fifteen police officers, expanded the zone of my research from cops' criticisms on the organization of Turkish police institution up to their disparagements of the Turkish judicial system. My research findings illustrate that; contrary to expectations, which enclosed police officers' transphobic stance as the main reason to brutality occurrences; the organizational flaws in the Turkish police institution, the unofficial incentives, the strict chain of command generating unconditioned compliance of cops, citizens' complaints on the police line reflecting the public's castigation on both sex work and trans identities formulated the reasons of the victimization of trans sex workers in Istanbul.

A number of researches designated that there is regularity among cops in a police institution (Crank, 1998; Peak and Glensor, 1999). Although it was assumed that there was a predictable solid pattern in police officers' behavior (in this case a homophobic and a transphobic stance towards LGBT individuals in Turkey), the results of my study designate the opposite by positing the differentiation among their thoughts on trans sex workers, which contradicts with the solidarity bond that should coexist in the police culture (Jermier & Berkes, 1979: 5). Therefore, scholars' suggestions about the variations of the conventional wisdom among cops has been approved with this study, which firmly established the differentiation made among the university-educated police officers and those who were raised in the ranks (Paoline et al., 2000). The scholarly findings also denoted the commonality of certain themes in police culture such as "power, action, urgency, risk, force and machismo" which are said to play an important role in describing policing (DeJong et al., 2001). Although the study was based on the narratives of fifteen cops solely, the resulting patterns show that these dynamics do not possess an acute power on policing trans sex workers; however, the force usage is explicable by the attempt of controlling the situation and by assuring the strict obedience to the law (Jermier & Berkes, 1979:3). These traits are indeed reflecting the core characteristics of quasi-military model of policing, which is explicitly discernable in the organization of Turkish law enforcement system. Even though these traits appeared as reinforcing forces of the preexistent theories on the interlocking systems of gender and sexuality, and thus they were believed to reiterate the dominant homophobic/transphobic police culture; this study confuted this hypothesis by showing that the strict compliance to orders took precedence over all other suggestions.

On the other hand, my respondents' emphasis on the prejudiced stance of the society proved that gender and sexuality dynamics in Turkey are hosting a patriarchal societal system. The masculinity rhetoric, which has a great affect on both societal and official level, finds its roots in this patriarchal system and it is further reaffirmed by cops' comments on society's stance towards trans sex workers. Although the austere castigation of marginalized and sidelined sexual identities has been indicated as an automatic motive to cops' brutal behaviors towards trans sex workers, this research's outcomes put an accent on the activation of the law of Misdemeanors by citizens' complaints, and not by police officers' arbitrary

decisions. Herein, instead of their trans identities per se, their occupational standards and the automatic castigation of the sex work were revealed as the primary reason for the biased reactions of citizens.

Moving along with the main points of my analysis, I would like to highlight the segmentation of the city in four central areas in terms of trans sex workers' main allocations. This division generated a remarkable difference within these four settings, which are hosting both indoor and outdoor sex workers. This allotment appeared to be highly influenced by the implementation of the juristic conjuncture (criminal codes regulating misdemeanors and prostitution related acts) since the application the Law of Misdemeanors prevents trans sex workers' engagement in outdoor prostitution at first hand. The street prostitution is therefore foreclosed, and those who publically seek for customers are punished with a routine fine according to this juristic code, and not according to cops' own decisions. Cops, although they are empathetic with trans sex workers' situation, they are executing their duties, knowing that the fines will aggravate their situation. Accordingly, the vicious circle in trans sex workers' life is reinforced: Research findings indicated that trans sex workers who seek for customers on the streets are at the bottom of the hierarchical strata and hereupon the daily fines that they receive makes their life harder than it already is. The study also implemented that the more they are out in the streets for prostitution purposes, the more they are getting away from reaching the financial standards that indoor sex workers have.

As a result, the same juristic framework, fundamentally penalizing street prostitution, created an obvious discrepancy between outdoor and indoor prostitution. Indoor sex workers, free from brutality occurrences, were able to ameliorate their life standards. However, sex workers performing in the streets are usually reflected as victims of their customers and therefore they are obliged to protect themselves by constant disposition of sharp objects. Research findings showed that cops are intimidated by outdoor sex workers for various reasons and they do not even consider going to the blacklisted areas, unless there is a supervisor's order or a police line complaint. At this point, the description of their jobs, the judicial and the organizational context of Turkish police system has been detailed. Herein, the strict chain of command requiring unconditional obedience to commanders and to the rest of necessities of policing compels police officers' presence in these areas in order to intercept "immoral behavior" of trans sex workers. Bonus points, namely the organizational incentives, emerge as an impulsion to take action towards those who set the law at defiance.

Moreover, the law of Misdemeanors chastening immorality actions and shameless behaviors creates an immense loophole since it does not define the exact morality norms to follow. The juristic framework, penalizing actions and not identities per se, is directly applied on trans sex workers given that they are the easy target: they receive castigation both from the public, and the supervisors in police stations. At the same time, the masculinity rhetoric finds a scope of application in policing trans sex workers' field. The law of Misdemeanors and the bonus points that cops receive for making a certain amount of arrests

can be interpreted as contributing to the reinforcement of their masculinities. As Cooper (2008: 671) highlights, the importance of ranking in the police stations reflects the realm of the manhood and in this case, it is explicitly reinforced by the merit of a reward. As a result, even though cops do not have hateful stance towards them; the organizational enticements and the public complaints made on the police line necessitates cops to take action on trans sex workers' presence in certain districts. As a result, the juristic framework, implemented as a goal to attain in the case of the application of the Law of Misdemeanors, shifts into an alterable instrument that is disrupted while bringing the Law of Prostitution into action, as discussed in the thesis.

To sum up, my findings show that the laws regulating the communal life in Istanbul were designed to prevent certain public performances and to penalize certain behavior. The juristic framework regulating the prostitution legalized the individual sex work and condemned other prostitution related acts (trafficking, forcing, providing a place, etc). The law of Misdemeanors activated in 2005, was devised to secure public morality and to penalize those who override the morality norms. The definitional absence of the mandatory morality norms induced a big legal loophole, and it has further provided a redundant discretionary power to police officers. This discretionary power has subsequently created a fair suspense in cops' behavior and it prepared a feasible ground for characterizing the arrests and the fines that they give to trans sex workers as arbitrary and random.

However, the root cause of this situation has been institutionalized by the parliament by the authorization of the law of Misdemeanors that keeps receiving criticism by supreme Human Rights organizations. Nonetheless, the public seem unsatisfied with the results of this law, since it does not erase the whole traces of trans sex workers and therefore they keep on throwing rocks, or beer bottles as is being illustrated in Human Rights reports and also according to my respondents. The attention taken towards police brutality has only been reflected in the media for over the last few years therefore we cannot claim that brutality occurrences have been sudden. The societal acceptance of famous trans individuals collides with citizens' disparagements of trans sex workers and it creates indeed an ambiguous situation. Therefore, I suggest that in future studies, the laws and the catalyzing effects of their activations, such as the neighborhood's complaints, the reasoning of the society and the effect of trans individuals on sexuality norms should be investigated in order to enhance the existing and limited data and to make sense of cops' behavior.

This thesis has reached the perceptions of Turkish police officers, their understanding of variations of life and the dynamics that influence in depth the process of implementation of the laws regulating the lives of trans sex workers. Although the analysis of the policing field has been investigated thoroughly, the focus on policing trans sex workers is relatively new. Therefore, this research should be taken as a first step in the implementation of the "other side's" views, which will manifestly strengthen the existing knowledge. As the scope of this research was limited with fifteen police officers, I believe that further ethnographic

research on policing trans sex workers should be conducted to make sense of police officers' behaviors and to be able to create a larger pattern regarding the results. I also believe that this research can open new doors in the policy-making processes.

The juristic framework, which encloses and simultaneously limits certain behavior, catalyzes the intolerance rhetoric emerging through the transphobic stance of the society; and consequently, the legal structure is ruthlessly punishing a vulnerable group. Trans individuals' situation within the current Turkish judicial framework, does not only reflect a situation of intolerance but rather it designates a matter of inequality and injustice. This study implies that trans individuals are deeply in need of juristic recognition and protection in order to achieve decent life standards, and police officers are not the ones to be blamed for the current situation since the whole juristic system plays the role of guardian of morality, sometimes reinforced by the incentives but mostly by the strict obedience to the chain of command.

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Appendix

1- Interview Questions

1- *Travesti deyince sizin aklınıza ne geliyor?*

What does it mean to you the word *travesti*?

2- *“Travesti” bir polis için ne ifade ediyor?*

What is a trans sex worker / a *travesti* to a police officer?

3- *Travestiler İstanbul’da nasıl bir durumdadalar?*

What is the situation of trans sex workers in İstanbul?

4- *Seks isciliğiyle badgastiriyor musunuz hemen? Cevabiniz evet ise neden?*

Do you always relate this word “transvestite” with sex work? If that is the case, why?

5- *Seks isciliği yapan travestilerin İstanbul’daki durumlarını polis merceğinden açıklayabilir misiniz?*

Could you please explain me the situation of trans sex workers though a criminal perspective?

6- *Travestiler genel olarak hangi suçlardan oturu sorun yaşıyorlar polis memurlarıyla?*

What kinds of problems are taking place between cops and trans sex workers? What about legal and social problems?

7- *Kabahatler Kanunu’nun (no:5326) 2005 yılında degismesiyle ne gibi farklılıklar oldu?*

What kinds of differences did the law of Misdemeanors bring in 2005?

8- *Kabahler Kanunu’nun travestiler üzerindeki etkileri neler?*

What is the effect of this law? How do you execute this law?

How do you define public morality?

9- *Kanun dışı hareketleri travestilerle badgastiriyor musunuz?*

Would you relate illegal acts with trans sex workers? Is this bond a strong one?

10- *Travestilerin İstanbul’daki durumunu son 10 yıllık bir süreçte nasıl görüyorsunuz?*

What do you think of their situation in 10 years from now on?

11- *Artis veya azalis var mi? Varsa bunun sebepleri neler?*

Do you think there is a decrease or an increase? Why do you think there is such a change if you think there is?

12- *Sehrin hangi kısımlarında daha çok sorun yaşıyor?*

In which parts of the city do you have occurrences that are more problematic?

13- *Bunun sebepleri neler? Neden belirli bölgelerde bir yoğunluk oluyor? ve bu merkezden verilen emirleri ne yönde etkiliyor?*

Do these differences between various districts influence the commands that you receive from your supervisors?

14- *Travestiler bu bolgelerde polislere ne gibi sorunlar yaratiyorlar?*

What kinds of problems do you happen to have with trans sex workers in these busy areas of the city?

15- *Yarattıkları bu sorunlar karısında bir polis memurunun kanuni hakları dogrultusunda yapabilecegi hareketler nelerdir?*

What a police officer can and can not do when talking within the juristic framework? What kinds of power are given by the law?

16- *Orantısız güc ve gereğinden fazla güc konularında polis departmanlarının özel bir açıklaması bulunmakta mı? Nelere orantısız güc denmekte? Aradaki ince çizgi nasıl çiziliyor?*

What is excessive force how do you define it? How does the law define it? Do police departments have a special proclamation for excessive force? Is it hard to draw the line between excessive and logic force?

17- *Bunları göz önünde bulundurarak, bir kaç adım önceki soruma geri dönersek, gereğinden fazla kuvvet kullandığını veya orantısız güc kullandığını söyleyebilir miyiz?*

Would you define the behavior of police officers towards trans sex workers as an example of excessive force? If not, why?

18- *TV'lerden ve gazetelerden okuduğumuz/izlediğimiz haberlerin doğruluğu yansıtırlık payı ne kadar?*

What do you think about the media instruments' reflections? The news that are always blaming cops for harassing trans sex workers? And how about the LGBT and human rights reports?

19- *Eğer TV'da ve gazetelerde yansıtılan olaylar (polisin travestiler üzerinde şiddet uygulaması, bu şiddetin yersiz, orantısız olması, polis gereksiz yere güc kullanıyor olması, sözlü ve fiziksel saldırıda bulunuyor olması) gerçekse bunun sebebi sizce nedir?*

Considering that this news is for real, what is the reason? Why would a police officer harass a trans sex worker?

20- *Polislerden kaynaklanan bir sorun olarak mı görüyorsunuz? Yani bu soruyu biraz acımasız gerekirse, polis memurunun kişisel bir alıp verememezlği olduğunu mu söyleyebilir miyiz? Yoksa polis departmanlarında amirlerin verdiği emirler dogrultusunda mi hareket edildiğini, kişisel hic bir sorun olmadığını mi düşünüyorsunuz? Yoksa tamamen başka bir durum müdür sizce?*

Is it something personal? Does the police officer X or Y have something against trans sex workers, because of different reason?

21- *Eğer kişisel bir sorun yoksa ve bu tamamen emir komuta zincirinin bir yanismasıysa, amirlerin aldığı bu kararların sebepleri sizce neler?*

What is your position in the police department? How many supervisors do you have? How does the chain of command working?

22- *Travestilerle polis arasındaki bu arbedenin Büyük bir sorun olduğunu düşünüyor musunuz?*

Would you consider the occurrences between cops and trans sex workers as a big deal? Or is it "normal" to you?

23- *Eğer oyleyse bu sorunun çözümü için ne gibi önemler alınabilir veya ileriye donuk ne gibi adımlar atılabilir?*

What would you suggest? What would your suggestions be for putting an end to all the news and bad occurrences?

Appendix 2 – Vicious Circle Diagram

