



# Identity and Perceptions of Procedural Justice in the Courts in Turkey: Ethnic and Political Factors

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**Abstract:** Procedural justice, which is about the fairness of procedures that the legal authorities use in their interactions with the public, is an important determinant of people's general evaluations of these authorities. Based on a nationally representative survey with 1,804 people, this article investigates how socio-political identities such as ethnicity and one's status as a political winner or loser affect people's perceptions of procedural justice in the courts in Turkey. Multivariate regression analysis revealed that Kurds and political losers are more likely than Turks and political winners, respectively, to think that the courts in Turkey are not procedurally just. Furthermore, we found that voting for the incumbent party or being an Alevi does not have an effect on Kurds' perceptions of procedural justice in the courts. We, therefore, argue that ethnicity and being a political winner are two important identity factors that determine people's perceptions of procedural justice in the courts in Turkey. We concluded that because Kurds and political losers are less likely to identify with the state, they have more negative perceptions of procedural justice in the courts in Turkey.

**Keywords:** Turkey, judicial system, procedural justice, ethnic identity, political winners.

**Öz:** Hukuk makamlarının halkla etkileşimleri sırasında gerçekleşen süreçlerin adil olup olmaması üzerinden tanımlanan prosedürel adalet, kişilerin bu makamlarla ilgili genel değerlendirmelerinin önemli parametrelerinden bir tanesidir. Bu makale, 1.804 kişiye uygulanmış ve Türkiye nüfusunu temsil gücü olan bir ankete dayanarak, kişilerin etnik köken ve siyasi kazanan/kaybeden statüsü gibi sosyo-politik kimliklerinin, Türkiye'deki mahkemelere dair prosedürel adalet algılarını nasıl etkilediğini incelemiştir. Çok değişkenli regresyon analizi, Kürtlerin Türklere göre ve siyasi kaybedenlerin siyasi kazananlara göre Türkiye'deki mahkemelerin prosedürel adalet açısından adil olmadığını düşünme olasılıklarının daha yüksek olduğunu ortaya koymuştur. Dahası, yapılan analizler etnik kimliklerine bir ek olarak iktidardaki partiye oy vermenin veya Alevi olmanın, Kürtlerin mahkemelerdeki prosedürel adalet algısı üzerinde bir etkisi olmadığını göstermiştir. Bu nedenle, bu makale etnik köken ve siyasi kazanan olmanın kişilerin Türkiye'deki mahkemelere dair prosedürel adalet algılarını belirleyen iki önemli faktör olduğunu ortaya çıkarmıştır. Bu bulgular ışığında, Kürtlerin ve siyasi kaybedenlerin devletle özdeşleşme olasılıklarının daha düşük olması sebebiyle, Türkiye'deki mahkemelerdeki prosedürel adalet konusunda daha olumsuz algılara sahip oldukları sonucuna varılmıştır.

**Anahtar Kelimeler:** Türkiye, yargı sistemi, prosedürel adalet, etnik kimlik, siyasi kazanan.

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## Introduction

Procedural justice in the courts – the extent to which the courts treat citizens fairly – is a major factor shaping people’s overall views of the judicial system (Tyler, 2007). Therefore, it is important to understand the determinants of perceptions of procedural justice in the courts. Research revealed that various factors such as previous experiences with the courts, satisfaction with court outcomes, and socio-political identities might influence people’s perceptions of procedural justice (Wortley, 1996; Sun & Wu, 2006; Higgins et al., 2009; Zinni, 1995; Roche et al., 2017). This study aims to contribute to this literature by examining the determinants of people’s perceptions of procedural justice in the courts in Turkey. Studying people’s attitudes towards the courts in Turkey is important because in certain countries (i.e., Turkey and Iran), sovereignty is divided between the elected executives and unelected officials (i.e., the army, the judiciary), which act as guardians of the regime (Shambayati, 2004). Therefore, people’s perceptions towards the unelected institutions/officials have important implications for the regime legitimacy in these countries.

The history of judicial system also makes it necessary to understand people’s attitudes towards the courts. Research suggests that the judicial system has entered to the constitution in 1924 (Gulener and Turkolmez, 2018). These claims are unfounded as the Turkish judicial system represents important continuities with the Ottoman judicial system, which started its secularization process in the Tanzimat Era (Zurcher, 2005). Indeed, the scope of the Sharia was limited to family law in the end of Tanzimat era. Secular *nizamiye* courts were introduced in 1869 (Zurcher, 2005). Evolution and transformation of the judicial system have continued in the Republican era too. The 1961 constitution empowered the judicial system in Turkey with new clauses (i.e., autonomous judiciary) and new institutions (the Constitutional Court) (Shambayati & Kirdiş, 2009). The 1982 constitution however, paved the way for the intervention of the executive to the independent judiciary. To give an instance, the Ministry of Justice was made the president of the High Council of Judges and Prosecutors (HSYK) and the undersecretary of the Ministry of Justice was made a member of the same council. Moreover, the 1982 constitution stipulated that the president retains the right to elect three members of the HSYK among the candidates presented to her/him by Turkish high courts (Üskül, 1988). The 2010 referendum has also increased the executive leverage over the judicial system.

Previous research on Turkey demonstrated that people’s evaluations of the judiciary system especially regarding courts are not favorable. KONDA (2010) showed that 46% of the population in Turkey thinks that when they appear in court,

the courts will not make just decisions. The same research revealed that 41.3% of the population believes that outside interests sway the court processes in Turkey. According to the World Values Survey (2012), the average level of trust in the courts in Turkey is 2.41 out of 5, indicating only a moderate level of trust. Another research found that 45.1% of the population in Turkey trusts the judicial system and that the average score of trust in the courts is 4.8 out of 10 (Örselli, 2016). This research also demonstrated that in Turkey, people on the right side of the ideological spectrum are more likely to trust the courts, judges, and prosecutors than are those on the left side (Örselli, 2016). Despite the presence of research on trust in the courts, no research exists on the factors that determine people's perceptions of procedural fairness in the courts in Turkey. Using a national survey of people's views of the rule of law in Turkey, this study is the first research that investigates how citizens' socio-political identities affect their perceptions of procedural justice in the courts in Turkey.

Socio-political identities such as ethnicity and one's status as a political winner<sup>1</sup> or loser in a society may determine how individuals make judgments about state institutions such as the judicial system and the police (Roche et al., 2017; Karakoç, 2013). This is because identity exists prior to one's experiences with authorities (Bradford et al., 2015) and, thus, has an important effect on the ways in which individuals perceive authorities. Turkey is a country rife with ethnic, sectarian, and political divisions, which allows us to study the effects of socio-political identities on people's perceptions of procedural justice in the courts. Furthermore, in such a divided country, where the state has a civilizing mission, the judiciary has been used as a tool against different groups, as the judiciary acts like the administrative attaché of the state elite in controlling the political arena (Shambayati & Kirdiş, 2009). As a result of the state's discriminatory policies (Yegen, 2009; Kaliber & Tocci, 2010), Kurds in Turkey have had a problematic relationship with state institutions. Research on Turkey also revealed that in recent years, voters of the incumbent party have shown increased levels of trust in state institutions while voters of opposition parties have shown decreased levels of trust in state institutions (Istanbul Bilgi University Center for Migration Research, 2018). In Turkey, socio-political identities such as ethnicity and one's status as a political winner or loser create important differences in people's perceptions of the judicial system (KONDA, 2010; Karakoç, 2013; Bilgiç et al., 2015; Örselli, 2016), which hints that these groups think that the state elite manipulates

1 Norris (1999) defines political winners as those who voted or intend to vote for a political party, which is a part of the government. In this study, we accept this definition of political winners.

the judiciary in its attempt to control these groups. Unsurprisingly, Kurds and voters of opposition parties have more negative views of the Turkish judicial system than do Turks and voters of the incumbent party, respectively (KONDA, 2010; Bilgiç et al., 2015). We argue that these differences may relate to the disparities in these groups' perceptions of procedural justice in the courts. We, therefore, expect Kurds and voters of opposition parties to have more negative perceptions of procedural justice than do Turks and voters of the incumbent party, respectively.

In the following sections, we first explain the importance of procedural justice as well as the existing discussions on the relationship between procedural justice and other aspects of people's perceptions of justice system such as trust, legitimacy, and satisfaction. Second, we introduce the existing literature on how socio-political identities shape people's perceptions of procedural justice regarding various state institutions. Third, we provide Turkey's historical and political context in relation to research's hypotheses. Finally, we explain the methodology and the findings of the research and then discuss the implications of the findings.

### Procedural Justice and Its Significance for The Courts' Legitimacy

Procedural justice is a multidimensional construct consisting primarily of quality of decision-making and quality of treatment (Atkin-Plunk et al., 2019). According to Tyler (2001), procedural justice relates to individuals' key concerns about whether the police and the courts "treat people fairly, recognize citizen rights, treat people with dignity, and care about people's concerns" (p. 216). There are four key dimensions of procedural justice: (1) **Voice** describes the principle that people are given the chance to tell their stories in their own words before a decision is made; (2) **Neutrality** describes the principle that decision makers make their decisions based on rules rather than personal opinions; (3) **Respect** for people and their rights describes the principle that people should be treated well, with courtesy and politeness, and their rights should be respected; (4) **Trust** describes the principle that court personnel, such as judges, listen to and consider people's views, are honest and open, and try to do what is right for everyone.

To study the determinants of procedural justice is important because procedural justice shapes people's general evaluations of the courts regardless of their gender, education level, and income (Tyler & Huo, 2002; Rottman, 2005; Burke & Leben, 2007). In some cases, the effect of people's perceptions of procedural justice is stronger than the effect of their personal satisfaction with the courts in terms of

influencing their attitudes toward the courts (Ohbuchi et al., 2005; Higgins et al., 2009). Those who think they have been treated in a procedurally just manner are also more likely to trust (Tyler, 2007; Jackson et al., 2013) and be satisfied with the courts (Rottman, 2007). In determining people's trust in the courts, perceptions of procedural justice are more important than other factors (Rottman & Tyler, 2014; Rottman, 2005). People's perceptions of procedural justice in the courts also determine their satisfaction with the courts independent of the courts' decisions (Casper et al., 1988; Rottman, 2005). Satisfaction with the outcome of a case, which is strongly determined by the person's perceptions of its favorability, is increased by positive perceptions of procedural justice (Lind, 1990).

Procedural justice is also strongly linked to perceptions of legitimacy<sup>2</sup>. Research showed that whether the courts act in a procedurally just manner has the strongest influence on people's perceptions of the courts' legitimacy (Tyler & Sevier, 2013; Cheng, 2016). If individuals think that legal authorities are treating them in a procedurally just manner, they are more likely to see legal authorities as legitimate (Sunshine & Tyler, 2003; Cheng, 2016, 2017). When legal authorities treat people fairly, they convey the message that individuals, even those who have engaged in wrongdoing, are valued members of society. This allows individuals to identify more with the judicial system (Cheng, 2016) and internalize the laws that legal authorities enforce (Fagan & Tyler, 2005), both of which lead them to view the courts as more legitimate. This fact makes people more willing to accept and comply with the courts' decisions. In other words, as Tyler and Rasinski (1991) suggest, procedural justice positively affects people's perceptions of the courts' legitimacy, which in turn increases their compliance with legal decisions.

Contrary to these arguments, another line of research suggests that perceptions of procedural justice do not affect people's perceptions of the legitimacy of institutions (Mondak, 1993). Gibson (1991), for instance, suggests that the extent to which people perceive institutions as legitimate shapes their perceptions of procedural justice. People cannot develop their opinions about the legitimacy of remote legal institutions based on whether the decision-makers in these institutions behave in a procedurally just manner (Gibson, 1991). Rather, legitimacy perceptions of an institution are influenced by "childhood socialization experiences and fundamental

2 An authority is legitimate to the extent that (1) it is acquired and exercised in accordance with established rules; (2) the rules are justifiable according to socially-accepted beliefs about the rightful source of authority; and (3) positions of authority are confirmed by expressed consent and recognition from other legitimate authorities (Beetham, 1991).

political values as well as accumulated satisfaction or dissatisfaction with the institution's policy outputs" (Gibson, 1991, p. 633). When citizens do not believe in the legitimacy and uprightness of an institution, they would not have a reservoir of goodwill for this institution, regardless of the fairness of its decisions (Cann & Yates, 2008). Furthermore, as opposed to Tyler and Rasinski (1991), Gibson (1989) showed that people's perceptions of the courts' legitimacy increase their compliance with legal decisions, an effect independent of people's perceptions of procedural justice.

### **Socio-Political Identities and People's Perceptions of Procedural Justice**

Existing research revealed a relationship between people's perceptions of procedural justice and their identity. For example, procedural justice influences people's social identities (Bradford et al., 2015). Perceptions of procedural justice provide individuals with cues about their status or identity in society (Tyler & Blader, 2003). Fair treatment strengthens an individual's identification with the group that the legal authorities represent (Bradford et al., 2014). Therefore, procedural justice in the courts affects social identity, which in turn determines people's other attitudes towards the judicial system (Bradford et al., 2015). For instance, procedural justice has a positive impact on citizen identity, which influences individuals' perceptions of legitimacy (Bradford et al., 2015). However, negative perceptions might cause individuals to withdraw from the group to which the identity is attached and, therefore, not comply with the laws created by the government representing this group (McLean, 2017; Bradford et al., 2014).

Another line of research suggests that the extent to which an individual is identified with the group that the legal institutions represent influences his/her perceptions of procedural justice (Bradford et al., 2015; Lind & Tyler, 1988). This implies that the ability to identify with an authority increases one's perceptions of one's own status, which in turn positively contributes to one's perceptions of procedural justice (Lind & Tyler, 1988). Furthermore, identity which exists prior to individuals' experiences with the authorities, moderates the relationship between people's perceptions of procedural justice on the one hand, and their perceptions of legitimacy, cooperation, and trust, on the other hand (Bradford et al., 2015). For example, people identified with communities that are critical of the police are more sensitive to procedural justice while forming their judgments of legitimacy. Procedural justice has a greater impact on trust in the police for those who are more strongly identified with their own ethnic minority group (Murphy, 2013). Therefore,

procedural justice is particularly important to those who are marginalized in society (Antrobus et al., 2015; Murphy, 2013) because being treated fairly tells them that they are respected members of society.

### **Being a Political Winner and Procedural Justice**

Research demonstrated the effect of political identity on individuals' perceptions of state institutions (Casey, 1974; Norris, 1999; Hough et al., 2014; Ecevit & Karakoç, 2017). Conservatism for example is positively correlated with trust in the police (Silver and Pickett 2015). Hough et al. (2013) showed that affiliation with right-wing ideologies has a positive impact on esteem attributed to the police. Left-leaning individuals are more reluctant to attribute fairness to the police (Roche & Roux, 2017). In Belgium, voters of mainstream parties are more likely than voters of extreme right- or left-wing parties to express confidence in the judicial system (Parmentier & Vervaeke, 2011).

Similarly, being a political winner, which is an important form of political identity, shapes individuals' attitudes toward state institutions. Norris (1999) argued that people are less likely to be satisfied with state institutions if the political party they prefer consistently loses over successive elections. In countries included in her study, with the exception of France, individuals who voted for the incumbent parties displayed greater trust in state institutions (Norris, 1999). Ecevit and Karakoç (2017) revealed that voters of incumbent parties are more likely than voters of opposition parties to trust both the government and the parliament. Other research showed that in the U.S., those who vote for the winning presidential candidate are more likely to trust the government than are those who vote for an unsuccessful presidential candidate (Gershtenson et al., 2006; Anderson & LoTempio, 2002). In Europe, too, voters of incumbent parties are more likely than voters of opposition parties to trust the government and other state institutions (Newton, 1999).

Being a political winner also influences the ways in which people evaluate the judicial system. For instance, when the Democrat president was in power, Democrats were more likely than Republicans to feel that the Supreme Court improperly thwarted the people's will and to favor limiting the powers of the Supreme Court (Casey, 1974). Voters of incumbent parties in Nepal and Ghana are more likely than voters of opposition parties to trust the courts (Askvik et al., 2011; Sulemana & Issifu, 2015). Bühlmann and Kunz (2011) demonstrated that voters of incumbent parties have a higher probability of trusting the judicial system than voters of opposition parties.

Research on Taiwan also indicated that supporters of the policy-making majority are more likely to support the courts and perceive the judges as fair than are members of the political minority (Wu, 2017). In Turkey, voters of the incumbent Justice and Development Party (JDP) are more likely than voters of opposition parties to trust the courts, judges, prosecutors, and the police (Örselli, 2016; Authors' work). People's perceptions of procedural justice in the courts, which is one of the most important determinants of their other attitudes towards the courts (Rottman, 2005; Tyler, 2007), may therefore be influenced by whether they vote for incumbent or opposition parties – that is, whether they are political winners or losers.

### Ethnic Identity and Procedural Justice

The relationship between identity and procedural justice is particularly relevant for ethnic minorities who are marginalized from society (Murphy, 2013). Accordingly, when ethnic minorities are not identified with the group that the courts represent, they are more likely to have negative views of procedural justice. Indeed, research points to the significant differences between ethnic groups in terms of their perceptions of procedural justice as well as their general perceptions of fairness in the courts (Baker et al., 2013, 2015; Higgins et al., 2009; Sun & Wu, 2006; Burke & Leben, 2007). For example, in the U.S., Blacks are more likely than Whites to perceive injustices in the courts (Henderson et al., 1997; Wenzel et al., 2003). Atkin-Plung et al. (2019) showed that race is the only significant determinant of perceptions of procedural justice in problem-solving courts. Blacks report lower perceptions of procedural justice compared to Whites. Even the presence of Black judges in the judicial system does not have a significant impact on Blacks' perceptions of procedural justice (Overby et al., 2005). Research in other places, such as Canada (Wortley, 1996; Wortley et al., 1997) and Europe (Jackson et al., 2013; Doerschler & Jackson, 2012), also demonstrated differences between racial and ethnic groups in terms of their perceptions of fairness in the judicial system. For example, Black Canadians are more likely than Chinese Canadians and Whites to perceive discrimination in the justice system (Wortley, 1996). In Portugal, Israel, Spain, Sweden, Hungary, and Bulgaria, most people think that the courts discriminate against different ethnic groups (Jackson et al., 2013).

### Research Context and Hypotheses

The literature discussed above revealed that political winners have more positive views of state institutions than do political losers (Norris, 1999; Wu, 2017). The



ideological distance between the ruling party and the main opposition party in Turkey has increased considerably since the JDP came to power in 2002 (Yardimci-Geyikci, 2014). This ideological polarization created significant differences between voters of the incumbent party and voters of opposition parties in terms of their views of state institutions in general and the judicial system in particular (Örselli, 2016; Istanbul Bilgi University Center for Migration Research, 2018). We therefore suggest that being a political winner may affect how people perceive procedural justice in the courts in Turkey. The fact that the JDP has been successively ruling the country since 2002 might have caused voters of the incumbent party to identify more with the state while voters of opposition parties have become alienated from the state. When individuals identify with the group that legal institutions represent, they have an increased perception of their own status, which positively contributes to their perception of procedural justice (Lind & Tyler, 1988; Tyler & Blader, 2003). We therefore argue that identification with the state might have positively influence how voters of the incumbent party perceive procedural justice in the courts, as they think that the courts in Turkey are more likely to protect their interests. We test the following hypothesis:

*H<sub>1</sub>: Political winners in Turkey are more likely than political losers to think that the courts in Turkey are procedurally fair.*

The conflictual history between Kurds and the Turkish state provides fertile ground for studying whether ethnic minorities have more negative views than ethnic majorities about procedural justice in the courts. The Turkish state denied the existence of Kurds in Turkey until the end of the 1980s (Yegen, 2009) and considered the articulation of a separate Kurdish identity as a threat to nation-state building. Kurds were resettled, public manifestations of Kurdish identity were suppressed, and the state tried to assimilate Kurds under the rubric of the Turkish nation (Tezcur, 2010). This policy resulted in the securitization of the Kurdish Question, which meant the exclusion of the Kurdish Question from the ordinary political realm and the legitimization of the use of extraordinary measures, including extralegal violence (Kaliber & Tocci, 2010; Geri, 2016).

The 1980 military coup marked a new era in the relationship between Kurds and the Turkish state. Following the coup, Kurdish activists and politicians were radicalized through the PKK (the Kurdistan Workers' Party), which was founded in 1978. Following the escalation of the armed conflict between the state and the PKK after 1984, the state declared martial law in the southeast of Turkey in 1987 and imposed a state of emergency (OHAL) that became a form of violence causing

social and economic problems (Özhan & Ete, 2009). This state of affairs witnessed forced migration, high unemployment rates among Kurds, unsolved murders, forced disappearances of Kurds under the custody of security forces, and other human rights violations committed by state officials (Goral et al., 2013; Kizilkan Kisacik, 2014).

Research showed that the strength of people's identification with the state (Murphy & Cherney, 2011) and the country's political and social context (Manning, 2010) might change the degree to which people see the state institutions as legitimate. The aforementioned literature also suggests that if people do not see the courts as legitimate, they have more negative views of procedural justice (Gibson, 1991). Furthermore, low levels of identification with an authority decrease people's perceptions of their own status, which negatively affects their perceptions of procedural justice (Lind & Tyler, 1988). The conflictual past between Kurds and the Turkish state has caused Kurds to identify less with state institutions than Turks do, which in turn may have caused Kurds to perceive the courts as less legitimate and, hence, procedurally less just. We therefore test the following hypothesis:

*H<sub>2</sub>: Kurds are less likely than Turks to think that the courts in Turkey are procedurally fair.*

However, some other identity factors might affect Kurds' perceptions of procedural justice in the courts. For example, voting for the JDP might create a positive effect on Kurds' perceptions of procedural justice. Indeed, past research showed that Kurds who voted for the JDP have higher levels of trust in state institutions than did Kurds who voted for opposition parties (Karakoç, 2013). Being an Alevi on the other hand might create a negative effect on Kurds' perceptions of procedural justice. While most Kurds (70%) adhere to Sunni Islam, approximately 30% consider themselves Alevis or Yezidis (Çelik, 2003). Alevis, who are the second largest belief group in Turkey after Sunni Islam adherents (Borovali & Boyraz, 2014), represent a religious minority that has faced discrimination from the state and the Sunni majority in Turkey (Açikel & Ateş, 2011). Past research indicated that the state's attitude towards Alevis has negatively shaped Alevis' perceptions of state institutions including the justice system (KONDA, 2010). We therefore test the following two hypotheses:

*H<sub>3</sub>: Kurdish political winners have more positive perceptions of procedural justice in the courts.*

*H<sub>4</sub>: Alevi Kurds have more negative perceptions of procedural justice in the courts.*

## Methods

### Data

We collected the data for this research by using survey methodology. The Scientific and Technological Research Council of Turkey (TUBITAK) funded this national survey, which was conducted with 1,804 people who were at least 18 years old. Stratified random sampling was used to generalize the survey results to the overall population.<sup>3</sup> In determining the sub-regions for sampling, this study benefited from the Turkish Statistical Institute's (TUIK) NUTS-12 system, which divides Turkey into 12 regions. We determined the number of participants in each region in proportion to the region's population. We then chose one urban center and one rural and/or semi-rural center from each sub-region. Appendix 1 shows the number of survey participants from each sub-region.

This national survey included questions that measure people's perception of democracy and the rule of law in Turkey. The questions about people's perceptions of procedural justice in the courts were in the rule of law section of the survey – 65 questions – and were written based on two sources: (1) interviews conducted with 60 people in five major cities in Turkey (Istanbul, Kayseri, Adana, Trabzon, and Diyarbakir), and (2) the rule of law categories created by the World Justice Project (WJP)<sup>4</sup>. Survey questions were finalized after a pilot survey that was conducted with 100 people in five cities (Istanbul, Kayseri, Adana, Erzurum, and Diyarbakir) in Turkey.

For this research, TUIK provided 180 randomly sampled geographical areas and then beginning addresses were separately randomly sampled from within these areas. When the interviewer reached the address that TUIK randomly chose, s/he interviewed the person whose name started with a letter closer to 'A.' If that person was not at home, the interviewer visited the same address for the second time. If the person was not at home during the second visit, the interviewer visited the next address. Then, the interviewer visited every three addresses to her right for the next survey until 10 interviews were completed in each unit. Via this method, 1,804

3 Our analyses demonstrate that our sample is nationally representative. According to Turkish Statistical Institute, in 2015, females comprised 49.83% of the population in Turkey, and the median age was 31. Females comprise 49.7% of our sample and the median age is 37. Turkish Statistical Institute does not collect data about ethnic and sectarian identity of the people in Turkey. Therefore, there is no comparable official data on Alevi and Kurdish people in Turkey.

4 WJP uses eight categories to measure the rule of law. For this study, we focused on the following categories: "Fundamental Rights," "Criminal Justice," and "Civil Justice."

surveys were completed between 4 March 2015 and 5 May 2015. All surveys were conducted face-to-face in participants' houses. The research team did not provide participants with any material or immaterial benefits for their participation in this research. The research company approached 2,653 people in order to conduct the survey with 1,804 people. Of these 2,653 people, 804 declined to participate and 45 quit the survey before its completion. The overall response rate for the survey was 67.99%. The shortest interview lasted 20 minutes while the longest one lasted 88 minutes. The average interview duration for the sample was 41 minutes.

### Dependent Variable

While constructing the dependent variable in this research, we used two of Tyler's (2007) four key principles of procedural justice: *neutrality* describes the principle that decision makers make their decisions based on rules rather than personal opinions and *respect* for people and their rights describes the principle that people should be treated well, with courtesy and politeness, and their rights should be respected. To construct the dependent variable, *Procedural Justice*, we used five scale questions. The participants were provided with five statements. After each statement, they were given the question, "To what extent do you agree with the following statement?" and asked to provide a number ranging between "1" and "5," denoting their level of agreement with the statement. The dependent variable consists of the following questions, each of which corresponds to one of Tyler's principles of procedural justice, either neutrality or respect, as noted in parenthesis: (1) While giving a verdict, the courts in Turkey only take the law into account (*neutrality*); (2) In Turkey, the courts will not be affected by the defendant's/plaintiff's ethnic, religious, social or sexual identity (*neutrality*); (3) In Turkey, the basic rights of defendants are protected (*respect*); (4) In Turkey, the courts are not affected by the defendant's/plaintiff's economic status (*neutrality*); and (5) In Turkey, the judges do not issue unjust arrest decisions (*respect*). Principle component factor analysis of these five questions showed that they fall into one dimension with a high Cronbach Alpha (0.903) (see Appendix 2 for principal component analysis). Thus, we used these five variables to create a single composite variable. After a simple summation procedure of these five variables, the new variable was divided by five to construct the dependent variable. The dependent variable, *Procedural justice*, varies between "1" and "5," indicating *totally disagree* and *totally agree*, respectively.

## Independent Variables

The first independent variable, *Kurdish identity*, is a categorical variable created using participants' answers to one question: "Which ethnic group do you belong to?" Participants who chose the "Kurd" option were coded as "1," while those who chose the "Turk" option were coded as "0." There were 69 people whose ethnic identity was neither Kurdish nor Turkish; these individuals were coded as "system missing," as this variable aims to measure the differences between Kurds and Turks in terms of their perceptions of procedural justice in the courts in Turkey.

The second independent variable used in the analysis is respondents' political identity. To identify whether the participant was a political winner or loser, we asked the following question: "If there were general elections next Sunday, which political party would you vote for?" Those expressing their intention to vote for, or who said they would be more inclined to vote for, the incumbent JDP were coded as "1." Those expressing their intention to vote for, or who said they would be more inclined to vote for, opposition parties were coded as "0." We named this variable *Political winner*.<sup>5</sup> This variable aims to measure whether being a political winner is related to people's perceptions of procedural justice in the courts in Turkey.

*Kurdish political winner* is third independent variable (Kurdish incumbent party voter = 1; Other = 0). This variable was created using a multiplication procedure in which the Political Winner variable (*Incumbent Party Voter* = 1; *Opposition Party Voter* = 0) was multiplied by the Kurdish Identity variable (*Kurd* = 1; *Turk* = 0). *Alevi Kurd* is the last independent variable (*Alevi Kurd* = 1; Other = 0). This variable was created using a multiplication procedure in which the Alevi identity (*Alevi* = 1; *Sunni* = 0) was multiplied by the Kurdish Identity variable (*Kurd* = 1; *Turk* = 0).

## Control Variables

The control variables used in the analysis are as follows: *Age* (varying between 18 and 91), *Female* (female = 1; male = 0), *Education* (1 = no schooling; 2 = 5-year degree; 3 = 8-year degree; 4 = high school diploma; 5 = higher education), and *Household*

5 JDP and National Action Party (MHP) have become political allies (a.k.a. *Cumhur* Alliance) in the aftermath of the failed coup attempt in Turkey in July 2016. These two parties cooperated in June 2018 presidential elections and March 2019 municipal elections. However, when the original data was collected between March and May 2015, the alliance between these two parties did not exist. On the contrary, on several occasions, the MHP leadership harshly criticized the JDP leadership. Therefore, those who voted for the MHP were considered as political losers in the analyses.

*expenditure* (1 = under 500 Turkish Lira per month; 2 = 500-1000 Turkish Lira per month; 3 = 1000-1500 Turkish Lira per month; 4 = 1500-2000 Turkish Lira per month; 5 = 2500-3000 Turkish Lira per month; 6 = 3500-5000 Turkish Lira per month; 7 = 5000-7000 Turkish Lira per month; 8 = over 7,000 Turkish Lira per month). The *Household expenditure* variable intends to measure the participants' monthly household expenditures, which indicates their economic position.

### Findings

Table 1 summarizes the descriptive statistics for all variables used in the analysis.

**Table 1**

*Descriptive Statistics for Variables (N=1804)*

Variables	Mean	Std. Deviation	N
Procedural justice	2.85	1.13	1188
Age	39.15	13.93	1188
Female	0.49	.50	1188
Household expenditure	3.38	1.20	1188
Education	3.22	1.20	1188
Kurdish identity	.19	.39	1188
Political winner	.38	.48	1188
Kurdish political winner	.03	.19	1188
Alevi Kurd	.02	.14	1188

Table 2 provides mean scores of the dependent variable for key independent variables. Accordingly, Kurds and political losers have lower scores than do Turks and political winners, respectively. The mean score for Kurds is 2.08 while the mean score for Turks is 2.98. The mean score for political losers is 2.39 while the mean score for political winners is 3.59. The mean score for Kurdish political winners is 2.9 and the mean score for Alevi Kurds is 1.67.

**Table 2***Mean Score of the Dependent Variable for Independent Variables*

Identity	Mean
Turkish identity	2.98
Kurdish identity	2.08
Political loser	2.39
Political winner	3.59
Kurdish political winner	2.90
Alevi Kurd	1.67

To test our four hypotheses, we conducted a multivariate regression analysis. In our analysis, we used the ordinary least squares (OLS) method. Overall, the results support Hypotheses 1 and 2 while failing to support Hypotheses 3 and 4.

**Table 3***Multivariate Regression Analysis*

	Model 1		Model 2	
	Coefficient <sup>a</sup>	VIF	Coefficient <sup>a</sup>	VIF
(Constant)	2.812 (.176)		2.908 (.167)	
Age	-.001 (.002)	1.139	-.006* (.002)	1.228
Female	.090 (.066)	1.046	-.024 (.056)	1.081
Household expenditure	.088* (.028)	1.095	.032 (.024)	1.111
Education	-.073* (.030)	1.258	-.049 (.026)	1.382
Kurdish identity			-.729*** (.093)	1.737
Incumbent party voter			1.041*** (.061)	1.215
Kurdish incumbent party voter			-.049 (.177)	1.415
Alevi Kurd			-.232 (.189)	1.192
Adjusted R2	.010		.314	

Dependent Variable: Perceptions of Procedural Justice

a. Entries are coefficients of multivariate linear regressions with standard errors in parentheses.

\*  $p < 0.05$ ; \*\*\*  $p < 0.001$

Table 3 displays the results of the regression analysis along with variance inflation factor (VIF) scores. Both models were tested and found to be free of problems of multicollinearity. Model 1 presents our base model, which includes the *Age*, *Female*, *Household expenditure*, and *Education* variables. *Household expenditure* variable has a positive and significant effect on the dependent variable. As their economic status gets better, people become more likely to think that the courts in Turkey are procedurally fair ( $p < 0.05$ ). Education has a negative effect on people's perceptions of procedural justice. The more educated one is, the less likely one is to hold positive views about the fairness of the courts in Turkey ( $p < 0.05$ ). *Age* and *Female* do not have a significant effect on the dependent variable in Model 1.

Model 2 introduces the following variables: *Political winner*, *Kurdish identity*, *Kurdish political winner*, and *Alevi Kurd*. *Age* ( $p < 0.05$ ) variable is significant in this model. Older people are slightly less likely to have negative perceptions of procedural justice in the courts. *Education* and *Household expenditure*, which had a significant effect in Model 1, lost their significance in Model 2. The effect of *Political winner* on the dependent variable is significant and positive ( $p < 0.001$ ). That is, political winners are more likely than political losers to think that the courts in Turkey are procedurally fair. This finding supports the first hypothesis that *political winners in Turkey are more likely than political losers to think that the courts in Turkey are procedurally fair*. The analysis also indicated that *Kurdish identity* has a significant effect on people's perceptions of procedural justice ( $p < 0.001$ ). Kurds are less likely than Turks to think that the courts in Turkey are procedurally fair. This finding supports the second hypothesis that *Kurds are less likely than Turks to think that the courts in Turkey are procedurally fair*.

The effect of *Kurdish political winner* on the dependent variable is not significant, suggesting that voting for the incumbent JDP does not influence Kurds' perceptions of procedural fairness in the courts in Turkey. Therefore, the analysis does not provide support for the third hypothesis that *Kurds who voted for the JDP have more positive perceptions of procedural justice in the courts*. In other words, being a political winner does not have a significant positive effect on Kurds' perceptions of procedural justice in the courts in Turkey. The *Alevi Kurd* variable also does not have a significant effect in the model. Being Alevi does not have a significant effect on Kurds' perception of procedural justice in the courts in Turkey. This finding does not provide support for the fourth hypothesis that *Alevi Kurds have more negative perceptions of procedural justice in the courts*.



## Discussion and Conclusion

The major findings of this research are as follows: *First*, Kurds are less likely than Turks to think that the courts in Turkey are procedurally fair. *Second*, status as a political winner or loser is another factor determining people's perceptions of procedural justice in the courts in Turkey. Voters of the incumbent party (political winners) are more likely than voters of opposition parties (political losers) to think that the courts are procedurally fair. *Third*, being a political winner or being an Alevi does not have a significant effect on Kurds' perceptions of procedural justice in the courts in Turkey. Our findings, therefore, demonstrate that the fault lines between Turks and Kurds and between JDP supporters and JDP opponents are instrumental in understanding people's perceptions of procedural justice in the courts.

The historical overview of the relationship between Kurds and the Turkish state revealed that the nation-state building process in Turkey has excluded or discriminated against Kurds in Turkey, causing them to position themselves against – and, therefore, to be less identified with – the state, which according to Kurds represents the Turkish majority. Drawing from the research on the relationship between identity and procedural justice (Bradford et al., 2015; Lind & Tyler, 1988), we suggest that low levels of identification with the state and the majority ethnic group that the state represents have caused Kurds to perceive state institutions, including the courts, as the protector of the rights of the Turkish majority. Kurds, therefore, have more negative views of procedural justice in the courts regardless of whether they are Alevi or vote for the JDP.

Previous research also demonstrated that procedural justice is particularly important for marginalized groups (Murphy, 2013; Antrobus et al., 2015) and that there is a positive correlation between the perceptions of legitimacy and the perceptions of procedural justice (Gibson, 1991; Tyler & Rasinski, 1991; Cann & Yates, 2008; Cheng, 2016). Gibson (1991), for example, argued that individuals' perceptions of the legitimacy of an institution have an important effect on their perceptions of procedural justice regarding that institution. We argue that the historical relationship between the state and Kurds is strongly related to the question of legitimacy. Because Kurds have a problematic relationship with the state and therefore position themselves against state institutions, they are very likely to hold negative views about the legitimacy of state institutions, including the courts. For example, research showed that Kurds grant less legitimacy than Turks to the police in Turkey (Roche et al., 2018; Kırmızıdağ, 2015). Therefore, we argue that the fact that Kurds hold significantly lower perceptions of procedural justice of the courts

in Turkey than Turks may imply that Kurds' perceptions of the legitimacy of the courts in Turkey is also low.

Our research also showed that voters of opposition parties in Turkey have more negative perceptions of procedural justice in the courts in Turkey than do voters of the incumbent party. The fact that the current government in Turkey has been in power without interruption since November 2002 might be causing voters of opposition parties to think that the state and the JDP have begun to merge. As suggested by previous research, individuals' level of identification with the group that the legal institutions represent shapes their perceptions of procedural justice (Bradford et al., 2015; Lind & Tyler, 1988). We argue that voters of opposition parties in Turkey have become less identified with state institutions, which they are increasingly seeing as the representative of the voters of the incumbent party and as acting in accordance with the interests of the voters of the incumbent government. This situation might cause voters of opposition parties to perceive the courts in Turkey as procedurally less fair.

In line with the existing literature (Bradford et al., 2014; Tyler & Blader, 2003), our study suggests a negative impact of people's perceptions of procedural justice on their identity. As mentioned above, perceptions of procedural justice provide individuals with cues about their status or identity in society (Tyler & Blader, 2003). Procedurally unjust treatment by the courts weakens individuals' perceptions of social status in society (Bradford et al., 2014), which in turn determines their other attitudes towards the judicial system. The finding that Kurds and voters of opposition parties have more negative perceptions of procedural justice indicates that these groups are more likely than Turks and voters of the incumbent party to have negative perceptions of their general status in society. In other words, Kurds and voters of opposition parties might feel that they are increasingly marginalized in society, which might cause these groups to develop an overall negative attitude toward the judicial system.

This study is the first research on the determinants of procedural justice in the courts in Turkey. By showing that socio-political identities affect people's perceptions of procedural justice in the courts, this research paves the way for future empirical studies on socio-legal issues in Turkey. In line with previous research that demonstrated the effect of citizens' real-life experiences on their perceptions of the courts (Wortley, 1996; Sun & Wu, 2006; Higgins et al., 2009), how these experiences shape people's views of procedural justice in Turkey is an important question for future research. This research also encourages similar research in the Middle Eastern

countries divided by ethnic, religious, and political cleavages as it points out the significance of identity on people's attitudes toward the judicial system.

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## Appendix 1

*Distribution of Sample Across the Regions as Provided by TUIK*

	NUT1	Total number of survey participants	Number of survey participants in urban centers	Number of survey participants in semi-rural centers	Number of survey participants in rural centers
TR1	İstanbul	331	321	10	0
TR2	West Marmara (Balıkesir)	74	66	0	8
TR3	Aegean (İzmir)	231	210	21	0
TR4	East Marmara (Bursa)	176	128	48	0
TR5	West Anatolia (Ankara)	176	176	0	0
TR6	Mediterranean (Adana)	231	184	41	6
TR7	Central Anatolia (Kayseri)	86	60	22	4
TR8	West Black Sea (Samsun)	108	69	9	30
TR9	East Black Sea (Trabzon)	56	43	1	12
TRA	Northeast Anatolia (Erzurum)	55	29	12	14
TRB	Mideast Anatolia (Malatya)	88	61	2	25
TRC	Southeast Anatolia (Diyarbakır)	192	142	34	16
	Total	1804	1489	200	115

## Appendix 2

### *Principal Component Analysis*

	Initial	Extraction
(1) While giving a verdict, the courts in Turkey only take the law into account (neutrality)	1	.752
(2) In Turkey, the courts will not be affected by the defendant's/plaintiff's ethnic, religious, social or sexual identity (neutrality)	1	.711
(3) In Turkey, the basic rights of defendants are protected (respect)	1	.709
(4) In Turkey, the courts are not affected by the defendant's/plaintiff's economic status (neutrality)	1	.692
(5) In Turkey, the judges do not issue unjust arrest decisions (respect)	1	.745
Extraction Method: Principal Component Analysis.		