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SPECIAL ISSUE ARTICLE OPEN ACCESS

Governing Through Criminal Selectivity and Lawfare: Non-Democratic Politics to Entrench Authoritarian Populist Imagination

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ABSTRACT

Across much of the Global South and increasingly in the Global North, authoritarian populist imagination blurs boundaries between legality and illegality, weaponising law to suppress dissent while tolerating violence by allied actors. This imagination establishes a symbolic boundary mechanism between punitive/eliminative violence for political dissidents and marginalised groups, and the impunity of violence for privileged groups aligned with incumbent political power. Non-democratic politics in Turkey demonstrate how the incumbent regime's shifting sense of power due to declining popular support translates into more explicitly coercive strategies and the masculinist entrenchment of authoritarian populist imagination. Criminal selectivity and lawfare are utilised for this purpose; however, their effectiveness is underpinned by *cultural intimacies* that reflect the cultural and political processes of negotiation and recognition between the top-down majoritarian–authoritarian–securitarian political agenda and its bottom-up receptions. Cultural intimacies rooted in masculinist entrenchment involve both the enactment of familial codes as a cultural template for the *masculinist protection* of the family, state and nation, and the performance of *swashbuckling masculinity* as a cultural script for righteous aggression against targeted groups. Both reframe the mechanism of criminal selectivity and lawfare, reinforcing the incumbent regime's authoritarian populist imagination by constantly presenting itself as an indispensable and invincible ruling actor.

1 | Introduction

We are witnessing a dramatic political transformation in Turkey; some would define it as a shift from a competitive authoritarianism that treats elections as a key feature to a full-fledged one that casts doubt on whether elections can ever bring about change (Tol 2025). The incumbent power has attempted to eliminate its main rival, Ekrem İmamoğlu, the mayor of İstanbul, as the opposition's potential presidential candidate (Hubbard and Timur 2025), by imprisoning him on unsubstantiated, unconvincing charges. This also precedes an expansion of criminal accusations against other mayors from the main opposition party, CHP (i.e., the Republican

People's Party), resulting in their unjustified imprisonment. Accusations are varied and vague but mainly consist of three strands: first, leading a criminal organisation for corruption; second, aiding a terrorist organisation just because of their partial electoral cooperation in the local elections with the pro-Kurdish DEM Party (i.e., People's Equality and Democracy Party); and third, espionage activities. These recent developments show that we face a *lawfare mechanism* similar to the Brazilian case, in which former president Lula was jailed on corruption charges (Büyükyüksel 2026). In both instances, we can observe lawfare as a weaponisation of law and jurisdiction for political purposes (Zaffaroniet al. 2023). As in Brazil, many cases rely on secret

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witnesses, anonymous tips and confessions taken under pressure, rather than on concrete material evidence. In this way, political power employs *criminal selectivity* with mafia-like tactics, using carrots and sticks to compel some opposition politicians to switch to the ruling party (AKP—Justice and Development Party) and gain legal immunity, or else face criminal accusations and imprisonment. Lawfare also extends beyond the political opposition to the media, business networks, cultural sectors, sports clubs and security-related domains (Büyükyüksel 2026) by setting boundaries that constitute a majoritarian image, not on the basis of the number of genuine supporters but on the basis of broader public acquiescence through their silence.

President Erdoğan has ardently supported the prosecutor's accusations and the judicial decisions imposing prolonged detainments, stating that Turkey is 'a state of jurisdiction' to portray the judiciary as independent and the rule of law as unshattered. However, the statement has not been deemed convincing, as polls¹ show that a clear majority of the public views these criminal accusations and judicial decisions as politically motivated rather than as genuine investigations into alleged corruption. It is not because they fully believe in the innocence of these mayors, but because they are well aware that it is harder to find such an independent judicial system that dares to investigate the far-reaching corruption² in institutions, especially when it involves members of the political power and their allies.³ Furthermore, the accusations concerning aiding a terrorist organisation are also unconvincing, especially because the government authorities are promoting a new peace initiative with the Kurdish political movement and the PKK (i.e., Kurdistan Workers' Party), while simultaneously criminalising the opposition for having the same democratic contacts with the political representatives of the movement. It reveals the double standards woven into lawfare that aim to break potential Turkish–Kurdish opposition alliances (Büyükyüksel 2026) while reinforcing the incumbent regime's authoritarian populist imagination (Yetiş 2025a) by constantly presenting itself as an indispensable and invincible ruling actor.

The preferred statement of 'the state of jurisdiction' rather than 'the state of law' suggests more than a Freudian slip; it indicates an ongoing shift in the regime from the rule of law to lawfare, as the jurisdiction under the control of political power becomes the main instrument for enforcing an authoritarian populist imagination embedded within a majoritarian, authoritarian and securitarian (MAS) political agenda. In this article, I argue that lawfare, as the weaponisation of the law to entrench an authoritarian populist imagination, is not a new phenomenon in Turkey, yet it has become a primary instrument of the incumbent regime, aligning with the regime's recent sense of power, as evidenced by President Erdoğan promoting the initial prosecutor of the case to the Ministry of Justice. Lawfare within the authoritarian populist imagination does not expect the public to genuinely embrace and support the MAS political agenda; rather, it requires them to be indifferent and silent, thereby fatalistically normalising (Yetiş and Bakırloğlu 2023) and condoning the continued existence of incumbent political power as an indispensable and invincible ruling actor.

In this article, I analyse the meaning of the ongoing shift in politics through the concepts of criminal selectivity and lawfare, both of which signify an increase in non-democratic politics in

Turkey, even as democratic resistance from below remains alive. Although many scholars use concepts like 'illiberal democracy' (e.g., Turkmen-Dervisoglu 2015), 'delegative democracy' (e.g., Taş 2015), 'competitive authoritarianism' (e.g., Özbudun 2015; Sözen 2019), 'weak authoritarian regime' (e.g., Akkoyunlu and Öktem 2016) and 'electoral authoritarianism' (e.g., Arslantaş and Kaiser 2023) to define the authoritarian turn and democratic backsliding in Turkey, I avoid engaging in these ideational debates. This is primarily because fixed definitions often fail to capture the complexity of evolving political, social and cultural processes. Instead, I use *non-democratic politics* (Márquez 2017) to define the ongoing shift in politics, not least because the prospect of a free and fair election seems to be jeopardised on the horizon of Turkish politics. Even if free and fair elections are not sufficient criteria for a well-functioning democratic system, they are a necessary condition for it. In non-democratic systems, changing the government through elections and political competition seems unlikely, if not impossible. Lawfare primarily serves to render such a change impossible by weaponising the law to eliminate political rivals who could win an election and take over the government. It also serves to maintain the MAS political agenda by suffocating the emergent political domain and democratic resistance that could dismantle authoritarian populist imagination.

To analyse the lawfare mechanism in Turkey, we need to understand its enactment through criminal selectivity, which establishes a symbolic boundary mechanism via the operation of permissible violence that lies between punitive/eliminative violence and the impunity of violence. While the former is reserved for political dissidents and the most marginalised groups, the latter is granted to groups aligned with political power and/or those enjoying social privilege and power over the most oppressed and exploited groups. This boundary also signifies the lines of a majoritarian dominance, authoritarian rules and securitarian control mechanisms.

2 | Authoritarian Populist Imagination and the MAS Political Agenda

Right-wing authoritarian populism is widely considered a political strategy whose polarisation logic helps populist movements come to power or remain in power across different contexts. Across much of the Global South and increasingly mimicked in the Global North, from Brazil, India and the Philippines to the United States, Hungary and Poland, authoritarian populist politics blur the boundaries between legality and illegality, weaponising law to suppress dissent while tolerating violence by allied actors. We are witnessing them threatening democratic institutions and undermining the rule of law by encouraging punitive/eliminative violence against social movements resisting authoritarian tendencies (Yetiş 2025a). Turkey exemplifies this troubling dynamic, as the selective deployment of legality erodes rights and normalises coercion in everyday governance. However, I suggest considering authoritarian populism as a form of political imagination (Sakki and Hakoköngäs 2025), distinct from a political strategy, which involves discursive practices that render preexisting socio-political boundaries more concrete and severe, on the basis of factors such as gender, race, ethnicity, religion, class, as well as different lifestyles and worldviews.

These boundaries erode social trust and collective efficacy by perpetuating social distance between different groups. Nonetheless, authoritarian populism as a political imagination not only operates through its polarising logic but also paralyses thought processes for alternative imaginings and entraps people in its mind-confusing maze. The confusion created by authoritarian populist imagination is likely to reorient people into the very same logic of simplistic divisions that reinforce the preexisting socio-political boundaries between groups. As an authoritarian populist imagination is embedded in the MAS political agenda, each component requires further clarification.

First, the majoritarian agenda reinforces a polarising logic operatively targeting various groups who stand up against the regime and depicts them as estranged from traditional social values and norms enshrined in the discourse of 'native and national' [*yerli ve milli*], allegedly signifying the majority of the society (i.e., Turkish Sunni Muslim). Second, the authoritarian agenda fosters a sense of omnipotence over just about everything in society (even private issues) and allows political power to intrude in citizens' lives, and with the inclusion of violence and acting above the law. Hence, nobody's rights are protected (by the rule of law) in this authoritarian agenda: Demonstrating loyalty to political power and supporting its politics become crucial for reaping rewards, whereas expressing discontent or criticism often leads to harsh punishment. Third, the securitarian agenda aligns itself with majoritarian and authoritarian agendas by fabricating conspiracies that depict threats, such as the LGBTQ communities as agents of external forces and a part of an imaginary terrorist assemblage against society, nation and family—the latter of which is regarded as the core unit of the former two. This securitarian agenda harbours eliminative motives and appeals to the concept of terrorism to target real or imaginary enemies and to generate political agitation on the basis of feelings of fear and anxiety that can mobilise people towards its political agenda. It also signals to the public the boundaries set by political power and indicates what constitutes permissible and legitimate use of violence and against whom, as part of dog-whistle tactics. With this securitarian agenda, the authoritarian regime conflates its survival with state security, thereby legitimising coercive and militarised strategies (Çağlar 2025). While there is little evidence that top-down MAS politics are unconditionally accepted or genuinely supported by the public, it is equally hard to claim that these politics are met with outright rejection or sweeping resistance from below, given that the government has consolidated its political power by gradually implementing them over the past two decades.

As it is hard to observe a homogeneous social structure corresponding to the majoritarian agenda, authoritarian populist imagination is not grounded in sociological and political reality but rather involves ongoing cultural and political processes of negotiation and recognition between the top-down MAS agenda and its bottom-up receptions. Drawing from Hall's (1980) theory of encoding/decoding, the negotiated position does not question the authority of the dominant discourse while recognising to some extent its constructed nature, and I argue that a sense of cultural intimacy (Herzfeld 2016) involves recognising aspects of cultural identity through such negotiation that may be considered embarrassing or indecent externally; however, it can also foster a sense of belonging for insiders. Such cultural intimacy is

evident when society is fully aware that the judiciary is not an independent state institution, and that the rule of law has been eroded throughout AKP's rule, even as the government asserts otherwise. Thus, cultural intimacy thrives on imperfection, as seen in many familial relationships, rather than on the perfection of an idealised traditional family. Therefore, if the political power can credibly represent the nation as a family, it can consolidate political hegemony in part because the people know that families are flawed and learn to hide this fact (Herzfeld 2016) as part of a strategy to manage their relations with the political power and the state. The cultural intimacy constantly reproduced by political power through the rhetoric of 'we are all on the same boat' is evident in the discourse of self-preservation [*beka*] (JINHA 2022), harbouring entangled incentives for complicity in, or even collaboration with, political power in these top-down politics. However, cultural intimacies do not guarantee the shared meaning that serves the same purposes but offer a much broader scope for understanding popular political acquiescence, if not outright support, beyond the dichotomy between state/political power and ordinary people, who either directly support and/or promote these politics or simply condone and appear indifferent or silent towards them. Cultural intimacies that facilitate but do not guarantee mutual recognition and reciprocal relationships are vital to maintaining the existing hegemonic political and economic order.

As maintaining hegemony through consent becomes more difficult with popular support for the incumbent regime gradually eroding, the authoritarian imagination has started to crack. The last local elections in Turkey in 2024 were the culmination of this erosion of popular support, demonstrating that people are not engulfed by this authoritarian populist imagination. Considering the deepening economic crisis and hyperinflation since 2021, which has worsened social injustices through increasing poverty and deprivation, polarising discourses were not effective enough to consolidate political power on their own. In addition, lawfare against the political rival, Ekrem İmamoğlu, has been met with massive public demonstrations in almost all cities in Turkey, including those known as socially conservative and pro-government. To demonstrate their solidarity and protest against the ongoing authoritarian crackdown, more than 15 million people, including those who would normally support the incumbent political power, voted in the main opposition party's preliminary election to select the presidential candidate. These recent developments disenchant the age-old sociological and political clichés about Turkey that at least 60% of the population are natural supporters of right-wing conservatives, which reflects a nationalist and conservative self-stereotypical imagination. Although ongoing public demonstrations do not eliminate the established boundaries shaped by authoritarian populist imagination, they reveal that these boundaries can become blurred and reshaped through public protest and alternative forms of dissent, conveying a shared discontent as a mediating political domain. As political power cannot simply reproduce its polarising view of the authoritarian populist imagination to secure its popular support, there is nothing left but to suffocate the political domain that potentially threatens its authority. Hence, lawfare not only aims to eliminate political opposition but also serves as a governmental strategy to suffocate such a political domain and reinstate cultural intimacies to entrench its authoritarian populist imagination.

That said, lawfare is not a recent phenomenon in Turkey. Since 2015, we have witnessed a decline in popular support for political power, as reflected in election results, and the regime has turned to a post-electoral mechanism to compensate for this decline (Tepe and Alemdaroğlu 2021). In the June 2015 general elections, the pro-Kurdish opposition party, HDP (People's Democratic Party), surpassed the 10% parliamentary threshold, preventing the ruling AKP from holding a parliamentary majority and thereby posing a threat to the maintenance of political power. Accordingly, lawfare has been tested and refined, especially against Kurdish politicians at both the local and national levels, by criminalising elected politicians and replacing them with appointed trustees [*kayyum*] in municipal governments. Today, lawfare has intensified in line with the ongoing decline in popular support for the incumbent government, as evidenced by AKP losing its first-party position in the 2024 local elections. Therefore, lawfare, as a compensatory strategy for political power, becomes increasingly urgent and essential to uphold the MAS political agenda and to restore cultural intimacy, which can be linked to the sense of power the incumbent regime aims to exert.

3 | Gendered Sense of Power and Masculinist Entrenchment

Lawfare, as a compensatory strategy, does not simply signify a decline in authority due to reduced popular support for maintaining hegemony. Instead, it reflects a *sense of power* (Hage 2017; Nietzsche 2023) in the way the regimes experience and deploy it. For example, two individuals can have equal power, but the first might be convinced that their authority is growing, whereas the second feels that their influence is waning. Although these two individuals possess the same level of power, they perceive it differently. The individual who perceives their power as growing tends to wield it more benevolently, whereas the one who perceives their power as diminishing tends to use it more cruelly (Hage 2017). Accordingly, we can argue that lawfare in Turkey reflects the incumbent regime's sense of power; while its popular support is declining, it tends to use explicitly coercive strategies and mafia tactics to entrench its authority. Hence, lawfare reflects Machiavelli's (2014) dictum for the power holder: It is better to be feared than loved, if you cannot be both. However, unless the regime held sufficient power by capturing state institutions and undermining the rule of law, it would not be possible to enact lawfare in a non-democratic manner.

I argue that this emerging sense of power is gendered, in ways often overlooked in political analysis, and is reinforced through internalised domination (Yetiş 2026), by which members of dominant groups adopt and normalise beliefs in their own superiority. Internalised domination involves a fixation on a fantasy built on a binary and hierarchical understanding of gender to maintain a sense of power as natural, eternal or divine, thereby denying ongoing and inevitable historical changes in reality. Beyond a fixation, this sense of power can also offer psychological, symbolic and material rewards for conforming to institutionalised masculine norms and forms of domination (Bourdieu 2002) or incur high costs for non-compliance and resistance. In Turkey, this masculine sense of power is enshrined in the top-down MAS political agenda that validates punitive or exclusionary practices, making the exercise of dominance feel like

a legitimate and righteous expression of majoritarian national identity (Yetiş and Özdoğan 2024). Accordingly, ongoing anti-genderism as part of the top-down MAS agenda—criminalising feminist and LGBTQ+ activism for disseminating 'gender ideology' and destroying the unity of family—indicates more than an epiphenomenal character of a general democratic backsliding in Turkey; instead, I assert that such anti-gender politics have broader socio-cultural and political impacts, encoding lawfare and criminal selectivity into a masculine sense of power. Hence, rights-based claims and democratic resistance are delegitimised through the consolidation of state authority under the guise of protecting family and national identity. Turkey's non-democratic system is underpinned by a gendered understanding and performance of power as a foundation of cultural intimacies, involving familial codes that suspend political struggle (except antagonistic ones) and swashbuckling masculinity that suspends the rule of law.

The authoritarian populist imagination relies heavily on such a masculine sense of power, projecting itself as invincible and virile. This image is reinforced by the cascading electoral victories of the political power that has ruled Turkey for over two decades, despite changes in its political alliances. During this period, it has taken control of state institutions and resources, dismantled checks and balances, and acted above the law by portraying any obstacle (including the rule of law) or resistance (e.g., political dissidents) to the reckless fortification of political power as being against the will of the 'people' that must be overcome immediately and harshly (Arslantas and Kaiser 2023). As a result, political power seeks to eliminate political rivals and the most marginalised groups to reinforce the image of virility as proof of its invincibility.

I claim that a masculine sense of power plays a cementing role in maintaining a degree of popular condonation of the MAS political agenda, even as outright support for this agenda declines. I define the expression of such a gendered sense of power as masculinist entrenchment that reveals both ongoing change in the incumbent regime's sense of power and the ways the regime responds to this change. Masculinist entrenchment reflects the deep-rooted and often institutionalised dominance of masculine norms and values encompassing the structures, practices and identities that reinforce gendered power dynamics in society and politics. Thus, masculinist entrenchment becomes pertinent where traditional masculine norms are deeply ingrained and already dominant in MAS politics, and criminal selectivity reflects this gendered sense of power as masculinist entrenchment, as I will demonstrate below.

4 | Criminal Selectivity, the State and Cultural Intimacies

Drawing on Marxist theory, the concept of *criminal selectivity* has been introduced as largely grounded in the interdependent relationship between the state and capitalism. Accordingly, the law and the criminal justice system are only instruments of the ruling class and powerful elites. Zaffaroni et al. (2002) developed this concept to describe the systemic and inherent unfairness of the criminal justice system, particularly the way it determines which individuals and behaviours are treated as criminal. They identify a *primary* criminalisation, as the selectivity occurs

when lawmakers choose to criminalise certain behaviours (often those associated with the poor) while under-criminalising more harmful systematic actions of the powerful, such as corporate fraud or state-sanctioned violence. They also identify a *secondary* criminalisation involving the enforcement stage, where police, prosecutors and judges act. Because the system cannot possibly punish every single illegal act, it selects specific individuals for punishment, typically those who fit a certain criminal stereotype on the basis of their socio-economic status, race or age. Vegh Weis (2017) also argues that criminal selectivity is a mandated feature of the capitalist state, used throughout history to ensure social control and protect the production system and its interests.

Drawing on a critical realist approach, these explanations can be considered overgeneralised and lacking in contextual cultural, political and social dynamics. Accordingly, traditional Marxist interpretation seems to prioritise a single economic structure as the generative mechanism, while treating other generative mechanisms, such as gender and race, as epiphenomenal issues within the deterministic power of the economic system (Steinmetz and Green 2024). Through critical realist thinking, we can observe that criminal selectivity is also at work at the intersection of different generative mechanisms, resulting in corresponding consequences. I present a framework of criminal selectivity that is more closely aligned with the critical realist approach and argue that criminal selectivity precedes lawfare, both of which have been activated through cultural intimacies, thereby entrenching the MAS political agenda. Anti-genderism is a main pillar of this agenda, as it functions to form cultural intimacy, conveying a conservative, nationalist, moralistic message to the public while relaying and malleably converging the varied interests and goals of political power, state institutions and the anti-rights front around the same discursive opportunity (Kuhar and Paternotte 2018). In relation to the mechanism of criminal selectivity, anti-gender framework reinforces the familial codes for a suspension of the political and the performance of swashbuckling masculinity for a suspension of the law, both by justifying the state of exception as a permissible use of violence.

In addition, while traditional Marxist understanding of criminal selectivity leaves insufficient room for the agency of the state as a relatively autonomous entity, distinct from its underlying role in serving capitalist interests, for both Weber and Elias, the state can appear as the main actor in criminal selectivity with a monopoly of violence and its control in society. Accordingly, the *civilising process* (Elias 2000) involves the state monopolising the use of violence, limiting non-state actors' use of it in public politics and regulating its private use. Contrary to this approach, *cultural intimacy* based on familial codes and swashbuckling masculinity allows both the state and non-state actors to exercise violence without being accountable for the consequences. The cultural intimacy here extends to non-state actors' use of violence in the public-political sphere, beyond the private sphere, without endangering the state's central authority. As part of ongoing mutual recognition and negotiation based on cultural intimacy, political power can entrench its top-down MAS political hegemony by condoning violence of non-state actors in private and public to some extent, if not fully legitimising it. In return for endorsing and even emulating the state's coercive power, these actors can gain more power.

Criminal selectivity through cultural intimacies becomes much easier to understand through Bourdieu's framework when we see the state not as a monopolistic power over the use of physical violence, but as holding an authority over symbolic violence, that is, the power to classify, name and categorise social reality. State, as a producer of classificatory schemes, defines who is seen as 'criminal', what counts as 'crime', and which groups are most exposed to punitive intervention or which groups can benefit from impunity. In other words, criminal selectivity is an outcome of the state's symbolic power, insofar as it defines and imposes legitimate visions of the social world. However, cultural intimacies cannot be seen only as top-down state imposition that citizens and other non-state actors simply comply with; there are also ongoing power dynamics involving negotiation between the state and non-state actors, and the codes of criminal selectivity are products of this negotiation.

Hence, the fact that the state does not hold monopolistic power over the use of violence does not point to its weakness or failure. Conversely, the state's symbolic authority is reinforced and even solidified through a calibrated distribution of the power to use violence among various groups in society. In response to a changing sense of power held by the incumbent regime, political authority adopts new strategies to bolster its symbolic power. This establishes a symbolic boundary mechanism through the operation of permissible violence that lies between punitive and/or eliminative violence and the impunity of violence. While the former is reserved for political dissidents and the most marginalised groups, the latter is granted to groups aligned with political power and/or those enjoying social privilege and power over the most oppressed and exploited groups. This boundary also signifies the lines of a majoritarian dominance, authoritarian rules and securitarian control mechanisms, thus the boundaries of the MAS agenda.

Cultural intimacy here entails a gendered sense of power enshrined in familial codes that emphasise the logic of masculinist protection (Young 2005) of the family's unity in the face of external (imagined or real) threats and demand secrecy, complicity and compliance with authority, without questioning its decisions or actions. Hence, the appeal to familial codes means the suspension of political struggle, since the struggle is reprimanded as divisive within the idealised familial structure. This was a popular strategy, especially during the 2016 coup attempt; the ruling power demanded unity against the coup and bypassed any accountability for their long-term affinity with the Gülenists, who orchestrated the coup. For example, when President Erdoğan stated that they were deceived by them (Hürriyet Daily News 2014), the same tolerance or benefit of the doubt has not been granted to political dissidents when they are alleged to have allegiances to different terrorist groups. Thus, the right to be deceived is reserved for the authority and power holders, whereas the remainder are declared as traitors. We can see that there is a punitive mechanism behind criminal selectivity, which sets the boundary between the authority, as the nomic power holder, and subordinates, who are obliged to show loyalty to this authority; otherwise, they could be punished for disloyalty. The same mechanism that draws on familial codes is also evident in international matters, where political power pressures opposing parties and civil society actors to align with the government's stance on these issues without criticism. It also harshly condemns

journalists, academics and political rivals when they criticise the incumbent government before an international audience (D'Angelo 2025). In these cases, they are condemned for exposing the dirty laundry to outsiders and breaching the familial codes of secrecy.

With this cultural intimacy established, micropower foci (e.g., fundamentalist religious communities, tariqats, feudal and tribal networks, town notables and fellow countrymen clubs in cities) have found an exclusive opportunity to advance economic and political agendas, thereby strengthening their power (Akpınar 2017). Pro-government companies were able to expand their capital and acquire conventional media channels through political favouritism (Yesil 2014), and some non-governmental and faith-based organisations supported by political power were able to expand their social power and capital by exploiting authoritarian neoliberal political circumstances (Kazanoğlu and Ketola 2022), which weakened the right-based civil society initiatives. Additionally, mafia-like organisations linked to ultra-nationalist groups whose activities rely on violence and coercion (Cengiz 2020) align with this anti-right front to expand their illegal activities, which not only remain under the state's radar but are also encouraged abroad (Ersozoglul 2021). The power of these groups relies on the preservation of the existing authoritarian regime; however, their influence over adherents and their economic resources render their support for political power essential to sustaining the MAS agenda. Within this relationship, there is mutual dependence and a win-win situation in which both parties benefit from the deterioration of rights and the rule of law, while increasing their economic and political power. These groups adeptly re-articulate their interests and will-to-power in line with the current authoritarian populist imagination by deploying and reproducing cultural intimacies forged between political power and themselves (Yetiş and Özdüzen 2024). Even though their diverse interests sometimes conflict, these interests can be negotiated and pursued through discourses about preserving a coherent family image. However, as I will discuss in the next section, lawfare can also be used as a punitive mechanism against these groups if political power doubts the continuation of their support (Aviv 2024).

As a symbolic boundary-making mechanism, cultural intimacy also entails a swashbuckling masculinity, enacting violence but with an eliminative rather than punitive purpose. Cultural intimacy is found in swashbuckling masculinity, in the performance of righteous aggression towards enemies such as political dissidents, rivals and marginalised groups. This involves a suspension of the law, justifying the state of exception as a permissible use of violence rooted in internalised domination shaped by the involvement of both political power and vigilantist citizens invested in the masculinist entrenchment of the MAS agenda (Yetiş and Özdüzen 2024). This masculinity employs mafia tactics, using violence for self-preservation under the pretext of being a victim for various reasons, fuelling moral indignation for nationalist claims against political dissidents, whom they appoint as enemies based on circumstance.

Such mafia tactics operate to obscure the demarcation between the public and private spheres, as well as between lawful and unlawful violence (Scheper-Hughes and Bourgois 2004). Accord-

ingly, paramilitary violence may be tacitly supported by the state and legitimised through the shift towards authoritarian governance in conflict zones, as evident in Turkey's Kurdish conflict (Işık 2021). Even extralegal social violence can be regarded by various societal actors as 'legitimate' and implicitly or explicitly endorsed by state authorities and citizens against perceived enemies of the state or the in-group (Saglam 2021). Saglam (2021), for example, provides a detailed account of the masculine world among Turkish nationalists, where men embody and enact the state through their involvement in social violence, including vigilante surveillance of outsiders, inventing conspiratorial narratives of foreign plots and lynching political activists. He demonstrates that vigilante violence within this nationalist context does not weaken state authority but rather sustains it, expanding the state's control over society through men's bodies, which 'become the interfaces, means, and agents of state power' (Saglam 2021, 222). In this way, privileges ascribed to state agents, such as the enactment of violence and surveillance, are entrusted to ordinary citizens who uphold law and order in the name of the state. Saglam's research also illustrates how state-sponsored moral-judicial hegemony becomes embedded in daily social life, supported by masculine subjectivity, and plays a crucial role in citizens' interactions with state agents. Lynching, as political violence targeting individuals or groups and excusing mob violence against those groups by deploying an extensive vocabulary on nationalism, is also a prominent political strategy of the Turkish far right, predominantly backed by state authorities (Bora 2008).

As we observe, although the mechanism of criminal selectivity relies on a state's capacity for symbolic violence, it does not require the state to monopolise violence. Criminal selectivity through cultural intimacies can foster an authoritarian populist imagination, both by suspending law through a state of exception and by suspending political struggle vis-à-vis an imagined familial unity. However, when criminal selectivity accompanies lawfare, it necessitates a legal and judicial system entirely controlled by political power, serving as a weapon to uphold authoritarian populist imagination, especially when popular support no longer suffices to sustain them.

5 | Lawfare Within an Authoritarian Populist Imagination

Lawfare is often defined as a neutral term, emphasising its operationalisation by various actors, including international, domestic and civil society. In the international arena, lawfare denotes a geopolitical practice in which countries use international law as a warlike strategy without engaging in actual war (Kittrie 2016); in the domestic arena, state agents and the power-holder appeal to lawfare to eliminate the political potential of marginalised and dissident groups (Castan Pinos and Hau 2023).

Drawing on Schmittian antagonistic understanding of political based on the dramatic distinction of friend and enemy categories (Schmitt 2007), we can see that the very practice of the rule of law could be interpreted as lawfare, considering that the law represents the interest of the enemy as weaker minoritarian position at the cost of the interest of the majority in society; thus, law is depicted as a weapon of the enemy. More recently,

this understanding has been reinvigorated in the face of a global rise of the populist far-right politics involving anti-immigrant, so-called anti-elitist and anti-gender movements, claiming that the domain of law favours the interests of minority groups, such as cosmopolitan elites, migrants, ethnic minorities, cultural Marxists, feminists and LGBTQ+ activists, against the interests of the silent majority of society. For example, Trump and the MAGA movement frame the legal cases against them as 'lawfare', arguing that political opponents are weaponising courts and prosecutions to delegitimise their agenda and weaken their electoral power (Swoyer and Davis 2025). This depiction pits the domain of law against the political domain, as if it were to undermine the general will by prioritising the interests of a minoritarian position enshrined in protected rights (Luban 2010). Although this seemingly signifies a paranoid-defensive stance, we observe an antagonistic understanding of the political that relies on a will-to-power (Brown 2018) built exclusively on majoritarian dominance, accompanied by authoritarian rule vis-à-vis the rule of law, and by increasing securitarian control over enemies, such as minoritarian and politically dissident groups.

Although the rule of law is seemingly demonised by these movements, it is essential to recognise that they never abandon the law insofar as they consider it as an instrument to favour their antagonistic understanding of the political, which they presume to represent the general will. Indeed, they attempt to reshape the political domain by instrumentalising the law against their conjecturally positioned enemies and serving their authoritarian populist imagination. It is clear that a rigid definitional distinction constructed between the law and the political is untenable; rather, the very distinction reflects the boundary-making process in which a presumable majoritarian position is dominant and a minoritarian position is subordinate. This involves afflictive condemnation (Yetiş and Bakırhoğlu 2023) as a rhetorically calibrated expression of cultural intimacy, a pattern also evident in anti-gender politics that continually define and gatekeep the boundaries between majority and minority subject positions. Dominant groups can draw on a gendered sense of power to reinforce the existing hierarchies and create boundaries on the basis of majority-versus-minority classifications.

Through these classifications in anti-gender politics, marginalised groups, such as LGBTQ+ communities, are strictly confined to a minoritarian position deemed tolerable at best, yet never acceptable within the majoritarian criteria of morality, order and reality. Until 2015, we could observe a criminal selectivity against the LGBTQ+ community in Turkey (yet without a full-fledged lawfare), who primarily faced extralegal violence, discrimination and exclusion by both state and non-state actors, including forced displacement, police brutality and unlawful incarceration, all under conditions of widespread impunity (Zengin 2024). Since 2015, however, with the rise of top-down anti-gender politics, we observe a shift toward anti-LGBTQ+ lawfare embedded in the MAS political agenda, increasingly drawing on the discursive boundaries surrounding the socially and morally conservative definition of the native and the national. According to these boundaries, international human rights and their advocacy regarding LGBTQ+ people, and their politics of visibility, are portrayed as

a Western imposition posing a threat to the unity of family and national sovereignty (Yetiş 2025b).

Regarding anti-gender politics, lawfare is honed by the state with a cutting-edge implementation of criminal selectivity against both women's rights organisations and LGBTQ+ communities; however, it follows different patterns. Lawfare against women's rights organisations operates as a disciplinary and punitive practice by drawing boundaries between the protectable and unprotectable/punishable (cis-hetero) women through the moral economy of deserved/undeserved, calibrated to the level of compliance with the top-down socially conservative MAS political agenda (Yetiş 2025b). In March 2021, the boundary-making process had been fleshed out when the president of Turkey withdrew from the Istanbul Convention (i.e., Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence) on the grounds that it was damaging family values. Thereby, the political power adopts a mafia tactic by abandoning progressive gender politics and undermining policies ensuring women's access to their rights, such as protection against gendered violence, then posing a threat to women by leaving them unprotected, if not punishing them directly. The mafia tactic engages in masculinist protection by remaining as the only refuge from the threat, so long as women condone it (Yetiş 2025b).

However, lawfare targeting LGBTQ+ communities adopts an eliminative and exclusionary stance by criminalising their existence and portraying their visibility as obscene and as violating societal codes of 'general morality'. In line with the lawfare against LGBTQ+ communities, President Erdoğan has declared 2025 'the year of the family', advancing an entrenched anti-gender political agenda. This declaration is followed by the latest draft law from the Ministry of Justice (Bianet 2025), which criminalises LGBTQ+ existence to 'protect the institution of the family' and 'uphold public morality'. The draft includes prison sentences for 'morality-violating' expressions (up to 3 years), same-sex engagement or wedding ceremonies (up to 4 years) and gender-affirmation procedures outside strict new rules (up to 7 years). With its vague definitions and conjectural interpretations in the recent legal system, the anti-LGBTQ+ lawfare criminalises the visibility of LGBTQ+ people, advocacy for their rights and all forms of gender expression, which are seen as a mismatch to cis-heteronormative expectations.

While the political power primarily seeks to eliminate marginalised groups and political dissidents or rivals to uphold its MAS political agenda, lawfare can also be employed as a punitive tool against other groups whose ongoing support is regarded as uncertain. Cultural intimacy on familial codes becomes apparent when the lawfare is used as an instrument of house-cleaning to ensure non-state actors' adherence to the MAS political agenda, or to eliminate them if they fail to do so. It is increasingly used as a punitive tool to discipline former allies and pro-government entities that are perceived as having grown too autonomous or unfaithful (Aviv 2024). Given the shifting sense of power, the incumbent regime demonstrates zero tolerance for criticism. For instance, the former top executives of the leading business group, Turkish Industry and Business Association (TÜSİAD), were charged with 'disseminating misleading information' after delivering speeches criticising the impact of the judicial

system on public trust and the economy and were sentenced to suspended prison terms (Hürriyet Daily News 2026). The government has increasingly (ab)used Law No. 6415 on the Prevention of the Financing of Terrorism to freeze the assets of hundreds of individuals and entities (Solidarity With Others 2025). While many are dissidents, this mechanism also targets former bureaucrats and businesspeople who were once part of the establishment but were later accused of secret affiliations during internal political shifts.

In the face of such a top-down lawfare mechanism, the grassroots potential for civil society and political dissidents to reverse lawfare against state authority and political power remains uncertain. Such a reversal may appear reasonable given the opposition's constant reference to the European Court of Human Rights' decisions, seeking redress for the unjustified imprisonment of political actors and civil society figures, as well as in efforts to compel state agents to comply with the court's decisions (e.g., Cumhuriyet Halk Partisi Demokrasi ve Adalet Komisyonu 2025). Regarding this, the transnational human rights framework could have been considered a weapon of the weak vis-à-vis state authority. However, the grassroots political potential of lawfare based on legal activism seems rather limited and conjectural, not least because ideally it requires an established rule of law and well-functioning democratic institutions at the domestic level. Besides, in practice, the top-down state structure has greater capacity in non-democratic regimes to shape and implement (or not) the law, as the state holds the discretionary and coercive force to do so, whereas grassroots organisations lack such force (Márquez 2017).

6 | Conclusion

This article has argued that the ongoing political transformation in Turkey cannot be fully understood solely through ideational typologies of authoritarian turn and democratic backsliding. Instead, the convergence of lawfare, criminal selectivity and cultural intimacies—all embedded within a MAS political agenda—reveals a deeper restructuring of an authoritarian populist imagination. Lawfare, which has become a primary instrument of non-democratic politics, operates not merely as a legal strategy but as a mechanism of boundary-making that renders political competition and democratic resistance increasingly unviable. Criminal selectivity precedes and enables this process by determining who is punishable and who enjoys impunity, thereby normalising a hierarchy of permissible violence.

Crucially, these mechanisms are sustained through masculinist entrenchment, which provides a gendered sense of power scaffolding for authoritarian populist imagination. Masculinist entrenchment, explicit in anti-gender politics, occurs through the enactment of familial codes and swashbuckling masculinity, both of which help reinstate cultural intimacies between the state and different segments of society. Cultural intimacy thrives on imperfection, allowing citizens to recognise the erosion of judicial independence while still accommodating, condoning or strategically aligning with the regime's non-democratic practices.

However, the defeat of political power in the 2024 local elections, mass demonstrations against the criminalisation of political rivals

and the blurring of long-standing socio-political boundaries indicate that the authoritarian populist imagination is cracking. To stifle the emergent democratic political struggle, the incumbent regime increasingly undermines the rule of law while intensifying lawfare. While the former somewhat guarantees the existence of the political domain through a system of checks and balances, the latter is maintained by dominant groups, both as state agents and as non-state actors, without accountability. Unlike a state of exception, lawfare does not require a suspension of the law. Conversely, lawfare necessitates a legal and judicial system entirely controlled by political power, serving as a weapon to reinforce the incumbent regime's authoritarian populist imagination by constantly presenting itself as an indispensable and invincible ruling actor, especially when popular support is no longer sufficient to sustain it. Accordingly, if lawfare indeed indicates a gradual shift in the sense of power and its deployment, then a potential success for democratic resistance should involve exploring ways to dismantle the authoritarian populist imagination. This also includes challenging the masculine sense of power that underpins it.

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Ethics Statement

The author has nothing to report.

Conflicts of Interest

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Data Availability Statement

Data sharing is not applicable to this article as no datasets were generated or analysed during the current study.

Endnotes

- ¹ Multiple polls conducted throughout 2025 and 2026 indicate that a clear majority of respondents (between 60% and 70%) believe that judicial decisions, particularly in high-profile cases such as the İmamoğlu investigation, are politically motivated (Ünker 2026).
- ² According to Transparency International's (2026) Corruption Perceptions Index 2025, Turkey ranks 124th out of 182 countries. In 2013, Turkey was ranked 50th. We can see the increase in corruption in parallel to the increasing authoritarianism since 2012.
- ³ Since the beginning of 2014, the judicial system has been exposed to government influence and control. With an amendment to the Regulation on Judicial Law Enforcement, the principle of investigation confidentiality was abolished in the criminal procedure law, and judicial law enforcement officers were obliged to notify the governors. With this regulation, the government aimed to prevent any investigation against its members. And almost all members of the Council of Judges and Prosecutors have been determined by the government (CBJ 2021).

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