

Delay as State Violence

Reviewed by Irene Were

Ceylan Begüm Yıldız, *State Violence and Legal Accountability: The Wait for Justice*. Routledge, 2025.

I. Introduction

In the last decade, Turkey has faced mounting scrutiny over state violence, mass protests, and the erosion of judicial independence.¹ From Gezi Park in 2013 to the post-2016 state of emergency² patterns of policing and accountability have become central to debates about democracy and the rule of law.³ Similar patterns appear in Kenya, where extrajudicial killings, police brutality during protests, and delayed investigations have raised parallel questions about state accountability and the rule of law. Within this context, questions about how states delay, defer, and manage demands for justice have taken on new urgency. Ceylan Begüm Yıldız's *State Violence and Legal Accountability: The Wait for Justice* (2025) enters this conversation by examining one such mechanism: the state's use of "waiting" as a tool of governance.⁴ This review argues that Ceylan Begüm Yıldız's framework exposes how procedural delay constitutes state violence. The book reframes impunity not as law's breakdown but as law's specific operation. Yet Yıldız's emphasis on police as "ghostly figures" underplays individual discretion. Officers choose how they deploy delegated

¹ Human Rights Watch, *World Report 2024: Turkey* (2024), <https://www.hrw.org/world-report/2024/country-chapters/turkey> (discussing state violence and judicial independence concerns).

² Bülent Algan, "Judicial Independence in Turkey: A Post-Emergency Assessment," *Turkish Studies* 14 (2013): 201; Council of Europe, *Report on Turkey's Compliance with Rule of Law Standards* (Strasbourg: Council of Europe, 2022).

³ F. Kinoti, "Police Reforms: Killing the Leviathan, a Case for Command Responsibility for Police Superiors in Kenya" (2022), <https://ssrn.com/abstract=4312492>; Ceylan Begüm Yıldız, *State Violence and Legal Accountability: The Wait for Justice* (Abingdon, Oxon: Routledge, 2025), 1–3 (framing "waiting" as governance).

⁴ Yıldız, *State Violence*, 4.

authority. That choice generates an ethical breach when policing abandons law's purpose: protecting fellow citizens. Consequently, rule of law reform demands both independent courts and an ethical re-constitution of police obligation.⁵

Each of the four chapters talks about the notion of state violence and different manifestations, the meaning and assumptions. Chapter one interprets the police violence as state violence, based on the actions of the state, and how the police is not brought to account after the killings, the state action towards its critics and protestors. Chapter two analyzes the mythical imaginary of the state through its actions, the president and prime minister responding to Berkin Elvan's death as being self-inflicted, accuses Elvan as acting as a terrorist, accusing his family of poor upbringing and declares he doesn't deserve accountability. In chapter three, she reflects on the People's Front militant's hostage taking of the then head of prosecution in Elvan's case, viewing it as a reaction to state violence and its unaccountability. In chapter four, she represents the reading of the legal process of Elvan's case through Franz Kafka's 2007 famous parable, 'before the law', exposing the issue of repetitive failure of accountability in state violence cases. This book provides a progressive examination of how state violence is constructed, justified, and sustained through political, institutional, and legal processes. Across the four chapters, it explores from police violence and impunity, to state myth-making around Elvan's death, to public reactions, and finally to the legal system's Kafkaesque deferral of justice.

II. Contextual analysis

Yıldız's analysis begins on the 2013 killing of Berkin Elvan in Istanbul's Okmeydani district.¹ On June 16, 2013, during the Gezi Park protests, 14-year-old Elvan was struck in the head by a tear gas canister while crossing the road to buy bread.⁶ He died after almost a year

⁵ Yıldız, *State Violence and Legal Accountability*.

⁶ Yıldız, *State Violence*, 12, 17.

in an intensive care unit, in a coma on March 11, 2014.⁷ The criminal trial of officer Fatih Dalgali began in 2016 and produced a conviction in 2021 for intent to kill.⁸ Yet the court sentenced Dalgali to sixteen years and eight months but did not order his arrest; he remains a police officer still charging his duties according to juridical control provisions, though prevented from leaving the country.⁹ In March 2023, the Regional Court of Appeal rejected the application of Istanbul bar association to challenge the decision, and upheld the sentence despite dissent that it was too low for killing a minor.¹⁰ The Elvan family has sought justice for more than a decade and the legal process remains ongoing.¹¹

Okmeydani shapes the legal aftermath. Home to a large Alevi and Kurdish population, the district experiences what Deniz Yonucu terms counterinsurgency policing: a violence regime where emergency powers become the norm.¹² Yıldız argues that a ‘colonial logic’ operates here, the state rules targeted communities primarily through force and communicates through violence, making violence appear as fate.¹³ This spatial context frames her reading of the trial: delay and inconclusive verdicts are not exceptions but techniques of governance in neighbourhoods like Okmeydani.¹⁴

III. Argument

Yıldız’s waiting apparatus thesis reframes impunity as law’s specific operation, not its breakdown.¹⁵ This review agrees: the Berkin Elvan case demonstrates that procedural delay

⁷ Yıldız, *State Violence*, 17.

⁸ Yıldız, *State Violence*, 104–6.

⁹ Yıldız, *State Violence*, 106.

¹⁰ Yıldız, *State Violence*, 106.

¹¹ Yıldız, *State Violence* (noting the family has been seeking justice “for more than a decade”).

¹² Yıldız, *State Violence*, 4, 21, citing Deniz Yonucu, “Analysis of Urban Poor Neighbourhoods and Their Systemic Criminalization” (2014).

¹³ Yıldız, *State Violence*, 5, 21, citing Deniz Yonucu, *Police, Provocation, Politics: Counterinsurgency in Istanbul* (Ithaca, NY: Cornell University Press, 2022).

¹⁴ Yıldız, *State Violence*, 13–14, 38, 43, citing Walter Benjamin, “Critique of Violence,” in *Reflections: Essays, Aphorisms, Autobiographical Writings*, trans. Edmund Jephcott (New York: Schocken Books, 2007), 277.

¹⁵ Yıldız, *State Violence*, 13–14.

constitutes state violence. Yet Yıldız's framework, built on "ghostly figures" and mythical authority, underplays individual discretion. Officers, prosecutors, and judges choose how they deploy delegated power. When that choice extends waiting, it breaches ethical standards of policing's purpose which is to protect fellow citizens. Consequently, rule of law reform demands both independent courts and an ethical training of police department.

The Waiting Apparatus

Yıldız demonstrates that law operates through delay. To explain how this delay works as power, Chapter Four, "State Violence on Trial," returns to Elvan through Franz Kafka's parable "Before the Law."¹⁶ Here Yıldız stages a theoretical confrontation. She invokes Jacques Derrida's (1992) insistence that "justice does not wait" and that "justice can neither be reduced to the calculation of the law or legal system nor to the calculation of state economy."¹⁷ Against this ideal, she sets James R. Martel's (2012) claim that "the act of waiting before the law transforms the subject by rendering him 'an obedient subject.'¹⁸ This tension structures her waiting apparatus: law promises Derridean justice while producing Martelian obedience.¹⁹ She bases this abstract tension in Turkey through Özgür Sevgi Göral's (2019) analysis of "waiting for justice" provides the immediate Turkish empirical frame.²⁰

The Elvan family waited eight years for a trial to begin and over a decade for a final verdict.²¹

Even after conviction, officer Fatih Dalgacı was sentenced to sixteen years and eight months

¹⁶ Yıldız, *State Violence*, 109.

¹⁷ Yıldız, *State Violence*, 111, 131, quoting Jacques Derrida, "Force of Law: The 'Mystical Foundation of Authority,'" in *Deconstruction and the Possibility of Justice*, ed. Drucilla Cornell et al. (New York: Routledge, 1992), 3, 28.

¹⁸ Yıldız, *State Violence*, 132–33, quoting James R. Martel, "Waiting for Justice: Benjamin and Derrida on Sovereignty and Its Undoing," in *The One and Only Law: Walter Benjamin and the Second Commandment* (2012), 95, 101.

¹⁹ Yıldız, *State Violence*, 133, 135.

²⁰ Yıldız, *State Violence*, 135, citing Özgür Sevgi Göral, *Waiting for Justice* (2019).

²¹ Yıldız, *State Violence*, 104.

but never arrested. He “still continues to carry out his duties as a police officer” under juridical control.²² In March 2023, the Regional Court of Appeal upheld this sentence despite dissent that killing a minor warranted more.²³ Yıldız argues this conflicting verdict guilty but free is not legal failure but legal performance.²⁴ Citing Göral, she defines this as a waiting apparatus: the law promises justice while ensuring that justice-seeking subjects remain “held in suspense.”²⁵

This apparatus transforms subjects. Drawing on Martel, Yıldız shows that “the act of waiting before the law transforms the subject by rendering him ‘an obedient subject.’”²⁶ The family’s decade of legal petitions, appeals, and hearings produced obedience to process rather than resolution. Chapter Three, “Countering Violence,” examines the 2015 hostage taking of prosecutor Mehmet Selim Kiraz.²⁷ Yıldız argues the hostage taking by the People’s Front marked the turning point for the Gezi protest’s legal aftermath, a direct response to the state’s failure to prosecute Elvan’s killer.²⁸ For Yıldız, both outcomes prove the thesis. Waiting produces either docile or violent subjects, but it always reproduces state power.

IV. The Ghostly Frame: Where the Apparatus Obscures Ethics

In chapter One, “The Murderer State Will Be Held to Account,” interprets police killings as state violence and asks whether the state can judge itself.²⁹ Drawing on Avery Gordon’s *Ghostly Matters* (2008), Yıldız frames police power as a haunting presence that exceeds legality.³⁰ She employs Meleyna Kay Lamb’s (2024) analysis of police power as an archaic

²² Yıldız, *State Violence*, 106.

²³ Yıldız, *State Violence*, 106–7.

²⁴ Yıldız, *State Violence*, 106.

²⁵ Yıldız, *State Violence*, citing Özgür Sevgi Göral (2019, 2021), defining the “operation of law as a waiting apparatus” as “a form of legal violence.”

²⁶ Yıldız, *State Violence*, 132–33.

²⁷ Yıldız, *State Violence*, 78.

²⁸ Yıldız, *State Violence*, 75 (arguing the hostage taking by the People’s Front marked the turning point for the Gezi protests’ legal aftermath), citing Boran Yayınları (2017), 59.

²⁹ Yıldız, *State Violence*, 1.

³⁰ Yıldız, *State Violence*, 10, citing Avery F. Gordon, *Ghostly Matters: Haunting and the Sociological Imagination* (Minneapolis: University of Minnesota Press, 2008).

character to show how discretion becomes deadly.³¹ Having established police violence as a ghostly and unaccountable force, Yıldız then turns to how the state legitimizes that violence through public narrative. Chapter Two, “Stately Performatives,” begins on page 51 and analyzes official speech after Elvan’s death.³² Here Yıldız uses Judith Butler’s (2011) work on state performativity and Jacqueline Rose’s *States of Fantasy* (1996) to argue that the mythical imaginary of the state is constructed through speech acts that cast victims as terrorists.³³ Building on this, she draws on Michael Taussig’s (1992) claim that police “enact violence on behalf of high authority” underpins her reading of impunity.³⁴

This framing risks dissolving responsibility. If police are “ghostly figures” of a mythical apparatus, then no one is accountable for the tear gas canister that struck Elvan. Derrida insists “justice does not wait” and cannot be reduced to “the calculation of the law or legal system.”³⁵ Yet p. 106 shows justice waited more than a decade. The calculation was exact, sixteen years and eight months, but Dalgalı remained free.³⁶ The apparatus did not ghost-write this verdict. Judges wrote it. They chose juridical control over arrest. The Istanbul police chief chose to keep Dalgalı on duty. These are not mythical acts, they are discretionary decisions.

Martel’s “obedient subject” cuts both ways. If waiting transforms citizens into obedient subjects, it also transforms officers. Dalgalı obeyed the order to fire tear gas in Okmeydani, a neighbourhood Yonucu shows is governed through counterinsurgency policing.³⁷ But obedience to unlawful force is still a choice. Taussig claims police enact violence for “high

³¹ Yıldız, *State Violence*, 6, citing Meleyna Kay Lamb, “Police Power – Archaic Character” (2024).

³² Yıldız, *State Violence*, 51.

³³ Yıldız, *State Violence*, 12, citing Judith Butler, “Bodies in Alliance and the Politics of the Street,” in *Notes Toward a Performative Theory of Assembly* (2011); Yıldız, *State Violence*, 27, citing Jacqueline Rose, *States of Fantasy* (Oxford: Clarendon Press, 1996).

³⁴ Yıldız, *State Violence*, 11, citing Michael Taussig, *The Magic of the State* (1992).

³⁵ Yıldız, *State Violence*, 111, 131.

³⁶ Yıldız, *State Violence*, 106.

³⁷ Yıldız, *State Violence*, 21.

authority.”³⁸ Yet the law’s purpose, even in an emergency, is protection. When policing abandons that purpose and instead produces waiting, it commits an ethical breach. The hostage takers recognized this: they targeted a prosecutor because the courts made them wait.³⁹ But their violence did not end the wait. Dalgalı is still a police officer.⁴⁰ The waiting apparatus outlasted the refusal of waiting because individual officials chose to sustain it.

V. Ethical Re-constitution: Police killer Against the ‘Apparatus’

If “justice does not wait,” then every day of delay from June 16, 2013 to March 2023 was unjust.⁴¹ The ethical question is not simply whether the apparatus exists; Yıldız proves it does. Rather, the true question is: who operates that apparatus?

Police discretion is constitution of law, not external to it. Butler and Rose show that state performatives create enemies through fantasy. Officers perform that fantasy when they fire into Okmeydani. But they can refuse the script. An officer can decline to launch tear gas at a 14-year-old. A prosecutor can indict without political instruction. A judge can order arrest upon conviction. These refusals are what Derrida calls justice: a decision that cannot wait for calculation.

Yıldız’s waiting apparatus exposes structural violence. But structure is enacted by persons. The verdict on “p. 106” performs legal failure, but judges perform the verdict. Calling them “ghostly” mystifies their agency. Dalgalı is not a ghost. He is a police officer who killed a child and remains empowered by the state to bear arms.³⁹ That is the ethical scandal.

Therefore, rule of law reform requires two moves. First, structural: independent courts must break the apparatus by ending inconclusive verdicts. Arrest must follow conviction. Second, ethical: police obligation must be re-constituted around the citizen, not the mythical state.

³⁸ Yıldız, *State Violence*, 11.

³⁹ Yıldız, *State Violence*, 75.

⁴⁰ Yıldız, *State Violence*, 106.

⁴¹ Yıldız, *State Violence*, 111.

Training in discretion must center the duty not to make fellow citizens wait for justice.

Because as Elvan's case shows, when the wait never ends, the law does not just fail, it kills.

Conclusion

Yıldız's *State Violence and Legal Accountability* makes a decisive contribution to socio-legal scholarship in Turkey and beyond. By theorizing the waiting apparatus, Yıldız reframes impunity from law's absence to law's specific operation through delay.⁴² Her reading of the Berkin Elvan case demonstrates how courts perform legal failure: delivering a sixteen-year sentence while refusing arrest, ensuring the perpetrator remains a police officer.⁴³ This analysis moves beyond proceduralist accounts of rule of law breakdown. It shows that inconclusive verdicts are not glitches in the system but the system's logic.

The book's strength is its synthesis of critical theory and ethnographic detail. Yıldız stages Derrida's "justice does not wait" against Martel's "obedient subject" to explain how waiting sustains state power.⁴⁴ She situates this within Okmeydani, where Yonucu's work on counterinsurgency policing reveals a colonial logic that governs through force.⁴⁵ The mythical imaginary, built through Butler's performatives and Rose's fantasy, explains how officials evade responsibility by displacing violence onto the abstraction of "the state."⁴⁶ Yet, this review argues that the "ghostly figures" frame obscures the ethical dimension of discretion. If the waiting apparatus operates through inconclusive verdicts, then judges, prosecutors, and officers are the operators. Benjamin shows police violence is mythical, but myths are enacted by humans.⁴⁷ Dalgacı's continued service is not a ghost story. It is a choice.⁴⁸

⁴² Yıldız, *State Violence*, 12, 27.

⁴³ Yıldız, *State Violence*, 13–14, 106.

⁴⁴ Yıldız, *State Violence*, 106.

⁴⁵ Yıldız, *State Violence*, 111, 131 (Derrida); 132–33 (Martel).

⁴⁶ Yıldız, *State Violence*, 21.

⁴⁷ Yıldız, *State Violence*, 12, 27.

⁴⁸ Yıldız, *State Violence*, 38, 43.

Thus, Yıldız's intervention opens two paths for future scholarship and reform. First, empirical studies must document how individual officials sustain waiting: who adjourns, who denies arrest, and who signs off on juridical control. Second, rule of law reform must target police ethics. If justice does not wait, then policing must be re-constituted around a duty not to make citizens wait. The Elvan family waited more than a decade.⁴⁹ Law's promise remains unfulfilled. Yıldız shows us why. The task now is to name who kept them waiting.

⁴⁹ Yıldız, *State Violence*, 106.