

DISPUTE AND SETTLEMENT
IN RURAL TURKEY

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JUNE STARR
DISPUTE AND SETTLEMENT
IN RURAL TURKEY



LEIDEN
E. J. BRILL
1978

DISPUTE AND SETTLEMENT
IN RURAL TURKEY
AN ETHNOGRAPHY OF LAW

BY

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*To my son,
Stephen Zoltan Starr,
my companion in the field,
who inadvertently became bilingual in
Turkish and English, and who, since our
return to the United States, has
good-naturedly shared an
academic nomad's life.*

Obviously, one can say that society is in the minds of men—as experiences and expectations. If forms of behavior can be described as allocations with reference to evaluated ends, then what persists in the minds of men can be understood as items of credit and debt, as prestations outstanding that make the actors pick up where they last left off. In more general terms, one can see a continuity of agreement between people about the distribution of assets—that is, about the location of rights in statuses distributed in the population. Underlying these one might expect to find shared cultural schemes of classification and evaluation. ...

What people do is also significantly constrained by circumstance: a whole range of facts of life, mainly ecological, enters as components because people's allocations are adjusted and adapted in terms of what they experience as the observed outcomes of their behavior.

Barth (1967:665)

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PREFACE

In the study of communities where law is neither codified nor administered before courts, nor yet enforced by a constabulary, certain problems arise which can be easily overlooked in a jurisprudence based on our own formal and crystallized systems. Why have men to obey certain rules? Why have such rules to be known by the actors, formulated, and made valid? Why is the validity of some such rules never questioned, while others seem to offer constant temptation to breach?

Malinowski (1942:1238)

The questions Malinowski posed in 1942 in his review of Llewellyn and Hoebel's *The Cheyenne Way* continue to challenge any researcher who sets out to study the "law-ways" of a local community, despite the fact that most local communities are rapidly becoming incorporated into nation-states. For even with the introduction of codified law, hierarchical court systems, and a growing emphasis on professionalization of judges, lawyers, and village law enforcement agents, an empirical question remains: how do members of a local community resolve conflict? Do villagers use district law courts to settle disputes? Or are most issues resolved locally, without intervention of a government agency?

But there is another reason why we continue to read Malinowski. His questions probe the uncharted areas between societal restraint and individual motivation, between respect for and adherence to community values and ideals, and the tendency of powerful individuals to bend the rules and norms to their own use. Malinowski points to the tensions between values expressed by the community and their institutional embodiment, between norms and rules which are easy to follow and others which "offer constant temptation to breach." In the course of his review, Malinowski suggests how we should study the ethnography of law. He cautions the ethnographer not to take too narrow a view, so that law is only equated with "law-breaking;" instead, he must "primarily be interested in the working of social control, that is, in the maintenance of order" (1942:1246). Malinowski finds that attention to public opinion within the local community will provide the ethnographer with "definite legal commentaries—the

rules of what ought to be done and the partial deviations from these rules" (1942:1249). He says that although the principles of what constitutes the correct relations between husband and wife, parent and child, one household and others related to it are easily ascertained, the ethnographer may spend a couple of years in the community without ever coming across a real "trouble case" or a serious breach of community law. Malinowski hopes the ethnographer will discover that "the maintenance of law is never a matter of *yes* or *no*, that it is not an *all* or *none* reaction. It is a dynamic process of constant struggle and readjustment" (1942:1241). Thus, he advises the researcher to "observe at close range the battle of conflicting claims, the working out of a compromise" (1942:1249). For the goal of anthropology, according to Malinowski, is to describe the laws of culture in a wide sense, to make "a generalization with predictive value," arrived at by "inductive study." (1942:1241).

In the Malinowskian sense, then, this book is an attempt at an ethnography of law with its primary focus on an empirical study of one Turkish village, Mandalinci. "Mandalinci" literally means "tangerine-grower," hence, Tangerine village, a fictitious name I have used for a village on the Bodrum peninsula (although a village of that name does exist on the Mediterranean coast near Erdemli). With the exception of land disputes, most grievances in Mandalinci are settled locally. Although these cases may seem trivial to those outside the village arena, from a villager's point of view theft, slander, insult, debt, adultery, rape, and soliciting a married woman are serious actions which disrupt village life and must be resolved. Even the shortest and seemingly most insignificant cases in this book, such as the taking of cauliflower from a neighboring village field, or a village dog killing chickens, become, to the villagers, focal points for the working out of status relations, honor and shame, compensation, retribution, and hostile or friendly relations among members of the society. To understand these grievances and the issues they raise is to understand what causes conflict in a Turkish village.

This study forms part of my research into social control in the Bodrum district in 1966-68. Sixteen months of that research was financed by a National Institute of Mental Health Predoctoral Fellowship and Grant, and I gratefully acknowledge their support. I also wish to thank the Middle East Center at Harvard

University for a year's support while I worked on revisions of my dissertation for this book (1969-70), the Center of International Legal Studies of Harvard Law School for a small grant (summer 1970), the State University of New York at Stony Brook for Summer Faculty Research Fellowships (1971, 1973), and Yale Law School for a Fellowship in Law and Modernization Program (1973-74) where the revisions were almost completed.

I am grateful also to the *Yüksek Hakimler Kurulu* for granting me permission to study the Bodrum court and its records, and I wish to express my gratitude to the Administrative Director (*kaymakam*) of Bodrum, the Bodrum judges, and the Public Prosecutor, as well as court personnel for their careful explanations of Turkish procedures and Turkish law. I do not mention them by name simply to protect their identity. All names of people mentioned in the text have been changed for the same reason.

I have a wellspring of gratitude and affection for the Mandalinci and Bodrum people; they accepted me and my two-year-old son into their homes and their lives in what turned out to be a most exciting period in my life, and I regret that I cannot thank them by name. I acknowledge special indebtedness to those who helped with fieldwork, including Adnan Akasad, Gülen and İnal Ataç, Lâle Birici, Diane Cohen, Fatma Manşür Coşar, Linda Horwitz, Arslan İşkar, Sümer Karacaova, Dursun, Kübra, and Jâle Mutlu, Earnest Roberts, Becky and John Saks, and Orhan Yörüköglü.

With pleasure I acknowledge my debt to Laura Nader, my teacher and friend, who encouraged me to take my toddler to live in a remote Middle Eastern village and who continues to provide intellectual stimulation and criticism. I thank Professor Bernard Lewis, who, even with misgivings about anthropologists, gave freely of his time to guide me in the study of Islamic institutions and Turkish law. The stimulating criticisms of Elizabeth Colson on my dissertation has provoked me to continue revisions, and the text has benefited at different stages from the readings of Harry Todd, Laura Nader, Jonathan Pool, D. W. Lockard, Michael Rowe, Forrest Dill, Richard D. Robinson, and Mübeccel Kıray. While at Harvard my understanding of the Middle East and of comparative law was widened through conversations with Klaus-Friedrich Koch, Phebe Marr, David Smith, Ayşe Sertel, and Professor Lon Fuller. Members of the

Yale Law School Faculty and Fellows—Jerold Guben, Bill Felstiner, Michael Lowy, and especially Richard Abel—sharpened my awareness of “legal issues.” Stimulating conversations with my colleagues, students, and friends here at Stony Brook, especially Paula Brown Glick, Pedro Carrasco, Stanley Regelson, and Peter Williams, as well as ongoing discussions with other Berkeley law project members, especially Barbara Yngvesson, Nancy Williams, and Richard Canter have deepened my awareness of how to study long term social relations and conflict.

Harry Todd, Dursun Mutlu, and Stanley Beale made the maps which appear in my dissertation, and Emile Veakis made the maps for this volume. I thank Mari Walker and Jeanne Vinicombe for typing, Stavroula Christodoulou for proof-reading, and Caroline Taylor for editing the final manuscript.

Because I have worked for a long time on this book, and discontinuously, from its inception to completion my thinking about law and conflict has changed, I hope for the better. In these last revisions, made during the summer, autumn, and winter of 1975, I have tried to cut out parts of the book which reflect earlier opinions with which I now disagree. I considered adding an additional chapter focusing exclusively on the Bodrum Court and court use by Mandalinci villagers, but, because of the length of the book as it now stands, that data will be published separately. Besides, much of the village-collected data concerning court use is presented here in Chapters VIII, IX, and parts of X, so I finally concluded, for better or worse, to stick with my original conception of the focus of this study—how people fight and “make up” in a Turkish village. Because, of course, in social groups, arguing and fighting is only half the picture. The other part, just as significant for social interaction, is how they become reconciled again, what they gain or lose in the process, and how it affects their other social relations.

J. S.

Old Field Village, N.Y.
31 January 1976

A note on Transliteration

All Turkish words are written in standard Turkish orthography. The Turkish language has both a dotted and an undotted “i”. When Turkish words are used in the book the dotted “i” is rendered as “ı, İ” and the undotted letter is rendered as “i, I.”

Turkish place names and personal names are in the same type as used throughout the book. All other Turkish words are in italics.

A few words, such as *Qur'an* and *Shari'a*, have been transcribed in Arabic rather than Turkish due to their familiarity to Middle Eastern scholars in this form. Because there are several traditions of transcribing Arabic, I followed the recommendations of students at Harvard's Middle East Center in 1969-70.

The Ethnographic Present

Unless otherwise specified, the use of present tense refers to the time period of my fieldwork 1966-68, and is what anthropologists refer to as “the ethnographic present.”

The Cases and Cases Analyses

A Case is separated from the case analysis by an asterisk (*).

INTRODUCTION

Over fifty years have passed since the government of Ataturk enacted major legal reforms intended to transform Turkey from a decrepit empire, based on Islamic law and custom, into a modern nation-state based on western models of administration and of law. Ataturk's intention to depart from the theocratic tradition of the Ottoman Empire is demonstrated in all his efforts to separate church and state. The abolishment of the Caliphate in 1924, the suppression of the Ministry of Religious Affairs, and the transfer of all schools, including ecclesiastical educational institutions, to the Ministry of Education created the basis for a secular state and officially confined Islam to its religious function only.¹ The abolition in 1924 of the *Shari'a* courts (Islamic courts) and the transfer of the entire court system to the Ministry of Justice made the judiciary legally independent of religious control for the first time in Turkish history. The introduction in 1926 of new civil and criminal codes replaced what remained of Islamic law (which still predominated in its sphere of family relations) with western concepts of jurisprudence.

Although western thought influenced and, to some extent, permeated the Islamic tenets of Ottoman criminal and commercial law during the nineteenth century, western jurisprudence had not previously been allowed to challenge the *Shari'a*—the sacred body of Islamic law—in its control of betrothal, marriage, divorce, and inheritance for Moslem adherents.² Thus when, in 1926, after

¹ The standard work on modern Turkish history is Lewis (1961), but also important to obtain a full view are Berkes (1964), Devereux (1963), Frey (1965), Kili (1969), Kinross (1964), S. Mardin (1962), and Robinson (1963).

² For a more comprehensive discussion of the *Shari'a*, see Chapter IV, pp. 68-70. For general discussions of reforms in Ottoman Law in the 19th and 20th centuries, see Davison (1963) and Berkes (1964). There were two major revisions in family law under the Ottomans during this period. The first was the codification of the *Shari'a* (*Mecelle*) as it was used in Ottoman domains. The Ottomans used as official law the codified version of *Hanafi* school of *Sunni* Law, but other schools of Islamic law continued to function in locales where they traditionally had. The *Mecelle* is important as the first known instance of codification of the *Shari'a*. For discussions of the *Mecelle*, see Anderson (1959:24-5), Coulson (1964:150-1, 184), E. Mardin (1955), S. Mardin (1961), and Onar (1955).

only six months' debate, the Turkish parliament decided to adopt the Swiss Civil Code, it began the era of what has perhaps become Atatürk's most revolutionary reform, for by its decision it superseded a millennium of Islamic family law.

Atatürk's speeches during the early period of the Turkish Republic demonstrate that the new codes and the new legal system were to be key instruments in his program of social change. At the opening of the new law school in Ankara in November 1925 Atatürk said:

The greatest and at the same time the most insidious enemies of the revolutionaries are unjust laws and their decrepit upholders. ... It is our purpose to create completely new laws and thus to tear up the very foundations of the old legal system. ...³

In addition to the new civil and criminal codes, committees of jurists produced new codes of obligation, commerce, maritime law, and civil and criminal procedure. Provincial administration had previously been reorganized, and the Village Law of 1924 (*Köy Kanunu*), which gave the Turkish village its first legal identity, created administrative and social standards which all villages were expected to meet within a reasonable period of time.⁴ In short, the legal, administrative, and political basis of the Turkish state became, under Atatürk's reforms, so drastically different from the pre-1918 polity that Lewis (1961) and others have

The second major reform was the Ottoman Family Law of 1917, which, although not replacing the *Shari'a* allowed a woman to have written into her marriage contract that she could have her marriage annulled if her husband took a second wife. It also gave women certain grounds for divorce, set up provisions by which family members could attempt to reconcile quarrelling spouses, and for the first time set ages at which males and females could marry. For discussions of the Ottoman Family Law of 1917, see Allen (1935:137-9), Coulson (1964:184), Dirks (1969:33-4), Lewis (1961:225-6), and Schacht (1964:103).

Texts of Turkish Laws in the 19th and 20th centuries can be found in Aristarchi (1873-88) and Young (1905-6). Williams (1925) has edited an English version of the Swiss Civil Code.

For discussions of how changes in codes have affected family life in Turkey in the 20th century, see Elefteropulos (1963), Fahri (1936), Feroze (1962), Findikoglu (1935), Göktürk (1939), and Jäschke (1953).

³ Quoted from Lewis (1961:269).

⁴ For the text, see, *Türkiye Cumhuriyeti, Düstur 1924-1925* (1948:336-355). For an interesting discussion of the extent to which this law affected two Turkish villages, see Szyliowicz (1966:36-49).

claimed that the Turkish Republic which emerged in the mid-1920's had made a revolutionary break with its past.⁵

Since these changes were enacted over five decades ago, it seems appropriate now to ask: Have villagers who live in communities remote from Ankara and other urban centers been drawn into the national administrative and legal systems? Or do they continue to follow their own customary procedures and local traditions in handling disputes? To what extent do the agents and bureaucrats of the new Turkish republic intervene in local disputes and quarrels? How do rural villagers view the new secular legal system, and in what ways is it relevant to their lives?

The study of a local community's involvement in the national Turkish administrative and legal systems, and especially the demonstration of villagers' attitudes toward these agencies and their administrators, is relevant today, as many countries attempt to use law to effect social change. Laws are being passed in almost every modernizing country of Asia, Africa, and Latin America with the intent of changing behavior and attitudes of the less modern sectors of society (the Turkish Village Law of 1924 is one example).⁶ Yet, except for initiating statistical records on the cases heard in courts and agencies, there has been little attempt in any country to evaluate how a specific law affects those individuals who come under its jurisdiction.⁷ Particularly neglected is the empirical investigation of how diverse ethnic groups and rural populations in a country are reacting to legal innovation. Research on how new laws and procedures alter the behavior and attitudes of groups—especially those which are not members of the modern sector of the country—would seem necessary if governments and their legal

⁵ Some scholars, especially those studying the recruitment to Turkish bureaucracies, find more continuity than discontinuity between different Turkish political regimes in the 19th and 20th centuries. Contrastive views and approaches are exemplified by Frey (1965), Rustow (1965:171), Roos & Roos (1968), and Szyliowicz (1971).

⁶ Almost a quarter of a million pages of new legislation have been passed into law in African countries which have recently become independent (Koch 1969:17).

⁷ This kind of research in anthropological literature is, perhaps, best exemplified by Aubert's discussions of the Swedish housemaid's law (1963, 1967). In other disciplines this research often goes under the rubric of "legal engineering" or "legal impact studies." For an overall view of what has been done in this area, see Friedman and Ladinsky (n.d.).

advisors are to assess correctly the impact of their programs.⁸

Furthermore, if we consider only countries where Islam has flourished, we see they have certain common problems⁹—they need to make decisions about whether to retain Islamic law, but adapt it to modern circumstances, or to supersede it by outright introduction of written statutes and codes, usually based on western models. Schacht and Coulson, scholars who have spent most of their lives in study of Islamic law, have made the Law of Islam generally accessible to western intellectuals. But they focus entirely on the sources of Islamic law, its classical periods, its variability. When Schacht and Coulson consider the problem of change in contemporary Islamic societies, they study only changes in the form of enacted law or law codes.¹⁰ Anderson, a less historically oriented scholar of Islamic law, has remarked upon the differences between Islamic law in theory and Islamic law as practiced in *Shari'a* courts. He states (1965:151):

It is, indeed, impossible to discuss Islamic law in any context with clarity or precision without making a clear-cut distinction—not once or twice, but again and again—between the jurisprudential theory of the law and its theological concepts, on the one hand, and the realities of that law, as it has evolved in history and is administered in practice, on the other. The theory is rigid, monolithic, uncompromising; the facts are often much more flexible, syncretic, and equivocal.

Yet one misses in Anderson's discussions references to how law is being interpreted by *kadıs* (Islamic judges) in *Shari'a* courts, the use of judges and litigants as informants concerning their views of

⁸ In this connection Massell's study of communist attempts to induce a full-scale revolution in traditional Islamic groups in Soviet Central Asia during the late 1920's demonstrates what can be accomplished through the use of documents. Also see Cohen (1966a & b) for descriptions of the Chinese legal process before and after the communists gained control.

⁹ These problems relate to the fact that Islamic law is embedded in Islamic religion, which is, in almost every case, retained, even when entirely new law codes are introduced. Furthermore, the nature of Islamic law in a strictly historic sense creates problems for those who would reform it. See Anderson (1959:18-37), Coulson (1964), and Schacht (1964).

¹⁰ See Anderson (1963, 1964, 1968), Coulson (1964), Liebesny (1967) and Schacht (1959, 1960). Also, see Bonderman (1968), a more recently trained Islamic scholar, who, also uses legal codes for his data. For examples of studies of (or relating to) Islamic law which do not concentrate solely on enacted law, but use either an empirical approach to legal problems or cite actual law cases, see Antoun (1968), Ayoub (1965), Baroody (1967), Nader (1965b and c), Rothenberger (1970), Smith (1969), Shamma (1965), and Stirling (1957).

the laws, and the citation of actual law cases. Again, the data is enacted law. But why any law continues unrevised, why a new law survives revision, or why a specific code is adopted is often based on extra-legal circumstances which may have little relation to a law's or a code's value or effectiveness.¹¹ Thus, in addition to historical views of legal change, we need new kinds of data in order to understand better the processes underlying the acceptance or rejection of legal innovation. There is a need for concrete information concerning how *law codes* are used and interpreted by court personnel, judges, and administrators. These studies might show the situations in which law codes are used, the rigor with which they are enforced, expanded, manipulated, or even ignored. We need to know the variation in severity of penalties imposed, especially in relation to how penalties are applied to different ethnic groups; how people using (or avoiding) the courts react to the new laws and new legal systems, and what alternative methods for settling their conflicts are available to them.¹² Finally, we need to know what restraints are built into the legal system so that the "stronger, wealthier, more aggressive members of society" cannot override and impose their views on the "poorer, rural, less powerful, and outcast sectors" (Nader and Starr 1973:136).

Scholars of legal change in Turkey¹³ follow the tradition of selecting for their data only enacted laws, statutes, and law codes—despite the fact that Turkey presents a unique opportunity to evaluate how successfully western law codes can be implemented in a country in which the overwhelming majority of the population continues to adhere to Islam. The Conference on

¹¹ See, for example, Ostrorog's entertaining description of why the Swiss Civil Code was adapted in Turkey to supersede the Ottoman Family Law of 1917 (Ostrorog 1927). Although repealed in Turkey, this law remained in force for many years in Syria, Jordan, and Palestine, and still is applied in Lebanon.

¹² See Bracken (n.d.), Elefteropulos (1963), Feroze (1962), Findıkoğlu (1935), Lipstein (1956, 1957), Mardin, E. (1955), Mardin, S. (1961), Sauer-Hall (1938) and Velidedeoğlu (1957), as well as papers from the Conference on Reception of Foreign Law in Turkey, published in *Annales de Faculté de Droit d'Istanbul*, 1956 and 1957, and *International Social Science Bulletin*, 1957.

¹³ For examples of empirical studies of local courts, see Bohannan (1957), Collier (1973), Epstein (1953, 1954), Fallers (1969), Gluckman (1955, 1965), and Nader (1964a). For examples of studies of tribal or village methods of dispute settlement, see Bailey (1960), Colson (1953), Gulliver (1963, 1969), Pospisil (1958), Turner (1957), and Van Velsen (1964).

the Introduction of Western law, held in Istanbul in 1955, produced only two papers concerned with popular reactions to, and consequences of, the new legal system.¹⁴ Although over five decades have passed since western criminal and civil codes were introduced in Turkey, there has yet to be a comprehensive assessment of how such far-reaching changes in both substantive and procedural law have affected the lives of Turkish people. Within the last years the Turkish government has begun to collect rigorous statistics concerning all litigants who are granted a divorce,¹⁵ yet there has not been a study of what groups of people use Turkish law courts, under what circumstances, and for what reasons, and what kinds of people avoid them.

It may be relatively easy to enact new civil and criminal codes to replace an older system, such as Islamic law, which has been the major source of law in the area now comprised by Turkey for over nine centuries. A strong leader like Ataturk and a reformist and western-oriented parliament can draft new laws, but how effectively can the new legal system be enforced in a country with a population of 36,000,000 (1970 estimate), seventy per cent of whom live scattered in nearly 40,000 villages,¹⁶ in an area roughly one-tenth the size of the United States? In the urban centers (nine of which have populations over 90,000) some laws can be enforced and, in time, the educated sector of the population may come to accept the new codes. But in rural communities, where close to seventy per cent of the Turkish people live, the writ of law may be extremely difficult to carry

¹⁴ Stirling (1957), Timur (1957).

¹⁵ The statistics are being collected and analyzed by *Başbakanlık Devlet İstatistik Enstitüsü Başkanlığı* and can be found in a yearly bulletin published by them.

¹⁶ There is some discrepancy in the official documents concerning the number of villages in Turkey. This is in part due to the fact that the two terms used to refer to villages, *köy* and *muhtarlık*, are used differently by different agencies. A village in the official census is defined as a *köy* or a *muhtarlık* (*Genel Nüfus*). But in some cases *muhtarlık* is used to include both village and urban wards. In the case of dispersed villages, a *muhtarlık* may include several "villages" (i.e. *mahalle*), although legally they consist of but a single village. In the vernacular, the various parts are frequently referred to as *mahalle*, but they have no legal status. (An urban *mahalle* does have legal status and is headed by a *muhtar*.) Thus, depending upon how one groups or divides settled communities, Turkish rural settlements range from 35,000 to 80,000 although the latter number may also include seasonal settlements (*yaylacılık*), inhabited only part of the year by semi-nomadic people. Officially, the number of legally constituted villages is about 35,000.

out. Peasant communities throughout the world tend to be conservative and to follow their traditional ways, despite the edicts issued in the national capitals.

Traditional methods for settling disputes in rural communities vary, but all social groups have customary methods for handling conflicts of interest and all have developed methods for meeting situations of potential or actual strife. Although the full range and variation of dispute handling processes used in face-to-face communities throughout the world are yet to be described, empirical studies suggest that customary procedures may include song competitions, dueling, go-betweens, intermediaries, mediators, adjudicators, arbitrators, moots (i.e. informal community forums with therapeutic value), councils, or native courts that enforce customary law.

One interesting fact emerging from this cross-cultural view of dispute management is that a court of law does not hold the importance as a dispute handling agency in many communities which westerners accord it, for westerners are inclined to consider legal institutions with their own bias. In fact, other types of conflict-processing techniques may be more effective in resolving certain kinds of discord between community members than recourse to a law court,¹⁷ and this is true even of certain communities and sub-cultures in the United States today. The study of dispute management from the vantage point of the local community (rather than the District Court) reveals that in many face-to-face communities individuals frequently prefer not to take a grievance outside of the local setting for resolution.¹⁸ That reluc-

¹⁷ Bohannan (1957:160) and Gibbs (1963) have described the therapeutic function of "moots" in two African societies which also possess community courts; while among the Zuni in New Mexico and the Jaquilan people of Mexico important problems are not heard at community court, but rather at town meetings in which the entire community participates (Smith and Roberts 1954:69-70; Nader 1964a).

¹⁸ Among the Arusha disputes are settled locally in a series of different meetings, cliques, moots, and discussions among members of age grade, neighborhood, and parish. Only rarely do individuals use the district courts, which are outside the setting of the local community, and outside of its traditional methods of settling discord (Gulliver 1963). See also Gulliver (1969a), who describes a system in which no recourse to court is made. See also Cohen (1966a:1206) who suggests that in China prior to the 20th century it was "considered disreputable to become involved in the law courts, even as a party with a legitimate grievance." Also Autoun (1968:683-85) describes a fascinating instance in which a complainant and his patrilineage never consider taking their grievance to an Islamic law court (one was located in the village of their opposi-

tance may explain in part why some techniques of dispute management continue to persist despite the existence of state institutions which ostensibly fulfill the same purposes.¹⁹ This finding suggests that in studying dispute and resolution we need to describe the full range of conflict-airing mechanisms available to community members, and that any description which focuses exclusively on a law court gives a biased and incomplete view. In describing the range of disputing procedures some researchers have found it useful to distinguish among levels of dispute management. They have discovered that certain disputes are settled within the household, others within the kin or age group, while still others may be heard at a community-wide forum.²⁰ There is a growing attempt, furthermore, to describe dispute-processing techniques in terms of categories that are adaptable to cross-cultural comparisons.²¹

Although not developed in the literature, another contrast emerging from a cross-cultural view of dispute management techniques is the difference between individual and group backing for disputants. In some communities, when a dispute occurs, a person can count on a large number of supporters (relatives, age group, neighbors), while in other communities a person in dispute cannot count on mobilizing a support group or action-set. Such differences are built into the social organization and social structure of the community involved, but have implications for social control within single and multi-ethnic communities. When a researcher collects and analyzes actual cases of dispute and settlement, the existence of backers and the disputing techniques people actually use become apparent. A dispute can be defined roughly as a situation in which one or more persons have a grievance against another party and communicate that grievance to the other. A dispute processing technique can be defined as a method or institution known to others in a group to which all the disputants belong, which is specifically resorted to, or invoked because of, the dispute. It may not involve a public airing

tion), although both Islamic customary law and Islamic values are involved in the way the case is finally resolved.

¹⁹ The word "ostensibly" is used because from the point of view of local persons the state institutions may not fulfill the same purposes at all.

²⁰ See Gulliver (1963), Nader and Metzger (1963), and Pospisil (1967).

²¹ Epstein (1967), Koch (1969:16-17), Nader (1965a, 1969:4), Moore (1970).

of the grievance. Its purpose may not be to resolve the grievance, but to retaliate, and, of course, it may not be effective.

In order to see why villagers choose one disputing technique over another, I began my research in a local community rather than a district court. How villagers feel about government officials can be discovered by examining all interactions between them to determine types of situations which villagers choose: to involve officials, to provide them with essentially accurate information concerning local events, or to conceal specific information from law enforcement agents.

A lawyer or a political scientist might ask why a scholar should study one village. Why not study fifty, or a hundred, or a sample of villages from all over Turkey, in order to draw a comprehensive picture of villagers' attitudes toward the new secular, codified law and its embodiment in the legal system? Survey research would be one approach to the problem. But, besides being quite expensive, and needing coordination of a team of several kinds of social scientists and analysts, survey research still would not provide the in-depth knowledge which the study of a single community over a period of time affords. A broad, comprehensive view in a country such as Turkey, where the rural population is located in numerous small and isolated communities, would mean sacrificing what I feel is essential to good analysis—the accuracy which comes from carefully evaluating and sifting events and statements, collected over a period of time from informants known to the analyst himself, often in several contexts and roles. Like most anthropologists, I believe that the statements and behavior of an alien people can only become intelligible through understanding their view of the world, which will become more or less clear through long immersion in their daily life, through learning their language and speaking with them in it, and through comprehending their daily concerns. I also believe that if I went to their village as a stranger for a day or even a week to interview them they would probably be reticent about what interests me most (dispute-processing, power relations) and that they would be less than willing to give me genuine answers. Indeed, if they spoke to me at all, they would more than likely give me answers that they felt government administrators would like to hear (for they might identify me, an outsider, with other strangers who spend a day or two in their village—government officials, tax

collectors, or urbanities who might also be police informers). I could not expect to gain a native's intuitive view of his world, but as I became known in the village, I could expect to learn from those who were in my employment and those who were my friends what the expected forms of village behavior were, for they would begin to correct my grosser errors. I also assume that if I stayed long enough I could learn to distinguish between information which is more or less correct and that which is false, and that in any case a variety of people would tell me their versions of events, so that gradually I could begin to see patterns in their social life and how specific events fit into those patterns.²²

The description of one village in a country of thousands of villages cannot be definitive of all rural communities in Turkey. But in most respects Mandalinci village is representative of other tangerine-growing villages on the Bodrum peninsula,²³ and by and large, rural communities in Turkey, like all Middle Eastern villages, have very much in common. Further, economic relationships in Mandalinci in many ways shape other social relations, so I suspect that the situation in Mandalinci pertains to many Turkish villages using the same methods of organizing village labor and marketing their crops. For one of the outcomes of this study is the demonstration of marked differences among Mandalinci villagers themselves, both in their knowledge of and their participation in national attitudes, values, and goals.²⁴ A critical vari-

²² In an extensive analysis of problems in cross-cultural research, Whiting (1968) suggests that the best way to ensure comparability of data is for researchers to engage in long-term study of the communities to be compared in order to resolve problems in the following areas: (1) definition of the community, that is of the area of shared values, meaning, and beliefs, (2) distinction between prescriptive rules (i.e. those with no alternative) and preferred rules (i.e. where there is an explicit and common alternative permitted), (3) problems of obtaining information which natives do not want to share, (4) problems of seeing the range and variation of the culture, since few individuals have the social and psychological perspective to define their total system from the inside, (5) problems of learning about private behavior, (6) problems of adequately learning and judging emotions, and (7) problems of reliability and bias (for example, informants may be ignorant or deceiving).

²³ Statistical analysis of court use by the thirty villages in the jurisdiction of the Bodrum court demonstrates that Mandalinci village met the profile characteristics of a typical village in terms of number and types of disputes reaching the court, as well as number of "violent crimes" apprehended in the village (see Starr and Pool 1974).

²⁴ By goals, we mean public or national goals of the state. There are, of course, other dimensions by which one could analyze the relationship of a village to the country of which it is a part. These three were chosen because they seemed the most

able which affects how much a Mandalinci farmer knows about and participates in (i.e. believes in and/or wishes to attain) national goals is his role within the village agricultural and economic system. This study thus underlines, first, the need to keep conceptually distinct individual versus community involvement in national goals, and, second, the fact that every territorial unit designated as a village in Turkey may not meet definitional requirements of what we term "a community."

During the period of my village research (from December 1966 through December 1967)²⁵ I studied all the dispute cases in the village which came to my attention. Some were settled locally, while others were taken to the District Court in Bodrum, approximately 26 kilometers from the village. In order to understand and encompass these data in my study, I spent over eight months studying the District Court, and, to a lesser extent, other dispute handling agencies in Bodrum. I returned to Bodrum for the three summer months of June through September 1968, and thus discovered outcomes of certain court cases I was following. (The results of research which does not bear directly on the village will be presented elsewhere; see, for example, Starr and Pool, 1974).

Conflict has interlocking spatial, temporal, economic, social, and political dimensions. To understand the interlocking systems, which generate, aggravate, minimize, resolve, and/or prevent conflict, is to understand the nature of the conflict. Part I deals precisely with these dimensions of Mandalinci. Part II focuses specifically on village conflict through case analysis. The cases are sorted by disputing processes—i.e. informal village techniques, formal government agencies, or a combination of these. I conclude by discussing selected aspects of the impact of western law in rural Turkey, and the extent to which villagers have been drawn into the national Turkish administrative system.

Lewis has suggested that Ataturk brought the Turkish revolution to the towns and townspeople of Turkey, but that those changes barely touched the villages. He points out that only after World War II a "second, silent revolution was now reaching into

commonly agreed upon dimensions by those studying the relationship between local and national communities. See, for example, Swartz, Turner, and Tuden (1966:4-12).

²⁵ A total of sixteen months was spent in the field between 1966 and 1968. For fourteen months I lived in either Mandalinci village (Dec. 1966-June 1967) or the near-by town of Bodrum (June-Dec. 1967; June-Sept. 1968).

the deeper layers of the nation, and starting a new transformation'' (Lewis 1961:472). This book is an effort to make explicit the extent to which legal changes enacted during the Turkish revolution affected one village in the area of dispute settlement by 1967 and 1968.

PART ONE

AN ETHNOGRAPHIC DESCRIPTION
OF MANDALINCI

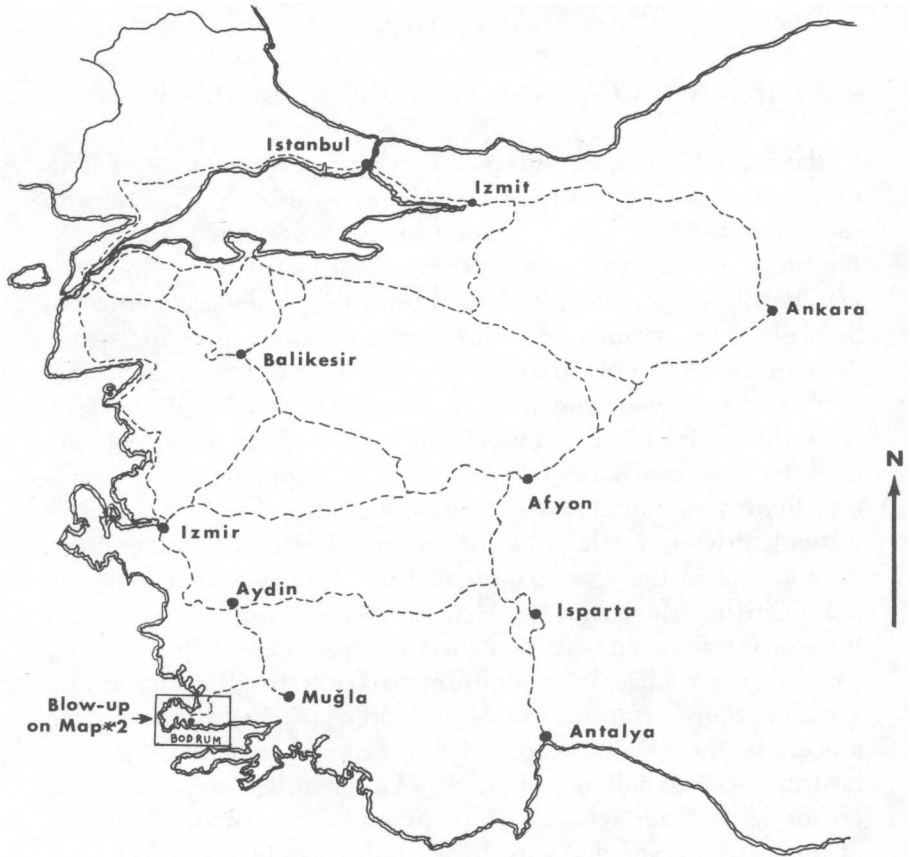
CHAPTER ONE

THE HISTORICAL AND ECOLOGICAL DIMENSIONS

Mandalinci is one of thirty villages within the district of Bodrum, whose administrative town (*kaza*) is also named Bodrum. (See Map I.) Mandalinci, a seaside village, lies on the peninsula to Bodrum's east in the southwestern corner of Turkey, approximately thirty kilometers from Bodrum town. They are connected by a one lane, mountainous dirt road. In many winter and spring days the road is only passable by four wheel drive vehicles because of heavy rains and flash flooding. At the time of my fieldwork the town of Bodrum was connected to Milas, another town, by a narrow, two lane, dirt road ninety kilometers long over a treacherous mountain pass. The mountainous section involves difficult driving, for large transport trucks lurch around corners, claiming all of the road. The road from Milas to Izmir is paved, although the bridge over the Menderes River tends to wash out in the rainy season and needs constant repair. The trip by a four wheel drive vehicle from Bodrum to Izmir took six hours; by Turkish transportation (buses or cargo trucks) it was often longer. In the end of August 1968 the road between Milas and Bodrum was asphalted and an all-weather bridge was completed on the Milas-Izmir section. Thus the end of the relative isolation of the district coincided with the end of my fieldwork.

In good weather the trip by jeep between Mandalinci and Bodrum takes about an hour and fifteen minutes. (See Map 2.) But weather and traffic—unloading of camels, loading of large transport trucks, rain, washouts, and flash floods in winter, heat and dust in summer—can double that time. Two jeeps, owned by local residents, serve as buses and usually make one round trip a day between Mandalinci and Bodrum. On Thursdays and Fridays (Bodrum market days) two round trips are made, each taking two to three hours, since jeeps stop frequently to take on or discharge passengers.

Along the seashore fronting Mandalinci are classical ruins of a fifth century B.C. Greek town, Roman ruins, and medieval baths. Evidence of nineteenth and twentieth century Greek occupation



Map 1. Bodrum District in relation to the major cities of western Turkey

also can be found throughout the harbor area. There is a Greek church (now used as a barn), and there are picturesque Greek windmills, now in disrepair, which stand on a hilltop behind the Mandalinci plain. A hill dividing the harbor from the open sea contains ruins of a recently built watchtower and an ancient wall, built of Cyclopean-sized stones. The wall may be the oldest ruin in Mandalinci, although burial tombs (now empty) along the road above the harbor resemble tombs found by Yusuf Beysal (Professor of Archaeology at Ankara University), at Muskebi (another village on the same peninsula), which contained Mycenaean pottery dated to 1400–1200 B.C.

Mandalinci has a deep, protected, natural harbor with a large, flat inland valley suitable for agriculture, a Mediterranean climate, and an adequate water supply from wells and mountain streams. Its fertile inland plain is ringed on three sides by high hills. Hills toward the sea protect both sides of the harbor entrance. Until recently, malaria-infested swamps¹ probably offset the advantages offered by the natural environment. But within the last decades malaria has been largely eliminated by drainage and spraying.

The 1965 population of Mandalinci consisted of 1014 Turkish people (527 males and 487 females) who lived in 247 households.² Although the area has been inhabited intermittently since ancient times, the village only began to assume its distinctly Turkish characteristics after the Greeks left in the early 1920's.

Layout and Settlement Pattern of the Modern Village

There is a longer but more comfortable route to the village: it does not approach the village center directly, but runs behind hills parallel to the sea, reaching the village from the southwest (see Map 3). The most direct route from Bodrum, however, winds sharply through hills, valleys, and other villages and enters the village from the southeast. It turns a sudden hillside corner, and Mandalinci plain, which is oriented in a southwestern-northeastern direction, lies below. The first sight of the village reveals

¹ Fisher (1963:321).

² Records from the Bodrum Census Office for the 1965 National Turkish Census.

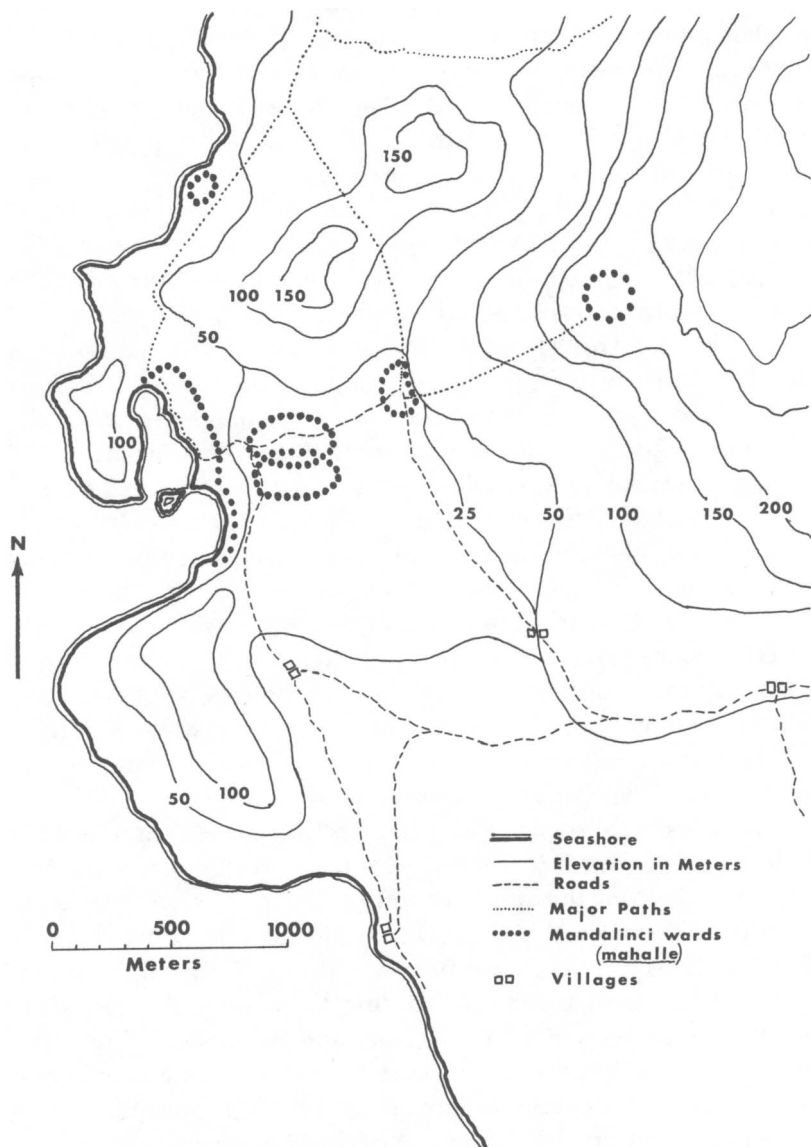
two contrasting settlement patterns: houses clustered into wards, and isolated homes at the edge of fields.

The road then descends steeply into the valley. At this end of the plain, the area farthest from the sea, houses are isolated and dispersed. There are only one or two newly planted tangerine orchards and no clustered wards. The area is unnamed. The center of the village is at least three miles farther along this road from the southeastern end of the plain.

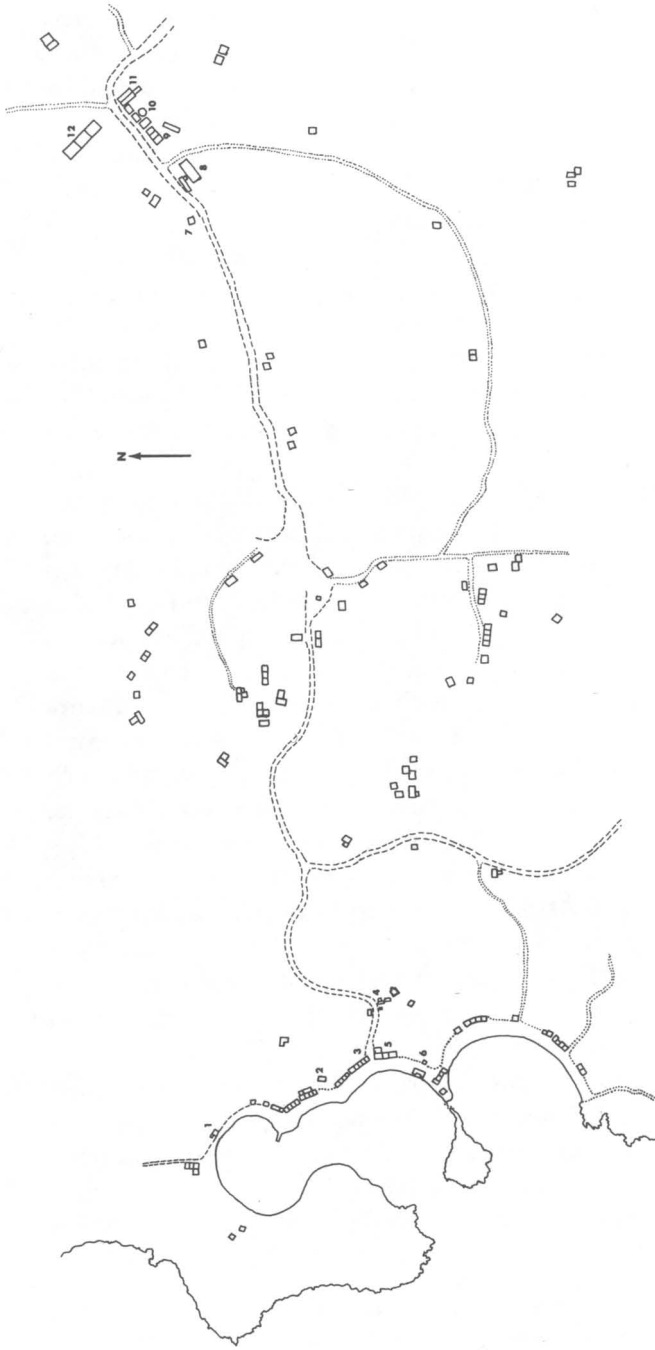
At the village center (see Map 4) are two stores, two coffeehouses, three privately owned storerooms, and several newly constructed buildings—a four room school, a village council room, a mosque, two outhouses, and a water trough, all representing intrusions by the Turkish state (they were built by state money in 1966-67). All the buildings cluster along both sides of the dirt road. In good weather village men sit or squat in front of the coffeehouses at the village center; on cold days they sit inside the two coffeehouses, talking, playing cards, occasionally listening to a radio, watching others, or silently staring into space. In tangerine and vegetable seasons large transport trucks load here, giving the area an active appearance. An open area (grassy in spring, burned out and dusty in summer) opposite the two coffeehouses is a convenient place for bringing together village produce—boxes of tangerines, snails, or bay leaves, bags of figs or olives, great piles of green peppers, beans, artichokes, eggplants, watermelons, squash, and cantaloupes—all to be loaded onto the large trucks which carry village produce to urban markets.

Three clustered wards exist between the village center and the harbor area. A fourth is reached by a forty-five minute walk up a donkey path from the village center (see Map 3.) Here, nestled in the top of an isolated and protected hillside, are approximately fifty buildings where about fifteen households dwell (a household is defined on p. 63). According to informants this is the oldest Turkish section of the village, and the design, simplicity, and style of the houses suggest that Turkish-speaking people first built permanent structures here. Here also is a mosque said to have been built in 1903 by a grateful Greek sea captain who found refuge in Mandalinci's harbor during a fierce storm.

The second focal point of village activities, the harbor area, contains two coffeehouses, two stores, the only olive-pressing plant, the old mosque, which village men use on Fridays (in



Map 3. Mandalinci Village in Relation to Nearest Villages. Layout of Total Village with Major Neighborhoods



Harbor Area

1. Gendarme Station
2. Mosque on Hillside
3. Hacı Nuri's Coffeehouse
4. Attila's House
5. Attila's Olive Processing Plant
6. Yusuf's Coffeehouse, later Seaside Restaurant

Village Center

7. Public Outhouses
8. New Village School
9. Coffeehouse
10. New Mosque
11. Oktay's Coffeehouse, Home and Store
12. Warehouses

Map 4. Mandalinci Village: Harbor Area, Several Neighborhoods, and Village Center

preference to the newer, state-financed one)—and, at the farthest end of the harbor, isolated and by itself is the gendarme station. With the coming and going of boats, village jeeps, camels, donkeys, cows, and sometimes trucks, the harbor area rivals almost all activities found at the village center. It differs in important ways, however, for it lacks newly constructed buildings; numerous paths that radiate from the village center and lead to other sections of the village; the village *muhtar*, who usually sits at a village center coffeehouse; and a dense population (measured both in terms of number of surrounding households and number of men who frequent the central village coffeehouses). In three other places are small stores serving a neighborhood cluster of households. But only two or three men sit there, and no tea or coffee is served.

The two major focal points of activity, the village center and the harbor area, represent the spheres of influence of the two informal village entrepreneurs and leaders, Oktay and Attila. Men who sit at central village coffeehouses are rarely found at seaside coffeehouses, and *visa versa*. The choice of which coffeehouse to attend is not merely a choice of convenience, or of a friendship circle. It represents affiliation with a “quasi-group”³ of supporters surrounding one of the two informal village entrepreneurs. Each entrepreneur produces a large surplus crop, and each summons trucks to the village to transport his crops to markets. Oktay’s trucks load at the village center in front of his coffeehouse; Attila’s load at the seaside in front of his olive-pressing plant. Both Oktay and Attila buy the surpluses that small farmers produce or arrange for such crops to go to market on their trucks. Furthermore, both Oktay and Attila extend credit in winter to poorer villagers or small producers who run short of food or cash, although they use different means. Thus, Oktay and Attila are entrepreneurs or patrons who have different dyadic ties to clients (some of whom are their poorer kinsmen). As patrons they use credit and their role as entrepreneurs (i.e. in arranging transport of village produce to urban markets) to build up a following. (The ways each patron converts dyadic relationships

³ Quasi-groups have been defined by Mayer as those associations which “possess a degree of organization, but are nevertheless not groups. They can be called interactive quasi-groups, for they are based on an interacting set of people.” (Mayer 1966:97).

to a political support group are more closely examined in Chapters II and V, while a developmental view of how such economic roles evolved is suggested later in this chapter.)

The History of the Modern Village

The present inhabitants of Mandalinci speak a rural version of modern Turkish, a few old men keep accounts in Arabic script which they learned before the alphabet was westernized in the 1920's, and most men under forty can read and write modern Turkish, which they learned in school or the army. Most older village men speak Greek: they dealt with Greek-speaking people in Mandalinci and in Bodrum, or dealt with Greeks living on nearby islands at an earlier period. Most women fifty years or older also remember Greek, for they came to Mandalinci as brides from nearby islands where the Turkish and Greek populations even today are bilingual. Island women were considered the most beautiful and were desired as wives by mainland men in the past. The practice of "marrying-out" in an earlier period reflects the tendency of households to migrate between summer and winter locations where they would meet diverse people. Marrying-out once had a function, since it created wide social networks and allowed households access to diversified environments. Now over half of the marriages that were performed in Mandalinci in the three year period 1965-67 (approximately twenty) were between resident Mandalincis.

The following account of village history was told to me and my assistant by a seventy-three year old Mandalinci man who claims to have bought several houses from Greek families at the time they left the village between 1920-22:

About a hundred years ago a Greek man, named Demetrius, came to Mandalinci. He was a tailor and had five or six daughters. He lived in the valley and sometimes made shirts for people. About this time there were no more than ten houses, inhabited by Turks, in the flat land or seaside. When the Turkish people offered to pay him, he said, "Ph, don't give me money. Give me some land so that I can be your neighbor." In this way he acquired ten plots of land. Later two other Greek men came. One became the owner of the western part of Mandalinci, the other owned all of the eastern land from here to the next village. When a Turkish warship went to Kalimnos with the Ottoman

Sultan Aziz⁴ in the nineteenth century, all the Greek people ran away up into the mountains. One of those Greek men called them back down. He killed forty sheep for the Turkish soldiers on that warship. In Istanbul the Sultan Aziz gave him a golden tobacco box and I have seen it. He also received a long saber and a medal for his generosity to Turkish soldiers. After he died, however, the government took back the medal and the saber.

Later more Greeks came. At the end there were about twenty Greek families living here all year. The others came just for the time of reaping, and then returned to Kalimnos.

(Field notes, "Mandalinci History," 9 May 1967).

The old man's story of the banquet for the Turkish warship may be factual, as I have been able to verify that Turkish warships were in these waters during the reign of Sultan Abdülaziz. The old man's account suggests that Greek-speaking households in the area considerably outnumbered Turkish ones during the last half of the nineteenth century, and certainly the ruins of cut-stone houses along the waterfront represent a larger, sea-oriented population. But many Greek and Turkish households using the area came only for summer months, and I suspect that the old man probably exaggerated the number of Turkish-speaking households living permanently in the flat plain around 1900. Genealogies, personal biographies, current landholdings, and the age of houses (established by house styles) suggest that only three or four Turkish families lived year round in the valley or seashore at this time. Turkish landholdings then were small; Turkish houses, then as now, were simple one- or two-room cottages.

Another informant, a man in his seventies, said that when he was small there was a gendarme station and a Customs house in the village, and that from a small lookout station on top of the largest hill a soldier always watched the sea. Every boat coming from north or south was required to stop in the harbor and see customs. All the houses along the waterfront were inhabited by Greek people, and at least two casinos along the waterfront were crowded with Greek men at night.

"In these days everybody carried any weapon he wanted. We had long knives and double pistols with short handles, and we wore turbans on our heads," he said.

⁴ It is probable that he is referring to Abdülaziz, who was Sultan of the Ottoman Empire from 1861 to 1876.

He also told me that between 1914 and 1918 a ship had come and had shot a cannon at the seaside village, hitting the Greek orthodox church on the hill and causing all the people to flee from the seaside into the remote mountain neighborhood.

The European peace settlement at the end of World War I dismantled the Ottoman Empire, and no effective state government was left in Turkey. The Greek army then invaded Izmir and violence erupted between Turkish and Greek-speaking populations in the western provinces. Whether the Greek Mandalinci families decided their future lay elsewhere and sold their land to Turks, or fled in fear of their lives, is unclear. Old Turkish men in the village were reluctant to discuss the period, which is perhaps suggestive. Records do not tell much either, for the League of Nations took notice of this ethnic conflict only in 1922, when roughly 850,000 Greek-speaking people who had fled from Aegean and Anatolian Turkey had become a problem to the Greek government.⁵ Most of these families had fled precipitously, taking few possessions; for as Greek soldiers advanced into Anatolia during the Greco-Turkish War of 1920-22, Greek-speaking people suffered from considerable animosity and violence. As news of the uprising of Turks against Greeks spread, Mandalinci Greeks probably went to Kalimnos and Kos, Greek islands within an easy day's sail from Mandalinci, for the Greeks (unlike the contemporary Turkish population, which is primarily agricultural) were good seamen. Those Greeks had close ties with people on surrounding islands and some Mandalinci Greeks owned island land.⁶ The families who fled resettled in Greece. Whatever attempts they made to reclaim their land at a later date were unsuccessful, so that ethnic contact in Mandalinci between Greeks and Turks was essentially over by 1922. It was in that period that the contemporary Turkish village began.

⁵ See 27 Reports (Quarterly) of the Work of the Greek Refugee Settlement Commission. Refugee Settlement Commissions' Quarterly Reports to the League of Nations, 1924-1931 (c 524, M. 187.1924#). Also see Nansen (1922a, 1922b, 1923). Also Greek Refugee Settlement, General Survey on the Work Accomplished up to the summer of 1926 (Ser. L.O.N.P. 1926.II.32). Also Ladas (1932), chapters 32, 33, and Conclusion.

⁶ Personal communication from H. Russel Bernard, who has conducted anthropological fieldwork on Kalimnos.

Attila's family came to settle in Mandalinci at that time, and at least one Turkish man from outside the Bodrum area was awarded unoccupied Greek land in Mandalinci for his role in the Turkish War of Independence (1919-22). He continued his friendships with members of the new Republic and sent his children to urban schools. One of his sons is now Director of the Bodrum high school; another held an important position as Minister of Commerce during the Menderes regime. These two families belong to regional elites and have as reference groups members of regional elites throughout the Bodrum-Muğla region. (See p. 31 for a more detailed discussion.)

But most of the Turks who settled in Mandalinci valley after the Greeks left came as homesteaders, moving down from the high mountain ward or from nearby communities on the Bodrum peninsula. Most families tended to use only enough land to support their immediate household needs, for they continued their previous traditions of subsistence farming or herding.⁷ Many returned to their former homes for the winter months.

If we consider the relation of the Turkish households to the cultivable land in Mandalinci from 1900 onward we can outline roughly three stages:

First, from 1900 until about 1920 the valley and seashore area was essentially owned and cultivated by Greeks, only three or four Turkish households had cottages and fields there, and the only cash crops were figs and olives.

Second, with the departure of the Greek households in about 1920, more Turkish households moved in to occupy the seashore and valley area. These represented two strata of Turkish society. The first and most numerous were semi-pastoralists and subsistence farmers, who planted a few crops, kept a few animals and made semi-annual migrations between summer and winter pastures and fields. A few of such households took over Greek fig and olive trees, but returned to their former homes for the winter. Other settlers, represented by four households, were mem-

⁷ Subsistence crops can be defined as food grown primarily to be consumed within the household and which constitute the staples of village diet. Clearly, when there is a surplus in a "subsistence" crop it may be sold for cash at a market external to the village, but unlike "cash crops" (see definition in footnote 9) the level of production of a subsistence crop is only peripherally influenced by external conditions (Kolars 1967:84, fn. 6).

bers of regional elites who were awarded Greek farms for their participation in the Turkish War of Independence.

Third, from 1930 to 1967, as individual households converted subsistence fields to cash crop production (spring and summer vegetables, and later, citrus fruit), they tended to build permanent houses near their fields and thus began to settle year round in the village, gradually abandoning semi-annual migrations.

The above description, though brief and simplified, attempts to show how strata of society and mode of livelihood (i.e. sheep, camel, or goat-herding and subsistence agriculture versus cash crop farming) played a part in village settlement.

Tangerine cultivation was learned from Greeks on the island of Rhodes by a Bodrum Turk whose tangerine orchards near Karatoprak date from about 1930.⁸ Only a few Mandalinci households began converting fig or subsistence fields to the cash crop of tangerines⁹ between 1930 and 1940, a fact which can be verified, since no tangerine orchard in Mandalinci is over twenty-five years old. The involvement of many Mandalinci households in tangerine or vegetable cash cropping is a phenomenon of the late 1950's made in part possible because large amounts of capital and effort were spent in the 1950's on developing the Turkish road system; as the result, it was then feasible to transport fruit by truck. Mansur points out that after 1950 the Agricultural Bank in Bodrum began to give "productive credits" to citrus growers and made it possible for many a small landowner to grow tangerines" (Mansur 1972:42).

But even at the time of my fieldwork in 1967 all Mandalinci land suitable to tangerines or other cash crop production had yet to be converted. Land prices had risen, however, and land values in Mandalinci valley were higher than in other, smaller Bodrum villages also favorably situated for tangerines. Arable land in Man-

⁸ Tangerines only became feasible as a cash crop in Bodrum after 1928 when a dirt road was constructed linking Bodrum to Milas and from there to Muğla, Izmir, and eventually to Istanbul and Ankara. Before the road was completed produce was carried from Bodrum by boat. Since tangerines ripen only in winter months, December to mid-March, overland trucking was preferable to sea transport, since sudden and severe sea storms meant that sea transport in winter was at best precarious.

⁹ Following Kolars (1967:84, fn. 6) "cash crops" are defined as "those crops specifically grown for sale outside the village rather than for local consumption, and which in the absence of an external market would either be lacking or found in insignificant quantities within the village."

dalinci valley was selling for 10 liras¹⁰ per *dönüm*,¹¹ while in Mandalinci's remote mountain neighborhood arable land cost only 2 liras per *dönüm*. To outsiders involved in a cash economy, or to European vacationers seeking a summer house on the Aegean, the price of land in Mandalinci sounds incredibly cheap. But even wealthy Mandalinci farmers only have cash after crops are sold, while farmers raising few cash crops continued to think in terms of year-to-year subsistence requirements and thus did not look to banks for credit in order to buy or improve their land.

The trend of converting subsistence fields to the production of marketable crops began in earnest in the mid-1950's as subsistence farmers learned techniques of citrus cultivation from elite households. Those elite households had sold figs and olives during an earlier period, and it was both fig and olive groves, as well as new land, which they now used for early spring vegetables—beans, peppers, beets, as well as for newly planted tangerine groves. New crops were raised as the cities of Izmir, Istanbul, and Ankara sought fresh fruits and vegetables earlier in the season than they could be grown nearby and in greater quantities than could be supplied by the Antalya region. As the European economy recovered after 1945, Italy, Yugoslavia, Bulgaria, France, and Hungary also began buying Turkish fruits and vegetables, which are delicious and considerably cheaper than those which are home-grown.¹²

By 1967 nearly half the village households produced cash crops, but a marked contrast existed between elite households,

¹⁰ The price of a lira fluctuated to some extent during the time I was in Turkey. Banks gave 9 liras to the dollar, but on the black market, depending upon how much money was being changed, the price varied from 10 to 12.5 liras to the dollar. In 1968 the Turkish government attempted to offset the black market by allowing individuals on tourist visas to change dollars at Turkish banks at the rate of 12 liras to the dollar. This virtually put the black market money exchange out of business, according to informants. In this text I have translated liras into dollars at the equivalent of 10 liras to one dollar.

¹¹ A *dönüm* is a unit of land which has been standardized to refer to one decare (roughly one-quarter of an acre). Traditionally, before the National Land Survey Commission standardized its usage, a *dönüm* referred to the amount of land a team of oxen could plow with a needle plow in one day (Kolars 1963:xv).

¹² See Chapter II, pp. 42-3, for a summary of the interview I held in August 1968 with the two men who directed the government agricultural cooperative in Bodrum concerning where Bodrum tangerines were shipped.

which began marketing crops early, and those which only recently had become market-oriented. The difference between early and late entry into cash crop production is a theme of this book, because it has perpetuated differences in outlook and influence between households of peasant agriculturalists. Early entry into cash cropping gave households a strategic advance, since household heads had access to information on managing farms, arranging credit at banks, crop care, household economy, and so on. The household head who began selling crops early knew men who would buy his vegetables and tangerines, or he had contacts with truckers who would transport and sell his crops at markets. As the trucking and marketing system expanded, the cash-cropping farmer's ability to meet the increasing demand for his produce was in part based on his skill in organizing field labor and in part on his ability to contact those who would transport his perishable crops to Bodrum and more distant markets. With the expanding market system, the initial relationship between a village producer and a buyer in Bodrum or Izmir gradually expanded. The system itself was still based on dyadic relationships, but the village producer, through one of his buyers, had contact with entrepreneurs previously unknown to him. By the 1960's as other households decided to invest cash and labor in cash crops, they, too, converted fields. Those household heads had been selling their small surpluses at local markets held in nearby villages, or occasionally in Bodrum. They did not have established contacts with entrepreneurs in cities and lacked the social finesse to deal with such men if they did find them. Nor did they feel at ease with the fast-talking Turkish brokers who acted as middlemen in rural towns or cities. Yet the need to move perishable crops to markets quickly meant that even small producers needed reliable middlemen to make trucking and sale arrangements. Often, with few crops to sell and no great profits to be made, it was easier for a small producer to ask a large producer to handle the arrangements for him. Thus, both Oktay in the village center and Attila at the seashore gradually gained a clientele of smaller producers. That relationship reinforced the tendency of smaller producers not to develop contacts of their own.

In sum, although a small producer knew a few people living in cities through marriage or migration of kinsmen, he had *fewer*

connections to people of power and influence than the large producer and he tended to be parochial in attitude and village-focused in outlook. Conversely, the man who marketed large quantities of produce had a number of contacts outside the village. They provided him with an information channel, which in turn reinforced his awareness of, and concern about, more general Turkish problems.

That difference in outlook had other consequences. If we examine the men who have left the village, we find that, essentially, they fall into two types. (We are not considering men who have joined groups of Turkish workers in Germany for two or three year periods, since only three men from Mandalinci fall into this category, and all had returned to the village by the end of my fieldwork.) Some have moved to the cities to take jobs as taxi drivers, waiters, tailors, and shoemakers, or to *own* a small city business—a taxi, a restaurant, a neighborhood store. Those households had siblings and, usually, parents who remained in the village. The result is that occupations of siblings and economic assets became diversified. The second type consisted of ten households which, in terms of life style, occupation, and outlook, should be considered members of local or regional elites. By 1967 at least five such households had left the village entirely, leaving their orchards and fields in care of a sibling as *ortak* (tenant farmer). The male household head had moved into a white collar job, sometimes of considerable influence, in a city. Of these men, only the school director in a nearby village returns with his household to Mandalinci in summer. The other men come back once a year to oversee the management of their Mandalinci orchards.

What implications are to be drawn from this impressionistic sketch of village history? I believe that the short duration of Turkish occupation of the fertile valley area, and the fact that the village itself was settled by individual households, most of whom were unrelated to each other, created the distinct character of the village. Although some continuity was provided by Turkish households which moved from the high mountain ward into the fertile valley after the Greeks left, such continuity was sharply offset by differences resulting from early or late entry into cash cropping and differences resulting from elite or non-elite origins of the household head. Households of local or re-

gional elites began cash cropping early and certain ambitious village men followed suit. Villagers who began cash cropping much later let fellow villagers who had been producing and marketing crops longer handle the sale of their crops, thus giving them first the role and later the status of broker or entrepreneur. As the smaller farmers developed fewer contacts outside the village, they had personal access to less information, and tended to remain parochial in outlook. Nor have they developed a class consciousness, for they do not see it in their interest to unite with other small producers in the village to offset the growing power of the two village-based entrepreneurs.

What has developed, then, is an attitude in which each household attempts to improve its own financial position. Poorer households emulate the productive skills of richer ones, and no household feels its interest can better be served through common village activities.¹³

Few traditions of collective action have developed, nor, if once present, are maintained. Villagers do not see how communal work or cooperative endeavor, which would improve their village, could benefit them directly. Since Mandalinci villagers are greatly influenced by high status, rank, and prestige, only a rich and influential person could unite them in a common interest in village welfare. Yet as a producer becomes richer and gains more contacts with influential people in cities, he ceases to be interested in the village except as a source of livelihood. Sooner or later he terminates his village residence in order to become part of more generalized Turkish culture. Therefore, he does not provide the leadership within the village necessary for effective collective action.

One cannot help but admire the villager who, through his productive skill and use of urban contacts, is able to move out of the village into the larger fabric of Turkish society. But the consequences in terms of village solidarity and village development are these: the very individuals who could interest poor and parochial

¹³ The attitudes characterized by Banfield as "amoral familism" (1958:85-103) are similar, in certain respects, to attitudes manifested by Mandalinci people. Banfield says the Montegrano peasants of South Italy lived as if they followed this rule: 'Maximize the material, short-run advantage of the nuclear family; assume that all others will do likewise' (Banfield 1958:85).

villagers in improving their village, educating their children, and developing community-wide goals cease being concerned with village affairs at the very point when they could have the greatest influence.

CHAPTER TWO

ECONOMIC MODES

In Marx's view the essential defining character of man is his labour power. Labour is a process going on between man and nature whereby man not only acts on the external world and changes it but also at the same time changes his own nature. Essential to this process are instruments of labour, which are not only tools but also indicators of the social relations amid which labour was performed. As the social relations vary, especially in regard to control of labour power and of instruments of production, so does the character of men vary—it is not general human needs but economic conditions at a particular stage which determine their behaviour (Marx, *Capital*, Vol. 1, 1930:169-78). Now anthropologists have shared with Marx the realization that in an economy the relations between material things are really an expression of social relations between people.

(Firth 1975:34)

To understand the economic life of Mandalinci village we need to see how the village social stratification relates to the wider social hierarchies in Turkish society. Two aspects of social hierarchies are relevant to our analysis. Gough (1954:196), in a study of a Turkish provincial town, has emphasized that voluntary associations often cross class lines drawn by wealth and that education is a key factor in social mobility, while Rustow (1967:21) delineates three major land-holding strata of rural Turkish society: (1) large estate owners who send their sons to high school, university, and foreign study and who over the decades have become an integral part of the political elite; (2) an even larger segment consisting of farm owners who sell their produce in market, and who easily make the transition from farming to commerce, and who rose to prominence in provincial and national politics in the 1950's; and (3) a large mass of subsistence farmers, sharecroppers, and farm laborers who still play no political role except in voting. Members of the first two categories constitute local or regional elites. I use the term "elite" in its most general sense, to denote a group of persons who in any society hold positions of eminence. As an analytic concept, the

term "elite" was popularized by Pareto, who stated: "So let us make a class of the people who have the highest indices in their branch of activity and to that class give the name of elite." Pareto designated two strata in a population: the lower stratum, or non-elite, and a higher stratum, the elite, which he subdivided into a governing and non-governing elite (Gould and Kobb 1964: 234). In terms of Mandalinci village, five residential households are members of or have connections with local and regional elites, while the rest represent Pareto's lower stratum.

Elite households used, thought about, and claimed land in ways different from most non-elite households, and these use patterns have tended to have adaptive significance. For the descendants of settlers who claimed valley land to grow fig or olive orchards or who took over Greek-owned farms had a distinct ecological advantage, once intensive cash cropping of citrus fruit was introduced, over descendants of households which practiced only herding. But only households which claimed and kept valley farmland were able to exploit their advantage, so that by 1967 certain households achieved continuing economic production and greater wealth than others. Furthermore, two household heads who became entrepreneurs through buying the produce of others used their dyadic ties to their clients to build up a political following. I follow Barth's (1967:171) definition of an entrepreneur as someone who directs his "activity pre-eminently towards those points in an economic system where the discrepancies of evaluation are greatest, and will attempt to construct bridging transactions which can exploit these discrepancies."

Here we explore the kinds of legal relationships to land which exist in Mandalinci, the kinds of economic activity in which villagers engage, and the ways that villagers sell a surplus crop. Our interest is less in economic analysis per se than in suggesting how individuals as incumbents of status positions and performers of roles exercise choices through time and define situations in terms of competing values, thus maintaining three economic strata within the village: large farmer, small farmer, and wage laborer. These economic strata directly correlate with differences in status position, prestige, and power, and are relevant to our later analysis of conflict and its resolution.

Types of Legal Relationships to Land

Land ownership is a highly complicated subject, not only in this area of Turkey but throughout the Middle East, so that the following summarizes only the major relationships which Mandalinci villagers or the Bodrum court recognize as existing between an individual and the land he farms.

First, an individual can own his land by virtue of a title (*tapu*), which means the land has been surveyed and registered in his name at the Bodrum Land Registry office. To dispute someone's right to land once he has title to it is difficult and involves a long and complicated court case (see Case No. 31). In Mandalinci there is no evidence that written records of land transactions were ever kept, and I would guess that no more than two-fifths of all the village land was actually titled by 1967. In villages in the Bodrum district there are individuals (almost always males) whose memory of land transactions is good, and those people, now as in the past, are asked to witness land transfers and to give court testimony in situations of disputed land.

Second, an individual can own land by possessing a note (*noter senedi*) from the Notary Public in Bodrum. This is a less definite right, for the note only indicates that someone has given or sold land to someone else. To obtain such a note does not involve a review of previous or conflicting rights to that land. Nevertheless, such a note can be used in a court case in order to establish right to the land so that title can be given, as long as someone else does not press a counterclaim.

Third, an individual can have the right to use the land through a decision by the administrative director (*kaymakam*) in Bodrum, or by one of his representatives. Such a right is as binding as the second relationship; to contest it an individual needs to open a court case which will review the decision by the Administrative Director's office.

Fourth, an individual can continue to farm land by virtue of the fact that he or his father continuously farmed it before him. If he (or he and his father) farmed it for twenty consecutive years, or if he has paid land taxes on it for eleven years, he can go to court to establish his legal right to the land and receive title to it by court decision. The amount of land an individual can claim in this manner is strictly set by law.

Fifth, an individual can farm land which someone else owns. If he does not pay rent and the landowner in no way asserts his prior claim for a twenty-year period the farmer can then claim it as his own by virtue of the fourth principle described above. In Mandalinci at present when an individual is farming someone else's land, he usually is involved in a contractual agreement with the landowner; he may pay rent or he may be a tenant farmer (*ortakçı*).

The above discussion becomes relevant to Mandalinci when we note that households which *early* became interested in growing cash crops of figs, olives, and vegetables early claimed productive, or potentially productive, farmland in the valley and seashore areas. Those engaged only in herding and subsistence agriculture did not lay claim to the flat land. Hills provided more abundant food and shelter for their animals, and food enough to support a household could be grown in hilly plots near the grazing beasts.¹ Thus, before the introduction of intensive citrus agriculture, the kind of land to which non-elite households had traditional rights depended on whether they were engaged in agriculture or herding and was not a critical factor in determining their economic rank. Once cash cropping was introduced, however, it became a distinct advantage to have rights to fertile valley land. As elite and non-elite households began cash cropping they claimed or bought rights to valley and seashore areas, while households engaged in raising animals—cows, donkeys, sheep, and camels—continued to use the hill areas only, or vacant fields between already claimed land. Land prices began to rise in the valley, but continued to remain relatively low in the high mountain neighborhood. Thus, non-elite households which began cash cropping as late as the

¹ For example, more than twelve years ago, Hacı Nuri gained title (*tapu*) to the one tangerine orchard and two fields on which he raises vegetables; Attila has title to his four tangerine orchards and to all fields on which he produces a cash crop, while Rauf is not engaged in cash cropping, for he has neither title nor rights to land suitable for producing a large surplus crop. He has, however, traditional rights (category four) to a subsistence field near the mountain ward in which he lives, and he grazes his four or five camels nearby on open, unclaimed, hillside land. These examples show situations in which families which early began cash cropping, such as Attila's and Hacı Nuri's, claimed fertile lowland fields and later obtained title to their land, while families essentially subsistence oriented, such as Rauf's, did not gain title or rights to fertile valley land. Consequently, by 1967 Rauf and his sons, Turgot and Yusuf, continue to be alienated from productive land.

1960's could afford to buy only far less productive land. The conversion of hillside land into fields suitable for tangerine production (or for vegetables raised in large, marketable quantities) is not really feasible because of the smallness of the plots and the depth from which water must be raised if a well is the source of water for irrigation. Also, even when technically feasible, conversion of hillside plots is considerably more expensive than conversion of valley or seashore land. Hillside areas, in most instances, are more exposed to the elements—wind, torrential rains, cold weather, and frost—than the protected valley and sea level fields, where cypress trees are planted as windbreaks. Finally, transporting crops by camel or donkey from hilly areas to the road where they can be loaded onto trucks also involves an additional expense.

Thus, differences in legal relationships to land in many ways reflect other kinds of differences between households, for once a field becomes a source of income through production of cash crops, a householder becomes concerned about establishing an absolute legal right to that land.

Furthermore, a marked tendency exists for marriages to be arranged according to economic strata. Villagers themselves say that when arranging a marriage an important consideration is the amount of productive farmland which is owned or will be inherited. Ownership of productive farmland, then, can be considered as one index to economic strata in the village. Such an attitude toward land means that economic differences which now exist may become even more pronounced as the wealthier households attempt to offset division of property (caused by inheritance) through arranging marriages between children both of whom will inherit roughly the same amount of land which then can be consolidated.

Types of Economic Activity

Three major forms of economic pursuit exist in Mandalinci today: first, the raising of milk cows, sheep, goats, camels, and donkeys; second, the raising of vegetable crops, such as string beans, flat beans, long thin beans, peppers, eggplant, melons, squash, lettuce, onions, cucumbers, potatoes, tomatoes, cauli-

flower, artichokes, cabbage, olives, or figs in non-irrigated fields; and third, the cultivation of citrus fruit, primarily tangerines, in irrigated orchards. Some wheat is grown for household consumption, but its cultivation is rapidly being supplanted by that of vegetables produced as cash crops.

With the exception of citrus fruit, which is essentially a cash crop, any of the above can be raised either for market or for household consumption, or both. Mature cows are sold in April and May to be shipped to butchers in Izmir, Istanbul, or Ankara. At least four large truckloads were sent from Mandalinci in 1967, but it is only the wealthier villagers, such as Attila, the *muhtar*, and Musa, who raise cows in any quantity. The *muhtar*, for example, sold 45 cows in 1967. A cow on the hoof brought four liras and 80 kurus (\$0.48) per kilo. A poor villager makes a good profit by selling a cow, but he must weigh its cash value against the loss of its milk products (yogurt is a staple of village diet), or its ability to produce more calves.

In addition to farming and herding activities, there are a number of occupational roles which village men fill (see Table 1). Such roles are not incompatible with their work as farmers, herders, or camel drivers, the exceptions being the village *İmam* (religious leader), jeep drivers, and men who are seamen for the five or six summer months which roughly correspond to the growing season. Eight men in Mandalinci described themselves as seamen, but of these only three, all unmarried,² went to sea for more than six weeks during the two summers I was in contact with the village. No one who used the village as his home base fished for a livelihood. Although several village men were called fishermen by others, they rarely even fished for pleasure. There were only four boats owned by villagers in 1967 and 1968; one had been stolen

² While bachelors enjoy the adventure and trips to foreign places—two village men had been to the coast of North Africa—most married men prefer not to leave their wives for long periods of time. Four men had done some commercial diving prior to their marriage. However, diving is considered to be too strenuous for men to pursue after they reach mid-thirties; furthermore, it is thought to be the most dangerous occupation in this area of Turkey. A twenty year old son of Hacı Nuri died five years previously from “the bends.” A twenty-five year old Mandalinci youth died in a decompression chamber in Istanbul during the summer of 1967. Although decompression charts are available and modern scuba and hookah diving equipment is used, some captains and divers are not as careful as others about decompression, and about adequate waiting periods between consecutive dives, so that accidents are not uncommon.

and was in Greek custody (Case No. 27), one was used by the lighthouse keeper, another used as a pleasure boat by a youth, and the fourth, owned in 1967 by Turgot, was used either for pleasure or to ferry people to nearby villages or islands. Although Bodrum is a center of boat-making, sponge diving, and fishing, such activities had not become established in Mandalinci. Mandalinci men who wished to go to sea went on boats from other villages or from Bodrum town.

There are other occupational roles outside the village by which a man can considerably increase his cash assets. A professional diver earns 1000 liras a month (\$100) by working in Bodrum or on a Bodrum sponge boat, and considerably more if he goes to Antalya or Istanbul. Three impoverished village men had signed on with an agent to work in a German factory for the years 1964-67 and during my stay they returned to the village with transistor radios, flashlights, powerful kerosene lanterns, and, by village standards, a good deal of capital. One man returned with apparatus to process and bottle tangerine juice (which he did in his house) to sell in Bodrum. The other two intended to use their capital to buy farmland in the eastern end of the valley, where tangerine agriculture is just beginning. Yet despite the amount of money to be earned by leaving the village, most men who established a household in the village after marriage preferred to be involved in village-centered occupations. They became either farmers, herders, or both.

The kind of economic activity in which a household engages depends in part upon its stage in the domestic cycle, (i.e. presence of a young married couple, young children, work-age children, marriageable children, married children, aged dependents), and in part upon the kinds of land it has available for its use. Valuable land is only divided at the death of the father, but usually a wealthy landowner has one or more of his married children working some of the fields for him. In return for his son's or son-in-law's labor, the father continues to support the younger man's household, or he establishes a tenant-farmer relationship (*ortak*) with him. Poorer households cannot provide as well for their children. They may own only hillside land suitable for grazing; if they have camels or donkeys, they hire them out to transport tangerines and vegetables to truck-loading areas, and household members may work as day laborers. Other households

Table 1
Types of Occupational Roles in Mandalinci Village

1.	Farmer in own field
2.	Farmer in tangerine orchard
3.	Tenant farmer
4.	Day laborer
5.	Camel driver
6.	Bricklayer, builder
7.	Seamen (divers, boatmen, fishermen)
8.	Shoemaker
9.	Coffeehouse proprietor
10.	Restaurateur
11.	Jeep driver*
12.	Jeep assistant
13.	Rich landowner
14.	Store owner
15.	Medical inoculators (<i>iğneci</i>)
16.	<i>İmam</i> (religious leader)*
17.	Fiddler or other musician
18.	<i>Kilim</i> maker (weaver of lightweight floor coverings)
19.	Tailor
20.	Carpenter
21.	Baker
22.	Barber
23.	School teacher*

*Kinds of Occupations Important in Village Life, but no
resident practitioner in Village*

1.	Circumciser (from Karatoprak or Bodrum)*
2.	Midwife (from Karatoprak)*
3.	Pot tinner (Bodrum)
4.	Doctor (Bodrum)*

* Must be licensed by government to pursue occupation.

own hillside land where only olive trees grow; even so, in good years, additional income may be gained by selling olives in Bodrum, or to Attila to be pressed at his plant into olive oil. Other households own flat fields without water, where they raise vegetables or fig trees.

There is a growing tendency to convert flat fields in the valley and seashore area to tangerine production, but conversion requires that a well be dug, a water-lifting device be purchased, canals be constructed, trees for a windbreak be planted, and young tangerine trees be purchased and planted (tangerine

branches are grafted on to a hardier, three year old stock—they are not grown from seed), all of which requires considerable capital investment. Depending upon the location of the fields, the height to which canals must raise the water, and the type of lifting device used, the capital outlay varies from \$ 400 to \$ 1000, and can run even higher if a new motorized water pump is purchased. According to informants, a medium-sized mature tangerine orchard³ yields considerably more cash profit in a normal year than four fields of the same size planted with vegetables. Equally important, tangerines require less work. Thus every household would like to own a mature tangerine orchard, but I estimate that (as of 1967) a little over one-fifth of the households (i.e. about 50) in Mandalinci own one tangerine orchard, while only about ten households own more than one. Seven of these are elite households. Households have made good profits from tangerines, and even those which planted tangerines only twelve years before have considerably improved their financial position and paid off loans for the original investment. Thus, ownership of a mature tangerine field assures a non-elite household a position in the middle economic stratum, while families which early began tangerine production are almost always included in the highest economic stratum by village informants.

With the exception of tangerines, it is the amount of surplus rather than the crop itself which makes the critical difference to household economy.

A man with more produce than his household can consume has several choices as to what he will do with his surplus. If it is a small amount, he can sell it for petty cash to other villagers. He can give it away, thus establishing good will or credit. He can barter or trade it for something else; for example, people frequently gave the village *kilim*-maker (a weaver of lightweight floor rugs) food, in return for which he made them *kilims* from their wool, charging little or nothing.

If a household has several baskets of surplus vegetables or tangerines the household head can carry them to the nearest market town to sell on market day. This allows him to see other

³ Average orchards in Mandalinci are about ten *dönüm* (see note 11, Chapter I). A small tangerine orchard is about one *dönüm*, and the largest tangerine orchard, owned by Attila, in the village was 16 *dönüm*. It takes seven or eight years for tangerine trees to mature, although they begin giving a small quantity of fruit in their fifth year.

villagers on Saturday in Karatoprak, or on Thursday afternoon and Friday morning in Bodrum. Yusuf, for instance, hired a jeep to carry a neighbor's lemons and the last of his father-in-law's tangerines—about fifteen boxes in all—to Milas, a rural town at least two and three-quarter hours away. But he had a misadventure: the jeep over-turned just outside of Milas, spilling the fruit all over the road. He and the driver were unhurt, and they picked up what fruit had not been bruised. It did not bring the price he had hoped for, and the cost of repairing the jeep used almost all of the money gained by the sale.

An individual can also sell what surplus he has to one of the larger village producers (such as Oktay, Attila, or Ali) who sends it along with his own produce to Izmir or Istanbul. These entrepreneurs make all arrangements for the trucks which carry the produce. In 1967 and 1968 Oktay and Attila sold most of their tangerines and vegetables to the covered market (*hal*) in Istanbul. They paid the cost of the trucking. The market buys at prices which fluctuate but are controlled by the Turkish government. Every sack or basket sold to Oktay and Attila is weighed and its weight and price recorded in a ledger. Accurate records are kept so that after the truck driver sells the commodity for the producers he can return their profits to them, or have the money sent to them at the Bodrum bank. On occasion, produce is sold directly to the trucker, who then sells it himself in urban markets. If a household head has a large surplus he can arrange with other producers to make up one truckload, or he can share a truck with Oktay, Attila, or another villager. The details of trucking, sale, and profit are then handled as described above.

Finally, a man can sell his surplus to the Bodrum cooperative, which then sells the produce in Izmir, Istanbul, Ankara, or elsewhere. An important difference between the operations of village entrepreneurs such as Attila or Oktay and of the Bodrum cooperative is that the cooperative takes advance orders. A Director told me in the summer of 1968 that he had orders for winter shipments of tangerines to Czechoslovakia, Roumania, and Hungary. He stated that in 1967 his office had shipped 1500 tons of tangerines and other citrus fruits. The largest amounts went to Vienna, but tangerines also had been sent to Munich, Zurich, Belgrade, and Sophia.

Over 150 tons of tangerines had come to the Bodrum coopera-

tive out of Mandalinci in 1967.⁴ Such a figure indicates that many village producers who do not wish to become involved with the kinds of arrangements that Oktay or Attila make use the Bodrum cooperative as middleman in the sale of their crops.

Roles in the Village Economic System

The roles of large cash-cropping landowner, the small cash-cropping farmer, the tenant farmer, and the day laborer are mutually exclusive. No landowner who produces a sizable surplus would become a tenant farmer or laborer; no tenant farmer would hire out as a day laborer; a day laborer only works as such because he has no other access to productive land. Women and children, however, are willing to work as day laborers as a way of earning cash. Wives of small cash-cropping farmers hire out as wage workers.

The role of tenant farmer is based on a contractual relationship between landowner and tenant. In theory, it must be validated every year. In practice, as long as the relationship is satisfactory to both parties it continues. The tenant (*ortakçı*) provides the labor; the owner provides the grain, seeds, or trees, and the equipment. The owner receives two-thirds of the produce, the tenant farmer one-third. The landowner usually provides a small house for the tenant farmer, rent-free. The owner is responsible for arranging transport and sale of the produce at markets. Many sons work as tenant farmers on their father's land, a situation which increasingly has become a source of friction, since a household head cannot function effectively in the political field of local village politics until he has control of decisions concerning when and what to plant, where and how to sell, whether or not a loan ought to be obtained from the credit union, etc.

A day laborer is hired by the day or week as additional labor is needed. Extra help is often used during the season when tangerines are picked and packed; such help also harvests spring vegetables, or works in the fields. A man receives about ten liras (\$1.00) for a day's work, a woman five or six (\$.60). One lira buys a loaf of Turkish bread in Mandalinci or Bodrum, or the

⁴ Field notes, entitled, "Bodrum Background Interviews," August 1968.

cheapest pack of twenty cigarettes. For tenant farmers or day workers a landowner chooses village residents known to him, often poorer relatives or neighbors. The relationship is thus direct and personal. He also needs to hire men who own camels to carry the boxes of tangerines from the orchard to the road, where they can be loaded onto trucks. Camels also carry stones used in building houses, as well as firewood, for they are the most common beasts of burden found in the Bodrum area. Village boys are hired to pack boxes of tangerines onto trucks. Women are usually hired to pick tangerines. Men carry the heavy baskets from the fields to the sheds, where they are carefully packed, usually by women, into tangerine crates.

According to the village *muhtar* and other influential village men, only ten households own more than one tangerine orchard. Of these, only five remain in the village throughout the year. The other five households leave the village during the winter months after the tangerine harvest to live in Izmir, Aydin, or Antalya, or they have left the village entirely, their orchards being cared for by tenant farmers. Of the five permanently resident households that own two or more tangerine orchards, four men are consistently named by other villagers as heads of the richest households. The four are Attila, a member of the regional elite whose focus of activities is the seashore; Oktay, a self-made man making claims for elite status (Starr 1975) who owns the largest coffeehouse in the central village; Oktay's wife's father, an old man; and Ali, a member of the regional elite, who tends to stay out of village politics.

Approximately fifty households each own one tangerine orchard. No outsider has bought village land and converted it to tangerine production (perhaps because land prices in Mandalinci rose considerably faster than they did in villages which were equally well suited for tangerines, but in which tangerine culture began only fifteen years ago). This means that of the 247 households⁵ recorded in the census as living in Mandalinci, about 187, or about three-fourths, are without tangerine orchards. Some of these household heads work as tenant farmers or day laborers. Others raise camels, donkeys, and vegetables in fields which,

⁵ In general one nuclear family inhabits a household. Kinship and its ramifications through time will be discussed in Chapter IV.

when they build up enough capital, they may convert to tangerines. Still others are newly established households in which the son works in his father's or father-in-law's orchards and fields in return for the support of his household. But many of them continue to be subsistence-oriented.

Differences can be made clear if we compare the holdings of Attila, Musa, and Sami. Attila, a forty-five year old man, owns four large tangerine orchards, as well as six vegetable gardens, several houses along the seashore, and a large three-room house overlooking the harbor where he lives with his wife and only son. Three tenant farmers work for him, and during the growing season he hires up to fifty people as day laborers. I saw him receive payment from a trucker for a load of flat beans (*bakla*) in April 1967; for the truckload he received 2435 liras (\$243.50). Hasan Ali, the son of Attila's father's brother, usually works as Attila's accountant, carefully keeping records and watching the weighing of produce. During the summer of 1967, Attila converted one of his buildings into a seaside restaurant. And during the summer of 1968 he was building a house adjoining his old one for his son and his future daughter-in-law. Attila's is the only village house to have its own water-storage system.

Musa, forty-three years old, lives near the village center. He has planted two tangerine orchards within the last twelve years on land received from his father. Recently he built a two-room house in his orchard; it stands across a clearing from the four-room, two-story house of the village *muhtar*, his relative. He has no tenant farmer, but his four adolescent children help him with the harvesting, and he hires day laborers to do the heavy plowing in the spring and the tedious summer weeding of his vegetables. He has hired up to six people to work for him on the same day. He sent his oldest son to Izmir to trade school for two years, but he hopes the boy will marry in the village and stay with him. In the summer of 1967 his oldest daughter married Oktay's son (she was sixteen, he was eighteen), thus cementing a close friendship and an advantageous economic alliance as well.

Sami is thirty-seven years old and has three small children. He has been married only seven years, having married a sister of Hasan Ali when she was twenty, well past the preferred age of marriage for village girls. Sami was named as one of the poorest village men by all informants living in the seaside area. Sami's

father and Attila's father were siblings, but the lives of their sons are drastically different, due in part to the amount and kinds of land owned by Attila and Sami, which account for the gap between their status profiles and hence their roles in village affairs. I do not know whether Sami inherited farmland from his father, but it is clear that by 1967 he owned no productive land; conversely, Attila not only inherited fertile flat fields which he converted at a later date to cash cropping, but he used the capital from crops to buy additional land also suitable for production of marketable crops. Sami's wife's father owns an orchard, but it must be divided among four sons as well as Sami's wife, so his prospects there are not promising either. Attila gave Sami a plot of seaside land on which to build a house. Unlike Attila, Musa, the *muhtar*, and most other villagers who are building new houses, Sami did almost all of the construction on his house by himself. Occasionally, a friend worked with him, but Sami could pay him nothing. Sami often works as a day laborer for Attila. He takes whatever work Attila will give him, and is accustomed to obeying orders.

There is one last role in the village economic system which needs discussion, namely, the entrepreneurial role of the men who arrange for the transport of produce from the village to the markets. As we have seen, a man with a surplus had various alternatives: sale to the Bodrum cooperative at a fixed rate; sale in an urban market via rented truck either individually or in cooperation with others (so as to make up a truckload); sale to a trucker; sale to a large producer; or arrangement through a large producer to truck produce to an urban market. Most small producers sold either to Oktay or Attila (or had them make trucking arrangements), and a man who sold to one entrepreneur never sold to the other. Men who sat at the seaside coffeehouses sold to or made arrangements through Attila, while men who sat around the central village used Oktay. These clients are essentially small producers, as large producers could make greater profits by selling their own crops and thus keep out of the rivalry between Attila and Oktay.

Furthermore, Oktay was known to extend credit freely at his store. During the winter months, when food shortages were severe for some families, Oktay allowed household heads to buy what they wanted; during the summer months they paid him

back in produce. Attila, on the other hand, gave employment. Those who worked for him, or sold produce to or through him, could get credit at Hacı Nuri's store. As patrons, Oktay and Attila provide various services for individuals, their clients, who in turn vote for their patrons' candidate for village *muhtar*, provide them with information, and form the basis of quasi-support groups. But most large producers do not get involved with either Attila or Oktay, and even smaller producers can keep their economic independence by selling produce to the Bodrum cooperative or at nearby markets.

Economic relationships within the village, therefore, are between people who have direct and personal ties to each other. Ties between patrons and clients are asymmetrical, and consist of differential use of and access to power. The large producer can exert influence over the smaller by refusing him credit in the winter months, refusing to handle the sale of his crops, or refusing to aid him in his dealings with people outside the village. In sum, although in the past considerable social mobility existed as some ambitious household heads moved upward within the Mandalinci economic strata while others moved down, the system has crystallized to such an extent that it seems reasonable to assert that now a person's position within the economic system to a great extent shapes all of his interpersonal relations.

CHAPTER THREE

RANK AND PRESTIGE

Here we focus on the social distinctions which Mandalinci villagers recognize among members of their community and which they use as the basis for differential treatment in social interaction. Once we make such social differences explicit, we can discuss the extent to which these “perceived” differences affect choices of where, when, and how to dispute.

In discussing other members of their community, Mandalinci villagers make distinctions according to sex, age, wealth, a person’s parents and the identity of the person’s spouse, degree of religious devotion and morality, helpfulness, good humor, generosity, skill and cunning in handling others, influence, and power. Within the village some individuals are more respected than others; some give orders frequently and expect their orders to be followed. Others, such as children, women, and poor men, tend to follow orders.

Those distinctions (which grew out of discussions with a number of villagers in different age groups, ranks, and statuses) can be subsumed under three analytic domains: prestige, economic status, and power. Table 2 presents the three domains and the criteria in each domain by which villagers rank others. By prestige I mean the public recognition of the amount of respect accorded to members of a group (see Blau 1964:129). The domain of prestige is further divided into social prestige and religious prestige, and a person is ranked in both sub-sections, although few people are high in religious prestige in this village. I did not pursue aspects of negative evaluation of prestige (i.e. attributes, mostly of moral behavior, by which individuals lose prestige), because at the time I felt negative evaluations had little bearing on disputing behavior.

The domain of economic status is also divided into two parts, but here an individual is ranked in both parts only when his income comes from both modern and traditional sectors of the economy. Villagers consider the domestic group or household (*hane*), not the individual, to be the relevant unit in economic

Table 2
Status Profile

-
- I. *Prestige*
- A. Social Prestige
1. Sex
 2. Age
 - a. Mature adult (35 to senility)
 - b. Young adult (marriage to about 35)
 - c. Youth/girl (about 12 years to marriage)
 - d. Senility (unable to make decisions)
 - e. Child (close to and dependent on mother)
 3. Education
 - a. Cosmopolitan outlook
 - b. Level of educational achievement (school, army)
 4. Moral conduct
- B. Religious Prestige
- a. Trip to Mecca
 - b. Religious piety (i.e. knowledge of *Qur'an*, practice of Islamic customs, including daily prayers, abstinence from alcohol)
 - c. Religious knowledge (i.e. ability to recite the *Qur'an* from memory)
 - d. Religious leader (i.e., *Imam*, *Kadı*)
 - e. Religious asceticism (lack of material possessions, comforts, or wealth)
 - f. Sainly life
- II. *Economic Status* (i.e., class in Weberian sense)
- A. Modern
1. Important Turkish officials (judges, public prosecutor, gendarme commanders, directors of provinces and districts, director of bureaus)
 2. Minor Turkish officials and bureaucrats (law court personnel, police, gendarme)
 3. Foreigners (i.e., citizens of other countries, who reside in Turkey or come as tourists for short stays)
- B. Traditional
1. Owner of strategic resources (i.e. large orchard owner, owner of fishing or sponging boats, jeeps, stores, transport businesses)
 2. Owner of irrigated fields or camel strings
 3. Owner of non-irrigated fields (i.e. for crops)
 4. Tenant farmers, sponge divers,* fishermen (all of which are contractual relationships for food production or services)
 5. Daily wage workers (i.e. day laborers, helpers in stores, cooks in restaurants, jeep drivers, houseworkers)
- III. *Power*
1. Political influence (i.e. ties to influential people outside of village, including knowledge of worldly affairs and ability to use it)
 2. Degree of involvement in national political party
 3. Degree of involvement in local political party
 4. Leader of village faction
-

Table 2
(continued)

-
- 5. Member of village faction
 - 6. Holder of a local political office
 - 7. Patron in a patron-client relation
 - 8. Head of household
-

* The least easily ranked occupational status in Mandalinci is that of sponge diver. This is not because it is a part time job, but because the danger and travel associated with diving brings to the youth who learns the trade high prestige for his work and for his stories about foreign lands.

ranking, and I have followed their practice. Each household is identified with its dominant nuclear family, the head of which is a married male (unless he died and his widow did not remarry). This assumes that of any ten households in the village, most villagers would be able to rank them from one to ten according to certain objective criteria, and that there is consensus, at least among members of the same faction, as to how these households should be ordered. (Rivalry between the two factions sometimes leads members to rank households in the opposing faction lower than similar households in their own faction.)

Each domain, then, should be construed as consisting of various explicit criteria by which rank within it can be established. If villagers are asked to rank, for example, two people according to whom is the more prestigious, they do so by making these judgments. Here then the *emic* and *etic* distinctions of social anthropology meet: the model is *etic* in that it is imposed on empirical reality by the anthropologist, but it derives from intensive efforts (by interview and analysis of village interaction) to get at the natives' view of social distinctions. Although each domain and sub-domain is defined by criteria which specifically relate to the cognitive views of Mandalinci people, these criteria presumably are widely shared in rural Turkey, and have possible relevance to other Middle Eastern single ethnic communities.¹

From working on ranking with ten informants (eight males, two females), I found there is considerable consensus about how

¹ See also Stirling (1953; 1965:221, 257, 259; 1974:218-23) and Kandiyoti (1975).

persons should be hierarchically ordered within each domain. Individuals may hold different ranked positions in each domain, although there are obvious interrelationships. Those enjoying top prestige, for instance, are unlikely to be interested in exercising political power, and indeed, if they were to do so, they would lose prestige.

The profile of an individual's position in all three domains is called his status profile, and I might add, there is consensus as to the more esteemed profiles. For example, an individual ranked 8 on the economic scale (on a 1-to-10 ascending scale), 10 in prestige, and 0 in power would be accorded higher status profile than the individual ranking 5, 5, and 8, respectively. Further examples: a man who is considered to be wealthy can, under normal circumstances, be expected to exercise more political power than a man who is considered to be poor. A man who is able to exercise such power is shown respect by others. Conversely, a poor man who is pious or who has a considerable degree of knowledge of the *Qur'an* would be shown respect for his religious learning, but could exert little political power, since the latter is based on economic status, as well as ability to deal with fluctuating markets, with urban entrepreneurs, and related problems. The analysis of status profile is included so that the rank of disputing parties can be operationalized in relation to each other. The goal is not to provide an absolute status ranking hierarchy for the entire village.

Furthermore, the question has to be asked, "Over whom does the person have power?" Impoverished fathers can exert some influence over their adult married sons (even if their sons live with and work for their wives' fathers) due to their age and position as father. Even if sons resent the obligation to demonstrate respect to fathers, nevertheless, they do so by not drinking or smoking in the presence of a father, and by visiting the father's home during religious holidays. Yet the same impoverished old man cannot expect others in the village (except his wife and children) to demonstrate respect for him unless he ranks high in piety, or is possessed of some unusual but desirable personal characteristic. When a man is wealthy and older, younger men, regardless of kin relationship, are likely to treat him respectfully. But if a man is poor and older, younger men do not demonstrate traditional respect due their elders, but instead treat him familiarly.

Urban Turkish culture, like most of Middle Eastern society, is a complex social system in which small differences among people's rank and occupational status can be expressed, validated, evaluated, and tested. Mandalinci villagers use a simpler form of language and of etiquette than, for example, Turkish judges use, but they still manage to convey a considerable range of attitudes and feelings toward people with different status profiles by tone, word choice, word endings, forms of address, use of kin terms versus respect terms, and so forth.

This discussion of prestige, occupation status, and power is provided to give a background of "everyday social awarenesses" common to Mandalinci people, by which and through which they give and interpret "meanings" in their social life, for from certain theoretical perspectives a quarrel or dispute is only an expression of one aspect of an ongoing relationship (See Starr and Yngveson 1975). Case material to be presented later illustrates that a person does not allow a grievance to become important unless he wants to gain an advantage by so doing.

Economic Rank

When ranking other villagers according to wealth, Mandalinci informants consider the household, not the individual, the relevant unit. Each household is identified with its dominant nuclear family. Thus an unmarried person is considered in light of his parents' assets; a married person is ranked with his spouse and children. Exceptions are the few unmarried young men in their twenties who, although sons of poor families, have developed a livelihood of their own (such as raising camels for transporting loads, or becoming sponge divers). A few informants, especially males in their thirties, considered not only the income of the particular household in question, but also what land the husband and wife stood to inherit at the death of their parents. Such an attitude reflects their particular situation, for, though they are now ranked as a "poor" or a "very poor" household, they know that at the death of their own or their wife's father their economic position will improve.

The four major groupings devised and labeled by informants were:

(1)	<i>Zengin aile</i>	rich family
(2)	<i>Orta halli aile</i>	middle income family
(3)	<i>Fakır aile</i>	poor family
(4)	<i>Çok Fakır aile</i>	very poor family

These ranks are a model of reality based on estimates of eight informants (four males, four females) at least two of whom represented, and placed themselves in, each category. All agreed with the fourpart division, and when specific households were mentioned all informants essentially agreed on their placement. After this group discussion, I pursued the topic for over three months with individuals and in small gatherings until I was satisfied that the division, categorization, terminology, and placement of households approximated the villagers' views of economic stratification.

Only ten households, or 4 per cent of the village, are in category one—"a rich family." Both Attila and Oktay are consistently placed here by all male informants. Oktay's wife's father is also mentioned as a very rich man, and another large producer who has remained in the village is mentioned by half the informants. When I asked what their wealth depended on, the answer was, "Land, tangerine orchards, productive fields, a few cows."

Approximately one hundred households, or 40 per cent of the village, are in the second category—"a middle income family." The term *orta halli* literally means "middle income". Informants defined this category as households which do not have to worry about food in the winter months. Most families in this category own a mature tangerine field or fields producing cash vegetable crops, although the households of the three men who worked in Germany were also placed here. Informants placed the *muhtar* in this category rather than the first.

Another one hundred households, or approximately 40 per cent of the village, is in the third category—"poor." People defined households in this category as those which have to worry about food in the winter months before the harvest of spring crops. Such households do not own a mature tangerine orchard. They may own one or more subsistence fields, but sell cash crops in small amounts only. The household head may work as a tenant farmer for a richer landowner or several household members may

work as day laborers for others. Work as a day laborer does not carry the social stigma in Mandalinci that it does in many Middle Eastern farming communities. Children of households in the second category, and even married women, sometimes work to earn the five or six liras per day. Perhaps work as a day laborer is not looked down upon and despised because it does not necessarily represent alienation from one's own farmland as it does in so many farming communities. None of the households in this category is involved in extensive cash cropping.

Approximately forty households, or 16 per cent of the village, are in the fourth category—"very poor." These are households which have almost no land, no available cash, and no means of raising any. They constantly have to worry about where they will find food in winter months. The category includes some old couples living in their own house, but dependent on their children for food, as well as households (children of individuals in category three) which have neither land nor any other source of income, such as raising camels. Young married couples whose households were in category two, but who were dependent on their fathers and fathers-in-law for food because they did not have access to productive farm land at present, sometimes were placed in this category. A poor household can upgrade its economic rank when the head of the household becomes a tenant farmer for a richer household, or the male household head might find work outside of the village. The remote mountain neighborhood contains more households in this category than any other, because other households have moved out of the neighborhood to live in a house closer to their orchard after they had planted a tangerine grove in the valley, or have converted subsistence fields in the lowland to cash crops.

The wealthiest families in Mandalinci own one or more tangerine fields, and the poorest families own no land that produces a surplus. Furthermore, there is some difference in income per household in the two middle ranks. This disparity in part relates to the number of children in the household (i.e. how many people have to be fed), the number of children who have part-time or fulltime jobs, the number of people providing an income, and so forth. Also, villagers associate wealth with land. No one places Hacı Nuri in the first category because, when specifically questioned, informants reply, "But he only owns one tangerine

orchard." However, Hacı Nuri has accumulated enough capital to set up two married children in a small neighborhood store in Izmir. This activity not only supports two of his children's families, but gives him a place to stay when he (or, on one occasion, his wife) visits Izmir. He also sent his sixteen year old daughter there for a year. She ostensibly went to Izmir to learn to become a seamstress, but Hacı Nuri's wife hinted to me they hoped to find an urban husband for her there. No informant places Abdulrahim, the weaver, in the first category either, for he owns no productive fields. Yet he makes a considerable profit from selling his *kilims* to Mandalinci and other villages throughout the peninsula, and to tourists who visit the village in summer. His daughter, Gülen, told me that her father had a large bank account in Bodrum. During the summer of 1968 he built an expensive second floor over his weaving shop, which suggests that her information was accurate. (Besides, he was always ready to lend me money when my Fellowship check hadn't come.) But it seems probable that villagers do not realize the extent of his wealth, since they judge wealth in terms of land (and saleable crops).

Prestige

Among villagers there is marked consensus regarding prestige. Some households have more, some less, for it is a commodity in short supply and great demand. There is a certain amount of competition for prestige, since everyone cannot occupy the highest ranked positions. Factors that affect prestige are membership in local or regional elites, sex, age, occupation, traditional landed wealth, money, morality, relations among household members, kinship, piety, unwordliness, relations to influential people external to the village, and personality. None of these alone determines a person's prestige ranking; all are considered together.

Some difference in prestige is ascribed to various occupations. For example, it is more prestigious to be a landowner who employs a tenant farmer than a mere landowner, and better to be a tenant farmer than a day laborer. This does not negate the previous statement that work as a day laborer does not carry a heavy social stigma. It simply means that a person has less access to prestige if he works as a day laborer.

Money contributes to prestige when it is used to set up mar-

ried children in a city store, to buy a married son a minibus so he can become a village bus driver, to send children to urban schools, as Musa did, or to gain more economic power, as Attila and Oktay have done. Instead of buying land, money can be used to buy prestigious items. Yusuf used all the money he earned as a diver to buy back the four gold bracelets he had given his wife as betrothal presents, and which subsequently had been sold for household money. In addition, he bought a battery-run phonograph—a high prestige item, for it was the first one in the village.

But neither occupation, nor inherited wealth, nor money alone can give prestige, for a man is expected to maintain the moral standing of his household through his own and his wife's behavior, as well as the good conduct of his children. Honor is difficult to add to, but very easy to lose, for people are expected to behave as moral persons, according to the ways that villagers define such behavior. As my case material demonstrates, many villagers attempt to handle their problems, quarrels, and disputes privately in order to avoid public gossip, for to become the focus of public gossip is a clear way to lose prestige.

A person's prestige is estimated by the amount of formal or informal respect he is able to command. A man is respected for his ability to provide for his family, for the amount of respect and devotion he shows to his parents (and to his wife's as well), for his religious devotion, for his ability to demand obedience from his wife and children, and for his honesty and generosity toward others. A man loses respect if his wife is unfaithful or yells at him publicly, or if he is known to beat her frequently. To speak of these characteristics outside of specific instances, however, is partially to distort actual values and behavior. For if it were common knowledge that a man's wife was unfaithful and that he beat her for her actions, he would be praised for reprimanding her. Fidelity in a wife, like virginity in an unmarried girl, is strongly valued and admired. A strong man will not tolerate his wife's infidelity. Although some village women have extramarital affairs, women who either fear or respect their husbands are careful to make sure that their reputations remain above reproach.

In general, the older a person is the more respect is shown to him—up to the point where he is considered senile by others. A man who controls and demands obedience from his adult sons is

respected, in part because his sons respect him, but sons are more likely to be fully respectful to a father from whom they know they will inherit valuable land. Hacı Nuri is respected in part because he is a kindly old man who extends credit at his store, and in part because he is the only Mandalinci villager who had made the trip to Mecca. The village *İmam* is also respected for his religious learning, and a third man, Ali *Efendi*, is always treated with marked respect because he is a wise old man, a member of the regional elite, who has a reputation for treating others fairly. The term *Efendi* means "Sir" and is the most respectful term used in the village. Although Ali *Efendi* owns several houses, fields, and one large tangerine orchard he is not interested in converting his prestige and wealth into local political influence. He spends six months of every year after the tangerine season with a daughter and a son who live in the city of Aydin. By the end of 1967 he had put all his village land up for sale because he planned to move permanently to Aydin to live with his son. The son planned to run a local transport service with a minibus his father had recently bought him.

Attila is also shown marked respect, partly because he is a member of the regional elite and partly because he is the largest resident landowner. Sometimes boys or young men address him as

Table 3

<i>Terms Used To Connote Status: Speaker vis-à-vis Addressee</i>		
Terms of Equality:	<i>kardeş</i>	— brother, sister (used reciprocally, between all people, both sexes)
Terms of Partial Respect:	<i>ağabey</i>	— older brother
	<i>abla</i>	— older sister
	<i>amca</i>	— father's brother
	<i>enişte</i>	— sister's husband
	<i>enişte</i>	— father's sister's husband
Non-reciprocal Terms of Respect:	<i>yenge</i>	— brother's wife
	<i>patron</i>	— patron
	<i>efendim</i>	— sir
	<i>hanım</i>	— lady
Terms of Familiarity:	<i>bey</i>	— sir
	<i>oğlum</i>	— boy, son
	<i>kızım</i>	— girl, daughter

patron or *efendim*. *Efendim*, "my Sir," is a general term of respect; *patron* is also a term of respect, but has overtones of an economic relationship. Attila often responds to an individual who addresses him as *efendim* or *patron* as *oglum* ("my boy") or *kızım* ("my girl") if unmarried, and by name if a woman is married (see Table 3 for terms of address connoting status relationships). Attila is accustomed to being treated with great respect, and would be surprised if other villagers treated him as an equal or patronized him. He has a particular mannerism which demonstrates his high status profile. When Turkish speakers say "goodby", the person leaving says *Allaha ısmarladık* ("goodby"). The person staying responds *güle güle* ("so long"). Both are parting phrases; it is the situational factor which determines who says which phrase. *Güle güle* is the correct response; it is not to be used as the initial phrase. Furthermore, it is up to the person leaving to initiate the leave-taking with the phrase, *Allaha ısmarladık*. Attila is the only person I encountered in Turkey who uses this standard leave-taking process as a way of asserting rank. Whether he is the person leaving or being left, he always is the one to say *güle güle*, and he usually manages to say it before the other begins to say *Allaha ısmarladık*. This means that Attila creates the impression (whether he means to or not) that he is the one to dismiss the other, and the other is obliged to stay until he is dismissed with Attila's *güle güle*. Furthermore, his behavior, as well as his wife's and son's does not evoke village gossip. Elsewhere I have speculated that he has so much respect and power that no one will dispute directly with him. Oktay, however, as pointed out earlier, had challenged Attila's position as sole village entrepreneur, and even successfully launched a rival candidate for village *muhtar*.

Oktay is treated with less respect and social distance than Attila, partly because he himself is less formal and overbearing than Attila, and partly because he has gained his wealth—and hence influential role in village affairs—more recently. Also a long court fight with his brother over a tangerine orchard made him lose respect in some villagers' eyes. Not only does a person lose honor by openly disputing with his brother, but also Oktay—a man who knows how to talk to civil servants, administrators, and even judges—has been recently involved in a street brawl with his brother and his brother's wife in Bodrum (See Case No. 31).

Thus respect, an acknowledgement of high prestige, is apparent in daily interaction. Not only is it marked by different forms of address, but by the ways that individuals are talked about in public and in private. None of the people who had high rank on the prestige scale, such as the village *İmam*, the village school-teacher, Hacı Nuri, Attila, or Ali *Efendi*, were gossiped about to my knowledge. And as far as I could ascertain, none of them was involved in disputes or court cases. Either they behave in such a way that no one had a grievance against them, or people who do have grievances prefer not to openly dispute with persons of such high prestige. In other words, in deciding whether to let an issue become a dispute or to ignore it, a critical factor is the prestige of the opponent. Yet it is probably also true that persons who are used to being respected (i.e. those who are accustomed to assuming a role based on respect from other villagers) are less likely to become involved in petty conflicts, arguments, or disagreements.

Power

The amount of power a villager exerts within the village correlates directly with his wealth and prestige ranking within the two hierarchies. But not all persons who have wealth and prestige are interested in converting such attributes into influence or power. Furthermore, different positions in the four economic strata provide different networks of contacts outside the village, and these contacts in turn contribute to a man's prestige and power. In general, members of local and regional elites have the greatest wealth and most prestigious rank in the village and also have wider networks of contacts outside the village. These outside contacts provide individuals with more information and more knowledge of urban manners and behavior, which, again, provide them greater freedom of action outside the village.

Perhaps the way to make these differences in power clear is to compare the outlook and world-view of men in high and low ranking economic positions within the village. For, although in many ways villagers tend to minimize differences among themselves, and tend not to discuss differences in social class origins of villagers, there is a vast chasm between a man in a top position and a man of the same age in a bottom one. A rich farmer like

Oktay or Attila frequently goes to Bodrum to discuss produce, markets, and prices of crops with other men. He visits the Agricultural Director to find out about insecticides, tree-spraying equipment, or fertilizers. He is accustomed to dealing with civil servants. He may have negotiated title to his land through either the Administrative Director of Bodrum or a law case in the Bodrum court. He has arranged bank loans or a mortgage on his property. He probably drinks coffee with the Bank Director even if he is not making a mortgage payment, for he is interested in discussing politics, both local and national, since this affects the price of his crops. He cares about government planning, roads, and government monopolies. Furthermore, he wants his sons to take an interest in these things, too. When he goes to Izmir, which he does frequently to arrange the sale of crops, he occasionally takes adolescent sons and even his wife along to see city life and to meet his urban acquaintances. Also, he takes his wife and sons to Izmir rather than Bodrum to purchase the engagement gifts for his son's betrothal.

Conversely, the poor farmer, acting as tenant farmer for another or barely making his sustenance from non-irrigated fields, cannot afford to go to Izmir and is not really concerned with what is happening there. His fortune is tied to the village. If he has a small surplus crop he probably sells it to one of the richer village men, who sends it off on his truck to sell for a profit. If no truck is coming to the village, he may go himself to the weekly market in Bodrum to sell his extra vegetables, but more than likely he spends the night sleeping on the street beside his produce. The small profit he makes from the sale is often used up in paying for the ride and transport of produce to town. The poor villager rarely deals with Turkish civil servants and when he does they often patronize him. If he must see officials, he often has little idea of how to pursue, much less solve, his problem on his own, and so seeks advice from influential village men or relatives who live in towns.

Thus, the differences between a rich Mandalinci man and a poor one can be measured not only in economic terms, but also, and perhaps more importantly, in terms of world-view. The way a man sees the world he lives in affects every major decision in his life, whether such decisions relate directly to his means of livelihood or not. For instance, any man willing to leave Man-

dalinci for a period of time can amass enough capital to buy productive farmlands in the village. This assures him and his family of a yearly income and of respectable rank in village affairs. The three village men who signed a contract to work in Germany for three years understood this. Yet men such as Yusuf and Turgot demonstrate by their actions that they do not. Although each man (on separate occasions) complained to me of the problems of being poor and without control of productive farmland, neither is willing to leave the village for more than three months at a time. Although Yusuf dreams of finding 2000 liras so that he can open yet another store at the harbor, money he earns from diving pays off old debts or buys prestige items. In short, by choosing to use money to buy immediate but short-lived prestige, these men cut themselves off from the possibility of amassing land, which not only would produce a yearly income but would give them sustained prestige. Thus, while richer villagers and their children continually focus their energy and capital on land, poorer villagers demonstrate by their actions that their view of the world prohibits them from conceiving of long-range goals and acting to implement them.

Therefore, a household head's status profile, with its component parts of wealth, prestige and power, affects all his interpersonal relations as well as his perceptions of the world. Although it is stretching the data to suggest that two separate value systems coexist in Mandalinci village, nevertheless it is essential to realize that two world-views do in fact coexist in the same village. Individuals of the same age at top and bottom positions in the village ranking hierarchies live in "different worlds," since the world-view of the man at the bottom severely limits the choices he perceives as being open to him.

This emphasis on world-view and rank provides background information for the case material to follow. The dispute cases analyzed in Part II suggest that an individual's choice of how to dispute is based on his perception of his opponent's status profile in relation to his own. It is the rank of the disputing parties relative to each other rather than any hierarchy of absolute status ranking which is important to this analysis. I suggest that when an individual of lower status profile becomes involved in a dispute with an individual of higher status profile, he employs certain techniques in order to neutralize the effects of this status difference.

CHAPTER FOUR

SOCIAL ORGANIZATION

As I became more familiar with Mandalinci, I began to realize that a considerable gap exists between the "ideal" and the "actual" patterns of village social behavior, especially in respect to residence after marriage and who furnishes the capital for the bridewealth. When questioned about one of these practices, informants often described a form of behavior which was not followed by many villagers. Anyone familiar with village households could point to numerous examples of actual behavior which did not conform to the described pattern. Yet each time I named households or people who had deviated, my informants offered reasons why in that particular case an exception had occurred. Informants never were willing to put together all these exceptions in order to describe the changing patterns of relations which actually existed.

Part of this conflict between ideal and real patterns of residence and bridewealth may be due to the fact that virilocal residence after marriage reflects options open only to the highest economic strata of village households, while men from poorer households make choices which best fit their own circumstances. But much of the tension of modern family life in Mandalinci can be traced to expectations concerning the behavior of others which still remain in force even though the reciprocity underlying the behavior no longer exists. This tension seems particularly apparent in father-son relations, for a father continues to demand respect and obedience even though he may not have paid his son's bridewealth, so that the son may no longer be dependent on his father but on a patron, or may have earned his own bridewealth through wage labor away from the village (compare Stirling 1974:219-22).

*Territorial units**The Household*

A household may be an isolated unit in a tangerine orchard or near a field. It may be part of a multiple-family unit which stands alone, or may be part of a clustered neighborhood. A household usually consists of a married couple, their unmarried children, and, frequently, a widowed parent of either member of the married couple. It is an integrated economic unit. People living in one household eat together, although adult male members may eat separately from the women and children. Most families live in one or two rooms, and sleep together in one of these. Before 1967 the largest house in Mandalinci—Attila's—had three rooms. In the summer of that year Oktay completed a larger dwelling to house himself, his wife and children, and his son and his son's bride. In the summer of 1968 Attila was adding additional rooms to his house for his son and his son's future bride.

During its lifetime a family normally lives in several different households, for when the husband changes his work or attempts to cement a tie to a different relative he may move his family to a different house.

The Neighborhood

In Mandalinci, the neighborhood (*mahalle*) is a named unit, though its boundaries may overlap with those of another neighborhood. It contains clustered houses, but may also include fields. There are six named neighborhoods, the largest of which includes the center of the village and is subdivided into three named parts. At the southeastern end of the village, farthest from the sea, there are no clustered houses and no neighborhoods. The area is unnamed. Two of the neighborhoods in Mandalinci are remote from the village center. One is behind hills to the north of the village along the sea. It contains only five or six households and has recently been incorporated into the village in order to raise the village population to over 1000 people so that government standards can be met for building a primary school. Most Mandalinci villagers are not sure whether to consider this new neighborhood a part of their village or not. The mountain

neighborhood is also remote from the village center, but since villagers have many relatives there, and remember the time when many of them lived there themselves, they include that area as part of the village.

All adult members of a named neighborhood know its name, and the names of adjoining neighborhoods, although no villager except the *muhtar* was able to give a consistent listing of all of them. Two neighborhoods were named after the family that first settled and claimed the area, which means that the neighborhood name is shared with descendants of that family, some members of which still live there. A neighborhood, however, contains more than one residential kin group, and for the most part kin ties overlap considerably. Furthermore, families unrelated to anyone else in the neighborhood also reside there. In such cases the families are newcomers to the village, and the household head has come to fill a specific occupational role—as schoolteacher, village *İmam*, village jeep driver, or resident carpenter. Since they are recent arrivals they have not married into the village kinship network, although if they intend to stay their children will probably marry Mandalinci villagers.

It is not clear what function neighborhoods serve in present-day Mandalinci (other than locating people), although, of course, they represent named segments of the village which have persisted into the present and which, through accident and the particular history of the surrounding land, have come to be joined together as a village. This question of the function of named parts would not occur to a Turkish person, since all Turkish towns and cities and many Turkish villages (certainly any village of over 300 people) would be divided into named neighborhoods or wards (*mahalle*).

If two families went to colonize virgin land on the Bodrum peninsula, others would refer to that area by name, and soon thereafter people would begin to call the area a neighborhood, although the exact boundary between settled and unsettled land might not be clearly fixed in space or in their minds. Thus, to call an inhabited area a neighborhood is an expression of Turkish thinking, and this may account for the names which persist despite the fact that villagers sometimes cannot recall how a particular name came into being or why the division occurs at a particular point.

The Village

The village is a distinct political unit, although spatially it is hard to determine to which village an isolated neighborhood belongs. In recent times small isolated hamlets have been joined together or to a larger community for administrative purposes. Individuals affected by these changes are slowly beginning to think of themselves as part of these larger units.

Yet Mandalinci village is a corporate entity only from the point of view of the Turkish administrative system. It has no mass meetings in which village males come together for a specific political purpose. In fact, there is no room large enough¹ to contain all adult males should they want to assemble in one to discuss an issue.

There are no traditions of villagers working together for the earlier period of settlement or currently. In 1965 two families which had no kinsmen in the village came to settle there permanently. The head of household in one family works as village house builder and came there from Özköy, a nearby village. The head of household in the other family drives a jeep, owned by a villager, between the village and Bodrum. He brought his family there from a village near the Black Sea in northeastern Turkey.

There are no traditions of villagers working together for the improvement of their village to everyone's mutual benefit. If collective work must be done to build public outhouses, to make a well for the seaside water supply (the central village is supplied by a mountain source), or to raise money or bring stones for the building of the village school, the Administrative Director of the district must come from Bodrum. He and his entourage go to several of the important coffeehouses to lecture the men sitting there about their responsibilities to their village and their obligation to their country to improve local conditions. He patiently explains how collective work will help each individual, how a

¹ There are also no *oda* (a traditional guestroom) in the village. Although by 1968 both Oktay and Attila had added rooms to their houses which could serve this purpose, they were not put to this use. Beeley (1970) has provided a chart of the distribution of *oda* and coffeehouses which demonstrates that essentially their distribution does not overlap. He suggests that as the public coffeehouse gained in importance, they replaced the traditional *oda*. I suspect also that the function of the Turkish *oda* is only reinforced in places where the Turkish lineage system still functions as a unit of mutual assistance and support (cf. Stirling 1965:22, 155, 238-46).

new school will aid all of their children, how they must stop being ignorant peasants and improve their village in order to play their part in the development of Turkey as a great modern nation. He orders them to work on the public toilets, the school, and the road. Later, to enlist workers, the village *muhtar* must contact members of each household, for there is no sense of neighborhood unity as such. Collective activity is easier to begin on Friday morning after most of the village men have come to the harbor to attend religious services at the mosque, but such cooperative endeavor is short-lived and rarely continues for more than several days.

Furthermore, although a villager will describe himself as from Mandalinci when in Bodrum, such identification is merely part of the tendency to identify with larger units the farther he travels from home. Thus, in Bodrum he says he comes from Mandalinci, in Izmir he says he comes from the district of Bodrum, and if he goes to work in Germany, he describes himself as a Turk.² Perhaps there is less tendency to identify oneself with a fixed group since within the recent past people living on the Bodrum peninsula have often spent summers in one location and winters in another. Instead, identity is with the small group which migrated or lives together in a household. The village does not form an endogamous unit, and many of the marriages between communities are between children of kinsmen, a fact which tends to reinforce the network of personal relations already existing between such people.

In sum, this village is a collective and corporate entity only from the point of view of Turkish administrators, or from those who have left it. To those who remain, the focus of identity is with household, neighbors, and close kinsmen. Each individual has personal networks of relationships which link him to others in the village and to those living outside of it.

² In discussing attitudes and beliefs about Arabic, Nader has pointed out a similar tendency to identify with different units, depending upon the circumstances. She suggests that in answer to the question, "Where is the best Arabic spoken?" a man in his home town will say Bedouin dialect is the best, but when the same man is visiting in a city where he is a foreigner, he will name his own locale (Nader 1962:25).

Residence Patterns

The ideal pattern of residence after marriage is for a son to bring his bride to live at his father's house. The groom's father is expected to furnish the couple with a separate room or a nearby house. He is also expected to provide the money for the bride-wealth and the food and drink for the groom's friends who assemble at his house during the wedding celebration. From the point of view of a household head, the ideal household consists of a husband and wife, married sons and their families, and unmarried daughters. Only at the death of the patriarch will the house and lands be divided among his offspring. This is the ideal pattern, and statements made by male household heads tend to confirm this description as their model.

Yet in most instances it is only a farmer of middle or high economic strata who can realize this pattern, for only he has the necessary means to pay the bridewealth for his son, thus enabling the son to marry before he is called to military service (between the ages of eighteen and twenty). Furthermore, in most instances only a man of means can afford to build additional rooms onto his house for his son and his son's future bride. Thus, when a father pays the bridewealth for his son he ensures that his son will remain with him and help him with his farming.³ Poorer villagers cannot easily raise the money needed to purchase gifts for the bride and her family. It is not unusual for a man from a poorer family to work for seven or eight years after his military service in order to save enough money to buy the bridal gifts. This work often takes him out of his father's household, sometimes even out of the village for wage labor, so that by not providing the bridewealth, the father abrogates his traditional control over his son's labor and therefore he cannot demand his son's services in his fields.

³ Adnan's wife told me that for twelve years they lived in Adnan's father's house, in his tangerine orchard where Adnan worked. It was only after a serious quarrel with his father that she and Adnan had moved into a clustered ward to a house owned by her parents. Since that fight Adnan had only occasionally helped with tangerine cultivation. (Adnan and his wife are involved in Cases 13, 16, 26, 28, and 29.) Since she told me she was married early, it appears that Adnan's father had paid the bridewealth for her. (The correlation between bridewealth and residence did not occur to me until I returned from the field, so that I do not have as much supporting data as would be desirable.)

If we examine the patterns of residence currently followed in the village it becomes apparent that there are four alternative types: (1) a married man may reside with or near his own father; (2) siblings who inherit adjoining land may set up joint households to cultivate and work fields together; (3) a married man may reside with or near his wife's father (*iç güveyisi*); or (4) a married man may become a tenant farmer for a kinsman, neighbor, or wealthier villager and thus live in a house provided for him by his employer. Each of these options has been chosen by six or more families.⁴

Engagement, Marriage, and Divorce

In 1926, when the Turkish National Assembly adopted the Swiss Civil Code, it superseded a millennium of Islamic legal tradition in the area of family law. Historically, Islam was not only a system of religious belief and practice; it was also a system of state and society, held together by Islamic law—a civilization with religious law as its unifying and eventually its dominating factor. Its code was the *Shari'a*, the holy law developed by jurists from the *Qur'an*, and the *Hadith*, the traditions of the Prophet. The very core of this law were the rules governing family life—marriage, divorce, inheritance, adoption of children—which were based on precedents outlined in the *Qur'an* and *Hadith*. Although many reforms were enacted during the nineteenth century in the administrative, commercial, and even penal laws of the Ottoman Empire, the very marrow of Islamic law, its family law, was left largely unchanged.

Thus, to adopt the Swiss Civil Code in 1926 was to make an innovation without precedent.⁵ Although Islam continues to be the religion of the vast majority of the Turkish people, under the new code marriage and divorce became a concern of the state. The Turkish family was established for the first time in history as a monogamous institution. Six grounds for divorce were given, and for the first time women were granted the same rights to

⁴ My data relating to this appeared in a paper entitled, "Ecology and Residence Groups: Some Contrastive Patterns in the Bodrum Area of Turkey," presented at the Middle East Studies Association Meetings, Austin, Texas Nov. 15-16, 1968.

⁵ This has been discussed in more detail in the Introduction.

divorce that men enjoyed. To obtain a legal divorce, however, a person now had to open a case in a civil court. All religious courts of law had been abolished in the spring of 1924 (Lewis 1961:260).

Such a fundamental change in family law is continually being evaluated by those interested in the effects of legal change. Social scientists and legal scholars suggest that for the most part such far-reaching changes have had little effect on the lives of Turkish villagers.⁶ In particular, researchers assert that villagers continue to ignore the state requirement concerning a civil marriage license. They suggest that villagers feel that the celebration of a village wedding and the performance of religious rites are sufficient to legitimize a marriage (Stirling 1957; 1965:209-11; Timur 1957). Timur (1957), a social scientist, estimated that as late as 1955 close to half the couples in Turkey who considered themselves married, and who were having children, had not registered their marriage with the state. There is evidence that this was true in the past, for the Turkish National Assembly enacted laws legitimizing children of such unions in 1932, 1934, 1945, 1950, and 1955.

In Mandalinci and elsewhere in the Bodrum district today, adults know that a civil license is a precondition to a legal marriage. In Mandalinci the *muhtar* registers all village marriages in a ledger he keeps for that purpose. He emphatically stated that all couples must first obtain a marriage license in Bodrum before they celebrate a village wedding. He added that in cases of elopement (*kız kaçırma*) the license must be obtained soon after the couple returns, if they intend to continue living together as a married couple. The minimum age for marriage is set by law—seventeen for the groom and fifteen for the bride with consent of their parents, and eighteen for both without consent. In exceptional cases special consent to marry can be given by a judge in a court hearing, but according to statute the groom must be at least fifteen and the bride at least fourteen years. Because of uncertainty as to actual age (there are problems in recording births), Bodrum judges pay less attention to actual age records

⁶ See Conference on The Introduction of Western Law in Turkey. Papers are published in The Reception of Foreign Law in Turkey, 1957, *International Social Science Bulletin* 9, and in *Annales de la Faculté de Droit d'Istanbul*, 1956, vols. 5 and 6.

(although they subpoena them), and more attention to reasons underlying the arranging of a marriage at this time and to physical characteristics indicating that the children have reached puberty.

On occasion an individual not yet divorced by decree from a Turkish court begins living in a house with another mate. I heard of at least ten such cases, while studying the Bodrum law court (those instances were revealed in adultery or divorce suits), but I knew of only one instance in Mandalinci. In this case the man, about fifty-three years old, had married in 1942 (with both religious and civil ceremony) a woman of his own age. When she was still barren in their sixth year of marriage he did not divorce her, but married a younger woman in a village wedding. He has been married to this second wife since 1947. The first wife continued to live in their household and helped with child care. As she grew older she became senile, and the husband, his second wife, and their three children moved out of the household to live in another house in the harbor area. His children were friends of mine and apparently suffered no social stigma from their "illegitimate" status. The older sister had been able to obtain a marriage license without difficulty, for she had become legitimate under the 1955 National Law. The two younger children, however, were born after the law went into effect. When the boy applies for his draft card and the younger girl for her marriage license, Bodrum officials, who—like officials the world over—pay close attention to details, may require the parents to legitimize their union in order to nullify the illegitimate status of these children (unless another general legitimizing law is passed in the interim).

Divorce is rare in Mandalinci. The *muhtar* said that in the history of the village there have been only five divorces, most of them between young couples within the last four years. I heard of a middle-aged Mandalinci woman who had divorced her husband after twelve years of marriage because of his continual drunkenness and his tendency to beat her when he was intoxicated. Another woman in her late thirties began divorce proceedings and opened a separate case against her husband for beating her. Both cases lasted over a year, during which time the second couple apparently became reconciled and she dropped both cases (Bodrum Court Cases, *Asliye Hukuk Mahkemesi Folder*).⁷

Engagement

Engagements and weddings are the focus of considerable attention in Mandalinci, for the joining of two families through marriage has considerable economic, as well as social, implications.

Parents arrange the marriage of their children, except in cases of *kız kaçırma* (elopement or girl-stealing). Nevertheless, even in arranged marriages, children have some choice in the matter. Both boys and girls usually have personal preferences, and a girl faced with the prospect of unyielding parents and an undesirable match may threaten to commit suicide in order to force her parents to relent. Many Mandalinci girls from poorer families wish to marry a boy from Bodrum or Izmir so that they can go there to live, for it is a common desire of poorer girls to wish to escape the stigma of low social status in the village, and this is one (if not the only) way out.

Villagers claim they prefer to marry their child to a relative. The *muhtar* said that parents particularly favor a father's brother's child or a mother's brother's child, but that a father's sister's child was also a frequent choice. He added that since 1964, when he became *muhtar*, most marriages were between children whose parents already lived in the village, and that about half of these were between children of relatives. In the ten village marriages celebrated in 1967 and 1968 I knew of four girls who married non-relatives living outside of Mandalinci.

When children of relatives marry, the subject has probably been a topic of mild joking since the children were young. Nevertheless, in arranging any marriage it is customary for the boy's

⁷ A brief examination of divorce cases, collected from Bodrum court records for the year 1966 and up to August 1967 reveals that in approximately 60 cases women initiated half of the divorce proceedings. Although these data will be examined in detail elsewhere, it appears that divorce occurred in three kinds of situations: first, between couples who took out a civil marriage license but, for one reason or another, never performed a village wedding which would mark the beginning of conjugal life; this was the smallest group. Second, a rather larger group asked to be divorced sometime within the first two years of marriage; often they had only lived together briefly, after which time the girl returned—or fled—to her own family. And, third, divorce was requested by couples who had lived together for a considerable period, who often had raised a family together, but who realized—after twelve to twenty-five years of marriage, with the approach of old age—they were no longer congenial. Divorce was usually granted to any couple who could prove they had not lived together as man and wife for over a year or more.

family to initiate a serious discussion of the topic. The boy's father, or the father's brother, visits the girl's family to begin negotiations. If her family seems interested, a week or so later the boy's father and mother pay an informal visit to the girl's family to discuss the amount of engagement presents they require the boy to give the girl. How much and what kind of land each will inherit is also discussed at this time. If there has been an informal agreement about the marriage previously, this visit probably settles the matter. If there has been no agreement, the girl's family may want to discuss the offer with other relatives to hear their views about the proposed match and whether they think the girl can make a more advantageous marriage. When a favorable decision is reached, a date is set for the boy and his family to give the engagement gifts to the girl and her family.

The giving of gifts by the groom and his family to the bride and her family is a widespread and ancient Middle Eastern custom, often referred to in the literature as *mahr*, or bridewealth. Such gifts are to be distinguished from trousseau and dowry, i.e. the gifts and money given to the bride by her own family on the occasion of her marriage (see Friedl 1964:64). In Mandalinci the groom gives gifts to the bride at the time the actual engagement (*nişan*) is celebrated. Accompanied by his parents, and perhaps his father's brother and a close friend or two, he pays a visit to the girl's house. Customarily he gives four or more gold bracelets, four or five gold coins to be worn on a chain around the neck or forehead, a wristwatch, head scarves, several different kinds of material to be made into dresses, and material for the bride's mother and sisters, as well as handkerchiefs, ties, or socks for her father and brothers. The cost of such gifts runs from 700 to 3000 liras (\$70 to \$300; c.f. Stirling 1965:186-87; Yasa 1957:122). In one case a twenty-eight-year-old Mandalinci man and his father promised the first crop of their newly planted tangerine orchard to the man who lent them money to buy engagement gifts so that the youth could marry.

It is normal to wait at least three months between the giving of engagement gifts and the village wedding (*düğün*), but in Mandalinci the engagement period often lasts longer. During the engagement the youth occasionally visits his fiancée's household to bring them fruit or food. He can see his future bride only in the presence of her family, and she usually sits shyly in a corner or

disappears altogether. It is incorrect for him to attempt to see her alone, and village girls, once engaged, are usually careful to appear modest and discreet in the presence of their fiancé and other village youths.

There are two different patterns of engagements, as well as two styles of weddings, in the village. Girls from wealthier households, or girls who are considered to be exceptionally beautiful, become engaged during their fourteenth or fifteenth year and marry between the ages of fifteen and seventeen. Daughters of poorer households, or girls who are exceptionally homely, may not be able to marry until they are twenty or twenty-one years old, by which time the girl's parents, fearing that she will never marry at all, are willing to agree to fewer gold engagement presents. Boys from poor households do not marry until long after they have completed their obligatory two-year military training, which they begin to serve between the ages of eighteen and twenty. Indeed, most village boys do not marry until they are between the ages of twenty-six and thirty, because they must first raise the money for the bridewealth.

Sons of wealthier households are betrothed and married before they are called to military service. This not only ensures that they remain loyal to their family and family land in the village, but also tends to keep them from becoming seriously involved with a strange girl in another region of Turkey when they are away from home for the first time. From the parents' point of view, arranging for their son's early marriage has the added advantage that they can choose a girl who will inherit as much, if not more, valuable land as their son. As long as the girl is pretty, they can count on their son's agreeing in their choice, since strict tabus on any physical contact between adolescent villagers⁸ makes a seventeen year old boy who has the prospect of getting married usually compliant with his parents' wishes.

The major point about marriages is that arrangements for them are never handled directly by the boy and girl except when they elope. Rather, a series of negotiations is carried out first by the boy's father, or the father's brother on behalf of his brother's son, and at a later stage by the boy's father and mother. Such a

⁸ Needless to say, not all pubescent girls can live up to the standard. There are ways of arranging meetings and clandestine rendez-vous through intermediaries which sometimes result in elopement.

method of handling interpersonal relations again becomes evident in dispute cases, for when an unmarried youth is one of the principals, his father—or mother, if she is household head (i.e. when his father is dead or away for wage labor)—frequently acts as his representative.

Weddings

Villagers distinguish between two styles of weddings: a *düğün*, which is a large celebration lasting from three to six days, and a *mevlûd*, which is a very small wedding celebrated only on one day and involving only close relatives and neighbors. Even the poorest households in Mandalinci usually give a *düğün*, although it lasts fewer days and involves fewer people than those given by more prosperous households.

In Mandalinci weddings are celebrated from mid-March through August. This is the time of mild spring and summer weather, and the tangerines have already been harvested and sold. In most weddings, relatives, neighbors, friends from the village and from all over the Bodrum peninsula, and as far away as Izmir and Istanbul, are invited, and frequently attend. Meals are served to wedding guests throughout the wedding celebrations. For the last three days, the largest crowds—between 1000 and 2000 people—assemble at the bride's house, where dancing takes place. A smaller group, made up of the groom's close relatives and close male friends, assembles at his parents' house during this period and is fed by his parents. The crowd begins to assemble about ten in the morning on the last three days, and by about eleven thirty the dancing begins. All unmarried village girls from the age of eleven on sit under colorful parasols on either side of the bride, facing the musicians and the dancing area. The musicians, hired for the occasion, sit on mats in front of the girls and, one by one, each girl in turn dances the same traditional dance. Married women do not dance in public, but sit with children on the ground in front of the dancers, or dance together inside a house. Men and village boys stand in a horseshoe around the seated women, watching the girls. In the afternoon and evening all the young men, married or not, dance—sometimes alone, sometimes in pairs or in groups.

On the last day the groom, his brother, and his male relatives

and male friends come to fetch the bride. After a substantial meal (which normally includes wine and *rakı*) provided by the bride's family, the males carry the bride by horseback or jeep to the groom's house. The bride is completely wrapped in bright red material, and during the entire journey she weeps convulsively. The first time the bride and groom see each other during the six-day wedding is when his female relatives unveil her at his house. The village *İmam* comes to the groom's house and in front of the groom's family performs a brief and simple religious ceremony. That night the groom's mother (or sister) waits outside the couple's room, for as soon as sexual union has taken place the groom is required to give a bloodied handkerchief to a female relative, who then conveys the news to his other relatives that he is the first to take his wife's virginity. (A provident mother will give her daughter a handkerchief stained with chicken blood in case the couple is too stiff to have intercourse, or in case the hymen is already broken.)

Weddings and circumcisions are the largest occasions on which villagers assemble. Strict segregation of the sexes is rigidly maintained at large festivities. Husbands and wives neither eat nor stand together, but only with members of the same sex, although at very small family weddings families may sit and even dance together.

A sixty-five year old male informant said that

In the old days when we were going to a wedding we would shoot our pistols into the air, maybe a hundred, maybe a thousand times. And we were fighting, but not killing each other. We fought with those long knives, just hurting each other. No one was ever killed.

Current Turkish laws, however, make it a serious criminal offense to shoot a gun at a wedding. Although I never saw guns nor heard shots at Mandalinci weddings, I witnessed two Bodrum court cases in 1967 in which a man or men were charged with shooting a weapon during a wedding. Hostile encounters have taken place at weddings in the recent past, however, as the following two cases show. Both stories were told to me and my field assistant by young Ali, the son of the village barber, while we were helping to box tangerines on the night of 3 February 1967.

CASE NO. 1

Last year at a wedding in Mandalinci, a man began walking into the women's group. Somebody hit him over the head with a piece of wood, and he retreated.

"Why did he go among the women?" I asked.

"He was probably drunk."

"Did you see him?"

"No, only the commotion."

"Why didn't the women just tell him to go away?"

"What good would that have done if he were drunk?"

*

The assumption is that a man would not walk into the women's group if he were not intoxicated. Since he was probably too drunk to know what he was doing, a woman struck him as the quickest and most effective way to make him leave.

Drinking of *rakı* and wine is apparent among some adult men at large weddings, and even a young man may drink surreptitiously, if he thinks his father cannot see him. Bottles are carried in pockets of jackets and shared around. At times a person manifests drunken behavior, but drunkenness never becomes widespread at weddings in Mandalinci or the town of Bodrum.

CASE NO. 2

In a nearby village a couple of years ago a wedding was taking place. Some boys were standing together. Two boys began looking at the same girl. Suddenly they were in a fist fight. Men standing around pulled them apart, and the incident was over.

*

At first this description sounded incomplete to me. "How did the boys know they were looking at the same girl? Why would they fight over that?" I asked Ali. "They would know. They would fight because of it," he answered. As I learned more about Turkish village life, the incident seemed less strange. In a society where the ideal form of behavior does not permit any form of physical contact between pre-pubescent or pubescent boys and girls, and where there are positive sanctions rewarding modesty and chastity in girls, adolescents become greatly sensitized to methods of nonverbal communication. Exchange of notes is one

channel by which romance is nurtured, while, in the right context, eye contact can be as immediate and as stimulating as touch. This sensitivity between the sexes can at times lead to empathic feelings between members of the same sex. After sixteen months of studying Turkish villagers, it did not seem at all strange to me that two boys would sense they were looking at the same girl, and that this would cause them to fight. Case No. 32 perhaps was based on little more than this.

Elopement

There is an alternative way to be married, and it is of old and widespread usage in the Middle East. This practice is called *kız kaçırma* in Turkish, which means elopement, girl-stealing, or kidnapping. Although elopement is rare in present-day Mandalinci, it occurs more frequently in poorer villages in the Bodrum district. I visited an impoverished village to the east of Bodrum and was told that in 1967 there had been fifteen marriages there, all by elopement.

Villagers distinguish between whether the girl goes of her own free will or is forcibly abducted. Since parents have the customary as well as the legal right to choose whom a minor marries, elopement is a way for young people to marry whom they please. It also allows poorer households to avoid the expense of a wedding for their daughter, and provides a way for a boy from a poorer household to marry a wealthier girl, a girl to whom he could not afford to give expensive betrothal gifts. In such cases it is usual for a boy and girl to run away (provided he can induce her to) and spend several nights together in the hills, or in the home of one of the boy's sympathetic relatives. Afterward they return, and, since they usually have had sexual relations, the girl's family is generally willing and eager for them to marry.

Most of the cases of *kız kaçırma* I saw prosecuted at the Bodrum court involved elopement with the girl's compliance, although Bodrum judges, in accordance with the Turkish Criminal Code, recognize different categories of such behavior which range from kidnapping (*zorla kız kaçırma*) to forcible rape of a minor who was a virgin (*zorla kızlık bozma*). Since the girl's family now usually reports her disappearance to the village gendarmes, formal Turkish procedure requires that a court case

against the boy be opened. (See Case Nos. 8 and 24.) When he legally marries the girl, charges against him are dropped with the understanding that if he divorces her within five years without sufficient reason, he will again be subject to prosecution. Penalties run from a five year prison sentence for kidnapping a girl twelve years old or younger to a seven- to twenty-year sentence for forcible abduction of a married woman. A stubborn father may refuse to allow his daughter to marry her lover and in such a case the youth would be prosecuted.

The Family

A family is based on the sexual union of a man and a woman who have usually obtained a civil marriage license (*nikâh*) in Bodrum and have celebrated a wedding (*dügün*) in the village. The nuclear family is the basic social unit in Mandalinci. It is tied to other families by kinship, marriage, residence, or a contractual agreement. From one analytical viewpoint the larger social units in the village (supra-familial) can be described as consisting only of such linkages. Contractual agreements between families are primarily economic in nature, and are based on landowner-tenant, landowner-day laborer relations, or other short term work agreements.

Within the family there is marked division of labor. Women and girls do all the cooking, most of the child care, and much of the lighter work in the fields. Men do the heavy plowing, heavy carrying, and most of the work involved in tangerine cultivation. Women and girls spend almost all of their day and evening hours around the house and houseyard in the company of other women, girls, young boys, and babies. There is considerable visiting among the women, and in the evenings after dinner several women gather with their young children at different households each night to embroider and exchange news. Likewise, men spend their days and evenings in the company of other men, working in the fields, or sitting around the coffeehouses. Men retire to their homes for meals and are affectionate with their young children, for they feel it is no reflection on their manhood to hold or play with babies. Married men often take their two and three year old sons with them to the coffeehouse for an hour or more, though girls and women never venture there.

In fact, adolescent girls and grown women do not even go to a village store to buy staples, for to do so they would have to pass by men sitting at a coffeeshouse, and such behavior would imply a curiosity about men, or a laxity on the woman's part. The highest compliment a Mandalinci man can pay a married woman is to say she is *temiz* (clean), and most village women take care to keep their virtue above question. Outside the household, women and girls wear large head scarves, which can be used to cover their faces. Younger women are as modest about their deportment as older ones, although young married women do not feel the need to cover as much of their faces as do their seniors. Even though women do not go near the store or coffeeshouse, not even to fetch an infant who has wandered in that direction, they pass by those areas to fill their waterpots several times a day at village fountains. If something of interest occurs near the coffeeshouse, they can observe the action by watching from behind walls, trees, or while engaged in ostensibly industrious activity in front of their houseyards. Furthermore, although modesty and fidelity are greatly praised, several village women were involved in illicit sexual relationships which became public knowledge within the village. (See Case Nos. 13, 14, 16, 22, and 29.)

The degree of good will and affection between married people varies considerably, but if a couple does not get along the marked separation of the sexes means they rarely have to be alone together. In a good marriage, spouses cooperate. For example, as household money was needed, Nergis relinquished each of the four gold bracelets her husband, Yusuf, had given her as betrothal presents. If the marriage had not been going well she probably would have refused to give up the bracelets, for both law and village custom insist that all engagement gifts belong only to the wife.

Some married couples become close as they grow older. I was touched by a forty-three year old Mandalinci man's devotion and concern for his wife when she had a terrible toothache and had to be taken to a dentist in another village to have the tooth removed. Oktay's wife nursed Oktay attentively during a week of illness. She took considerable interest in his store—even to the extent of waiting on customers when he was absent⁹—and in his

⁹ As mentioned previously, it was an accepted norm that modest women avoid

court case against his brother. Her identification and support of Oktay were so intense that she frequently accompanied him to the Bodrum court to discover how his case was progressing. On one occasion she became involved in a street fight with the wife of Oktay's brother after a court hearing (see Case No. 31).

Thus, the relation between husbands and wives in Mandalinci differs markedly from the marital relations in Anatolian villages described by Stirling (1965:112-14). Not only do Mandalinci couples show affection toward each other within their households—in the way they speak to each other and in actually touching—but I have the impression that many village wives share in the goals and aspirations of their husbands.

Inheritance

Under the Turkish Civil Code adopted in 1926 all children inherit the patrimony equally regardless of sex. The surviving widow is given the choice of having half the estate held in trust or being given full possession of one-quarter, if the division goes into a court. In actual practice, if she is old she often turns her share over to one (or all) of her children, and in return they support her. In one instance the patrimony was divided among four siblings and a mother into four equal shares—one share for each of the three sons, and one to be shared by the mother and the daughter. When I expressed surprise over this decision, since it was not in accord with either modern Turkish law or the Islamic practice of giving a daughter one-half the share of a son, I was told that the division had been arranged approximately twenty years earlier, when the father had died. The village *muhtar* and others said that today, if the land were valuable, a daughter's husband would not be willing to incorporate into the marriage agreement, an arrangement that involved his prospective wife relinquishing half her "lawful" share. They added that a girl of marriageable age also would be given (or promised) the same amount of land as her brothers, since it would be to the brothers' advantage in arranging a more advantageous marriage for her. The advantages to the brothers' lie in

exhibiting themselves in the presence of men. To wait on customers, who would only be men or boys, was in effect a violation of this accepted behavior pattern.

the possible enhancement of their prestige and in the possibility of cooperative work arrangements.

Land is usually only divided after the father's death, for many older men fear that their sons will take over their farms. One sixty year old man made the following statement to me in the presence of four other men of his age, and they all nodded vehemently in agreement:

If I give my fields to my son, what will happen to me? How do I know he will take care of me? Once I give him my field he will forget me. And who will feed me then?

The fear of relinquishing control is also apparent in another man's description of the process of land division. In this instance a seventy-three year old Mandalinci man literally roared at me,

When I die, within two hours, my children will come from everywhere, and they will divide up all my things. My orchard, my gardens, my fields, *my six houses, everything* will be divided equally, as well as a share for my wife. Three of my children live in Izmir and run a store there, but they will come, too!

Since land and houses largely determine a man's rank and prestige in the village these resources become the focus of intensive and bitter disputes. Relations between fathers and sons, fathers and daughters, and fathers and sons-in-law can become strained—who, for example, has the right to make decisions about crops?—and much of the social manipulations that occur in Mandalinci concerning marriages are an attempt to gain or increase land holdings.

Kinship

When Mandalinci villagers are asked how one person is related to another, an immediate concrete explanation is forthcoming: "He is the son of my mother's brother," or "That man married my father's sister's child," or "That woman is my husband's brother's wife." They carefully explained how each person I knew was related to the other. They quickly answered questions concerning who their own brothers and sisters were, whom they had married, what kinds of work they did, and where they lived. In natural conversation, however, kinship and marriages never

received as much attention as tangerine cultivation or the fate of a calf. Mandalinci villagers are mostly concerned with conditions surrounding cultivation and sale of their crops, for this is a most important area of their lives and receives more attention than anything else.

Father-son Relationships

Earlier I noted that wealthier villagers, such as Attila and Oktay, attempt to keep their sons at home to help care for fields and produce. To further this aim they arrange early marriages for their sons, build them new and expensive houses, allow them to take an important part in managing crops and fields, and in all ways manage to give them a sense of pride in the household and its holdings. On occasion Oktay and Attila even take their adolescent boys to Izmir when they make arrangements for their produce. Yet such relationships are rare in Mandalinci, perhaps because few farmers are as wealthy as Oktay and Attila.

By the time a son of a poorer household marries he is between twenty-five and thirty years of age. His parents are old, and they are often jealous of his youth, his schooling, and his experience outside of the village during his military service. They may criticize him for not following the traditional patterns of life—for drinking, smoking, gambling, and not attending mosque. They complain that he does not show them enough respect,¹⁰ that he does not obey their wishes. They do not want him to take over their land because such a takeover implies that they are too old to care for it themselves.

I suspect that the difficulties in father and son relations have become intensified by the fact that sons of poor households now have the option of leaving the village in order to earn money for their own bridewealth payments. If a father has abrogated his traditional position as household head by not financing his son's bridewealth, clearly he has less of a hold over his son. A father can only demand years of a son's labor in his fields when he has put up the money to obtain a bride or has mortgaged his crops to gain the capital needed for the young man's bridewealth and

¹⁰ For further discussion of the respect which sons are expected to show fathers see pp. 51, 56, 87. For an example, in which the respect relationship broke down and then was restored see Case 30.

wedding.¹¹ With this relationship strained, it is often the case that a man is on better terms with his wife's father, with his father's brother, or even with a patron than he is with his own father.

Sibling Relationships

Under normal circumstances there are strong loyalties between sisters and brothers, and little avoidance. Even when adolescent, siblings of the opposite sex talk and joke freely within the household, and physical contact, which is severely prohibited in both ideal and actual practice between adolescent boys and girls who are not siblings, is tolerated to a limited extent. Since in puberty adolescence boys are required to join in boys' and men's groups while girls learn cooking, sewing, and information about marriage, the male a girl knows best is her brother, provided he is around. Hostility and tension exist between spouses in most Turkish marriages, but may not occur between siblings. Although, with time, a marital relationship may become extremely close, and strong loyalties may develop, such emotions are rarely present in the beginning. Love matches are not unknown, however, and almost all instances of *kız kaçırma* are based on strong physical attraction. But, sexual attraction is very different from the loyalty and trust which at times develops between siblings.

The change in inheritance laws which give sisters the same legal rights to their father's land that their brothers have,¹² and the introduction of new crops produced for urban markets, has affected kin relations in Mandalinci. Unlike wheat cultivation or subsistence herding and agriculture, diversified cash cropping requires additional personnel (beyond the number that a household can normally provide) to handle weeding, cultivation, and har-

¹¹ See for example, pp. 67-68. Compare Stirling (1974:218-22).

¹² It should also be remembered that we do not know the *customary* ways of dividing land in Turkish villages before the state took an interest in the procedure. What evidence there is suggests that customs varied in different villages, depending upon what kinds of food were produced, and the kinds of labor needed to care for it. This is still true today. (Starr 1968c).

Although the customary land divisions are not known, it is clear that statutes in the new Turkish Civil Code of 1926 raised the status of women by allowing them the same rights to divorce as their husbands and the same rights to the patrimony as their brothers.

vesting of crops produced at different times throughout the year. These changes have created tensions between fathers and sons, and may also have affected relations between siblings. Females play as important a role in agricultural work as men do, and pressure on existing land resources means that sisters (or their husbands) are more inclined than before to assert their rights to the patrimony as against the brothers' traditionally exclusive rights.

Those changes may have intensified sibling relations, but the bond is still there to be utilized. The term *kardeş* is frequently heard in normal conversation: it means either brother or sister, and usually specifies neither sex nor number, and can be used to denote one or all individuals who share the same parents. You say *kardeşim* to mean "my brother," "my sister," "my brothers," "my sisters," "my brothers and my sisters." If the English term "sibling" had a wide general usage, it would be roughly equivalent to the Turkish term *kardeş*. If sex of referent is important, a person may say *kız kardeş*, literally, "female sibling." In natural conversation, however, I have never heard anyone refer to *oğlan kardeş* or *erkek kardeş* (*oğlan* and *erkek* being the terms denoting boy and man, respectively).

To summarize, then, *kardeş* has four meanings: (1) a "group of siblings," (2) a "brother" or a sister," (3) a term of masculine reference which contrasts with *kız kardeş*, and (4) a form of familiar greeting, as we might say "brother" or "sister" to a close friend. I spell out the meanings of this word because *kardeş* represents a fundamental aspect of Turkish thought which is absent in English. It gives a lateral emphasis to Turkish kin terminology, and this is one of the organizing principles of Turkish life. If you ask any Turk in the Bodrum area how he is related to another, he answers, "We are sons of *kardeş*," or, "Her mother and my father were *kardeş*," or, "His grandfather and my father were *kardeş*." I must have asked this question hundreds of times, and in no instance did anyone ever say to me, "We are related because our grandfather is Ahmet," or "We both are descended from Ibrahim." To give the latter answer—"We are both descended from X"—is to imply a lineal way of thinking about kin relations.

I did not find patriclans or lineages in the village, although I had assumed they would be present. In Mandalinci there is no term used by villagers which even roughly corresponds to the

term "lineage." Depending upon the context, a group of closely related males is either called *akraba* (relatives) or *aile* (family). In discussing disputes and quarrels with villagers, I was not able to elicit even the suggestion that a group of closely related males would support a relative in a quarrel.¹³

The largest residential kin group in Mandalinci consists of five households. There are two brothers, aged sixty-six and seventy, respectively, in the grandparent generation, who live in adjoining houses. Three married sons of one brother have remained in the village (see Fig. 4), and two of them live in houses adjoining their father's. The third lived with them for the first twelve years of his marriage, but two years ago he moved to a house at the edge of a tangerine orchard he had recently planted. A woman whose mother (deceased) was a sibling to the senior living brothers lives in a nearby house with her husband, who came from a village near Bodrum. The sixty-six year old man lives in the house his father had built, and claims that his father was the first Turk to reside in the plain during the period when it was essentially occupied by Greek families. This group has close relatives living in other parts of Mandalinci as well as in nearby villages, Bodrum, and Izmir. On holidays such as *Şeker Bayramı* (the three day holiday after the *Ramazan* fast) as many as fourteen people assemble with their spouses and children at someone's house for the festive meal. Such a gathering usually consists of people related to both the husband and the wife in whose home the meal occurs. Frequently siblings and parents of both husband and wife come.

The group described above is the largest residential descent group in the village, and the unit charted (Fig. 4, minus the Izmir branch), the largest contiguous residential complex contained within it. There are seven smaller residential groups consisting of two or three families each. A point to be noticed about these groups is that affiliation is traced through females as well as males. For example, a married woman and her husband may choose to reside with her father, rather than her husband's father. The term for the husband residing with his wife's kin is *iç güveyisi* (literally, "inside groom").

¹³ The primary function of a lineage in the two villages Stirling studied in central Anatolia, was as a defensive unit in times of crisis or a quarrel (Stirling 1965:158-9; 1960; 1963).

Perhaps the best way to view these residential units is as consanguineal kin groups with some patrilineal bias, forming non-corporate groups (non-corporate, because they are not exclusive since non-kin also live in adjoining houses, and because membership confers no additional rights or privileges except those of neighborliness).

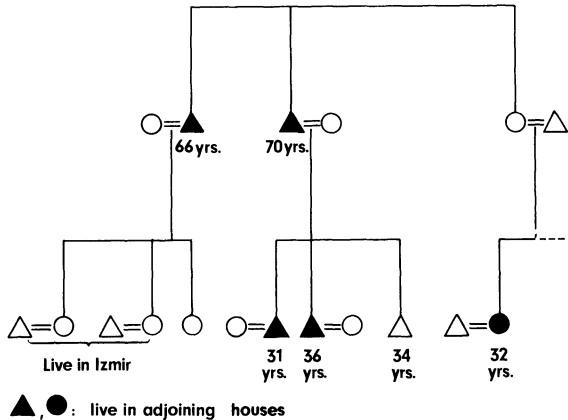


Fig. 1 A Descent Group which Resides Together in Mandalinci.

At various times several of the men in the largest residential descent group were involved in village quarrels (Case Nos. 5 and 6), but the problem was not handled by kinsmen acting jointly or mobilizing for a show of strength. In nine other instances, when it appeared that a dispute might, or in fact did, escalate into violence,¹⁴ kinsmen did not come into the quarrel as a collective or aggressive unit. I interpret this to indicate that support of someone in dispute is an individual decision which a person makes in response to a particular quarrel, a particular person's plea for help, or a configuration of circumstances. The decision is not made in terms of unquestioning loyalty to a group of agnatic kin.

I put this strongly because there is no evidence in all the case material I collected, nor in the conversations I had with Mandalinci villagers, which suggests that any kind of group, kin or otherwise, could be mobilized as a supportive and defensive unit.

¹⁴ See Cases 16, 17, 21, 22, 26, 28, 30, 31, 32.

In fact, the data suggest the opposite. Ties of loyalty which cut across kinship lines exist throughout the village. A man may be more closely associated with his wife's father than with his own, with his sister's husband than with his own brother, or with a patron than with his father.

Thus, although studies by Stirling (1965), Yasa (1957, 1960), and Tanyol (1961) report the significance of lineages in Turkish society, in Mandalinci a lineage is not the focus of a man's identity and loyalty. The marked difference between this situation and that described in other parts of Turkey may be due to the short history of Turkish settlement of Mandalinci, its dispersed layout, Greek influence, the numerous and intensive effects of social, ecological, and economic change in a relatively short period, or other aspects of its regional location.

Fluid Quasi-Groups

Boissevain (1968, 1969), Mayer (1966), and others have pointed to the significance of social coalitions of people that do not constitute permanent social entities. Rather, there is "regular and purposive contact between at least some of the members. ..." Quasi-groups are "cliques of friends, gangs, factions, action sets," and the like; Boissevain suggests that the most intimate core of an individual's network ought to be considered a quasi-group (1968:550).

In Mandalinci a great deal of social life, work in the fields, child care, and other activities are carried out in fluid quasi-groups.

In the daytime and evenings, neighbors and kinswomen visit one another, look after children, and occasionally cooperate in cooking, especially for religious holidays. Membership in a particular group overlaps, so that women who look after children in the daytime may visit with different women in the evening. Much of this interaction takes place in neighborhoods, or between kinswomen living in different neighborhoods. Except in field work and within the household, men and women are rarely in the same group. During religious holidays, however, husbands and wives may go together to visit parents (thus demonstrating respect) and perhaps share a meal with them.

During the daytime, groups of men are recruited from nearby coffeehouses to pull a boat out of the water or push a jeep out of the harbor sand. The men sitting around a particular coffeehouse form a quasi-group, although, again, membership on any particular day is not exactly the same as the day before. Nevertheless, within a period of time the same men can be found to attend one coffeehouse with much more frequency than another. The core of such groups consists of those men who, because of economic agreements, make up the group of loyal supporters for Oktay at his coffeehouse or for Attila at the harbor coffeehouse.

Although the role of these quasi-groups in suppressing conflict, or in admonishing an individual not to hold a grudge or not to harbor a grievance, cannot be fully assessed, their importance in the daily lives of villagers ought not be underestimated. We will refer to specific quasi-groups in more detail when we discuss political organization in Chapter V.

The sketch I have given of kin and social relations provides background data for the disputes to be analyzed in Part II. As I said, a man frequently is more involved with his wife's father, his wife's brother, or his sister's husband than with his own male siblings. The preference for marriage between kinsmen also leads to the diversification of loyalties. In short, flexibility of residence and overlapping kin ties are factors which divide loyalty so that an individual in a dispute cannot *à priori* count on the support of his male siblings. I suggest that divided loyalties are significant in preventing disputes from escalating to include individuals other than the principals. Supporting this is the demonstrably weak identification a person has with his residential group or with his agnates. That identification is so weak, indeed, that agnatic unity plays no part in conflict resolution.¹⁵

¹⁵ Three recent studies dealing with problems of social change within single communities are Kıray (1964), Magnarella (1974), and Szyliowicz (1966). Useful recent comparative studies are Beeley (1970), Frey (1966), Grønhaug (n.d.), Kıray (1968), Kolars (1967), Scott (1968), and Tunçdilek (1962). Excellent bibliographical guides to rural Turkish studies are by Beeley (1969), Suzuki (1969), and Weiker (1969). Kolars's annotated guide to rural Turkish studies in Turkish, although older, is still of considerable interest (Kolars 1962).

CHAPTER FIVE

POLITICAL ORGANIZATION

The most interesting aspect of Mandalinci politics is that the visible, legally constituted, political structure, consisting of a *muhtar* and a village council, tends to mask the effective political organization. For those who hold power and influence in Mandalinci prefer to remain behind the scene, allowing others to fill the offices which link the village to the national government. To understand village politics, then, we need to know both the overt, legally constituted structure and the informal organization that actually runs the village.

The Formal Turkish Administrative System

A village is the smallest administrative unit within the national Turkish state. It was established as a legal entity when the government of Ataturk enacted a vast and comprehensive Village Law (*Köy Kanunu*) on 18 March 1924. This law provided a set of thirty-seven standards which all villages must meet. For instance, it stated that standing water within the village must be eliminated, and village water itself must be kept clean. Each house must have a covered privy, and a wall must divide human sleeping quarters from areas where animals are stabled. It also established that all adult villagers should elect, every four years, a village *muhtar* and a village council from among village members. The village schoolteacher and the village *İmam*, who usually come from outside the village to fill their jobs, were to serve as *ex officio* members of the village council. A special room for council meetings was to be built. In Mandalinci village this room was completed in the summer of 1967.

A *muhtar* is not only elected by villagers to represent them in their dealings with outsiders, but is, in effect, an administrative official of the national government; he must be willing to carry out whatever instructions reach him through the administrative chain of command (Lewis 1961:386-87).

The village of Mandalinci is one of thirty villages in the district (*kaza*) of Bodrum, the district capital of which is in Bodrum town (1968 population 5200). The District Director (*kaymakam*) has offices in Bodrum. The director of a *kaza* is a career civil servant, drawing a high salary compared to other civil servants and to local people. In the entire district only judges and the public prosecutor have a salary equivalent to his. Under normal conditions the same man administers Bodrum for a period of roughly four years, after which he is transferred to another district. He is responsible directly to the administrative director (*vali*) of the province (*vilayet* or *il*), who has offices in the provincial capital, Muğla, which was in 1967 roughly a five hour jeep drive from Bodrum. Bodrum was one of seven districts (*kaza* or *ilçe*) administered from Muğla. As of 1965, Turkey was divided into sixty-seven *vilayets*. Only a man with a good record as *kaymakam* can reasonably expect to become a *vali* at some time in his career.

For administrative purposes *vilayets* are subdivided into *kaza* and *nahiye* (or *bucak*); the latter is the smallest sub-unit of a district, and is primarily a unit of control by gendarmes. Generally, there is a subdistrict director, *nahiye müdürü*, who is an appointee of the central government, but is normally a local man. His office lies in the channel of communication between district director and a village. Mandalinci does fall within the jurisdiction of a *nahiye* and is connected by telephone to the *nahiye* gendarmerie in Özköy. But to prevent smuggling between Mandalinci and nearby Greek islands, a gendarme station has been located within the village since about 1900.

Thus, two agencies of the modern Turkish state are represented in Mandalinci village: one is the elected *muhtar* and his council, the other is the gendarme sergeant who, with two soldiers on special duty, is responsible for keeping the peace. Within the village the gendarmes report to their sergeant, who in turn makes arrests and relays information to his commandant in Bodrum. There is little communication between the village *muhtar* and the gendarme sergeant. Their headquarters are in different areas of the village: since summer 1968 the *muhtar* has had a room in the center of the village and he can usually be found in or about Oktay's coffeehouse, while the gendarmerie is in a distant part of the harbor. Furthermore, gendarme soldiers and ser-

geants are always stationed in regions different from those where they were raised. Although the gendarmes and their sergeant frequent village coffeehouses, they do not become integrated into village life. Yet in 1947 one of Hacı Nuri's daughters had married a village-stationed gendarme from Gazientep who had prevented her being kidnapped by other men. This is an exceptional occurrence, however, since gendarmes are usually treated with suspicion.

Bodrum town is the site for a number of institutions and offices of the central government as well as of the municipal (*belediye*) administration. Those maintained by the central government include a Post Office (P-T-T), a Customs Bureau, a Harbor Authority, a Maritime Affairs office, a government Agricultural Cooperative, an Immigration Authority, a branch of the Agricultural Bank, a museum, a hospital (including a doctor and several nurses), a school (primary, middle, high), a Tourism bureau, plus directorates of finance, agriculture, religious affairs, village affairs, population, land registry, education, veterinarian affairs, agriculture, and health. The commandant of the gendarmes (rural police consisting of military personnel on special duty) and the director of police (urban police) are both headquartered in Bodrum town. The municipal administrator is responsible for such matters as maintaining standards of human and animal health, the conduct of business transactions (such as use of scales in stores and markets), street maintenance, building codes, trash and garbage disposal, fire protection, legalization of marriage, power, and water supply. The municipality is headed by a locally elected mayor.

In the private sector, Bodrum town is the local center for a number of shops, garages, inns, and small-scale craft industries. It also has two transportation offices out of which buses and trucks are run to Izmir and elsewhere, plus a number of individual operators who drive individual vehicles under contract.

The many agencies and civil servants in Bodrum provide villagers and Bodrum dwellers with an opportunity to attach themselves to someone in an official position in an attempt to channel influence. For our purposes, however, there are only four institutions of major significance. These are responsible either for maintaining law and order or for providing villagers with an opportunity to bring their local conflicts, disputes, and quarrels to

national dispute-handling agencies. In Bodrum town, the Bodrum police commissioner and his staff of five civil policemen are responsible for law and order; in villages outside the town proper, law and order are supervised by the gendarmerie. In addition, Bodrum townspeople claim that one or more members of the Turkish secret police are stationed in Bodrum, or have been recruited from their own ranks. Such individuals are said to report directly to a bureau of the Ministry of Interior in Ankara in order to protect their identity.

National dispute-handling agencies in Bodrum are the *kaymakam's* office (for land cases only) and the Bodrum law court. The Bodrum court has two judges and a public prosecutor. It is divided into four courts of law:

Sulh Hukuk Mahkemesi: Lower Civil Court, whose jurisdiction pertains to civil cases up to 1000 liras (in 1967, about \$100)

Asliye Hukuk Mahkemesi: Higher Civil Court, whose jurisdiction is all other civil cases

Sulh Ceza Mahkemesi: Lower Criminal Court, which hears minor cases as defined by the Turkish Criminal Code

Asliye Ceza Mahkemesi: Middle Criminal Court, with jurisdiction over serious crimes up to and including involuntary manslaughter.

A fifth court, *Ağır Ceza Mahkemesi* (High Criminal Court), is located in the courthouse in Muğla, the provincial capital. This court has jurisdiction over the most severe criminal cases from the Bodrum district. Religious crimes or crimes of treason and spying are not heard in the Bodrum or Muğla courts, but fall under a different jurisdiction (see pp. 114-15).

In theory, the Bodrum police commissioner and commandant of gendarmes are under the administrative control of the *kaymakam's* office (for land cases only) and the Bodrum law court. Both report directly to Muğla: the police commissioner to the *vali* and the gendarmes commandant to his superior in Muğla. During my stay there were two different police commissioners in Bodrum. Both commissioners, as well as the *Vali*, seemed to feel that the *Kaymakam* was too liberal and progressive. He was not religious enough to suit them. It was largely through his efforts that a school, a mosque, a council room, and other governmental structures were built in Mandalinci during 1967. He was also interested in promoting Bodrum as a tourist area, because he felt it would help the local population financially. The money from

tourists would not only improve conditions for individual families, but could be used to send children to school, so that the region, so long isolated, could become a part of the modern nation. And he played a part in seeing that the road between Bodrum and Milas, which had been scheduled to be widened and paved as early as 1964, was in fact asphalted by the end of August 1968.

In reality then, the gendarmes, the police, and the *kaymakam* all act independently in Bodrum, because of personal friction between the *Vali* and *Kaymakam*. The law courts are legally, and in fact, separate and independent institutions. The two Bodrum judges frequently consult each other and the public prosecutor concerning case decisions, but each is responsible to write the decision in his court (see pp. 124-25 for a more detailed discussion). Thus, judges are thought of as acting independently, although ultimately they are controlled by, and responsible to, the Ministry of Justice in Ankara.

The public prosecutor's office is also located in the Bodrum law court, but the public prosecutor works closely with the police commissioner's office, since when an arrest is made, or a crime is reported, the public prosecutor has the responsibility of deciding if sufficient evidence exists to warrant prosecution. But the public prosecutor is linked to the bureau of prosecutors within the Ministry of Justice, while the police are under the jurisdiction of the Ministry of Interior. Each Turkish ministry operates largely independently of the others. All are ultimately responsible to, and under the control of, the Prime Minister, who is appointed by the President (who, in turn, is elected by the parliament).

In short, all of the agencies described are part of a vast and extensive Turkish bureaucratic system. Individual assignment to a particular region is made by officials in Ankara, and no one is assigned to serve in the district where he grew up. Like most civil servants in rural areas in Turkey, a judge can expect to be transferred every three or four years. After fifteen years of service a judge can ask to remain in the same locale, or suggest the area to which he wishes to be transferred.

I do not want to dwell on the conflicts of interests which existed between the *Kaymakam* of Bodrum and the Bodrum Police Commissioners while I was there. But it is important to know

that the positions of *Kaymakam*, of judge, and of public prosecutor are only available to people who hold a degree from a faculty of law at a leading Turkish university (the *kaymakam* may hold a degree from a political science or a law faculty; the others from law only). These persons are members of a small, elite group of Turkish citizens, and I was impressed with their erudition, their concern with general Turkish problems, and their ability to fulfill their jobs with skill and foresight. On the other hand, the positions of police commissioner and of policeman are open to a person with a high school diploma who is given six or more months' training at a police college. For the most part these people are not members of the Turkish elite and do not draw high salaries. Although many are careful not to exceed the powers granted to them by their job, like policemen the world over they tend to emphasize the law and order aspects of their work, and are not generally experienced at understanding the complexities involved in interpreting and enforcing the existing laws.

The Muhtar and Village Council

In Mandalinci the village council consists of seven elected members, one being designated as headman, or *muhtar*. The school-teacher and the village *İmam* are council members by law. The elected members and the *muhtar* hold office for a four year period and are chosen by secret ballot by all adult men and women of the village. I was told there was no regular day for council meetings, but that the council could be called together whenever a problem was brought to its attention. Although the law explicitly states that a woman can be elected to a village council, and although women on occasion have even served as mayors of rural towns near urban centers, the *muhtar* and others assured me that no village woman had been or would ever be elected to the council in Mandalinci.

During my stay in the Bodrum district, the Mandalinci council did not meet at all. When decisions had to be made or work needed to be done which would benefit the village, the *muhtar* went to speak individually with men sitting at the coffeehouses or in their homes. For example, during my stay in the village a privy was built near the harbor mosque, and a reservoir was

constructed on a harbor hill to store water for the seaside homes. The reservoir was made of cement and was approximately ten by twelve feet square and six feet deep. It took over three months to get four or five village men to spend one day's work completing the top for the reservoir so that dust from the road would not contaminate the drinking water.

Public work which will benefit the village is rarely initiated by the *muhtar*. He puts pressure on the villagers to begin and complete such jobs only when the *kaymakam* comes from Bodrum (or summons him) to convince him of the necessity of such ventures. Perhaps twice a year the *kaymakam* comes to Mandalinci with other public officials in a fleet of three or four chauffeur driven jeeps. He stops first at Oktay's coffeehouse in the village center, and then proceeds to Hacı Nuri's coffeehouse at the harbor. At each place he lectures the men, telling them what they must do to improve their village. He patiently explains how village work would help each family individually. He explains the government's program concerning villages, and emphasizes the necessity of clean village water, education for children, and good health practices for animals. He also listens to complaints, and asks villagers what they feel their village needs. Villagers mostly complain of low prices for their produce, the lack of a good road between the village and Bodrum, and other ways in which the government is not taking an active enough part to promote their concerns.

When the new Mandalinci school was completed in March 1967, it was rumored that the *Vali* himself would come from Muğla to be present at the dedication ceremonies. The Assistant *Vali* was in fact present at the dedication on 8 March 1967, along with public officials from Bodrum who included the *Kaymakam* of Bodrum, the Gendarme Commander of Bodrum, the Veterinarian, the Government Doctor, the Agricultural Director, the director of the Ziraat Bank in Bodrum, the Director of the Bodrum school system, the *İmam* in Bodrum, the President of the People's Agricultural Cooperative, and a young woman who was President of the Ladies' Group in Bodrum and a teacher in Bodrum's high school. She lectures the village women concerning their backwardness, telling them that Atatürk meant women to be educated, and that it is the women's task to oversee the education of their children. She implores them to stop covering their

faces, to learn to read, and so forth. All the other officials also make speeches to the assembled villagers who, as at weddings or circumcisions, maintain strict segregation of the sexes: women and children sit on chairs in front of the speakers' table, village men stand to the right of the speakers. It is an impressive ceremony, lasting well over four hours. Village school children sing some patriotic songs and act in a pageant; young boys then perform lively local dances.

The above description demonstrates the attitude that Turkish administrators take toward the village as an assembled group. Case materials to be presented later demonstrate some ways by which villagers attempt to bring influence to bear on administrative agencies. In brief, villagers approach officials as individuals, not as representatives of the state. Officials may initiate communication to the village through agency channels, but villagers initiate communication to agencies through personal, network channels.¹

During my stay I asked many Mandalinci people about the responsibilities of the village council. In every instance villagers told me that it was the duty of council members and the *muhtar* to see that village affairs were handled smoothly. When I asked if someone would take a quarrel or dispute to the council to be heard, they answered that they might. When I asked for an example of a dispute which had been heard by the council, they either were evasive or responded that they did not know of any. After several attempts to question the *muhtar* in private about council meetings and disputes which might have been heard, and after usually getting a noncommittal reply or a change of subject, I once again opened this topic with him at Oktay's coffeehouse when he was sitting with the village schoolteacher and other influential villagers. I asked what kinds of cases his council might hear. "Trespassing, for instance, when sheep or camels go into someone else's fields; arguments over boundaries to fields, or other kinds of land problems; when neighbors or husbands and wives fight," he answered. He added that the council can fine an individual up to 500 liras (\$50), but that it does not have the right to sentence a person to prison. If an offense of such seriousness occurs, the case must be taken to the Bodrum law court.

¹ Networks are defined and described in Part II, p. 130.

“Tell me about a village council case,” I asked. The *muhtar* answered, “Suppose I tell people they must come to work on the road. They don’t come. For the first day I fine them ten liras; if they don’t come on the second day, I fine them an additional twenty liras.” When I asked, “When did you last fine someone?” he answered that during the five years he had held office as *muhtar* (he had just been re-elected), he had never fined anyone. Nor did he know of instances when past *muhtars* in Mandalinci had fined any villagers. In another context he told me that the most serious case a council can hear is stealing.

If the *muhtar* or his council hears of a village quarrel, they cannot intervene and insist that disputing parties bring their dispute to council. The council can only hear cases when a principal asks their help. I asked him what a wife does when her husband mistreats her, and he replied, “She will go to her father. Her father won’t do anything. After a while her husband will come for her, and her father might talk to them both at that time.” When I asked him what the last case he or his council had heard was, he changed the subject. Yet, earlier in my stay, when I first began to inquire into the dispute-handling powers of the village council, the *muhtar* described the following situation:

CASE NO. 3

Informant

Current village *muhtar*. He would not tell me the name of the youth involved, because he still lives in the village.

Actors

A young Mandalinci man: A bachelor before his military service, which makes his age somewhere between fifteen and twenty-one at the time of the case.

About fifteen years ago a youth from Mandalinci cut a hole in the roof of a harbor store at night and stole cigarettes and money. The theft was discovered the following morning, and all could see how he had entered the store. Several people were suspected. Council members searched the houses of people under suspicion and, within two or three days, the thief was

discovered and made to confess, for his cache had been located.

The *muhtar* and influential villagers met together to decide what to do with him. They decided that they would punish him themselves. With his hands tied behind him, and a heavy stone tied between his shoulders, on a Friday morning when all the village men had come to the mosque at the seashore, he was made to walk through the men while they struck and spat at him.

The *muhtar* added that the young man still lives in the village and that, since that episode, neither *he nor anyone else* has stolen from village stores.

*

Three things are striking about this case. The first is the fact that influential men met to decide how to handle the situation. The present *muhtar* is about forty-five years old and could not remember another incident of theft from village stores. The second is that this is the only instance of community action against someone that he could remember. He was quite emphatic in insisting that influential village men did not have to meet to decide what punishment to give someone at any other time. The third is I was unable to find any other villagers who recalled this incident.

This contrasts markedly with the present village situation. An examination of the Bodrum court records from 1965 through 1967 reveals that five cases of theft involving a Mandalinci villager as plaintiff were heard before the court.² Yet the *muhtar* and other influential villagers, questioned separately on several occasions, stated that *no* cases of theft had been reported to the village council in that same period. In sum, after repeated discussions with the village *muhtar*, the schoolteacher, and others I conclude that although the village council may have existed as a dispute settlement agency in the past, as instanced by Case No. 3, at present villagers prefer not to use the council in this capacity. The village council no longer exists as a desirable option.

We will again consider the village council in Chapter VII, for it is only after we have analyzed informal village politics, and the techniques of informal disputing that villagers in fact use, that we

² Field Notes. Filed under Court Records for years 1965, 1966, 1967. Small and Middle Criminal Court, Bodrum. Also see Starr and Pool (1974) for a more detailed analysis of the Bodrum court docket.

can understand why villagers do not choose to take disputes to the *muhtar* or village council to be heard.

It is of interest that Stirling (1953:42, 1965:254-57) and Yasa (1957:150) generally agree with me—that a village headman is not an important and powerful man in his village and does not frequently function in a dispute-handling capacity, while Frey (1967:8-9 *et passim*) and Scott (1968) generally take the opposite view. This difference in the interpretation of the importance of a *muhtar* undoubtedly is a reflection of different kinds of social and cultural organization of Turkish villages. It may also be related to different methods of data collection, for it was only gradually, after months of living in the village, that I was able to develop a view of the actual sources of political power. Had I only spent a week or ten days in the village, I would have left with an entirely different view, one in which the *muhtar* and his council played a considerably more important part in village affairs, for this is the “official” view and villagers do little to undermine it. Thus, in order to understand the effective sources of village power, one must *be* there to analyze who does what to whom, in what ways, on what occasions, and for what reasons.³

The Informal Village Political Organization

Earlier I mentioned that Oktay and Attila each were village-based entrepreneurs and had diverse types of dyadic ties to their clients. I also mentioned that each man had sponsored a candidate for village *muhtar*. Now it is relevant to ask to what extent are dyadic patron-client ties convertible into factions competing for political power within Mandalinci? Boissevain (1968:550-51) has defined a faction as a group whose structural characteristics vary enormously. He states:

By “faction” I mean an exclusive coalition of persons (followers) recruited personally according to structurally diverse principles by or on behalf of a person in conflict with another person or persons within the same social unit over honour and/or control over resources. I see factions as the basic units of conflict in any society. By “exclusive” I

³ See the Introduction to Swartz, Turner, and Tuden (1966) and Bailey (1969) for a fuller statement on how to analyze and interpret political activity at the local level. See Starr (1975) for a more detailed discussion of the effects of legal decisions on local level politics.

mean that a person cannot belong to more than one faction in the same arena. The central focus of the faction is the person who has recruited the faction, and who may also be described as the leader. The ties by which a leader recruits a following are of many sorts. . . . Conflict is basic to the existence of a faction. It is the reason for its existence, for it is engaged in a hostile competition for honour and command over resources: the conflict is thus political . . . Moreover, factions compete against other factions for the same prizes. Their conflict is a competition, not a spectacle.

In Mandalinci the major area of conflict between the two factions surrounding Oktay and Attila is the election of the village *muhtar*. An election took place in June 1968 and, although I was not in Turkey to observe the behavior of the villagers prior to the election, I did reach the village shortly afterward. Oktay's candidate, the former village *muhtar*, had been re-elected on one ticket by an overwhelming majority of village votes. Oktay's supporters, however, did not seem joyful. Nor did Attila's group, which had supported a nephew of Attila's on the other ticket, seem markedly downcast. The election results were accepted by both sides as a normal course of events; if I had not inquired about the outcome no one would have mentioned the results to me, presumably because they did not consider it very important. In other words, although the economic rivalry between Attila and Oktay is converted into political rivalry at election time, and although it is to Oktay's advantage to have as village *muhtar* a man sympathetic to his interests, the stakes are not so great that the defeated side feels overpowered and subjugated by the other.

Rustow (1966:123, 1967:23) has suggested that Turkish villages and rural towns tend to be divided into dual factions based on social, cultural, or economic differences, and that the two major political parties in Turkey are nation-wide coalitions of such "moieties." I think this explanation is too simplistic to explain politics on the local level. Certainly in Mandalinci the factions surrounding Oktay and Attila do not represent socially or economically different interests, although the leaders themselves do, since they come from different backgrounds. Their followers, however, cannot be divided into wealthy versus impoverished farmers, nor those who entered early versus late into cash cropping, since members in each category are affiliated with both men. Thus, group membership does not represent ideological differences in Mandalinci, but rather affiliation with a particu-

lar patron or entrepreneur. Despite the fact that the two village parties do not represent ideologically different interest groups, the need to maintain the multiparty system at the village level provides them with a function and with an arena for competition. Thus, the competing political parties within the village only superficially resemble a dual organization, because a dual organization model demands that all members belong to one moiety or the other, and moiety systems are usually supported by other social and cultural mechanisms, such as prescriptive rules concerning marriage and/or residence. In Mandalinci no prescriptive rules were in evidence and many Mandalinci men do not affiliate with either Attila or Oktay. For example, during four winter months of 1967 the young village men (those between the ages of sixteen and forty) maintained their own group and generally met at Yusuf's seaside coffeehouse (see pp. 149-50 for a more detailed discussion).

Although the major competing factions continue to be identifiable even after the election is finished, there are no other arenas or resources, in addition to elections, for which the two sides, as opposing factions, compete at present. Patterns of interaction and association within the village tend to create the appearance of factionalism (since those individuals who have a closer relationship to Oktay attend coffeehouses in the village center, while those who work or have affiliations with Attila or Hacı Nuri attend coffeehouses at the harbor), but it is the two leaders who are rivals more than the groups surrounding them. Furthermore, attendance in a central village coffeehouse does not necessarily imply affiliation with Oktay. Central village coffeehouses draw the largest crowds of men due to their location in the dispersed village. What a man's continued attendance in a coffeehouse of the central village does indicate, however, is that he is not part of Attila's personal network. If he were, he would need to frequent Hacı Nuri's coffeehouse in order to learn news, to gossip, and to reinforce his ties to persons there. In sum, at election time, Oktay and Attila convert their supporters into a following which will back their candidate for *muhtar*. Outside of election time there are no important areas of competition in which the factions, *qua* factions compete.

Oktay and Attila's entrepreneurial roles in the purchase, transport, and sale of produce from smaller producers provide each

man with a pivotal role which each converts to a position of power. Oktay solidifies his power position by extending credit at his store to his clients in winter months, and they repay him in produce in the agricultural season, while Hacı Nuri gives credit at his store to members of Attila's support group. Thus, the basis of the relation between Oktay and the core of his supporters and Attila and his supporters is economic (although both patrons are willing to give advice on a range of matters—when to see a doctor, how to arrange a bank loan, etc.). Those who do not wish to let Oktay or Attila become their patron, or who wish to remain uninvolved in the political rivalry between the two, manage the sale of their own crops.

But what is the relationship between these two leaders and the core of their supporters?

Attila's authority is based on his status as member of a regional elite. He has connections and influence with other regional elite families. For example, I once drove him, his wife, and Hacı Nuri's wife for a three day visit to a tobacco-farming family near Muğla. The household head owned the largest tobacco farm on the plain and his two married sons, aged thirty-five and forty, were his foremen. This farmer told me he knew the *vali* personally. While there, I learned that Attila's brother's son had been sent to the London School of Economics to study.

As the largest resident landowner in Mandalinci, Attila employs up to fifty people during the agricultural season, some as tenant farmers, some as day laborers. Attila has five siblings, most of whom have remained in Mandalinci village, but none of them has achieved the economic and political power that Attila has. Some of Attila's employees are his impoverished, close relatives. Furthermore, the only land which Attila has sold has also gone to poor relatives. For example, about twelve years ago Hasan Ali, a son of Attila's sister, bought seaside land cheaply from Attila which he later developed into a profitable tangerine orchard. This man now is Attila's chief manager, handles all details of weighing, buying and trucking produce, and usually handles Attila's accounts. In 1966 Attila gave a small house lot to another sister's son (mentioned earlier as one of the poorest village men) on which to build a house. Attila allows Hacı Nuri to run his store rent-free in a building which Attila owns. The wives of Hacı Nuri and Attila have been friends for over thirty years.

For economic and social reasons then, Hacı Nuri is a close associate and supporter of Attila. As father of ten children, many of whom married other Mandalinci villagers, Hacı Nuri has an extensive network within the village based on kin and affinal ties. Some of Hacı Nuri's sons and sons-in-law work in the harbor area, and usually can be found sitting around Hacı Nuri's coffee-house, the one frequented by Attila. Although the two oldest of Hacı Nuri's married sons moved to Izmir to run a neighborhood store, two daughters had remained in the village to marry men who are economically involved with Hacı Nuri. Turgot, a son-in-law of Hacı Nuri, and his wife moved into a home adjoining Hacı Nuri's at the birth of their first child. Through Turgot's change in residence, his brother, Yusuf, and his father, have been brought into closer relations with Hacı Nuri, and hence, with Attila. Another son-in-law of Hacı Nuri's is tenant farmer in Hacı Nuri's tangerine orchard; Hacı Nuri's brother's son, Orhan, ran Hacı Nuri's store for three weeks in February 1967, when Hacı Nuri went to Izmir to seek medical help for influenza. In the summer Orhan became a cook in Attila's seaside restaurant along with Hacı Nuri's son, Sumer. In sum, many of Hacı Nuri's consanguineal and affinal relatives are aligned with him, and he in turn supports Attila.

Attila's ties and influence extend beyond the village. About thirty years ago he married the sister of the wealthiest man in Özköy (a nearby village of 2000 people) and this connection now provides him with ties to other wealthy farmers (friends of his wife's brother) on the Bodrum peninsula, and he has developed his own network on the peninsula and in Bodrum as well. Therefore, the basis of Attila's support group consists of affines and consanguineal kin who work for him or use his entrepreneurial talents to sell their produce. Hacı Nuri provides a focus for Attila's group of supporters, because of his large kinship network and his credit extending functions.

In contrast, Oktay's political influence has only arisen during the 1960's. He had married in the late 1940's the daughter of a Mandalinci man who, by 1967, was consistently (and independently) ranked as one of the three wealthiest men by ten informants. It was said Oktay borrowed money from his father-in-law to start his store. Oktay organized village women and children to gather wild resources, such as snails and bay leaves, which he

then sold at considerable profit. He obtained valuable flat land which he converted into a profitable tangerine orchard, although subsequently he and his brother became embroiled in a bitter dispute over its ownership (Case No. 31). By the summer of 1968 Oktay was extending his personal network to include other influential villagers on the Bodrum peninsula, even members of local elites, including some of Attila's affines. In August 1968 I visited Oktay's house and was served tea in gold-rimmed glasses (an urban custom) in a new upstairs room of the home Oktay had just built for his son and daughter-in-law. I drank tea in the company of the rich Özköy store owner and his wife, Attila's in-laws. Thus, Oktay is entering a domain of social relations which traditionally belonged only to Attila.

Finally, Oktay's candidate was re-elected *muhtar*. Through the marriage of his son to Musa's oldest daughter, Oktay exerts considerable influence on the *muhtar*. Musa and the *muhtar* not only are close relatives (see Fig. 2) but, even more important, they

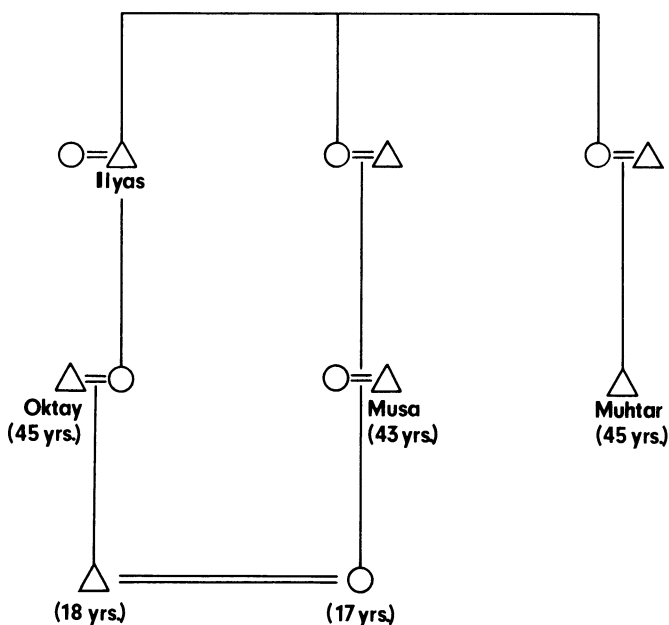


Fig. 2 Kinship and Politics: How Oktay Is Related to the Village *Muhtar*

have shared the same courtyard since 1955, when both built houses at the edge of adjoining tangerine orchards. Their homes are located approximately a three minute walk from Oktay's combined house and store, which is the focal point of the central village.

The ideological grounds for political rivalry between Oktay and Attila were laid down earlier. Attila is identified with other local elite families who are rich, religious, and conservative landowners in the Bodrum region; Oktay is a newcomer, a progressive who has gained his status position and power only in the 1960's. Oktay has little interest in either Islam or in traditional ways of doing things. Villagers feel he is like them. Starting out as a poor man himself, he understands the problems of hunger, they claim. "After all, isn't Oktay willing to extend credit or make a cash loan without demanding interest as Attila does?" villagers asked me, in attempting to explain Oktay's popularity.

At the end of the summer in 1968, Oktay was clearly the dominant political force in village affairs, and was beginning to cement his contacts to other rich landowners outside the village. When I asked Attila about the house he was building for his sixteen year old son, he told me that when his son is married, Attila and his wife will spend part of the year living in Bodrum. His son will organize and run most of Attila's village affairs. Attila and his wife will come to the village for the summer months and stay through the tangerine season. Besides looking forward to the comforts of life in Bodrum, Attila says he wants to visit friends who live in Muğla, Izmir, and elsewhere in Turkey. Thus, although political rivalry certainly exists between Attila and Oktay, Attila is beginning to look beyond the village. He feels he can better his position and interests by intensifying his relationships and contacts within the larger context of Turkish society. There is not enough at stake within the confines of the village to make a continued struggle with Oktay worthwhile.

It is doubtful if Attila and Oktay can transform their supporters into two intensely hostile groups even if they want to. Most village men are more interested in farming and in developing their own economic activities than in opposing members of the other side. Affinal and consanguineal ties cross-cut group membership lines. Finally, no issue has yet occurred by which sides could be mobilized or a confrontation (or a showdown)

could be precipitated. Thus, although Oktay and Attila each control a nucleus of supporters, it is doubtful if, under the conditions currently prevailing in the village, either wants to convert his personal rivalry into competing village factions. Why generate and mobilize competitive groups when so few spoils can be gained even by a victory?

PART TWO

TECHNIQUES OF DISPUTE MANAGEMENT

CHAPTER SIX

INTRODUCTION TO DISPUTE MANAGEMENT TECHNIQUES

The trouble-cases, sought out and examined with care, are thus the safest main road into the discovery of law. Their data are most certain. Their yield is richest. They are the most revealing.

Llewellyn and Hoebel (1941:29)

Llewellyn and Hoebel's classic study, *The Cheyenne Way*, published in 1941, gave legal anthropology a method for studying actual disputes and thus a framework for studying local level law when it occurs outside the context of judicial or administrative decisions. Although Llewellyn and Hoebel focused on the past, essentially probing five informants' memories of a society that no longer was viable, their emphasis on *how* Cheyenne define grievances, and on the *range* and *variation* of Cheyenne procedures for handling disputes, provides a method of inquiry for anthropologists who study contemporary ways people handle conflict. As anthropological field techniques and research problems shifted from the study of societies in balance (or equilibrium) to the study of societies in flux (or the process of change) in the 1950's and early 1960's, Nader, Gluckman and their students collected cases of dispute. Some researchers emphasized that the fieldworker participates in situations that become "events of study." For example, Gluckman's students' work suggests that "there are many rules and many games all being played at once by actors who may or may not understand the games and their own roles. . . . The anthropologist has then to use the situation as the "real" unit to be analyzed and the [social] structure as an independent variable *among others* for understanding the behavior of the actors who carry out the event" (Cohen 1973:868). I understand this to mean that an actor-focused analysis attempts to understand how specific individuals develop strategies to gain specified goals, and how they use those aspects of the cultural system which support their position, and ignore, or play down, those aspects which would undermine their position. In a different situation or with different goals the same actor may espouse

different and even opposing values. From this perspective the anthropologist's research goal is twofold: first, to be able to interpret a large number of complex social situations so that the behavior and attitudes of actors seem comprehensible, and, second, to comprehend the *boundaries* set by the social system in ways that native actors *understand* social constraints, beliefs, and values of their system, even if they cannot accurately predict the outcome of the conflict. To understand a system does not mean that it is predictable.

Although Gluckman and his students rarely cite the research of Llewellyn and Hoebel, I view the approaches as complementary. My study of local law-ways in Mandalinci represents an attempt to collect all instances of "breach," "hitch," or "trouble" with a view to understanding the "ground rules" of the games used by different actors, occupying different structural positions in society. I also make an attempt (only partial) to understand how different actors occupying the same structural position in society (i.e. small landholder, large landholder) develop and play different social, economic, and political roles, in order to succeed in particular arenas.

The Cases

As a fieldworker I collected all the cases of trouble which occurred in the community and came to my attention during the year and a half I was in contact with Mandalinci village. For purposes of analysis I have sorted all these instances of "hitch" or "trouble" into the following twenty-nine cases. I also collected sets of interactions which could be categorized as "conflict-managing," "conflict-provoking," "conflict-avoiding" (the former two hereafter termed "disputing behavior"). Some of these led me to long term disputes, others were eruptions in generally good social relations, and still others I was not able to gain more information about, but have included them here and given each a case number (e.g. Case Nos. 1,2,3,6,7,8, and 12) since they also yield insight into attitudes and behavioral repertoires.

These thirty-two cases represent twenty-six disputes (defined p. 8) and can be analyzed to answer the following questions: (1) What types of grievances occur between what categories of persons in what types of social relations? (2) What is the

range and variation of processing these village-based disputes? (3) What are the "rules," "strategies," and "games" villagers use to successfully handle disputes? Thus I isolate at least four inter-related phenomena: grievances, categories of persons, types of social relations, and diverse disputing processes. The first and second research questions deal with villagers' perceptions of their social world or with their techniques for handling grievances, and so we expect little discrepancy between Mandalinci persons' answers to these questions and the anthropologist's descriptions. The third question concerns rules, strategies, and games, and here there may be considerable difference between the natives' and the anthropologist's views.

In addition, for purposes of analysis I have treated law and politics as independent fields, even though I agree with scholars who say that the legal and the political are forever entwined (Abel 1974:232-239; Collier 1972:857, 1973:14-21; Gulliver 1969a:66; Koch 1974:32; and Starr and Yngvesson 1975). For the struggle for power or for political supremacy may take many guises and be played across diverse fields, including legal ones. Resort to a legal institution may be only one aspect of a larger political struggle actors or groups engage in, especially in modern nation-states where the legal has become an immense, diversified, highly specialized bureaucracy. But, I also agree with Nader (1969:8), who, quoting Fuller, points out "that law is a part of society, its core processes are social processes, and that the understanding of its internal dimensions is worthy of the best attentions of social scientists."

The following twenty-nine cases, as well as the three presented earlier, were collected primarily from village informants by myself and my male field assistant. We would hear of a quarrel or dispute, and then would attempt to discuss it with the principals involved as well as with other villagers. In several instances we were lucky enough to witness angry encounters between villagers. In others, we learned of a quarrel at its beginning. In several long term disputes one or both principals had become a close associate so that I was able to question him (or them) extensively. It is clear that in some instances we did not learn many of the details, and I have tried to point out where information is lacking. If one or both parties opened a lawsuit, we attempted to attend all court hearings. I was not permitted to use a tape recorder in the

courtroom, but we became agile in writing down judges' statements and the cross-examination of witnesses. On occasion I was allowed to see a case dossier and could compare court records of trials with our own. This information is included here also.

In presenting each case I indicate who my informants are, how extensive their knowledge of the situation is, and whose views are being expressed at any particular time. The oldest cases occurred approximately fifteen years before my study, while the most recent happened after I left the village to live in Bodrum. The cases involve approximately sixty-six villagers as principals (forty-four males, twenty-two females). Perhaps this is not a representative sample, and, in fact, I know that more people were involved in village disputes than I have information about. My knowledge of conflicts involving particular households varies considerably, and in part reflects my own networks in the village and the channels of information to which I had access. But I associated with and interviewed all influential village men and women, so that I feel my knowledge of disputes relating to village politics is not inadequate for the analysis I wish to make.

My data suggests that some persons become involved in quarrels and disputes more frequently than others. I never heard, for example, nor was I able to elicit information about, a quarrel or dispute involving Attila or members of his household. Surely this in part reflects his high status profile within village affairs and his superordinate power position. Conversely, when considering the lower most ranks of the power hierarchy, I never heard of or observed any quarrel between Hasan (or members of his household) and other villagers, except for Hasan's acts against the village dogs (Case No. 7). This no doubt reflects Hasan's position as one of the poorest village men: he does what he can to avoid conflicts, because fighting with others might cut him off from kin or patronage advantages, and, of course, no one gains much by disputing with him.

In sum, this analysis does not exhaust all situations in which Mandalinci villagers express conflict with one another, nor all the techniques which villagers might devise to handle conflict situations when they occur. The case material is extensive enough, however, to reveal prevalent patterns of processing disputes in Mandalinci. The next three chapters use the case materials to make these patterns explicit. Choice of a particular disputing

technique relates to the type of grievance to be aired, the type of outcome desired, and the stage of the dispute. Choice of a disputing technique also relates to the structural positions in society of the principals and whether the person with a grievance holds a subordinate or superordinate position vis-à-vis his opponent.

Definitions of law

The Oxford English Dictionary (1933) offers twenty-three definitions of the word "law," covering five pages. In the remainder of this book, "law" is used in at least three ways: (1) as a conceptual system based on words and ideas; (2) as a system of written rules governing decisions in law courts, procedures by government agencies, and actions by government officials; and (3) as an action system in which certain laws are enforced by district and national agents and agencies, while other laws are selectively enforced against only certain individuals or certain segments of the population.

Definitions of Formal and Informal Dispute-processing Techniques

In this study "formal" and "informal" are terms used to describe contrasting methods of disputing. When a dispute is taken to an administrative agent, agency, or law court granted power by the Turkish government to hear disputes the technique is labeled formal, because the authority to process the dispute derives from a written code. Any attempt to handle or resolve a dispute occurring outside the context of a formal dispute-processing agency or court is called informal, because no authority adheres to the dispute-airing context, but derives from the status profiles of actors and the diverse strategies they use to swing a social situation to their advantage.

The lowest formal agent is the village *muhtar*, acting alone or in conjunction with his village council (see Fig. 3). Gendarmes specifically endowed with police powers (such as keeping the peace and arresting troublemakers) are among the formal agents at work in villages. Other formal agents and agencies are the Bodrum police, the Bodrum headquarters of the gendarmes, the administrative director of Bodrum (*kaymakam*) and his deputies,

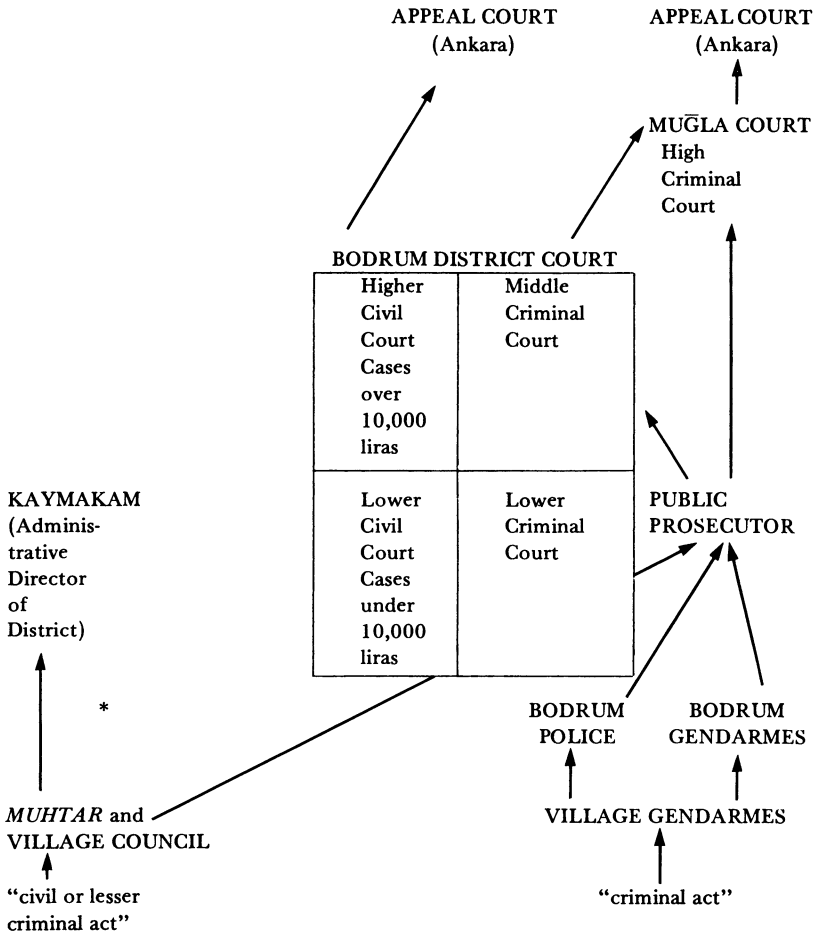


Fig. 3. Chain of Jurisdiction Pertaining to Civil and Criminal Cases

A case can be terminated at any level. Cases ordinarily do not go from Lower Civil or Lower Criminal Court to the next higher courts, although occasionally an administrative error places a case in the wrong court. If so, the judge has it transferred.

*In other areas, the office of *nahiye müdürü* (sub-district administrator) may play a role in communications between *muhtar* and *kaymakam*.

the Bodrum District Court, the public prosecutor, the Mugla court, the Appellate Courts, and the Prime Minister of Turkey, who has the right to grant a stay of execution.

In addition, any military or civil servant with people under his direction may become a formal dispute-hearing agent. He derives his power from his position in a ranked civil or military hierarchy, which gives him explicit charge of overseeing the behavior and conduct of those beneath him, according to the code of laws which relates to each agency. Turkish bureaucracies place considerable emphasis on chains of jurisdiction. Fig. 3 illustrates the chain of jurisdiction for civil and criminal cases in the Bodrum region.

Turkish law codes rigorously maintain the civil—criminal dichotomy and clearly define the acts which fall into each category. There are different chains of jurisdiction depending on whether the complainants in a case are all military, all civilian, or a combination of civilian and military, or civilian and Bodrum police. Cases between military personnel are settled within the military system; likewise, cases between policemen are settled within the police establishment. Cases between civilians will be discussed last since most of the cases in this book fall into that category.

Let us now briefly consider cases involving a civilian and a gendarme or a Bodrum policeman. If a member of the gendarmerie or Bodrum police has a complaint against a civilian during the course of the military or police officer's duty, the case commences as a criminal charge against that individual, which is first registered in the village gendarmes station, the Bodrum gendarmes station, or the Bodrum police station. If a military or police officer has a complaint against a civilian over something that occurred while the officer is off duty, the case may not be classified as "criminal," depending on the acts and circumstances involved. When a civilian has a complaint against a gendarme or member of Bodrum police, the situation becomes more complicated. The following examples illustrate problems in the interpretation of which agency has jurisdiction.

*Example One*¹

On 6 July 1967 the *kaymakam*'s Council met to consider two complaints by seven villagers against the gendarme commander of a sub-division of the Bodrum district. All men claimed the commander had used insulting and profane language to them, and one man stated that the commander had taken 20 liras (\$2.00) from him without cause and had not returned it. The committee felt there was no evidence to substantiate the latter charge, but that there were grounds for the complaint concerning insult. The committee sent their report to the Bodrum court.

On 22 August the Bodrum court held its first hearing. The judge listened to testimony from the seven plaintiffs as well as from the defendant. He reached a verdict in this first hearing, and decided to grant an indefinite postponement (i.e. continuance) in the court hearing of the case. Reading from the Turkish law book pertaining to such matters, the judge said that when a gendarme is involved in an offense against villagers, the villagers must first make a complaint to the gendarme commander in Bodrum, who will make an investigation. The indefinite postponement will give the plaintiffs time to write their letter.

The case was not reopened in the Bodrum court by the time I left Bodrum in mid-December 1967.

*Example Two*²

A Mandalinci man had a complaint against a gendarme who was stationed in his village. He claimed that one day as he came from hunting the soldier stopped him requesting to see his license to carry a gun. He refused, since he had shown the license to him several days previously. At his refusal the gendarme called him insulting names, and also used insulting language concerning his mother. The villager also alleged that the soldier drew out his pistol in order to threaten him.

The villager first made a complaint by writing a letter to the Administrative Director of Bodrum. The Administrative Director sent the letter to the *vali* in Muğla, who, without investigating the complaint, forwarded the letter to the Bodrum gendarmes' commander. The Bodrum commander made an investigation, but apparently the Mandalinci man was not satisfied with it, for he sent another letter to the *kaymakam* of Bodrum, who then sent a member of his committee to investigate the charges.

This man returned a report to the *kaymakam* saying the charges

¹ Field Notes. Bodrum Court Cases, B.C. No. 70, *Sulh Ceza* (Lower Criminal Court), 22 August 1967.

² Field Notes, Bodrum Court Cases, B.C. No. 5, *Asliye Ceza Mahkemesi* (Middle Criminal Court), October 1967.

were unjustified. The Mandalinci man still was not satisfied, and at this point he opened a case in the Bodrum court, which the Bodrum judges were willing to hear.

The case took nine months in the Bodrum court. The judge's decision read, in part, "There has been another court case between these same litigants, also concerning this incident. In that case the gendarme was plaintiff and the villager was defendant. In that earlier case the court sentenced this villager to one month and five days in jail for refusing to show a gendarme his gun license and for his insolence toward a gendarme. But, in that case, witnesses had testified that the plaintiff (gendarme) has also used insulting language to the defendant, so we reduced the villager's sentence to 26 days in prison. Since it was his first offense, he was allowed to convert days in jail to a payment of a fine at the rate of 10 liras for each day. But, we added an additional 10 liras, because he was hunting without his license."

"Now, by opening another lawsuit he indicates that he is being obstinate and making the court busy with his false allegations, so we are going to add five times the amount of his fine. He now is required to pay an additional 150 liras. He can do this in three payments of 50 liras each."

These cases illustrate that local administrators and judges prefer not to hear a case in which a civilian has made a complaint against a gendarme. Instead, they try to send the complaint to the superior officer in charge of the man against whom the complaint has been lodged. When a local man is persistent in seeking restitution, the court will hear the case, but in all the instances I witnessed (at least six separate cases) the gendarme was either found innocent, the local man was persuaded to drop his charges, thus terminating the case, or, as in this last case, the man was fined for being "obstinate."

When a civilian has a complaint against a Bodrum policeman, the tendency of both local administrators and judges to gloss over the problem is even more striking. If a complaint against a policeman is brought to the court or to the *kaymakam* of Bodrum, they may hold hearings, but never, to my knowledge, have they found a policeman guilty of violating his duty. Furthermore, such cases rarely get a court hearing. The following are only two of many examples I collected which pertain to complaints which civilians had against unjustified use of power by policemen.

*Example Three*³

A crew of local Bodrum men were doing the heavy work for five Danish archaeologists who had permission from Ankara to excavate the site of the ancient Mausoleum in Bodrum⁴ in the spring of 1967. A rumor circulated in Bodrum that a crew member had found a box of gold and had confiscated it for himself. Late one night a seventeen year old boy, who was one of the diggers, was picked up and taken to the police station for questioning. At first he denied any knowledge concerning the gold, but under intensified questioning, and a beating by one policeman, he signed a confession. He was kept under arrest, and the following day (after the policeman who had beaten him had searched in vain for the gold) he was brought to the public prosecutor to be charged. The public prosecutor, a learned, kindly man, questioned the boy in private and noticed the severity of his wounds. He discovered how the confession had been obtained and, through a subsequent investigation, established that the rumor was totally unfounded. All charges against the boy were dropped and he was never brought to trial.

Pressure was put upon the boy and his parents not to bring charges against the policeman, who had been overzealous in extracting the confession. Although the public prosecutor knew how the confession had been obtained, no action was taken against the policeman. Throughout my stay in Bodrum I continued to record other instances in which the same man used his power as a policeman in a harsh and arbitrary manner.

*Example Four*⁵

A twenty-one year old Bodrum youth was picked up for questioning on the evening of November 28, 1966, at 12:30 a.m., because of his association with two girls, who had come to Bodrum as tourists. He was beaten on both hands and on the stomach, and was detained in a small room with hands tied until 2:30 a.m. Two days later his hands were very swollen and caused him considerable pain, so he saw the government doctor in Bodrum, who later was to testify that the youth was unable to work for fifteen days because of his injuries. No charge was made against the youth. He himself wanted to open a court case against the Chief of Police who, he claimed, struck him five times, and against one policeman, who had also bearen him; but pres-

³ Field Notes, Bodrum Cases, collected out of court, Case No. 9, May 3, 1967.

⁴ The Mausoleum was erected by Queen Aremistia as a tomb for King Mausolus of Caria; it was built at Halicarnassus (the ancient name of Bodrum) about 350 B.C. It was considered one of the Seven Wonders of the Ancient World, but is no longer standing; even its ruins have disappeared—the stones were used for people's houses and for the construction of the medieval crusaders' castle which was built in Bodrum by the Knights of St. John in the fifteenth century.

⁵ Field Notes. Bodrum Cases, collected out of court, Case Nos. 3 and 4.

sure was brought by police and neighbors on the boy's parents, and they were unwilling for him to press charges since they feared further retribution. As the boy lived with his parents and they essentially supported him, he was unwilling to act without their consent.

The two girls also were detained at the police station that same night from 12:30 a.m. until about 5 a.m., when influential Bodrum friends came to demand their release. One girl was a Turkish citizen who had received a degree from a Turkish university and lived in Ankara; the other was an English citizen who lived in South Africa. During their interrogation by Bodrum police they were accused of prostitution, which a doctor's examination, held that same night, was not able to substantiate. The South African girl understood and knew only half a dozen Turkish words, and when her Turkish friend translated the police accusations, she became infuriated. She turned to each policeman in turn and said to him, "Pis" (dirty). This response was subsequently made the basis of a police case against her in the Bodrum court. She was found guilty of insulting four police officers, but because it was her first offense, the judge gave her a suspended sentence.

The girls returned to Ankara and spent the next seventeen days visiting ministries, trying to stir up governmental interest in how the police controlled Bodrum. Because the Turkish girl had important connections, they eventually were able to interest someone in their mistreatment.

In January two plainclothes inspectors came to Bodrum to investigate the complaints made against the Bodrum police. They visited the police station as tourists from Ankara and there discovered policeman out of uniform playing cards and fishing. They interviewed Bodrum people who had knowledge of the events of the evening of November 28, and they submitted a report, which subsequently reached the *Vali* and his council in Muğla. The Assistant *Vali* and a committee held a meeting which heard three complaints against the Chief of Police in Bodrum and one of his men: first, that they had denied the two girls and the Bodrum youth their constitutional freedom by detaining them; second, that one policeman had insulted the three people; and third, that the chief of police and one policeman had struck the youth on his hands. Neither of the girls nor the youth was required to testify. The committee decided that there was no proof of the first and second charges, but since there was a doctor's written report concerning the boy's wounds, they considered the police chief and his man guilty. They turned their findings over to the Muğla court, which was instructed to try the offenders.

The girls and the youth were not called to the Muğla court to give evidence as witnesses. Although I recorded other instances of testimony taken at the Bodrum court to be forwarded to a criminal court hearing in another district, the Bodrum youth was not asked to give testimony in Bodrum, either. In mid-February 1967, however, the chief of police was transferred to a different area of Turkey. A little

later, the policeman responsible for the beating was also transferred to another district. But, he was able to rescind the order through connections in Ankara, and so remained in Bodrum.

These four examples have been cited to illustrate the difficulties which a civilian has in pressing any kind of charge against a member of the gendarmerie or Bodrum police. A case from Mandalinci, however, suggests that military commanders are quick to investigate a complaint against a subordinate officer which accuses him of involvement with a local woman (Case No. 26).

Let us now consider the chain of jurisdiction that pertains to civil and criminal cases between civilians, as well as situations in which a member of the local population is apprehended or arrested by a local law enforcement officer for an alleged crime. This formal chain of jurisdiction (see Fig. 3) pertains to all individuals who are not part of the extensive Turkish civil or military bureaucracies. These agencies are linked to each other through "legally recognized" channels of communication, as described in the Turkish Administrative Law Codes. As administrative director of the district of Bodrum, a *kaymakam* hears only cases dealing with land. He and his deputies make binding decisions, but if a party is dissatisfied he is free to open a court case. Furthermore, if a *kaymakam* gives a decision and a person still refuses to give up the land, a court case has to be opened to legally evict him. In a land dispute which goes to court after a *kaymakam's* decision, the judge will review his opinion, but is not bound by it.

Any act of violence in the village, or any act defined as a "crime" by the Turkish Criminal Code (such as theft, entering a houseyard at night, shooting a gun, and the like) may be reported by villagers to the village *muhtar*, the village gendarmes, the *nahiye* gendarmes (in a nearby village), the Bodrum gendarmes, the Bodrum police, the public prosecutor, the Bodrum harbor Authorities, the Bodrum Forestry office, the Bodrum Customs office, the Bodrum Immigration Authorities, or any other law enforcement agency, depending upon the specific offense. An investigation is begun by the specific agency in charge, which sends a report of its findings to the public prosecutor's office in the Bodrum court. The public prosecutor also makes an

investigation and, if the situation warrants it, opens a case in the criminal court in Bodrum or in the High Criminal Court in Muğla, depending on the severity of the alleged crime.

A civil case, then, is brought to the *kaymakam*'s office and/or to the Bodrum court. A criminal case may go directly to the public prosecutor and court, or may originate at any level—village *muhtar*, gendarmes, police, harbor authorities, customs office, or public prosecutor. All these agents and agencies derive their authority from the Turkish law codes, which define both illegal acts and penalties. All such agents or agencies within the context of this book are considered formal law enforcement agencies or formal dispute-hearing agencies.

During the time of fieldwork, the *muhtar* and his council in Mandalinci village were not functioning in a dispute-processing capacity, although Case No. 3 suggests that they may have in the past. The *muhtar* said that if two people brought a dispute to him, he would be willing to arbitrate it, or ask his council to do so, but that currently villagers did not bring quarrels or disputes to him or his council. During the violent argument between İnci and Turgot (Case No. 21), the *muhtar* stood by and watched, and although he cautioned Turgot not to shout so loudly, he did nothing to halt the exchange.

In contrast to these formal agencies, Mandalinci villagers use two types of informal techniques for handling their hostilities and quarrels: *two-party negotiation*, in which an individual attempts to deal directly with the offending party, and *three-party negotiation*, in which a representative is used. As long as the association between a person and his representative is neither legally sanctioned nor legally recognized, it will be considered informal. A person may grant power of attorney to another individual, such as a lawyer (*avukat*) or deputy (*vekil*). If the power of attorney is granted in the presence of a licensed notary public (*noterci*) and a formal document is enacted, the relationship between an individual and the person empowered to act on his behalf will be considered here a formal relationship, and the man so empowered a formal representative.

No private lawyers had offices in Bodrum at the time of fieldwork, nor had any lived there previously. Three deputies are located there, and their work consists of handling land cases in court, and of composing, in appropriate style, all kinds of con-

tracts, legal documents, or letters villagers wish to send to Turkish agencies. These deputies are knowledgeable about the Bodrum court and its interpretation of land law. Sometimes they give advice to individuals in criminal cases, but by the rules of court procedure they are not permitted to represent a plaintiff or defendant in the actual court hearings, for their expertise is based on experience rather than academic training at, and a degree from, one of Turkey's law schools. In handling a case of land division after the death of a father (*veraset*), a deputy might attempt to reconcile disputing heirs out of court, so that the actual court process could be hastened by all parties acting in accord in the courtroom. But, as far as I could tell, deputies do not function as intermediaries in other types of disputes. If a person wishes to consult a lawyer he must find one after the court session or go to Milas, a town about two and a half hours' drive to the north of Bodrum. Sixteen lawyers have offices there and at least ten (nine men, one woman) handle a number of cases in the Bodrum courts. Each has a law degree based on four years' legal training at either the University of Istanbul or Ankara University.

The District Court

The law court used by Mandalinci villagers is located in a residential neighborhood in Bodrum, apart from other government offices. It serves the entire Bodrum area, a district comprising 66,000 square kilometers and encompassing a rural population of approximately 30,000 people.⁶ The courthouse contains four courts of the national Turkish legal system. The two judges assigned to Bodrum hear cases in the following courts:

Sulh Hukuk Mahkemesi (Lower Civil Court), whose jurisdiction pertains to civil cases involving up to 1000 liras (\$100.00) worth of property

Asliye Hukuk Mahkemesi (Higher Civil Court), whose jurisdiction pertains to all other civil cases

⁶ Like Mandalinci, the other twenty-nine villages in the Bodrum district are essentially agricultural and range in size from 319 to 2000 people. Villages along the peninsula to Bodrum's east at lower levels raise tangerines and spring vegetables as cash crops. At higher levels they grow subsistence food and herd animals, mostly sheep, donkeys, and a few camels. Villages to Bodrum's west are on a higher, more arid plateau where tobacco, some wheat, camels, donkeys, horses, and sheep are raised.

Sulh Ceza Mahkemesi (Lower Criminal Court), which hears minor crimes as defined by the Turkish Criminal Code

Asliye Ceza Mahkemesi (Middle Criminal Court), whose jurisdiction pertains to serious crimes up to and including involuntary manslaughter.

I was told that one judge presides over the Lower Civil and Lower Criminal Courts and the other is in charge of the Higher Civil and Middle Criminal Courts, but in actual practice they often replace each other at the bench. The *Savcı* (public prosecutor) takes an interest in, and follows, all criminal cases, but he only sits at the bench, to the right of a judge, during Middle Criminal Court hearings.

The courthouse is located on an unpaved side street in Bodrum, two blocks from the sea. It is housed in an old two-story stone whitewashed building, once inhabited by a Greek family. A low whitewashed wall with a wooden door separates the courthouse yard from the road, which in winter becomes a vast muddy ditch. Over the gateway is nailed a sign, simple black lettering on a white background, which says *Adliye* (law, justice). Along the stone path to the courthouse door, grapevines grow over a low hand railing. In the rear courtyard are about a dozen mature tangerine trees, the hand-worked water pump, which furnishes the only water for the courthouse; and the one outhouse used by litigants, court personnel, and judges alike.

Inside the courthouse is a central hallway. On its black and white checkered floor stand about ten red buckets containing water, which are used as fire extinguishers. The room to the left of the entrance contains court records, some of which go back prior to 1923, but about ten years ago a fire destroyed most records, and the ink has faded to an almost illegible degree on those that remain. The room to the right of the entrance is used by the two court stenographers; the sergeant at arms (a Bodrum youth of about twenty-three years); and an old man, called Grampa (*dede*) who takes care of stamps and sometimes fetches coffee for the judges and their visitors when the youth is busy, or more likely, cannot be found.

The second room on the right contains only one desk at which sits the head stenographer, who is also the court treasurer, Bodrum's official debt collector (*İcra Müdürü*),⁷ and the only notary

⁷ The director of a legal agency through which individuals who have won a judgment in a court case pertaining to debt or other contractual obligation can secure the payment or performance of the obligation due them.

public in town. Opposite his office are narrow, worn, wooden steps leading to the second floor. Here are found the courtroom, the waiting room, as well as the offices of both judges, the public prosecutor and his stenographer, and the custodian of the jail, who is the only woman working for the court. The waiting room is a dark area at the head of the stairs with narrow, wooden benches, painted gray, where people sit waiting for their case to be called. Around three sides of this space are offices and the courtroom, marked by a sign over the doorway saying, *Salon* (room).

In contrast to the somber waiting area, the courtroom is filled with light from large windows on two sides of the room, which overlook the gardens and orchards of Bodrum. Six narrow benches are in the room, each long enough to seat two people without touching. Two benches are against the rear wall with a space in the middle, where a woodburning stove is placed in winter months. Two rows, each with two plain benches, face the judge, who sits behind a table on a raised wooden platform, extending the width of the room. Behind his bench is a bookcase containing law books, and several lawbooks are always piled to his right or left. Against the side walls are two small tables, each with a wooden chair, where lawyers or deputies for the litigants may sit. Hanging on hooks near the judge's bench are two black robes, one of which the judge puts on when he first comes into the courtroom in the morning, before the court is called into session. As the judge looks out at the courtroom from his seat behind the table the plaintiff is at the first bench to his right, the defendant at the first bench to his left. Witnesses and litigants in other cases wait in the hallway until their names are called by the sergeant at arms. As a witness enters, he stands in the middle aisle between the litigants, in front of the stenographer's table, which is close enough to the judge's bench so that the judge and the stenographer can whisper to each other. The stenographer types on a manual standard Remington typewriter, which is old and noisy. The judge asks a litigant or a witness a question. If the answer does not satisfy him, he asks another. Judges sometimes interrupt witnesses in order to obtain the information in the order which they find appropriate. When a judge is finished with one area of questioning, he dictates the witness' answer to the court stenographer, so that what gets into the court record is a

synopsis of what the witness said rather than a verbatim account. A lawyer, litigant, or even the public prosecutor cannot directly cross-examine a witness. A question must be put to the judge, who will ask it for him. Occasionally, a plaintiff or a defendant does not speak fluent Turkish, but is a foreigner whose native language is Greek, French, German, or English. At these times the judge will ask that an interpreter be used. I never witnessed a case against a Greek national, but saw four or five cases against French tourists, three cases against German tourists or resident aliens, and was a defendant and a plaintiff in two cases myself. One man acts as interpreter in French, English, and German, and I felt he did a reasonable job of interpreting English and French into Turkish, and Turkish into English and French.

In criminal cases the public prosecutor does not directly cross-examine a witness or litigant either. He acts as an observer, but on occasion the judge will turn to him and, in a low voice, discuss a point which he will answer in a way which is only audible to the judge. When a verdict is to be reached in a criminal case in Middle Criminal Court, the public prosecutor sums up the case and gives his opinion on the laws which pertain to the sentence, but a judge is not bound to follow his advice. If the public prosecutor disagrees with the verdict he may file a separate opinion, and the case then is sent to the Appellate Court.

After a witness has given his testimony he sits as a spectator on a bench at the rear wall in case the judge wishes to recall him for further testimony. Neither witnesses nor litigants are asked to take an oath of honesty, and rarely is a person asked to give sworn testimony. The two instances I observed involved old persons, one of whom swore on a *Qur'an* and the other on a loaf of bread.

When the court is in session (Monday through Thursday mornings) the hallway is crowded with as many as thirty or forty people who sit quietly on benches around the walls or squat on the floor. First hearings of a case are scheduled on a court calendar maintained in the stenographers' office. At the end of the first hearing a judge schedules the date of the next hearing, recording it in ink in a ledger, and the stenographer gives each plaintiff and defendant a small slip of paper with the date written on it.

Except for traffic cases, no case is completed the same day it is

opened. At the very least, a case needs three hearings before a decision is reached. The first establishes the nature of the charge and countercharge and records names of witnesses in order to send each a summons. The second hears testimony of witnesses, and the third reaches a verdict. But this is an oversimplified account of the procedure, because rarely do all witnesses appear at court for the second hearing. Agricultural and other activities often detain litigants and witnesses in their villages, and hearings, except in special criminal cases (defined as threats to the community or to the authority structure), are usually scheduled at three or four week intervals. Cases typically go through a series of five to twelve hearings, so that even cases with few complexities take an average of four to six months until a verdict is reached.

Thus, from villagers' points of view, informal methods of handling a dispute within the village may be more decisive and may more quickly provide a mutually satisfactory solution of the grievance than opening a court case. For at best, a lawsuit is a lengthy and expensive process for poor villagers and small landholders (requiring three or more trips to town). Furthermore, after repeated trips to court, and the expense of bringing witnesses to town, the judge's decision may be unsatisfactory to a litigant, who may then send this decision to the Appellate Court (compared to other expenses, this procedure is cheap). Or a dissatisfied litigant may open a new case centering on a different aspect of the old one (see Case Nos. 29, 30, 31). It is with good reason then that many villagers prefer to handle "simple" disputes and quarrels within the village by informal methods.

CHAPTER SEVEN

INFORMAL TECHNIQUES

In considering law and especially the processes of dispute settlement in simpler societies, anthropologists have most generally dealt with situations in which courts or courtlike institutions operate. . . . Much less consideration, to any degree of analytical depth, has been given to societies and social situations where the adjudicator, judge, arbitrator, is absent. . . . Even in societies with well-organized courts, disputes occurring within local communities are sometimes settled without recourse to the formal court system . . . [and] a considerable number of disputes in modern, industrial societies are settled within the group (e.g. office, club, college), or by some kind of conciliation process (e.g. meeting of attorneys) without recourse to the courts. In short, there is a range of communities and social situations in which neither courts nor coercion provide the means of treating and settling disputes.

Gulliver (1969a:24-26)

Gulliver's fieldwork among two African ethnic groups, the Arusha and Ndenduli (1963, 1969, 1971), demonstrates that in simpler societies, or in face-to-face communities, disputing processes may lack crystalline structures, such as judges, courts, or adjudicators. His research further demonstrates that by focusing on the settings and social situations people *use* for discussion, argumentation, and negotiation an ethnographer can analyze the composition of "sides" to a controversy (particularly who leads which "stage" of negotiation), and thus can perceive how persons argue, fight, negotiate, compromise, make up, or modify their claims in "unstructured situations." By unstructured situations, I mean behavior which takes place in situations people consider ordinary, normal occurrences in daily life.¹ Unstructured situations are given no special, ritualized significance of their own. In analyzing unstructured situations then, we are conceptualizing

¹ For selected references to the study of social situations see Gluckman (1958, 1961), Goffman (1961, 1964, 1974), Gumperz and Hymes (1964), and Garfinkel (1972).

disputing as part of *normal* social life, rather than as extraordinary or abnormal, “peaking” activity.² A dispute can be thought of as “peaking” when persons in dispute search for third party mediation or other institutional intervention in their conflict.

Gulliver points out, in a section in which he contrasts feuding with the “dispute-solving process,” that when two parties belong to the “same community network of continuing social relationships and interaction—hostility or the constant threat of it must give way to discussion, negotiation, and an attempt to reach some kind of *rapprochement* and a settlement of the matter in dispute” (1969:25). But, he concludes, we are almost *never* told in detail how this stage is reached, what kinds of resolutions are found, the degree to which these settlements are enforced, or the mechanisms used to enforce them. Gulliver’s case materials from the Ndendeuli involve negotiations between groups or “action-sets,” recruited by the principals to a dispute who argue, negotiate, and discuss issues in informal gatherings termed “moots”. His cases also include detailed descriptions of what persons attend a moot, what role each plays, and who leaves the village to avoid the moot on the day it is called. Such close attention to the behavior of individual actors points the way to using informal dyadic and triadic interactions as the “raw data” for analyzing disputing behavior.

However, we should note that when we concentrate on disputing behavior in Mandalinci, our first observation is that the villagers do not form action-sets to argue and negotiate in informal groups or moots. Thus, how can we find pattern and order in informal Mandalinci disputing when disputing is not differentiated from other mundane behavior or ordinary experience? We begin our search for structure of informal Mandalinci disputing by investigating “small behaviors” of everyday life to find underlying values.

In Mandalinci, male self-esteem is based on owning productive

² Frake (1969) has studied how a Moslem Philippine community, the Yakan, dispute in unstructured situations, and of course, Nader’s important article (1965a), “Choices in Legal Procedure: Shia Moslem and Mexican Zapotec,” uses interactional approaches to analyze how Lebanese litigants search for politicians to mediate their quarrels. The concept of “peaking” was first given analytic utility by Koch in his Ph.D. thesis at the University of California, Berkeley, but was not used in his subsequent published monograph on the Jale of Highland New Guinea (Koch 1974:24-35).

tangerine fields, having a moral and conscientious wife, and having children who demonstrate respect for their parents and their parents' values. Adult female self-esteem is based on running a competent household, on having a husband who values his home and household, in that he provides for it and looks after the welfare of all its members, and on finding suitable "marriage partners" for household children. An unmarried girl's self-esteem is based on being praised for obedience to the adult household members (especially the female household head), on her sewing and cooking, on being considered chaste and sexually unaroused, and finally, on her ability to catch the eye of a "dashing" but suitable husband. An unmarried man's or youth's self-esteem is based on values surrounding manhood—drinking, dancing at weddings, being "brave," being courteous in public to women, and in private in being sexually "powerful" with adult females. Around these ideal types of behavior, which no one can maintain all the time, a social life is built in which people's personal boundaries are constantly being tested and impinged upon. In daily life a person uses ideas such as honor, chastity, ability to provide for a family, or moral laxity to provoke another to behavior which is more appropriate to his expectations of how persons *ought* to play the role of child, girl, boy, young man, wife, husband, father, or mother. There is a certain flexibility and latitude in how these roles are played, but considerable agreement exists.

To "search out" the data of disputes which do not peak by being brought to an institution, a mass meeting, or an institutionalized mediator, we must look for the pattern and order which inheres in to the ways persons dispute in dyadic and triadic situations. In Mandalinci, when persons in dispute cannot or choose not to "close off" issues through these simple interactions, the nature of the disputing process may change as one or both litigants seek formal institutional means of handling problems. But it is these early preambles to long term disputes which interest us here, because they reveal as "raw data," what Malinowski called the "imponderabilia of actual life"—the very parameters of Mandalinci's social reality. In reconstructing the social reality of people's expectations and beliefs as they negotiate in face-to-face encounters, we can perceive the obscure dimensions of shared beliefs and expectations.

In beginning our inquiry into patterns and order in the way

Mandalinci persons informally dispute, it is useful to start with a summary of certain distinctions which villagers themselves recognize as meaningful, because these will provide categories which inform villagers' decisions concerning how to handle grievances and what outcomes to strive for. First, it should be remembered that villagers do not think of their community as a discrete, bounded entity, but instead view it as consisting of ever widening networks of persons with diverse ties both within and spreading outward from the residential households. The densest networks are clustered within the community, but some persons have intense relations with kin and business contacts living elsewhere on the Bodrum peninsula and in Bodrum town. This means that informal disputing techniques are not limited to disputes with community members only, but represent a "bounded repertoire" of behavior known to villagers and to which a person can refer when deciding how to dispute. Second, behavior falling within the domain of the "shared repertoire of disputing" is recognizable to other Turkish people in the region. Persons can interpret the meanings of behavior of their opponents and expect that their own behaviors convey shared meanings also. This does not imply that *every* response of an opponent is predictable as a response to the aggrieved party's behavior, but only that any response is chosen from a range of responses that convey a message to the other. Third, villagers place other persons into categories, such as—kinsman, neighbor, member of my community, small landholder, large landholder, foreigner, urban Turk, and Turkish official—and these categories evoke different expectations of behavior, obligation, and power in social life. That persons perceived as occupying certain categories and/or statuses evoke different methods of disputing is one correlation to be established here. Table 2 (p. 49) attempts to represent schematically sets of given, attributed, and achieved characteristics by which Mandalinci persons perceive and classify others.

Informal disputing processes in Mandalinci are deceptively simple. Many episodes analyzed in this chapter seem more like preambles to disputes than full-blown quarrels. Issues have not become complicated and the positions of the disputants have not hardened. These are situations in which individuals choose to resolve the grievance rather than to continue quarreling. Several cases, however, provide examples of individuals terminating relations

and attempting to avoid each other. Here power differences between opponents is significant, a point to be developed later. These twenty cases demonstrate disputing techniques in use today, and they also provide contrast to full-blown Mandalinci disputes to be analyzed in Chapters VIII and IX.

Self-Help or Dyadic Cases

The following case illustrates a situation in which a man of higher status position than his adversary chooses self-help to gain restitution for stolen vegetables.

CASE NO. 4

Informant

Turgot to Safran, my field assistant, in the Mandalinci seaside coffeehouse on 9 February 1967.

Actors

Turgot Thirty-one years old, married to a daughter of Hacı Nuri; father of three small children. He and his family have lived for the last four years in a room adjoining Hacı Nuri's. Turgot is poor, and so is his father. Turgot owns a small fishing boat, but rarely fishes. In the summer of 1968, he sold his boat in order to provide money for his household. See also Case Nos. 12 and 16.

Ergin An owner of a vegetable field in another seaside village. Ownership of a field makes his status position higher than Turgot's.

Background

Turgot motored by boat to a seaside village, about an hour by sea from Mandalinci. When he returned he had a string bag full of cauliflower. A week later Turgot took me, my field assistant, and some others to that same village, because I wanted to visit an old woman who made reed baskets. As we were leaving the old woman's house, a villager took my assistant aside and told him that there was some trouble between Turgot, the captain of our boat,

and one of the village men. The villager advised that we leave quickly.

The case

The next day in the coffeehouse my field assistant heard Turgot telling another captain the following story:

Turgot said, "When I was in that village, that man, Ergin, stopped me saying, 'Who is the Captain of that boat?' "

" 'I am,' I said."

" 'Then you took some cauliflower from my garden about a week ago. How many did you take?' "

" 'Six cauliflower.' "

" 'That will be six liras then. A lira for each cauliflower,' said Ergin."

" 'No, now I remember, I only took four.' "

" 'Then give me four liras' [\$0.40]."

Five or six men including Yusuf, Turgot's brother, were present when Turgot recounted this incident. The man to whom he told the story is a nephew of Ergin's, Safran said, when he reported the incident to me. While discussing the encounter with Ergin, Turgot, who previously had been sitting quietly in his chair with his feet up, suddenly began squatting on his chair and moving rhythmically up and down in an agitated manner.

"If he had asked me to pay fifty liras, I would have had to, since some children saw me take the vegetables," Turgot added.

*

A lira for a cauliflower is approximately what they cost in the market in season. Because Ergin did not dispute the number of cauliflower taken even though Turgot hedged about them, we can assume that Ergin was less interested in receiving exact restitution than in establishing the fact that he would not tolerate theft of his crops. Notice that Turgot acceded to Ergin's demands for payment, even though he had to borrow four liras later from a companion, who had remained at the coffeehouse.

As a field owner, Ergin has a higher status position than Turgot, who owns no gardens. Turgot makes little or no cash from his boat. At most it gives him cigarette money. But Ergin probably assumed his status position to be higher, since in the village context only a poor man steals vegetables, and it shows a lack of honor to steal from another village.

Turgot may have been intending to pay for the cauliflower, since he asked some children who owned the field. But since he had not reimbursed Ergin before the roadside confrontation, Turgot is in a compromising position, and acquiesces quickly so as not to provoke Ergin further. The fact that Ergin chose to confront Turgot in private suggests that if Turgot refused to pay at this point, Ergin might hit him (as we will see later, a private confrontation is the setting for violence) or might take stronger measures, such as opening a court case.

If Ergin should hit Turgot, fellow Mandalinci villagers could not be counted on to support him. Few Mandalinci villagers are willing to get involved in a street brawl, and to do so in another village would mean that Mandalinci men would be unwelcome in other places. The most Turgot could expect from his fellow villagers is their intervention between himself and Ergin. But his companions had remained behind at the harbor drinking tea.

If Ergin struck Turgot or if a court case was opened against Turgot, news would reach Turgot's father-in-law, who might be dismayed to hear how Turgot had been providing for their joint kitchen. Turgot already was involved in two other conflicts at this time. He had been running up debts at Adnan's store which he had no intention of paying (Case No. 16), and he already owed a debt to a Mandalinci youth who was beginning to dun him for payment (Case No. 21). As these situations became common knowledge in Mandalinci, villagers would begin to think Turgot was a troublemaker. (Cunning and manipulative skills are traits which Turkish men admire, but they are double-edged swords, since people label others as untrustworthy when they are used inappropriately.)

The above explains why Turgot so quickly acceded to Ergin's demands for payment. However, the question remains: why did Turgot discuss the confrontation the next day in the coffee-house, since he clearly did not add to his prestige by making his shaming public? His discussion of the private confrontation was provoked, according to Safran, by the presence of a relative of Ergin's in Mandalinci village. Turgot was visibly disturbed when relating the incident. Turgot may have confessed the event among his peers because an outsider's telling of the episode would lead to his greater shame.

This, then, is an example of direct confrontation of the oppo-

ment in private by an aggrieved individual in order to receive restitution. In the next case, another aggrieved individual also chooses direct confrontation as a way to handle his grievance.

CASE NO. 5

Informant

Kurt Lessing to me in English on 5 February 1967.

Actors

Yaşar An old Mandalinci man, about 65 to 75 years of age. He owns one tangerine orchard and some sheep.

Kurt Lessing 53 years old, a journalist who writes about Turkey for the German papers. He is an Austrian by birth and an American by citizenship. He has lived in the village of Mandalinci since March 1966. Before that, he lived for three years in the town of Bodrum. He is interested in village affairs, wants to raise the standard of living, and also is attempting to develop Mandalinci as a summer colony for tourists.³ He speaks fluent Turkish.

Pluto Lessing's large, handsome, but ill-trained hound.

The case

In the fall of 1966. Yaşar came to Lessing's house; he seemed excited. He told Lessing that Pluto had just killed a sheep of his, about fifteen minutes ago.

"What! My dog kill a sheep? Impossible," said Lessing.

"It happened," said Yaşar. "My brother saw it happen, and if he had not chased your dog away with stones, your dog would have killed a second sheep."

Lessing asked to be taken to see the sheep; he noticed that there were teeth marks around the neck. Yaşar asked to be paid

³ Lessing's connection with Mandalinci was abruptly terminated in May 1967 when his journalistic visa was canceled and his residence permit was not renewed. During his ten year connection with Turkey, he had on several different occasions had trouble with the Turkish national government. At this time they seemed to think he was engaged in either smuggling or spying, and wanted him out of the country. It is probable that in part my trouble over visas and residence permits developed because I chose to do research in a village in which he lived.

100 liras for the sheep, which Lessing gave. Lessing had another villager skin and cut up the meat, which Lessing ate.

Lessing told me that the sheep had cost more than if he had bought it alive, but he was willing to pay more than its normal value, since, if Yaşar had wanted to, he could have demanded that Pluto be killed. Although the skin and meat were salvaged, Lessing said the meat was not very good, since the sheep died without being bled.

*

In many respects this case is similar to Case No. 4, since there is a witness to the offense, the aggrieved individual directly confronts the person he holds responsible for the theft (or destruction), and the aggrieved states the kind and amount of restitution. Unlike Case No. 4, as soon as Yaşar discovers the offense against his property he goes in search of Lessing to confront him when the evidence, the dog's teeth marks, is still visible.

Although Lessing felt he was being overcharged ("Why should a dead sheep cost more than a live one?" he asked me), he did not counter the demand, but paid in full. Lessing explained to me that Turks do not value dogs as Europeans do, and villagers would destroy a sheep-killing dog. Lessing added he did not want trouble with any villagers, and did not want to evoke criticism by a dilatory response.

Individuals in both these cases were on "foreign" territory and this may have played a decisive role in their decision to meet the demands of the aggrieved. Each aggrieved person asked full compensation from the person held responsible, no third party intervened, and after payment was made the matter was dropped.

Later, however, another man came to Lessing with a similar claim (see Case No. 6).

CASE NO. 6

Informant

Kurt Lessing to me in English on 5 February 1967.

Actors

Kurt Lessing See Case No. 5.

Erdogan Thirty-three years old. Lives in a neighborhood

near Lessing's. Is one of the married sons in the largest residential group in the village.

Pluto See Case No. 5.

The Case

In mid-January 1967 Lessing was at the seaside coffeehouse. Erdoğan offered to buy him a coffee. While they were drinking coffee together, Erdoğan told Lessing that his dog Pluto had killed two of his chickens, and that he wanted 15 liras in compensation for them.

"What!" said Lessing, "seven and a half liras for a chicken? I have never paid more than 6 liras for a chicken; you know that all the chicken in Mandalinci are much too skinny to be worth seven and a half liras."⁴

"Well," said Erdoğan sheepishly, "six liras then."

"But, when did this happen?"

"Several days ago."

"You mean my dog killed chickens several days ago and you wait until now to tell me? If my dog killed these chickens why did you not bring them for me to see? You want me to pay for chickens I have never seen?"

The subject changed. Lessing did not pay for the chickens and Erdoğan did not press his claim again.

*

As this claim was pressed after the sheep killing, it is hard to know, without witnesses, if the dog killed and ate the chickens, or if Erdoğan invented this tale to obtain extra cash. Lessing later explained to me that, as far as he knew, Erdoğan never had chickens. "And if they were killed by a dog, how do I know it was my dog?" Lessing inquired. Lessing stated that some villagers were clever at devising ways to obtain money without work, and he knew news of his payment for the sheep had quickly circulated in the village. "If I pay in this case when there is no evidence, am I not inviting others to claim almost anything?" Lessing asked me.

⁴ The cost of chickens varied with the season and the supply of chickens in the village. I sometimes paid 10 or even 12 liras for a chicken later in the year. As Lessing is essentially a storyteller and not a social scientist, some of his information may be imaginary.

Erdogan presents his claim in the seaside coffeehouse, where other people are present, if not within actual earshot. To buy a cup of tea or coffee for another is part of Turkish hospitality, and Mandalinci villagers often conduct business over a cup of tea or coffee. Whenever a person goes to visit a Turkish civil servant, official, or merchant, and if the context is not unmitigatedly hostile, the host offers tea or coffee to his guest, who would be thought rude to refuse.

When Lessing refuses to pay, Erdogan apparently decides not to pursue the issue further—at least not to pursue it openly. As will become clear in later cases, when Mandalinci villagers feel they have been unfairly treated and they do not think they can obtain restitution, it is not uncommon for them to seek covert revenge (see Case Nos. 18 and 19). Such a technique was used at least twice against foreigners. Lessing's later trouble with the authorities may have been due to vengeance, and that technique was used at least once by a villager (Case No. 7). The use of covert revenge is a technique which individuals of lesser power use against more powerful persons, as long as those persons cannot invoke the law enforcement agents to investigate the revenge.

CASE NO. 7

Informant

I personally observed the episode myself in May 1967.

Actor

Hasan About 36 years old. Considered by informants to be one of the poorest men in the village. Married, with two young children. No tangerine orchard. Day worker.

The case

Whenever I asked my neighbors to give me the name of the poorest person they knew, they always listed Hasan. Attila, the richest man in my area, and one of the two most influential men in village affairs, gave Hasan some land in his area to build a house. This made Hasan one of Attila's firm supporters. He also worked for Attila as a wage laborer, doing whatever odd jobs

were to be done—watering fields, weeding, weighing vegetables, loading trucks, boxing tangerines, herding cows, and so forth.

Hasan also kept some chickens, which he occasionally sold to villagers or at market. During the summer of 1967 he put his twenty chickens on the small island which is separated by a shallow peninsula from Mandalinci harbor. Occasionally someone would notice one of the half-wild village dogs wading across to the island, but no one paid much attention. One day, however, Hasan went to see how his chickens were faring. He discovered that there were only fourteen left. He thought he saw the remains of chicken feet and chewed chicken bones and decided that the village dogs must have been eating them. He was both upset and angry, since selling chickens had given him needed income.

That same day I saw him wandering around the Mandalinci seashore and donkey path with a piece of bread in one hand and a wire noose in the other: he was trying to catch some of the six or seven dogs to kill them because of his chickens. This method didn't work. He couldn't tempt a dog near him. The next day he carried only a piece of bread; he told me he had poisoned it and would feed it to the dogs. The only dog he succeeded in feeding was an old bitch, who had given birth to a litter of puppies just a month before. The neighborhood children and Abdulrahim, the weaver, had been intrigued with the puppies and were horrified to think the mother would now die. "How will the puppies survive?" they asked one another. They told me that the *Qur'an* forbids the killing of young animals. They decided that they ought to feed yogurt immediately to the bitch: this would offset the effects of the poison. They took some of my yogurt and carefully fed it to her. The dog survived. Actually, I did not observe any signs of illness, which made me doubt the effectiveness of Hasan's poison.

*

This incident contrasts with the cases described previously, for there is little evidence to suggest what happened to Hasan's chickens. Hasan said that he thought he saw chicken remains only after prolonged conversation with me as I attempted to discover how he reached the decision that the dogs were the culprits. Since he did not volunteer this information in the begin-

ning of our discussion, his explanation may have been an attempt to provide a rational explanation for his behavior.

Hasan had few choices as to how to gain satisfaction for the loss of his chickens for, without witnesses or other proof, he could not hold a person responsible for their disappearance. The easiest victims to punish were the half-wild village dogs. Yet we had seen the dogs wading over to the island, so perhaps Hasan's assumption was correct. Stalking the dogs serves the further purpose of relieving Hasan's aggressive feelings and of warning anybody who may have stolen his fowl that Hasan does not take their disappearance lightly. But, of course, the chickens may have been stolen as an act of revenge, so that Hasan's noticeable disturbance signifies that the vengeance had found its mark.

CASE NO. 8

Informant

Orhan to me in March 1967. Told while drinking coffee in my house during the morning when he visited me accompanied by the village *muhtar*.

Actors

Orhan Thirty-six years old now, about twenty at the time of the case. Married with four children. Poor, he used to be a sponge diver before marriage. Orhan is one of the informal leaders of the young men who frequent the harbor area. He is part of the quasi-group surrounding Attila. In comparison with other poor village men, Orhan seems especially active, gregarious, and talkative. In the summer of 1967 and 1968 he was a cook in the restaurant which Attila owned in the harbor. See Case Nos. 13, 14, 15, 25, and 30.

Hamut Orhan's younger brother.

Ayşe A young village girl about fourteen or fifteen years old.

"Between ten and fifteen years ago, my brother was in love with a girl named Ayşe, but she was engaged to another man. The night before her wedding, my brother Hamut and I went to the girl's house with guns. Her parents were very old, and we threw salt in their eyes. We took the girl, and shot our guns in the air.

My brother married the girl, but they didn't have any children. She died long ago, and my brother now has another wife."

"Were her parents angry?" I asked.

"What could they do? They were so old. My brother wanted to marry her, so they let him."

"Did she want to marry him?" I asked. "Who remembers? She was so young. It was a long time ago."

*

As this case happened about fifteen years ago many details have been lost. Because it was related by one of the kidnappers, however, we may assume that the important points were adequately and correctly remembered: the kidnapping of the girl on the eve of her wedding, and her parents and her fiancé's lack of action against the kidnappers later.

Although the elements which went into the parents' decision to accept the union are unknown, certain aspects of the case, relating to widely held rural attitudes and customs, can be discussed. For instance, virginity in a bride is highly valued and it is unlikely that her fiancé would have been willing to marry her after her kidnapping, which carries the presumption of deflowering. Any man who did marry her (except her kidnapper) would lose face and be the brunt of veiled jokes for a considerable period. Her kidnapping does not substantively affect her fiancé's ability to obtain another bride, and the betrothal gifts, which would have been returned to him, could be used to this end.

In accepting the union, the parents gain a husband for their daughter, who is romantically attached to her, and a son-in-law, who is in debt to them, since they refrained from pressing charges against him at court. The ex-fiancé has no grounds for a lawsuit once the parents recognize the union. Since elopement (or seizure by kidnapping) evokes a spirit of romance in most villagers, and is the focus of much folklore, unless the fiancé is prepared to murder her kidnapper, the best outcome he can obtain is to be praised for exercising restraint from vengeance. His wisest course, then, is to turn his back on an incident which can only cause him further outrage and resentment.

CASE NO. 9

Informant

Oktay related this case to Safran and me on 24 July 1968. I had asked Oktay about the old case between Ahmet and Fatma in which he had played a part (Case No. 29). Oktay replied: "Which Ahmet do you mean?" "Ahmet, your friend, your helper, the one who works in your store," I replied. "We aren't friends anymore," said Oktay. "What happened?" I asked. (See answer under Oktay's version.)

Actors

Oktay One of the two influential village leaders, discussed frequently earlier (see Case Nos. 29 and 31).

Ahmet Twenty-nine years old. Married, one child. Ahmet and his father are poor. Ahmet married the oldest daughter of the village barber when she was about sixteen. He bought a plot of land on which to build a house near the houses in which live his wife's mother's two sisters. He is involved in Case No. 29 as a principal, and in Case Nos. 30 and 31 as a witness.

Oktay's Version

"It was the season of the *ayvalar* [quince].⁵ I was in Bodrum. I sent Ahmet a message to buy more quince from the villagers. 'Buy whatever you can. I am going to rent two trucks.' When I got to the village, two people were working on boxing the fruit. Ahmet was lying down on the grass. I asked why he hadn't bought more quince. Ahmet answered. 'If you get angry with me, I am not going to come work for you anymore.'

'However you like,' I said, and Ahmet left his job with me."

Oktay added, "Before this I had heard Ahmet say to another person. 'If they are going to order me, I am going to take my jacket and go home.'"

I asked Oktay, "Do you speak to each other now?"

Oktay answered, "He doesn't come to my store. I don't see him."

"Is he a relative?"

⁵ Quince ripen in mid-March, after the tangerine season is over.

“No, a friend.”

“How long has he worked for you?” I asked.

“Eight years,” he replied.

“How did you pay him?”

“I paid him for each job, sometimes 100 liras, sometimes 25, sometimes 300 liras. It depended on his work. Ahmet’s mother and father are sorry about what he has done. He was just like somebody from my family, like a son. Ahmet’s father always came and I would give him a package of cigarettes or some tobacco. His father said to me, ‘He is a crazy boy.’”

Ahmet’s Wife’s Version

I went to Ahmet’s house to ask why Ahmet no longer worked for Oktay. Ahmet was not home, but his wife, a friend of mine, invited me in, and gave me some food. “Oktay owed Ahmet 700 liras for work, but wouldn’t pay him. After Ahmet quit his job, Oktay sent word to him, ‘Come let us add up our bill,’⁶ but Ahmet wouldn’t go.” She added that Ahmet now works in the coffeehouse next door to Oktay’s.

*

Oktay and Ahmet have unequal power. Oktay, a wealthy villager in his forties, is becoming increasingly influential in village affairs, and as one of two village-based entrepreneurs, is extending his contacts outside the local scene. He has successfully sponsored the election of the current village *muhtar*, whom he controls partially through his alliance with Musa, a close relative and neighbor of the *muhtar*’s (p. 104). Oktay’s eighteen year old son married Musa’s sixteen year old daughter in the summer of 1967, which strengthened Oktay’s alliance with his closest friend, Musa, and was economically advantageous, uniting the families of two large tangerine orchard owners.⁷

Ahmet is a poor man, of low status position, in his late twenties. He has worked as a wage earner for Oktay for the past eight years, and supports his wife and small son, as well as his old parents, who moved into his house in the summer of 1968. He

⁶ Did Oktay really want Ahmet to resume working for him? If so, why did Oktay send a messenger rather than finding Ahmet himself in order to talk out their differences?

⁷ See Chapter IV, p. 104.

has no productive fields and no prospect of inheriting any. His wife's family owns no orchards, but his wife's mother will inherit one-tenth of Hacı Nuri's orchard when he dies.

In many respects the relation between Oktay and Ahmet goes beyond that of employer-employee. Even before Ahmet worked for Oktay he went to him when he had a problem (see Case No. 29), and his loyalty to Oktay included lying on his behalf when a witness in the Bodrum court (see Ahmet's testimony, Case No. 31). Although Ahmet's marriage gave him a connection to Hacı Nuri, and through Hacı Nuri to Attila, he chose not to activate this connection. I never saw Ahmet in the harbor coffee-houses, and although he built his house near some of his wife's female relatives, it is far from the focus of activities which centered around Attila at the harbor. Ahmet was the principal person Oktay relied on to supervise the buying of produce and having it boxed and loaded onto trucks. Whether working or not, Ahmet was frequently with Oktay. Oktay's relation to Ahmet included giving gifts of packages of cigarettes to Ahmet's father, and the connection between the two is essentially that of patron and loyal supporter. On the surface, then, the grievance did not warrant a total break in contact.

It is possible, of course, that debt and an imperious tone were not the real grievances.⁸ Whatever the issues, the difference in status position (patron/wage earner) affords differences in power, so that a man in Ahmet's position had few ways of expressing dissatisfaction. He cannot take Oktay to court for debt, for Oktay indicates he will pay what he owes. He cannot actively join Hacı Nuri and Attila's group, since it already employs more than enough younger men who have jobs in return for their loyalty and support. Ahmet gains little by talking with Oktay, for in answering his summons by going to his house, he again indicates his subservience. So he rejects Oktay's overtures for reconciliation. Perhaps Oktay's enemies will court his favor. Meanwhile, Ahmet has another job in a coffeehouse in the center of the village which gives him access to news and events there.

⁸ Villagers more aligned to Attila sometimes exclaimed to me in private about Oktay: "There is a man who can't agree with his own brother; how could someone trust a man like that?"

CASE NO. 10

Informant

Kurt Lessing to me on 2 April 1967.

Actors

Kurt Lessing See Case Nos. 5 and 6.

Abdulrahim Thirty-nine years old. The village weaver. Raised in Gaziantep. Married one of the daughters of Hacı Nuri, the seaside storekeeper. He met her when he was stationed in Mandalinci as a gendarme and saved her from abduction by three men.

In the summer of 1966 a German family rented a house at the seaside in Mandalinci for a month. They bought two chickens to fatten up and then eat. But their children who were responsible for feeding the chickens became fond of them and refused to let them be killed. When the family was ready to leave, the children worried about their chickens. They gave them to Lessing, who was made to promise not to eat them. Not knowing what to do with two fat but inedible chickens, Lessing gave them to his friend Abdulrahim.

That same week a village man, who had been digging clay in order to help build a house, was severely injured when the side of a hill collapsed on him. Hearing of the accident, Lessing had arranged that some friends of his carry the wounded man in their car to Izmir, where he subsequently died. The man's family was grateful to Lessing for his help and sent him a gift of a live chicken, which he also gave to Abdulrahim.

A while later Abdulrahim came to Lessing and said, "You've put me in the chicken business; now I will sell you eggs." Lessing was put out by the lack of generosity, but he needed eggs and Abdulrahim was his friend, so soon he was buying Abdulrahim's eggs.

*

Lessing told me that because he had given the chickens to Abdulrahim as gifts, he felt it was ungenerous for Abdulrahim not to give him some free eggs in return. From Abdulrahim's point of view, however, it was he and his family who were caring

for the chickens. They had to find old baskets for the chickens to roost in, and had to provide additional shelter for them at night. As Mandalinci villagers allow chickens to roam freely around the houseyard and nearby fields, feeding them is not an additional expense. Nevertheless, it was Abdulrahim's houseyard, not Lessing's, which was dirtied by the chicken droppings. And it was Abdulrahim's family which heard the rooster crow before daylight. Furthermore, Abdulrahim had done other things to express his friendship for Lessing: Lessing used Abdulrahim's large and expensive battery-run radio the entire time I knew him, a period of about five months. Thus, a man in Abdulrahim's position would not hesitate to sell eggs to his friend, for he might just as easily sell them to other villagers at a nearby market, or save the eggs to produce more chickens, which then would give him considerably more profit.

Although Lessing resented the fact that his friendship with Abdulrahim had ceased to be purely on an exchange basis now that Abdulrahim was charging him for food (which he previously had given as gifts), he chose not to make an issue of it. He did not mention his grievance to Abdulrahim, for he felt, as he told me, that Abdulrahim's help was too valuable an asset to be alienated or jeopardized by mentioning such a minor incident. Besides, as a foreigner living in Mandalinci village, Lessing was dependent on keeping close relationships with some of the villagers. He could not evaluate the ramifications of how even a small insult to Abdulrahim's pride would affect his relationships with other people. Thus Lessing chose to ignore the fact that his relationship with Abdulrahim now had an economic aspect to it: he expressed neither surprise nor resentment to Abdulrahim, but continued to interact with him on the same basis as he had previously.

CASE NO. 11

Informant

Safran told me about the episodes, which I did not witness. The incident culminated about the middle of May 1967.

Actors

Yusuf Thirty years old, married, two young children. He has no money, and no tangerine orchard. Between the end of his military service and the beginning of his marriage four years ago, he worked during the summer months as a sponge diver. For the last three or four months Yusuf has been proprietor of the young men's coffeehouse, which was not making money. (See Case No. 20.)

Nergis Yusuf's wife. 18 years old. My closest neighbor.

Safran Twenty-three years old, a sponge diver from Bodrum, who had been living in a rented house in the village since February 1967, when he began work as my field assistant. He was known to Yusuf and other villagers through his diving activities and earlier visits to Mandalinci.

Background

In the autumn of 1966 Safran had returned from his military service. He had made an arrangement with a young Turk from Istanbul, who came to Bodrum with a small sponge diving boat. Safran would be responsible for the boat, which would be kept in Bodrum. During the sponge diving season (roughly April to September), he would use the boat and its diving equipment to collect sponges. He would hire two or three other divers and profits would be split in the traditional manner.* By April 1967 Safran had decided that he preferred to continue working for me, and that he would not go sponge diving. However, he did not want to lose his rights to the diving boat, as he would need it for the next season.

He wanted Yusuf to be captain of the boat, to find three other men from Mandalinci to be divers, and to go after sponges in waters around Mandalinci. Although Safran could not give the divers half their earnings in advance, as is done on larger boats, the advantage to the Mandalinci divers would be that they would never be away from home for more than three nights at a time. Often they could come home the same night. When Safran first suggested this to Yusuf, Yusuf was very excited. Every night they

* If three divers are hired the sponges are divided into three groups, one for each diver. Each pile is then subdivided: the boat captain gets 45 per cent, the diver gets 35 per cent, and the boat owner gets the rest. The boat owner must pay for gasoline, food, and boat repairs during the diving season.

discussed their plans in the coffeehouse. Yusuf said that in one month they could get enough sponges to pay off half of Safran's debt for the boat.

Yusuf brought the boat from Bodrum to Mandalinci, a four to six hour voyage. He painted its new name, *Mavi Kedi* (The Blue Cat) on its bow, but the job was quickly and carelessly done and the paint dripped down its side. After the boat came to Mandalinci harbor nothing more was said about sponge diving. During most of the next ten days the boat stayed anchored in the harbor. Once Yusuf carried a man to Karatoprak and earned ten liras (\$1.00). Another day he took some women to a nearby island to gather wild herbs and grasses. Once Safran and I used the boat to go to Yalikavak, a village an hour away. Yusuf said it cost him ten liras for gasoline to take us there, so he did not give Safran any of the liras he had previously earned. He did give Safran a head of a fish to make soup. The fish head was part of the catch made in fishing from the boat.

Safran began to wonder when the boat was going on a diving expedition. The weather was clear and warm; the diving equipment was working well; the crew had tested it in the Mandalinci harbor where the men at the coffeehouses, as well as their wives and sisters, could admire their bravery and skill.

On about the tenth day Yusuf's wife, Nergis, came and offered to sell me for four liras a fish that Yusuf had caught while diving from the boat. (Besides being my field assistant, Safran helped with the cooking). I said I would have to discuss the price with Safran; I suggested she leave the fish with me.

When Safran returned I told him what had happened, saying, "Yusuf sends his wife to sell you fish caught from your boat? Is that the Turkish way?"

Safran took the fish and went to find Yusuf at the coffeehouse. "How could you do such a thing?" Safran asked. Later Safran reported to me that Yusuf had been ashamed. "He was close to crying," Safran added. We ate the fish without paying for it.

This marked the turning point in Safran and Yusuf's relationship over the boat. Several days later Safran brought a friend to Mandalinci from Bodrum. The friend would become captain; Yusuf would only be a member of the crew. Yusuf would no longer have the right to ferry people to nearby villages and

islands. Yusuf angrily said he would sign on with another boat which would give him 5000 liras in advance (\$500).

The next day Yusuf was sitting in the coffeehouse as usual. Several days later he came to Safran, apparently ready to accept the new relationship. The new captain, however, proved no more reliable than Yusuf. Pleading first his mother's illness and then his own, he never did any more about sponge diving than that one evening's discussion in Mandalinci. Yusuf's failure to act decisively apparently did not affect his friendship with Safran, even though Safran was accumulating debts in regard to the boat: 90 liras to have part of the motor repaired which Yusuf had broken, 30 to 50 liras for gasoline, 10 liras for oil. I suggested that Safran rent the boat to Yusuf for the summer, but Yusuf was not interested.

*

This case in part reveals problems some villagers have in translating enthusiasm into action. Yusuf was in need of money. He had had to sell the four gold bracelets he had given his wife as betrothal presents to buy food for his family. He told me he did not wish to work away from the village for a month or two at a time, which is what he finally did for six weeks in August-September. In explaining to Safran why he was unable to take the boat out for sponge diving, he continued to point out that divers on other boats were given an advance of 5000 liras. He stated that he himself was unable to hire divers without offering them such an advance. Safran then hired two village youths who had some diving experience to work on the boat without the advance. But Yusuf continued to press Safran, who was poor and had no extra capital with which to give an advance payment. By continuing to interpret their joint venture in terms of traditional contractual agreements made between captains and their divers, Yusuf did not view this agreement as a new type of contract; the possibility that, through hard work, he might earn considerably more money in a season by this arrangement than by work on a larger vessel did not motivate him to act.

The status positions of Safran and Yusuf are roughly equivalent, since both are poor and both come from poor families. Yusuf's father, Rauf, owns no fields which produce cash crops, although Rauf has a field in which he grows subsistence vegetables and also owns a few camels he hires out. Yusuf, his wife,

and their two small children do not live with Yusuf's father. Their house, which is near the harbor, is owned by Yusuf's wife's father. Yusuf's father-in-law planted a tangerine orchard in the central village about twelve years ago, and sometimes Yusuf helps with the orchard work in return for food or money, but what his father-in-law provides is not sufficient to support Yusuf's household.

During the winter of 1967 Yusuf ran a coffeehouse at the harbor in a room which Attila lent him rent-free. In the beginning the coffeehouse drew many young village men in the evenings. Sometimes as many as fifteen to thirty males between the ages of sixteen to forty came, Safran reported. Mandalinci men observe the widespread rural Turkish custom of not drinking, smoking, or gambling in the presence of their fathers, fathers' brothers, or grandfathers, because such behavior is considered disrespectful. Yusuf's coffeehouse thus provided a place where young men could engage in these activities, especially card-playing, without worrying that their fathers might appear momentarily. There they could also discuss politics without having to listen or accede to the more conservative opinions of their elders.

But when spring came the young men's interest in the coffeehouse waned, despite its obvious advantages. As proprietor, Yusuf had not made money, nor had he united the young men as an interest group, despite their common problems, the most noticeable being that most fathers keep married sons in a subordinate position. Men in their late thirties and even forties continue to work on their father's land or that of their father-in-law, but have only token say in management, including where and when to sell crops, what crops to raise, and what kinds of arrangements to make to get crops to markets. As Yusuf's coffeehouse drew fewer and fewer men in the springtime, Attila reclaimed his room and converted it into a restaurant, which he then gave to two other supporters to manage. Thus, Yusuf had already experienced the failure of one scheme.

On the other hand, Safran had experienced no such failure. He had become owner of a small diving boat, although he was still in debt for it. His work for me gave him, by village standards, a good monthly wage. Unlike Yusuf, Safran had no dependents, but since his father was dead he gave some of his earnings to his mother, who lives in Bodrum, and occasionally sent some to his

sister, a high school student living with relatives in Istanbul. Thus, Safran had a sense of independence and optimism, while Yusuf, only seven years older, felt pressure from all sides. Yusuf told me that he had to keep on good terms with his father-in-law because he provided important support for the household. At the father-in-law's death Yusuf's wife stood to inherit only one-third of the orchard, and even less if her mother claimed her share.

Before his marriage Yusuf had voyaged to North Africa for six months on a sponge diving boat (the first boat to use modern diving equipment in Bodrum), but now his horizons were limited. In winter he had taken the last of his father-in-law's tangerines and a neighbor woman's lemons by hired jeep to Milas to sell them, but the jeep had overturned, bruising the riders and spilling fruit over the road. Some of the fruit was damaged, and the prices in the Milas market were lower than he had been led to expect, so no profit had accrued from that venture either.

More than a year before, Yusuf had piled stones next to his seaside house with the intention of building a small restaurant there, he told me. At the end of the summer of 1968, almost two years later, all that remained of that scheme was the huge pile of stones. Yusuf had not begun construction himself, and he lacked capital as well as the organizational ability to arrange a loan from others.

As Yusuf continued to stall and ask for an advance, Safran confided to me that he thought Yusuf lacked the skills to organize the venture and captain the boat. Safran terminated the partnership, but accepted Yusuf as a crew member. Both men later told me this change was not a breach of their previous agreement, although Yusuf had been hurt and angry when Safran told him he could not be captain. Safran did not make Yusuf pay for the damages which the boat had suffered from while it was under Yusuf's control, since, as he explained to me, it had been part of the original agreement that he, as boat owner, would provide food, fuel, and repairs. All discussions took place between the two men without intervention of a third person and no hard feelings were left on either side.

Yusuf earned 1000 liras (\$100) from his six weeks of diving at the end of summer. With it he bought back his wife's four gold bracelets, engagement presents which had been sold for household money. He used the remainder of his wages to buy a battery-run phonograph and some records, the first in the village.

Thus Yusuf is again without cash, but he has a high prestige item, and the bracelets can always be sold again when need arises.

CASE NO. 12

Informant

Turgot to me in my house the morning of 9 February 1967.

Actors

Turgot Thirty-one years old, married, three small children. Called *Ince Turgot* (Thin Turgot). Owns a fishing boat, but rarely fishes. Said to be very poor.

Yusuf Turgot's brother, also very poor, married; two small children. Used to be a sponge diver. Now sometimes works in his wife's father's tangerine orchard. At the time of this case, he was running a coffeeshouse for young men at the Mandalinci harbor.

Turgot came to see me and during his visit remarked that his brother, Yusuf, had borrowed his boat. He had not asked Turgot's permission. "When I went to get my boat it was not there," said Turgot. "Some men in the coffeeshouse said Yusuf had taken a man from another village to the nearest island." (It is about an hour by sea from Mandalinci. People often go there in good weather to collect wild food, such as mushrooms, or to pasture animals.)

"Are you angry?" I asked.

"No," said Turgot.

"Will you do anything about it?"

"No."

"Will you say anything to Yusuf about taking your boat?"

"No."

"What made you look for your boat in the first place?"

"I was thinking about going fishing."

"Was it bad of Yusuf to take your boat without asking you?"

"He is my brother, what can I do?"

Rather exasperated, I asked, "What would you do if the boat sank?"

"My boat would not sink."

"Well, what if there was some damage?"

"There will be no damage."

"Well, just suppose the boat sank, what would you do?"

"You mean, if my boat sank, and my brother went to the bot-

tom of the sea?" An understanding light began to spread over his face.

"Yes," I said weakly, wondering how I ever got started on this line of questioning and wishing it was over, since it was clearly leading nowhere. "What would you do then?"

"*Ne yapalım?*" ("What could I do?"), he said, resorting to a constant Turkish expression generally meaning that man is not able to control his fate, that he must acquiesce whenever he is confronted with forces stronger or more complex than he can deal with. And, as he said that, we laughed.

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Seemingly a brother can borrow a boat without permission, but I think it is an incorrect interpretation of Turgot's reactions to say that it is considered a customary right for brothers to borrow boats without asking permission, while other people do not have such a right. This and other data from Mandalinci suggest that an individual decides—depending on his mood, the number of other conflict situations in which he is already involved, his past relations with the offending party, and other situational factors—whether he is going to mention and act on a breach of conduct or not. For example, my field assistant was angry on the two occasions that close friends (young Bodrum males) borrowed his boat without asking. When a high school friend took his bicycle and rode it to the other side of Bodrum, he was again annoyed. All of which suggests that ownership of bicycles and boats gives exclusive rights of possession, and people are expected to ask permission before taking them.

In this instance, Turgot ignored his brother's breach. His status position is equivalent to his brother's. Both are poor and both are dependent on their fathers-in-law to help support their households. They seem close, are together frequently, and the two summers they left the village to work they worked together on the same boat. Turgot's discussion with me does not suggest why he chose not to mention this incident to his brother, but I was to learn later that Turgot is already involved in three other conflicts (see Case Nos. 4, 16, and 21). Had Turgot argued with his brother over what both would consider a minor incident, it would become common knowledge in the village and people might say, "See, here is a man who can't even get along with his own brother, and yet he refused to pay his debt to me."

CASE NO. 13

Informant

Yusuf to Safran in the coffeehouse. Recorded 27 February 1967, ten days after the second fight. I heard vague references to this fight, and sent Safran to Yusuf to get background details.

Actors

Fatma Adnan's wife. See Case Nos. 16, 26, 28, 29, 30.

Lâle Thirty-six years old. A handsome, strong-willed woman. Wife of Orhan. See Case Nos. 8, 14, 15, 25.

Three months ago, the fight between Fatma and Lâle started. "Everybody knows that Fatma, Adnan's wife, is not a good woman. Everybody knows that Lâle, Orhan's wife, is working with her," said Yusuf. For a small fee Lâle would find the men and bring them to Fatma. Until recently she was only a go-between and did not prostitute herself. Three months ago, however, Lâle started working on her own. Slowly Fatma began to realize that her business was not as active as it had been, and she began to suspect what was happening.

One day the two women fought in the road in front of their houseyards. They called each other names and shouted accusations back and forth which revealed the situation. Neighbors witnessed this argument (*ağiz kavgası*, literally, "a verbal battle"). People kept them from hitting each other and they did not speak to each other until the time of the second fight.

On 17 February the second fight occurred. Orhan's wife, Lâle, threw a stone at the chickens in Fatma's yard. This stone rolled to Fatma's feet, hitting her. She became very angry, and shouted, "You are throwing stones not at chickens but at me." This encounter also took place in front of neighbors, who once again kept the two women from striking each other.

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The two women live in neighboring households. Fatma's parents are wealthier than Lâle's, for they own one of the village's two transport vehicles, as well as a tangerine orchard. Fatma's husband will inherit an orchard when his father dies. Neither Lâle's family nor her husband's owns a tangerine orchard, but Lâle's husband is well liked by village men, and is not

treated disrespectfully. In comparison, Fatma's husband has low prestige. Villagers do not respect him, because by tolerating his wife's prostitution, he is considered to consent to it. Fatma's behavior, which thus affronts village moral standards, brings dishonor both to her husband and herself.

At the time of fieldwork, village women did not visit Fatma's house, and she was not part of an evening visiting circle. When I went to interview her, none of the village girls who usually accompanied me on house interviews was willing to come along. In sum, although Fatma's economic rank is higher than Lâle's due to the property she stands to inherit and the money she earns through prostitution, Fatma's prestige is considerably lower than Lâle's. Fatma and her husband may live in the village, but they have isolated themselves by living outside the village moral system. Villagers do not mention them when questioned about rank, prestige, and power relations in the village. Their names come up frequently, however, in discussions of village conflicts.

By yelling at Lâle in their houseyards, Fatma makes known their bargain. This action publicizes the fact that a neighbor woman, the focus of much female visiting, is in fact violating village mores also. The first public yelling match spread news of Lâle's illicit activities. As the women's fight became openly discussed, Orhan no longer could pretend ignorance of Lâle's activities. The effect of Fatma's action was to provoke Lâle's husband to act to control Lâle (Fatma's competitor) from usurping Fatma's clients.

The following case summarizes Orhan's response to the women's yelling match.

CASE NO. 14

Informant

Safran heard gossip in the harbor coffeehouse about these events. He questioned Yusuf in the coffeehouse on the evening of 2 May 1967.

Actors

Lâle See Case No. 13.

Orhan Lâle's husband. See Case Nos. 8 and 13. They have four children, ranging from thirteen to five.

Orhan's wife, Lâle, has been having sexual relations with men for money. Everyone seems to know about it. About two months ago, the gossip (*dedikodu*) among the men was that Orhan had caught his wife with a man. They said, "He is a cuckold, because he or his uncle caught Lâle with another, but Orhan didn't do anything about it."

At the end of July 1967 I asked Gülen about Lâle's activities, because Gülen had been living with me in Bodrum for a month, and I thought she would be willing to provide an honest answer. Gülen is one of Lâle's neighbors in Mandalinci. She was visibly upset by the question and hurriedly said Lâle might have done that once or twice in the past, but that she no longer did. The next visit we made to the village, Safran asked Yusuf about Lâle. Yusuf also asserted that Lâle had terminated her promiscuity.

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Note that here the village men called Orhan a cuckold (see Case No. 15 also), even though his wife was said to be taking money for sex, while in referring to Adnan, villagers called him a pimp (see Case Nos. 26, 28, and 29): villagers distinguish between adultery and prostitution. Lâle's extramarital sex is a recent event, and villagers were still making up their minds about how to regard her activities. Adultery, though grave, is a less serious breach of village morals than prostitution is.

The men called Orhan a cuckold because, as far as they knew, he had done nothing to make Lâle terminate her behavior ("he or his uncle caught Lâle with another, but Orhan didn't do anything"). Unlike Güneş in Case No. 22 Orhan had made no public commotion. Güneş's public scene, and his discussion with the household head where his wife's lover lived, signified his opposition. In spite of the later reunion of lovers, no one called Güneş a cuckold.

As far as Safran could discover from the men, Lâle discontinued her promiscuity after the spring of 1967. At first male informants suggested she was "lying low" and would resume after the gossip died. But by the end of summer 1968 she had not, and now women and girls are reluctant to be questioned about her earlier improprieties. They want to forget her earlier lapses.

Why would Orhan choose to deal with his wife in private,

rather than create a public commotion by which he could avoid being labeled a cuckold by village men? It is clear that his lack of public action reduced his prestige among the men with whom he interacted daily. Although Orhan is poor, he has influence among the younger men in the harbor area. It is he who organizes the men to pull a boat from the water, encourages them as they strain to their task, and actually sets the pace of the rope pulling. When Orhan is not around, it is difficult to recruit men for such a job. A man who chooses to deal with his wife privately is surely attempting to avoid further publicity and embarrassment. His wife's promiscuity has tarnished his honor and reputation, but to shout at her or hit her in front of others would focus public attention on her misconduct. Short of sending her home to her father (she is a determined enough woman to refuse to go), or beginning divorce proceedings in the Bodrum Court, Orhan gains more by disciplining her in private than by raising a public row. Wives who respect or fear their husbands do not commit adultery, which means that Lâle's behavior reveals weaknesses in their relations. In other situations, Lâle has demonstrated she is a headstrong and proud woman (see Case No. 30). Her promiscuity, linked as it is to obtaining money for sex, demonstrates a certain contempt for Orhan and his inability to provide full support for the household.

In the time between public knowledge of Lâle's promiscuity and her discontinuation of it, Orhan began to assert his role as economic provider. He wrote a letter asking for the job of Mandalinci lighthouse keeper (Case No. 25), which would have given him a good salary and yet have allowed him to remain in the village. He acted as Lâle's legal representative in her lawsuit against her brother (Case No. 31) for ownership of a house, and by June 1967 he had become a salaried cook in Attila's seaside restaurant (see Case No. 15). That job began about the time gossip concerning Lâle ceased, which suggests that Orhan's wages, and his assertion of the traditional role of household head, had spurred Lâle to more chaste conduct.

By not censuring Lâle publicly, however, Orhan did not protect himself from the possibility of ridicule. The following episode occurred about two and a half months after Fatma's yelling at Lâle (Case No. 13).

CASE NO. 15

Informant

Event was witnessed by Safran and me at 7:30 a.m. on 3 May 1967.

Actors

Ersin Thirty-two years old. A house builder and farmer.

Orhan See Cases No. 8, 13, 14, 25, and 30.

Place At the seaside, opposite the coffeehouse and outside of the building which is currently being renovated to house the seaside restaurant. This will be the first and only restaurant in Mandalinci.

Ersin, his brother, and a younger boy had been working for several days on a building to convert it into a suitable place for a simple restaurant. At this time they were breaking parts of its walls to enlarge the window area. Attila, the owner of the building and the man who is financing the restaurant, was watching. Orhan was sitting at the coffeehouse across the narrow dirt road, watching them. Other men were also at the coffeehouse.

The builders began to put bricks into the window holes, to act as window frames. Attila said, "*Yok, yok*, ('No, no') from stone, you will build from stone." Safran turned to me and added, "Everyone knows that if windows are built from stone they are stronger than those built with brick. But using bricks is easier for the builders." From across the way, Orhan also shouted at them, "From stone, from stone." This annoyed Ersin, who said to Orhan, "If you are a builder, come and build, you cuckold (*deyyus*). Why are you interfering in something which is not your business?"

Orhan became visibly upset after the word cuckold was used. "How can you say something like that to me? Impudent, shameless man (*utanmaz adam*)." All the other men sitting around said, "Oh, don't continue, break it off." Ersin became nicer, he seemed even sorry that he had gone so far. Orhan kept pacing back and forth in front of the building, agitated, and occasionally muttering, "How can you say such a thing?" For about five minutes Orhan continued pacing and talking about how he had been

insulted. He would stop, stand still, and then start again. After about five minutes he went inside the coffeehouse and the episode was over.

*

Orhan and Ersin are about the same age and both are married, but they occupy unequal status positions in the village. Ersin's skill as carpenter-mason provides him with some employment, while Orhan, once a diver but now too old to take such risks, has no employment, Orhan's reputation and prestige have suffered because of his wife's sexual involvements, while no gossip has touched Ersin's wife.

Orhan's repetition of Attila's orders seems to Ersin an assertion of a role as supervisor. Ersin's response, "If you are a builder, come and build, you cuckold," indicates that Orhan ought to stay out of situations which are not his business, but ought to interfere in situations which clearly are his concern—his wife's misconduct. When Orhan shows dismay at being called a cuckold, Ersin seems sorry. He does not apologize, but refrains from further provocative action of look, gesture, or response.

Orhan's agitated pacing does not express aggression against Ersin, for he neither faces him nor paces near enough to him that sudden movement could be threatening. His muttering and pacing does display his own distress and also releases intense emotions. Turkish men are sensitive to reflections on their manhood, as mentioned earlier, and to call a man cuckold is a serious act. It can be interpreted as an insult and is thus punishable by law. Orhan has the ground for a lawsuit, but whether his witnesses would back him up in court is questionable. As far as I can tell, the events stopped there, as I saw Ersin and Orhan at the same table in the coffeehouse later that week.

All cases discussed so far describe situations in which a person takes no action (and the issue rests there) or he directly confronts his opponent. This confrontation is calm or heated, and it takes place in private or public settings. The two women yell insults publicly on at least two occasions (Case No. 13), while in Case No. 11, Safran repeatedly attempts to discuss a problem in private until he decides Yusuf has little intention of going after sponges. Public shaming as a disputing technique has different results from confrontation to obtain restitution, but both aim at righting grievances and both aim at correcting conduct which is considered inappropriate by village mores.

The next two cases illustrate an expansion of disputing techniques so that satisfaction is sought through action against a relative of the principal. In this example, Turgot seeks compensation from the woman's husband after it appears she will not return his money.

CASE NO. 16

Informant

Yusuf, Turgot's brother, told the story to Safran in the coffeehouse on 27 February 1967.

Actors

Turgot See Case Nos. 4, 12, and 21.

Fatma The wife of Adnan. She claims to be twenty-six, but villagers say she is well over thirty. A very pretty and lively woman, she is intentionally coarse and provocative. She is said to be the village prostitute. See Case Nos. 13, 26, 28, and 29.

Adnan The owner of the third coffeehouse at Mandalinci harbor and the village baker. About 35 years old. Has two young sons. See Case Nos. 26, 28, and 29.

Turgot gave Fatma 50 liras (\$5.00) to have sexual relations with her, but he could not find a comfortable position, and so, after a while, he left without accomplishing his purpose. Fatma refused to return his money, saying she had fulfilled her part of the transaction.

Turgot began running up a bill at Adnan's coffeehouse. He bought wine, bread, and other things, saying, "I'll pay you later." When Adnan later asked Turgot for his money, Turgot answered, "Oh, I've already paid my debt (*borç*). You wife told me she needed some money, so I gave her the fifty liras I owed you." Adnan went to his wife and asked her, but she denied that Turgot had given her any money. Again Adnan went to Turgot and asked, "Why are you not paying your bill?" But Turgot answered, "I told you. I already gave the money I owed to your wife." Both men became angry. They did not hit each other, but now they are not on speaking terms.⁹

*

⁹ There is a similarity between this case and tales told by both Chaucer and

It is common knowledge in Mandalinci that Fatma takes money for sexual relations. It is also said that certain men have access to her without paying. Turgot realizes that she is not going to return his money nor will she agree to have sexual relations with him again unless he pays in advance. Thus he cannot regain money through her. By charging food and wine at her husband's store, Turgot creates a debt which is equivalent to the money he has given Fatma.

By telling Adnan that he has paid his wife, Fatma, Turgot reminds Adnan of his wife's promiscuity. Fatma has no connection with Adnan's store, and so there would be no reason to repay her. In Mandalinci, modest women and girls do not even go to a village store to buy a loaf of bread, since to reach the store they have to walk past the coffeehouses, and the men there stare at them. If, in the village context, buying something at the store implies a curiosity about men, and a looseness on the part of married women, asking a man for money and accepting it from him surely implies unchastity. As will become evident later, Adnan, Fatma, and others are involved in cases which show that Adnan is perfectly aware of his wife's promiscuity and prostitution (see Case Nos. 13, 28, 29). Since he does nothing to make her change, villagers feel he condones her activities; some even suggest he is a pimp, for they know her earnings buy her clothes (clothes are normally provided by a husband) and decorate their house, especially the room in which she receives male visitors. Mentioning Adnan's name among village women evokes laughter. Among men his presence is tolerated, but his opinions, for the most part, are ignored. When Adnan enters a gathering of men, his greeting is barely acknowledged and only minimally returned. His coffeehouse adjoins that of Hacı Nuri's, yet few men come to

Boccaccio. In the literary versions a man is in love with another man's wife. Eventually, she agrees, but says, "I find myself in need of money," and she names an amount. So upset is the man to find his love avaricious that he decides to trick her for both her greediness and promiscuity. He borrows the money from her husband, and when the husband is called away from home, gives the money to his wife in return for sexual privileges. When the husband returns, he says, "I found I didn't need the money after all so I returned it to your wife while you were away." (See Chaucer, *The Canterbury Tales*, "Shipman's Tales." Penguin Classics, trans. into modern English by Nevill Coghill, pp. 174-85; Boccaccio, *The Decameron*, vol. 11, Everyman's Library, intro. Edward Hutton, Eighth Day, Novel 1, pp. 149-51.)

sit there. I never saw more than two or three men there at one time, and they usually were the two old village alcoholics. Orhan's livelihood comes from his tangerine orchard, from the bread he bakes, and from the items he sells from his store (really just a shelf in a room), not from his coffeehouse.

Thus, when Turgot gains restitution by running up a debt at Adnan's place, Turgot could be relatively certain, his brother confided to Safran, that Adnan would not retaliate against him in a way to damage Turgot's reputation or involve him in a lawsuit for debt. Adnan refuses to speak to Turgot, but, because of Adnan's low prestige and power, this is of little consequence to Turgot.

CASE NO. 17

Informant

Musa to Safran on 3 May 1967, while they walked from the upper ward of the village to the village center.

Actors

Musa Called *İğneci Musa* (injection-giver Musa), because he is the person who gives injections to villagers when they are ill. Forty-one years old. Owns at least two tangerine orchards and several fields which produce cash crops. Oktay's best friend. Oktay's oldest son married Musa's oldest daughter in August 1967, when the girl was sixteen and the boy eighteen. Musa has four children.

Two village youths

A family in Mandalinci

In the mountain ward of the village, Musa had a heated discussion with the daughter of a sick old woman. The conversation concerned another sick old woman. The daughter seemed to be pleading that Musa go and give the other sick old woman injections, too. He refused.

The upper village is a forty-five minute hike up a donkey path. As they walked back to the village center, Musa told Safran the rest of the story:

“About two years ago, I was going to the upper village every day to give injections to a sick old woman. She had a reputation for promiscuity. A twenty year old boy and his friend used to watch me go into that house every day. They began to doubt that I went there to give her shots. They had been screwing her, and they became jealous. One night I went to give her an injection, and the boys were waiting for me with a kerosene lantern. They stopped me in the path. They kicked me twice. Somehow I managed to break the lamp, and they ran away.

Two years later I got even with them. They had come back from military service. We were all at a wedding. We were drunk. I called them bad names and they did the same to me. Now the mother of one of the boys is sick. Last time she was ill, I went to the upper village every day, sometimes even at night, to give her injections. She needs injections now, but I will not give them to her. Sick as she is, she has to walk down to the seaside part of the village to get injections from the shoemaker there. He will not walk up here. Her family does not even say ‘hello’ to me now. I am sad about that, but if she is dying and they need me, I will not go to her.”

*

Musa’s status position in the village is superordinate to the boys’, and in fact he has one of the highest status profiles in the village. A married man in his early forties, Musa owns tangerine orchards and produces cash crops. He has a close friendship with Oktay, and their children married in August 1967.

When the youths return from military service, Musa uses a large wedding as the setting in which to insult them as revenge for the beating they gave him two years earlier. In return, the boys again insult Musa, for their subordinate status position limits their choice of disputing techniques.

I do not know enough details to thoroughly analyze this case. That young men are inclined to use overt aggression against another individual is also established by Case No. 32, and by Sumer’s attempts to avoid a direct confrontation with his wife’s youthful lover in Case No. 22. As we will see, illicit sexual behavior is the cause of much overt aggression in Mandalinci village (see Case Nos. 1, 13, 22, 26, 29, and 32).

Without knowing further details, we can assume that as long as the youths remain in the village, Musa will continue to act against

their interests unless common goals can be found. Considering his superordinate status position and his links to important villagers, there will be opportunities for Musa to revenge himself. Thus the choice of a disputing technique relates to a person's status position within the village social structure. Physical aggression correlates with inferior status position, while individuals in superordinate positions withhold jobs, pay, or use law enforcement agents against inferiors (see, for example, the use of gendarmes in Case No. 28).

CASE NO. 18

Informant

I was involved as one of the principals.

Actors

Nergis See Case No. 11.

Gülen A thirteen year old Mandalinci girl. Gülen was curious and well informed on gossip and other subterranean village matters. She had a worldly manner and a knowledge of human frailty beyond her years. Eavesdropping and spying were part of her techniques for gaining access to covert information. She would not always tell me everything—there were certain people she wanted to protect—but everything of a factual nature which she did tell me was substantiated by other informants. Her father is Abdulrahim (see Case No. 10), the village weaver, whose shed was located directly across the donkey path from my house. After I moved to Bodrum in June 1967 Gülen came to live with me there and took care of my son.

Sara Wife of Hacı Nuri, the seaside storekeeper. About seventy years old.

Nazlı Twenty-six years old. Wife of Turgot (see Case No. 4).

Other women Residents in the seaside area.

For five months I allowed village women to fill their water jars at the water faucet on the enclosed terrace of my house. Between seven and fourteen women came twice a day to fill their pots. The water faucet was directly outside the window where I work-

ed. With spring weather and open windows the noise of chatting women, children, and other commotion became annoying. As I became more friendly with the women in my neighborhood they developed the habit of dropping in to chat each time they came to fill their water jars. If I were at home in the daytime, it meant I was either interviewing, typing notes from interviews, or studying Turkish. I began to resent the constant and insistent interruptions. Moreover, women would sometimes turn on the faucet, place their pot underneath, and go off to chat with a friend elsewhere. They rarely returned in time to turn the water off before it overflowed first onto my terrace—which was always wet—and then into my bedroom, which was off the terrace. The water continually seeping into my bedroom increased its tendency to dampness. For most of the six months I lived in Mandalinci I had a cold, which I attributed to a damp bedroom and terrace.

The person who benefited most from my water faucet was my closest neighbor, Nergis. She was also the most frequent offender in forgetting to turn off the faucet. Several times I pointed out to her how damp my terrace and bedroom were from the overflowing water, and asked her to keep her eye on her pot. When the rational, explanatory approach seemed to do no good, I decided I would threaten not to let her use the water if she didn't watch the overflow. When that did no good, I took her water pot; when she came looking for it, I explained again about the overflowing water and said she was not to use the faucet for three days. This meant she had to walk twice as far to use the water faucet provided for villagers, which was down near the men's coffeehouses. Modest young women like Nergis did not like to pass by the men's coffeehouses.

For three days she did not use my faucet, at least did not use it when I was around, but, in a week or so, she was back to her old habits; furthermore, the other women were also becoming more noisy and more forgetful. By the time the episode of the fish occurred with Nergis (Case No. 11), I decided I wanted some privacy, and I sought a confrontation about the water faucet. About three days after the fish episode, I disconnected the outside water at night.

The next morning I got up to see what the women would do about the disconnected water. Would they send a delegation to talk to me? Would we set up times and rules of use? I waited to see. I never saw a person coming with an empty vessel to get

water, so one of the women coming at five o'clock when I was still asleep must have passed the word on. No one, neither women nor children, asked me why I had turned off the water. Even people like Gülen and Nil, who came to see me two or three times daily, and who were the first to correct my behavior when they thought I was doing something inappropriate, did not mention it, although they continued to come with some frequency. During the course of the day when I could find no difference in the way others greeted or talked with me—still making no mention of this subject—I began to grow uneasy. "Will they merely let it pass?" I wondered.

The next day I arose to make breakfast and discovered I had no water at my kitchen faucet. I was surprised. This had never happened before. Eventually, I walked along the hose, connecting my faucet to the village line and discovered a huge rock placed directly on my water line.

*

A stone on the line caused me inconvenience. If the women had been even more angry, they might have cut my line, which would have disturbed and threatened me. I expected a group to come to ask if they could be allowed to use the water at certain times, but Turkish village women do not think in terms of discussions, negotiations, and "rules" of use. The problem was handled by avoiding a direct confrontation. No individual could be blamed, and yet I was censured for my act. A direct negative sanction had been expressed, even though in face-to-face interaction the women continued to be as friendly as before. Throughout my stay in Turkey, the subject was never alluded to. Safran suspected that Yusuf may have placed the stone on the line, since Yusuf's household was most affected by the disconnected water, and Yusuf's pride had been hurt by the issue of captaining Safran's boat (Case No. 11).

After this, a stone sometimes appeared on my water line. At times I could figure out what I had done to cause offense; at other times I had no idea.

In short, I could hold no one responsible for the stones on my water line. As long as villagers continued to be friendly, I was obligated to reciprocate in like manner. They caused me inconvenience, in many ways, similar to the inconvenience I caused them by turning off the outside water.

CASE NO. 19

Informant

Safran heard the story in the coffeeshouse one night in May 1967.

Actors

Hacı Nuri Seventy-three years old. Keeper of the largest store and coffeeshouse at Mandalinci harbor. One of the respected old men of the village. Owns one tangerine orchard. He has had ten children by two wives; he married his second wife, Sara, after his first wife died.

French tourists A couple who were camping for a week or so in the ruins of houses at Mandalinci harbor.

In late August of 1966, some French tourists were camping at Mandalinci. They spent the day on the beaches or in the water. They bought food at the store, which they cooked themselves on a camping stove. They bought some beans from Hacı Nuri, but felt he was overcharging them. They paid the amount asked, but asked to see his receipt showing how much he had paid for the vegetables. He refused to show them the receipt. (Villagers tell me every storekeeper must have a receipt for what he buys; it is illegal in Turkey for the storekeeper to refuse to show it.) The tourists insisted on being given a receipt for their beans, and received one.

Later they wrote a letter to the *kaymakam*, the administrative director in Bodrum, explaining that they were overcharged, and enclosing their receipt. The *kaymakam*, who is interested in tourism and in attracting foreigners to the Bodrum area, took their complaint seriously. He sent several inspectors to investigate Hacı Nuri's store. The inspectors said that it was illegal to sell food in a coffeeshouse, and that the place itself was dirty. They closed the store for a week, forbade Hacı Nuri to sell anything, and left after tacking up a large notice which announced their prohibition.

It was not reported how the French tourists reacted to the closing of Hacı Nuri's store. It was reported that the same evening, late at night, someone wrote profane words with paint on

the French people's car, and one car window was broken. No one, of course, knew who did this.

The French people are reported to have left the village the morning that they discovered the dirty words and broken window. Meanwhile, Hacı Nuri, with the aid of some village men, had carried all the goods from his store to his house, where he continued to sell his wares as usual.

*

The French tourists' complaint to the *kaymakam* represents an appeal to a formal authority. They might have wanted their money back or to teach Hacı Nuri that all tourists cannot be duped. The *kaymakam* seems to have treated the complaint as if it came from a wealthy Turkish person. He dealt with the situation by opening an investigation against Hacı Nuri. This will win him no friends in the village. But, by sending inspectors, he teaches Hacı Nuri the general lesson that his store, and his practices as storekeeper, must meet Turkish standards. Like officials in any country, an inspector can find legal violations, and so the *kaymakam* is assured that Hacı Nuri will learn to be careful of tourists. The villagers, however, are annoyed that strangers who come for such a short time can invoke the Turkish bureaucracy against a respected village man.

Like the previous case, retaliation was carried out at night, so no one could be held responsible. Since the tourists knew almost no Turkish, they had no way of figuring out if further action against them would be taken. Thus, they left the village.

Cases Using Third Parties

We began this chapter by delineating two contrastive types of informal disputing processes used by villagers: self-help and third parties. In Mandalinci there are three types of third parties: first, *outsiders* to village social life, such as government officials, bureaucrats, gendarmes, entrepreneurs—all of whom appear by chance in the village at a *critical* point in a dispute and are asked to intervene by a principal or his supporter (see Case No. 29); second, *village gendarmes* (i.e. soldiers on special assignment to keep the peace in the Turkish countryside) who are brought into a dispute by a principal or his supporter (e.g. Case Nos. 28 and 32); and third, *other adult villagers* (household heads and pa-

trons), who are asked into the dispute to represent a household member, or a worker. The third type is not a disinterested mediator, but in fact represents a principal, although either disputant may enlist his help.

CASE NO. 20

Informant

Rauf to Safran in Rauf's house the night of 8 May 1967.

Actors

Yusuf See Case No. 11. This case occurred when Yusuf was about twenty-two or twenty-three years old, still a bachelor, living in his father's house.

Rauf Yusuf's father, then about forty-two or forty-three years old. A poor man, father of eight children. Yusuf was the second of four children by Rauf's first wife.

Sea captain A captain of a sponge diving boat, who lived in the village of Dirmil.

About eight years ago, after Yusuf had completed his military service, he agreed to go sponge diving with a captain who lived in Dirmil, a village near Mandalinci. Divers usually agree to work for a boat for an entire season, which runs from April to September. They are given part of the seasonal earnings in advance. Yusuf did not discuss his action with his father.

A while later, Faruk, Rauf's brother, came to Rauf and said, "Yusuf is afraid of diving. Some days ago blood came from his nose; he doesn't really want to go back to that boat, but he is afraid to do anything about it. You have to do something." This conversation took place in *Kurban Bayramı* (a religious holiday in the springtime).

"I found Yusuf that afternoon," says Rauf. "I questioned him closely. He confessed, 'Blood came from my nose. I am afraid. I do not want to go to sea on that boat.' 'Do you owe them money?' I asked. 'About fifty liras (\$5.00),' said Yusuf."

The next day Rauf took his donkey and went to the Captain's village, a journey of about five hours. He found the captain of

Yusuf's boat and said, "How can you take my boy without my permission? I can put your two feet in one shoe" (a proverb meaning that he could make a great deal of trouble for him, if he wished). Rauf then asked how much money Yusuf owed. The captain added up the advance he had given Yusuf, with the cost of food, subtracted the sponges Yusuf had found, and decided it was around 50 liras. Rauf paid him this amount, took Yusuf's blankets and mattress, and returned home.

*

Yusuf chooses not to approach his father directly to ask his intervention, but approaches his father's brother, who carries the information to Yusuf's father. After ascertaining the facts from Yusuf, Yusuf's father goes to the captain and intervenes. The father suggests he can and will cause trouble for the captain, because Yusuf, still living under his authority, has made a contract without his permission. The captain agrees to terminate Yusuf's agreement, if the father will pay 50 liras, Yusuf's debt. The father agrees, thus resolving the dispute to the satisfaction of all.

Yusuf probably could have broken the contract himself, but prefers his father's intervention because, as a young employee, Yusuf's status position is subordinate to the captain's. Although Yusuf's father is of lower status profile than the captain in terms of economic rank, in terms of age and household responsibilities he is equivalent. As Yusuf's household head, he represents his son.

I never found out if Yusuf was actually afraid of diving or if some trouble had occurred between him and the captain. But a careful captain inspires confidence in a crew, and good diving practices usually do not endanger the health of divers. The blood from Yusuf's nose is evidence of unsafe practices and would provide more than sufficient grounds for challenging the captain's safety standards.

As in the Oktay versus Ahmet case (Case No. 9), when a Turkish village man has a grievance against his employer he may choose to terminate the relationship, instead of fighting against a person who has considerably more power arising from his superordinate status (see Dahrendorf 1957:190).

CASE NO. 21

Informant

I witnessed the event myself.

Actors

Turgot See Case No. 4.

İnci A thirty-six year old widow, of huge size, with five unmarried children. She is a household head.

Sadık İnci's fifteen year old son.

Date 23 April 1967.

Time About noon on a warm, sunny, windless day.

Place The dirt road in the seaside ward, near some houses.

Observers

Yusuf and his brother, Turgot, were leaning against a wall which bounded the road. Nergis, Yusuf's wife, was pretending to sweep her houseyard, but was listening too. Safran, the village *muhtar*, and I were walking together along the road. İnci came up and started to argue with Turgot. When we heard angry words, Safran went to lean against the wall with Yusuf, and I tried to stand unobtrusively near the door of the house where we were going. The *muhtar* entered the house, twice called out to Turgot to stop the argument and, when it continued, came to me and insisted that I come in. I could hardly refuse, so the finish was not witnessed by me but was seen by Safran. Interestingly, at no point did the *muhtar* attempt to intervene, either to discover the facts of the argument (he may have known them), or to act as mediator. He left it to the people concerned but was embarrassed that outsiders were able to observe village dissension.

Background

Several days before, some village women went in Turgot's boat to an island about forty-five minutes away to gather wild grasses to make *borek* (pastry). As a fee for transporting them, Turgot went to the seaside store and had Hacı Nuri charge each woman's account for two kilos of gas (one kilo of gas is worth about 1 lira, or ten cents). İnci had just learned of this charge and was upset

because there was an old debt between Turgot and her son, Sadık. The previous summer, when Sadık was fourteen, he and Turgot had worked on the same sponge diving boat. Turgot had borrowed money from Sadık at that time and had not yet repaid him.

The Encounter in the Road

İnci is a huge, fat woman in baggy Turkish pants, with a ruddy complexion and coarse voice. She screams shrilly: "Why are you making bills for me in that store?" Turgot is also quite agitated: "Why are you asking me in front of other people?"

They are both visibly upset. They are walking back and forth in a jerky manner, confronting each other to ask questions or scream abuses, walking away when the other talks. Both are gesturing with their hands, occasionally shaking a clenched fist at the other.

Turgot turns to yell at her: "I did not owe more than eight liras to your son" (80 cents). He paces more, thinking. He continues, "And one month ago I gave him twenty liras [\$2.00], when he asked me for it. Another time I gave him thirty liras [\$3.00] in the coffeehouse. . . ." İnci, interrupting, angrily screams: "You are a liar. You are a liar." Turgot retorts, "Your son is a liar. He stole a pencil and says, 'I found this outside near a stone.' That's the way you raise your children." İnci, growing red in the face, says, "We will see how your children grow up also." They stare at each other a minute and then each goes off in a different direction.

About a week later Safran asked İnci what happened. İnci said, "Sadık went to Turgot in the coffeehouse and asked for his money. Turgot was very angry, but he paid the thirty liras to Sadık."

*

The debt Turgot has to Sadık initiates an obligation on Turgot's part. He *ought* to feel obligated to protect Sadık, while they work on the same fishing boat far from the village. Sadık might need protection from other men's teasing. Although men in the Bodrum area are very gentle with infants and young children, much joking and taunting of adolescent boys by older males occurs. Because a younger brother's respect to an older

brother extends to any man (regardless of kin relation) who fits the older brother age category, young boys are subject to considerable teasing and horse-play by older ones, and are expected to accept this without anger. Sadık would be glad to have an older protector on the diving boat.

By the time of the encounter between Turgot and İnci, the debt is almost a year old. Sadık, his mother, and his siblings are poor, and the household is always in need of cash. Sadık had worked on the boat the previous summer not because of his love of the sea, but because that was the best job he could get, according to his mother.

Apparently, Sadık did not want to escalate the dispute by discussing the debt with his mother's father, Hacı Nuri. Hacı Nuri, a man of high prestige in Attila's support group, is Turgot's father-in-law. (Four years before, when Turgot and his wife were impoverished and expecting their first child, Hacı Nuri had brought them to live in the home adjoining his, which he also owns. Now Hacı Nuri's wife helps with the care of Turgot's three infants, while Hacı Nuri provides most of the food, which his wife cooks, for both households.) Hacı Nuri as intervener would raise the legal level of the disputing process because: (1) he is head of a different household from either principal, (2) he is a different generation from the principals, (3) he is related in the same way to each household where a principal lives, and helps to support each of these domestic units. To invoke his opinion would exert considerable influence on Turgot.

On at least two occasions, the boy had attempted to obtain the money by asking Turgot directly for it when they were alone, but Turgot had avoided paying him. The youth doubtlessly told his mother at some point about the outstanding debt.

When Turgot charges İnci's account at her father's store for the boat trip, İnci becomes infuriated. She yells at Turgot when his relatives, the village *muhtar*, and others can hear her complaint. The effect of the public embarrassment is to cause Turgot to repay his debt within a week or so. As household head, representing her son, İnci provides the impetus for resolving the dispute. The public airing of the grievances is reminiscent of the yelling between the neighbor women in Case No. 13.

CASE NO. 22

Informants

Nergis and Gülen told me of these incidents in July 1969. (See Case No. 11 and Case No. 18, respectively).

Actors

Sümer Twenty-two year old son of Hacı Nuri (see Case No. 19). He returned to Mandalinci in April 1967 from his two years of military service. Now he works in his father's seaside coffeehouse and store in the harbor area.

Güneş About forty-two years old. Keeper of the Mandalinci lighthouse. His father is said to be wealthy and lives in Bodrum. It is rumored in Mandalinci that his father bought him the job of lighthouse keeper.¹⁰

Fitice Wife of Güneş. Twenty-six years old, mother of two children, aged five and eleven, by Güneş. Pretty, but rather fat. Her family lives in Beteş, a settlement near Bodrum. She has no relatives outside of her nuclear family in the village. She and her husband have lived here for twelve years.

Background

After I had been in Mandalinci for several months, I began to hear veiled jokes about Güneş, the lighthouse keeper, although Safran had reported rumors about him within a week of beginning work. It was said that Güneş was impotent, had been for the last six months, and that his wife was frantic. He was known to be upset and sensitive about this. He had been quietly asking around for remedies, and had even visited an old woman in the upper village, it was said, to drink a vile potion. All to no avail, however.

The Story

Within two months of returning from military service, Sümer had begun seeing Fitice, Güneş' wife, secretly. He would wait at the coffeehouse until her husband came in the evening. After

¹⁰ Note the discrepancy between the two versions of how Güneş got his job (see Case No. 11).

Güneş began drinking coffee and talking with the men, Sümer would slip out and go to Fitice's house, which was only about 100 yards away. Soon the neighbors¹¹ began to know that Sümer and Fitice were lovers. Everyone was waiting expectantly for Güneş to find out.

One night, Güneş came home early and found Sümer there. There was great commotion and confusion. Güneş was angry and upset. In the uproar that followed, Sümer jumped out of the window and slipped away. Güneş rushed out into the road, shouting. It is said that later he returned to his house and wept.

The next day, Güneş went to see Hacı Nuri, Sümer's father, to complain about the boy. They discussed the situation together. The father took a stern attitude about his son when speaking with Güneş. He promised to lecture the young man and assured Güneş that the relationships would be over. (Sümer lives in his father's house, since he is unmarried; it is just about fifty yards from Fitice's and Güneş' house.) But, just then, Sümer was nowhere to be found.

When the son reappeared, several days later, it is said that the father talked to him. What was said no one knows, but in a few days Sümer again was working in the store. When he and Güneş passed in the road or were in the same coffeehouse they avoided speaking and did not look each other in the eye.

In time, everyone lost interest in what had happened, and also in time Sümer began to see Fitice secretly again,¹¹ but now he is more careful.

*

Güneş creates a public commotion when he first catches his wife in adultery. By creating a public scene he signifies his dismay and moral position to other villagers. Unlike Orhan and Adnan (Case Nos. 14, 16, and 29), he makes it clear that he finds his wife's adultery intolerable.

By seeking Sümer's father, the head of Sümer's household, Güneş avoids confronting Sümer directly, and hence avoids a scene which he knows cannot enhance his prestige, for the youth would shout about his potency, might even hit him, and thus further diminish his dignity. A discussion with the youth's father

¹¹ Nergis (see Case No. 11), one of my informants in this case, was the closest neighbor. Her bedroom window overlooks Fitice's houseyard and door.

is a meeting of two household heads, two men equally concerned with preserving their public images as responsible village men. After this, there is no way that the youth's father, Hacı Nuri, can pretend ignorance of the love affair. Güneş expects the father to convey to his son a sense of the public scandal, and to suggest the husband may use stronger measures if the love affair continues.

The choice of action in this adultery case contrasts with that of Orhan, another aggrieved husband (Case No. 14). Because Orhan did not make a public scene concerning his wife's adultery, villagers thought he was not taking a strong enough stand. At first I heard veiled references to Orhan's discovery of his wife's promiscuity as villagers began to gossip behind his back, thus focusing group sentiments about the impending situation. Within two months of first hearing of the adultery, Orhan was publicly called a cuckold. Village attitudes had crystallized; Orhan was a cuckold, not a pimp.

A second point of contrast between these two disputes is Attila's attitude toward them. He enters neither dispute as mediator, but his actions as patron have a stabilizing effect. He provides jobs as cooks in his restaurant to Orhan, one "cuckolded husband" (Case No. 14), and to Sümer, the romantic lover (this case). In dispensing work and wages, he acts to strengthen Orhan's role as household head, and to place Sümer in a position where he has opportunities to become a leader of younger village men. As restaurant cooks, both Orhan and Sümer will overhear much conversation and thus will become centers of information. These jobs as cooks signify that Attila has recognized both men as ambitious persons and now, in the all male setting of the restaurant, both have opportunities to develop political skills.

CASE NO. 23

Informant

Nil to me on 14 March 1967. Nil was a close associate of mine. She began doing my housework and child care after her mother's sister, İnci, who had only done my housework, asked for double salary in the middle of February, at which point I let her go.

Actors

Jâle Forty years old, wife of the Mandalinci barber. İnci's sister. Both women are daughters of Hacı Nuri (see Case No. 19).

Nil Fifteen years old. The daughter of Jâle.

İnci Thirty-six years old; widowed sister of Jâle (See Case No. 21.)

İnci, who daily cleans Lessing's house for a wage, goes to her sister's house to pay Lessing's yogurt bill for him. Jâle brings Lessing fresh yogurt every day. Lessing keeps track of how much he owes her and every week or so he pays his bill. Because Jâle cannot write, she puts peanuts into a box, one for every day that she carries yogurt.

İnci had been told by Lessing to pay for 11 days of yogurt. Her sister counts the peanuts in the box, and says she has taken yogurt there for 18 days. The sisters argue about the difference, and then İnci becomes angry, turns to Nil, Jâle's daughter, and says, "You are a very bad girl. You are the reason I had to leave that house" (i.e. stopped working at my house). "I helped you buy a dress by not working there."¹² Turning to her sister, İnci says, "I never want to see your face again. You are not to come to my house anymore, and I do not intend to come to yours." Nil described this episode to me when I asked her why she was crying when she returned to my house that day.

Lessing later told me that, after the yogurt episode, İnci had convinced him that since she did his housework, she ought to be the person to bring him yogurt. She would find all the young fresh vegetables and bring them to him when they first came in season, and at a price lower than anybody else's. Lessing agreed to this.

Nil told me that for several days after the argument the sisters did not speak. Nor did they discuss their disagreement with their father, Hacı Nuri. About two weeks later, İnci, Nil, and another girl came to visit me in the evening after supper to invite me to a *Mevlût* (a reading after a death); so I assumed the differences had been patched up. When I asked Nil about it a day or so later, all she would say was, "Yes, we are all friends again."

*

¹² This was when Nil was working at my house.

While İnci is acting for Lessing, she expresses resentment against her sister because her sister's daughter, Nil, had replaced İnci on my staff. This emotional outburst upsets both Nil and her mother. Nil still has tears in her eyes when she returns to my house, and she adds that her mother is dismayed also.

The absence of Hacı Nuri, the father of İnci and Jâle (he had gone to Izmir to receive medical care for a stomach problem) may have in part shaped the process of disputing in this conflict. İnci might have involved him as a third party, had he been present. Clearly he is an influence in the lives of his daughters, and his occasional assistance to İnci's household probably would lead him to prefer that İnci kept the job, so the money would be in her household, where it was more needed.

Although the sisters avoid each other for several days after the quarrel, the situation does not escalate. In general the sisters seem close; they continually visit each other and often come with other women to see me in the evenings. On the afternoon Nil was weeping, I asked if the sisters argued very much. "Just the opposite," she replied, which is why she is upset.

The status profile of the two women is dissimilar. İnci is a widow and a household head, while Jâle's husband, Jâle's household head, earns some cash as village barber. Both households have vegetable gardens. İnci has five unmarried children living and eating with her, while Jâle only has two children still at home. As household head İnci could have sought out Nil's father and household head, but she preferred to keep the argument between women. She must have realized that a modest, obedient girl like Nil would never take work without her mother's permission.¹³ Others in the village—even another sister

¹³ Few village women or girls were willing to do housework for me. They had too much work to do in their own homes, they said, and now that I understand something about Turkish cooking, this seems true. To prepare even a simple meal is an elaborate undertaking, and most village foods cook slowly on a hearth fire and need constant watching. Few women wanted the job of looking after my two year old son, although I only asked those with young children of their own, and they could have watched him in their own homes and houseyards. Later I was to learn that they were unwilling to look after him because he was still in diapers, and villagers had strong aversions to excretion. But another reason was that, although they could have used the money, many villagers look down on people who work in other people's homes. (Note that villagers distinguish between working in houses for others—to which a social stigma is attached—and working in fields, for which there is no stigma.) It is a symbol of

of the two women knew nothing of it—were unaware of the disagreement for Gülen (a daughter of another sister) looked surprised when I asked about the quarrel. This suggests I had discovered an incident between her relatives which was news to her.

Like the boat-borrowing between brothers (Case No. 12), personal relations between these sisters are too important to let trouble continue to separate them. Ways are found to express dissatisfaction and even anger, which then allows the parties to make up, thus closing off the dispute before past grievances are remembered and brought into the discussions. For the bringing in of past grievances would expand the area of conflict needing to be resolved, and old disagreements might compound the issues.

These four cases show that a household head acts as representative for a household member when he is in dispute with a person of higher status profile. As household head, a representative holds a superordinate position in relation to his house member, but his status profile may be lower than that of the other disputant. This power difference between the other party and a representative is irrelevant to the representative's role as intervener, because a representative enters the dispute to neutralize power differences between disputants. Even a representative of lower status profile than the opposing party can achieve what the disputants feel is a just settlement of issues. For example, although Yusuf's father is of lower status and has fewer economic assets than the captain, he is able to negotiate a settlement for his son with the captain by suggesting that he can cause trouble if the captain is unwilling to terminate the lad's contract (Case No. 20).

These four cases thus share the following features: first, a representative enters the dispute because he is asked to intervene by one of the parties, but he never actively seeks disputes to solve; second, a member of his household is involved in the dispute as principal; and third, the status profiles of disputants are disparate in that one holds a superordinate position in society vis-à-vis the other. The consequences of this difference in superordinate/subordinate position means that one disputant has an

impoverishment which few villagers are willing to tolerate. Perhaps İnci asked twice for a raise in part to compensate for the detriment such work did to her rank among village women.

advantage over the other. Therefore, a representative enters the dispute to neutralize these differences so that the issues in the quarrel can be negotiated without the threat of power providing an advantage for the more powerful person. In two cases, the representative is asked to intervene by an aggrieved person to offset his lower status profile (Case Nos. 20 and 21). In two others, the aggrieved person of higher status profile enlists the head of household where his opponent of lower status position lives (Case Nos. 22 and 23). In a case presented later (Case No. 29), a youth caught in adultery with a married woman seeks his patron's help rather than his father's. *In every situation where a representative enters the dispute we can show that his presence offsets the inequality of power between disputing parties.* Mandalinci people feel that if a minor commits an offense the aggrieved person ought to discuss the matter with the child's parents, since they are essentially responsible for his conduct,¹⁴ although this was not done when Adnan discovered Ismail had "stolen" his pot (Case No. 28).

The intervention of representatives in disputes functions to define the issues in dispute, to keep the positions of disputants from hardening so that they remain willing to negotiate, and to keep the area of dispute relatively simple, so that only past events relating to the specific issues in dispute come into the discussions¹⁵ (i.e. the old debt between Turgot and the youth is relevant to İnci's anger at being charged for gasoline in Case No. 21). Using a representative also prevents either party from going to the gendarmes or to court, at least while discussions are in progress. But generally discussions are short, although time lapses between discussions allow tempers to cool.

Adult household heads act as representatives, but do not use representation for themselves in village disputes, because to do so

¹⁴ One of the cases I recorded on film at the Middle Criminal Court (*Asliye Ceza*) in Bodrum concerned a plaintiff who had been severely wounded with a rock by the defendant. The defendant stated that he *had* struck the man in anger, but that the plaintiff had spoken harshly to his daughter because she allowed sheep she was watching to graze in his tobacco-drying area. "Why did he discuss the sheep problem with my daughter? Why didn't he come to me, instead?" the defendant asked. In sentencing the man, the judge took his grievance into account and gave him a lighter penalty because of it. (Case 1 *Adliye: The Ethnography of a Rural Turkish Law Court*, 35-minute super-8 film and film script).

¹⁵ See Nader's treatment of this topic (1969b).

would be to admit inability to negotiate problems and to admit weakness in adequately managing household affairs. Thus, the two methods of handling village disputes represent two structural units of Mandalinci—persons are conceived of as individuals and as members of households. There is no larger group, be it kin, neighborhood, or section of the village, which has control over households. I say this despite the fact that a patrilineal ideology exists in that people think in terms of a patrilineal bias in residence location after marriage, and in unity of a patrilineal descent line. In reality, however, households use different types of affiliation as strategies for coping with different situations.

Cross-cutting residential households are ties with patrons. Household heads who have a tenant farmer (*ortak*) rather than a day laborer relation with a patron have developed a *new* type of social bond, which may cut through older agnatic kin ties based on descent and which currently allows non-kin to develop relations to persons with whom they may have no agnatic or cognatic link. Of course, some tenant farmers are sons or nephews of large landowners. But other relationships, like the patron/worker relationship between Yusuf and Oktay, are between nonkin.

The Village Muhtar and Village Council as Dispute-hearing Forums

We pause here to speculate why Mandalinci persons consistently avoid taking grievances and quarrels to the village headman or the village council, two dispute-airing institutions designed by the Turkish state to arbitrate local disputes. Elected every four years by adult villagers on secret ballot, the *muhtar* and council were designed by planners of modern Turkey to be useful village-based forums for handling controversies. The council and *muhtar* have power to enforce decisions, and because of the composition of the council (consisting entirely of local persons and the head of the village school and village religious leader, the *Imam*) council members are knowledgeable about local issues, grievances, and personalities. These characteristics might seem to make the council a useful place to seek quick and fair solutions to problems.

But there is no evidence that villagers have taken disputes to these two institutions in recent history, and the council did not meet during the year and a half I was in contact with the village.

It is easier, of course, to explain what does exist than what does not, since the range of negative correlations would seem to be endless. The following is a brief attempt to make sense of the non-use of *muhtar* and council.

The two most powerful persons in village affairs, Oktay and Attila, have the most extensive networks and the most numerous supporters. These two rural entrepreneurs use their influence to elect their candidates, not only to the position of *muhtar*, but to council positions as well. In this way each entrepreneur can maintain control over decisions taken in council without limiting his own influence and mobility by becoming a council member himself. A *muhtar's* task is time-consuming, and a large landowner does not want to attend meetings, consultations, make administrative journeys to Bodrum, or perform "superfluous" duties as host when administrators visit the village. He prefers the flexibility of behind the scenes negotiations, for he can, if necessary, exercise influence over all council members through his kin, client, and credit-extending ties.

Furthermore, we have seen that the more money and influence a villager acquires, the less he is interested in village affairs. He uses his connections to make links with individuals outside the village who give him access to information, help him with problems, get him credit at the bank, and provide him with contacts to other persons of influence and power. He is still concerned that what happens in the village will be to his advantage, but he becomes less interested in problems which, although for the good of the village, do not relate to his personal well-being.

Any person, therefore, who is willing to become a *muhtar* or a council member is not one of the most influential villagers. Furthermore, he is obligated to the influential men who have backed his candidacy.¹⁶ In short, now that the social structure of Mandalinci has become hierarchically organized, entrepreneurs holding large orchards have power which can be brought directly to

¹⁶ In her study of Libaya, a Shia Moslem village in Lebanon, Nader found that although the village *muhtar* "theoretically at least, is a man who is supposed to maintain peace," he did not "in fact function very effectively as village peacemaker because of the dual division in the village. . . . He is never called upon to settle conflicts between the two sides because he is 'biased.'" (1965b:395-96). This provides another example of a Middle Eastern village social structure which is incompatible with local-level agents acting impartially.

bear on council members. Through dispensing jobs and credit, entrepreneurs and patrons can use their superordinate positions over other villagers to obtain decisions they want.

In Mandalinci, the village council is a dispute-airing forum, endowed with powers by the Turkish state, but it is not protected from the influence which other villagers can exert on it. At best, the council would be unable to reach a decision, since manipulation of council members by both parties might result in a draw. At worst, the decision could be predicted before the actual hearings, since alliances and loyalties are public knowledge within the village. That Mandalinci people prefer not to maintain the fiction that their council is unbiased is to their credit.

Implications and Conclusions

These twenty cases of disputes among Mandalinci persons reveal that they attempt, informally, to handle, contain, and resolve grievances in two- and three-party negotiations without recourse to state agencies. The problems handled through these informal processes covered a range of grievances— theft of vegetables, a sheep-killing dog, stolen chickens, debt, the kidnapping of a girl, stinginess, unfulfilled contracts, female fights, adultery, insults between males, a careless boat captain, and usurping someone else's job. Considering the wide range of grievances handled through informal procedures, and considering that most of the outcomes to these "small negotiations" represent mutually acceptable resolutions of the problems, it is worth our while to review the pattern and order in handling disputes through "unstructured situations."

First, it should be emphasized that there are no ritual settings or contexts set aside as special occasions or places for hearing disputes. There is no forum or public meetingplace where disputing parties can come to talk out their difficulties.

Second, a village council and a village *muhtar* are elected every four years and are endowed with authoritative dispute-hearing powers by the *Turkish Village Law* of 1924, but Mandalinci people do not use the council or headman to hear grievances. In fact, the council did not meet in session during the year and a half I was in contact with the village.

Third, there is no predictable lineage, neighborhood, or affine

backing for a person in dispute, and groups of supporters do not emerge to form "action-sets" to back a man against his opponent, as Gulliver (1969) has described for the Arusha in Africa.

Fourth, to discover what persons in Mandalinci do when they have grievances is to examine how persons use "unstructured situations" for the working out of problems. Small problems can be handled in one meeting with an opponent. More complex problems, such as unpaid debts or adultery, may need a number of different settings with different village members within hearing distance in order to force a recalcitrant person to change an attitude, behavior, or to accept a solution.

The selection of one social setting over another—a busy or empty coffeehouse, a crowded or deserted road, a particular time of day—conveys meaning to an opponent and reveals strategies being played. All village informal techniques, including using a representative, share "negotiation" as a characteristic style of the process. But how much a disputant can win or is forced to compromise depends upon the degree to which he is a skillful strategist. Direct confrontation in a private setting carries the implication that force might be used if the other is recalcitrant. When direct confrontation between persons of unequal occupational status is used, the person of higher status profile risks being insulted, yelled at, and humiliated. The person of lower occupational status risks his job, future credit, and future relationship to an actual or potential patron. Each person is vulnerable when persons of unequal status directly confront each other to negotiate grievances, but what each risks differs, and, of course, the costs are much greater to the person of subordinate status since his livelihood may be at stake.

The introduction of a representative into a previous dyadic dispute allows negotiation to take place outside the presence of one party, and thus reduces their risks. When minors are involved, it places responsibility for their behavior with their household head. When unequal power is involved, it assures that the more powerful person cannot threaten to use his power as a lever in negotiations.

The discussion so far has attempted to suggest subtle but shared understandings concerning the selection of a time, site, personnel, and audience for negotiating. What we have not discussed is under what circumstances, between which litigants, in

what kinds of social relations, disputing in unstructured situations does and does not work.

First, disputing in unstructured situations works when scarce resources are not at stake and grievances occur between persons who normally have a reasonably smoothly functioning relationship (both perceiving it as such) and when only one grievance has occurred. Under these circumstances, each party can express his preferred outcome to the dispute, and since each has a long term stake in preserving the relationship, we expect that they will find a way to compromise claims.

Second, disputing in unstructured situations may not work when grievances are left unresolved, new issues begin to pile up, and a "closure" to specific grievances is not found. For as the grievances continue to accumulate, the more likely it is that everyday interaction between disputants will become tense, and hence their over-all perception of their relationship will change. As the attitudes of the disputants harden toward each other, the pile-up of grievances may become "log-jammed," making each person less amenable to any outcome but one "enforced from the outside." The continual perception of the behavior of the other person as grievance-provoking behavior relates to the actor's sentiments and feelings, and the interpretation of the behavior of the other may have a feedback effect on their interaction as each stiffens. At this point, if a serious issue, such as the division of property, occurs between persons who have developed few earlier ways of resolving different interests, there is virtually no way to come to a mutually acceptable settlement by village techniques. Under these circumstances, the only way to have the property divided is to search for an outcome "enforced from outside" of the village. This explains why no disputes over land appear in this chapter. There is simply no village-based method of resolving opposing land claims.

CHAPTER EIGHT

FORMAL TECHNIQUES

A dispute can be thought of as “peaking” when persons in dispute search for third party mediation, arbitration, or other forms of institutionalized intervention in their conflict. As Abel (1974:231-32) has stated, “Disputes differ in the outcome toward which they tend.” Some disputes push for a quick resolution, some “simmer indefinitely without firm resolution,” while others remain unresolved, in a state of “remission” for years at a time. Explanations for differences in these contrasting *types* of disputes may lie in the social relations between disputants, the seriousness of and number of grievances, the nature of the social institutions available to handle their peculiar grievance, the typicalness or peculiarity of complaint, the type of external pressure from the social networks of the disputants to contain or *mask* their conflict, and the support from kin, friends, and neighbors to ally, resolve, or escalate the problems.

Here we deal with disputes which peak even in the beginning stages, as persons enlist aid from formal dispute-processing agents or agencies. To peak early in a dispute suggests that (1) the social relations between the parties are few, so that the aggrieved party has little opportunity in the course of ordinary life of informally disputing; (2) social relations are few and the aggrieved party has little chance of gaining any advantage by informally disputing in unstructured situations; (3) the imbalance of power is so great that a representative would not be able to equalize it; (4) the complaint is of such a kind that a private person could not hope to deal with it; or (5) the advantages of using a formal dispute-processing agency outweigh its disadvantages. The next chapter analyzes long term disputes in which persons in conflict use unstructured situations, representatives, and formal state agencies (usually serially, but occasionally within the same time span) to process disputes.

CASE NO. 24

Informant

Safran told this episode to me in March 1967.

Actors

Hasan Ali A young man who drives a jeep between Çayköy and Bodrum.

A girl About eighteen years old, who lived with her parents.

The girl's parents The parents live in Çayköy, a village on the Mandalinci-Bodrum road.

Last year a young man named Hasan Ali was in love with a girl who lived in a village halfway between Bodrum and Mandalinci, but her parents would not let him marry her. One night, after a wedding, Hasan Ali and fifteen of his friends went to her house with guns. They threatened to shoot her parents; they threw pepper in their eyes, and knocked them down. They took the girl in Hasan Ali's jeep to a seaside village. Hasan Ali, the girl, and two of Hasan Ali's friends left the village by boat. They went to Didim for two weeks, which is another village by the sea near Izmir.

The morning after the girl was abducted, the girl's parents reported the incident to the gendarmes, who began a search for her.

At the end of two weeks in Didim, the girl was still refusing to marry Hasan Ali. (It is not clear whether the girl was against the marriage initially, or later refused marriage because of the abduction). Ali became afraid that word of where they were hiding would reach the Bodrum police, so he took the girl to Izmir, and his friends left. By this time, Hasan Ali was running short of money, so he wrote a letter to his father asking him to send money to his Izmir address. A policeman lived next door to Hasan Ali's father, and when the letter came the policeman intercepted it, noting the return address. Quickly, word was sent to the Izmir police, who went to the address, but Hasan Ali had fled with the girl to Kuşadası.

By this time Hasan Ali was out of money, but the girl had decided she would marry him. It had taken him twenty-eight

days to persuade her. They returned to her village and married. The parents' case against the boy was subsequently dropped. They now have a baby, and her parents have forgiven Hasan Ali for her abduction.

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This case is not from Mandalinci, but from a nearby village. Since the two villages are similar in size and type (both are involved in cash cropping and raising early spring vegetables and tangerines), and because the *two* villagers intermarry, the case is included here as the most recent dramatic example of *kız kaçırma* (abduction, elopement) in a village to Bodrum's west.

Abduction or elopement is one way rural Turks obtain brides, and the legal consequences of these actions were discussed briefly in Case No. 8 (pp. 139-40). Reporting a girl's elopement to the gendarmes gives parents the grounds to prosecute her kidnapper if later he decides not to marry her. When the case comes to court, as it will because of the gendarme report, the only way the defendant (her abductor) can have the case dismissed is to show the judge a marriage certificate (which he can only do after he has wed the girl). Thus, in dismissing charges against the male once he has become husband to the female he abducted, the present law takes account of the widespread custom of *kız kaçırma* as an alternative marriage form. By *kız kaçırma*, a man avoids costly bridewealth gifts to the woman and her family, and the woman's parents avoid the expenses of a village wedding, which are considerable.

Under Turkish law, the female is considered the passive person, victimized by her abductor, because abduction diminishes her desirability as wife to any male except her abductor, since everyone assumes she is no longer a virgin (whether sexual intercourse has taken place or not). The young woman's role in the elopement, and even her initiation of the flight—some young women entice the man they want to marry to run off with them—is not relevant legal evidence, and will not help a man avoid a six month jail sentence (or more), if he—or she—is unwilling to marry. Under Turkish law, a man is subject to retrial for abduction if the couple divorces without sufficient reason within the first five years of marriage.

The threat of legal prosecution in the first years of marriage thus gives parents some control over a son-in-law whom they did

not choose. If he turns out to be lax in fulfilling his obligations to his wife or to his in-laws, they can attempt to persuade their daughter to return home (i.e. to leave him), and if they are very angry, they can re-activate the lawsuit. Informants say this would be enough to get a recalcitrant son-in-law back in line, since no man in the Bodrum area wants to spend six months in jail. Thus, the Turkish Criminal Code, enforced by the Bodrum court, gives much more impetus for the youth to marry than any informal sanctions available to the parents do.

In the case cited above, Hasan Ali kept the girl captive until she agreed to marry him. Had the police or gendarmes discovered them before she was willing to marry, he would be tried for abduction, forcible rape of a virgin, and threat and assault against her parents. Such charges would carry a minimum of a year in jail, and, probably, heavy penalties. With the union legal, however, the girl's parents have no grounds for prosecution, because their daughter is eighteen, the age at which girls can marry without parents' consent. If the parents persist in pressing charges against Hasan Ali for threat, assault, and entering a houseyard at night, the Bodrum judges would view these "criminal acts" in the light of the subsequent marriage. Pressure would be brought on the parents by their social networks and the prestigious judges, suggesting they are unwise to create needless problems between themselves and their son-in-law by continuing to prosecute him.¹ The only way parents can continue to oppose a marriage by abduction is when their daughter is under the age of eighteen. But abduction or elopement stigmatizes a female, reducing her chances of marrying anyone else unless she comes from a wealthy family, which could then find her a poor man as husband.

So far we have considered custom and law concerning abduction primarily from a parent's or a male's viewpoint. I say this because the law negating jail sentence when young people marry in *kız kaçırma* cases is hard on a young woman abducted by a man she does not like, because it provides additional incentives for her abductor to *force* her to marry him. In the above case it sounds like the young woman did not like Hasan Ali: she opposed their marriage for nearly a month, and agreed to marry

¹ The previous case of elopement, Case No. 8, occurred about 1952, when old people may not have been as knowledgeable about Turkish law and law codes as they now appear to be in Mandalinci and other villages in the Bodrum district.

him only as she gradually became aware she had no other alternative. If this is an accurate assessment of her feelings, and I think it is, then the law negating imprisonment when male and female marry in *kız kaçırma* cases is "just" only from the parents' and/or the man's point of view. Turkish law does not protect the victimized female who is first carried off by a man she may detest, forcibly raped by him, and then forced to marry him. Clearly, some intervention by a sympathetic neutral person (or persons) is called for when the female returns after being abducted. This person can help her assess her true feelings and attitudes and can help her work out alternative possibilities which will suit her predicament. If she does not want to marry her abductor, she will probably need to leave the area, since the abduction stigmatizes her, but training and/or work can be arranged elsewhere. A female schoolteacher trained in the role of "elopement counselor" can provide considerable aid and support to a young woman caught up in what many local people consider a "romantic drama," but what may be a traumatic and tragic experience for the female involved. Since most female schoolteachers have grown up in the local area, but have been sent away to school, they would be good mediators between a local woman and her new future.

CASE NO. 25

Informant

Ahmet (see Case No. 9) to Safran on 29 March 1969.

Actors

Orhan See Case Nos. 8, 13, 14, and 15.

Raşit A fifty year old man who lives in Bodrum. He is a lighthouse keeper for the two Bodrum lighthouses, and for the one on Kara Ada, an island three miles off Bodrum's shores. He has a desk in the office of the director of Maritime Affairs in Bodrum.

Recently Orhan wrote a letter to the Prime Minister of Turkey, Süleyman Demirel. He stated, "I want to become a light-

house keeper. I have six children,² but I cannot feed them. There is a lighthouse keeper in our village, and this man looks after only one lighthouse. He goes to the lighthouse only one or two times a month, yet he gets paid every month 900 liras (\$90.00). If you will give me this job, I will look after this lighthouse and two more for the same price.”

A letter from the Prime Minister came to the Director of Maritime Affairs in Bodrum. The letter disturbed him, and he sent a message to Orhan in Mandalinci: “Why didn’t you ask us for a job? It was wrong of you to write the Prime Minister.”

Ahmet told Safran, “In this area all the lighthouse keepers are related, or they are close friends with a lighthouse keeper, or they know an important government official whom they can entreat for a job. That is how the present Mandalinci lighthouse keeper, Güneş, got his job. During the Menderes regime, the Minister of Commerce was a man who came from Mandalinci. By continually begging him for the job, Güneş eventually became appointed.”

Raşit responded: “A stupid man wrote to the Prime Minister that he had six children and would take care of six lighthouses. I don’t know how the answer came from the Prime Minister, but I heard that it said, ‘Every business has its own office. Please do not make us busy. You must write to the office which concerns your business.’”

“But,” continued Raşit, “Orhan is not only asking for a job, he is making a complaint (*şikayet*). That is why he will not get a job from the Bodrum office. If he has six children it does not bother us. Why didn’t he think of that before he had them?”

*

This case points out some problems in trying to get a job when patronage is involved. Mandalinci villagers say that the lighthouse keeper, Güneş, is trying to be appointed caretaker of the Bodrum lighthouses, perhaps because this will entail moving to Bodrum and thus separate his wife from her village lover (see Case No. 22). If this happens, a new Mandalinci lighthouse keeper will be appointed.

To request the Prime Minister of Turkey intervene in the ap-

² He is claiming to have more children than he actually has. Not a bad ploy, given his request.

pointment of a very minor local post can only be viewed as ingenuous on Orhan's part. In Orhan's view, he is anticipating a job opening and acting to obtain it for himself. But he chooses the wrong technique. Officials in Ankara do not want to involve themselves in local affairs unless gross breaches of conduct are suspected, and Orhan's letter makes no such allegations. When this letter is forwarded from Ankara to the Bodrum office of Maritime Affairs, its Director considers the letter a breach of local etiquette and a criticism of the way he handles his job (suggested by the statements of his assistant).

Orhan understands that personal influence and patronage are necessary to obtain the post as Mandalinci lighthouse keeper, but he neither activates his own networks nor goes to his local political party to intervene for him. By choosing a formal technique, removed from the local scene, he manages to offend the Bodrum director, the very man he needs to placate to obtain the appointment. How he came to such an inappropriate choice of action can only be surmised. Perhaps he took too literally the rhetoric that officials and politicians used when they visited Mandalinci on 8 March 1967 for the ceremony commemorating the opening of the new village school. Each official emphasized that villagers must play a more significant role in national affairs; that they must begin to make their needs, opinions, and desires known to their government, for the Turkish government functions for the good of all Turkish people. "Although in the past the government may have overlooked the voice of its rural population, this is no longer true," each speaker said. "Any villager must feel free, in fact ought to feel obligated, to express his opinion to officials, even to the Prime Minister if necessary." All eight speakers repeated those phrases during the four hour celebration. They are indicative of the tone that administrators and government officials take on their infrequent visits to the village.

That an illiterate villager would send a letter to the Turkish Prime Minister requesting aid in obtaining a small civil post has a charming naïveté. But in taking the speeches of politicians literally, Orhan overlooked more productive ways to achieve his ambition.

CASE NO. 26

Informant

Gülen (see Case No. 18) told this to me and Safran on 22 August 1967, although I had heard briefer versions from village women previously.

Actors

Adnan See Case Nos. 16 and 29.

Fatma Adnan's wife. See Case Nos. 13, 16, and 29.

Hacı Nuri See Case No. 19.

Bodrum Gendarmes Commander About thirty-five years old. He lives in Bodrum, is married, and has been commander at this post for several years.

Background

Fatma, Adnan's wife, although a prostitute, has some special boyfriends. One of them is Erol from another village. He brings her bags filled with vegetables and puts them under the sofa on her porch. One night when he was drunk he shot off a gun in her house. No one was hurt, and nothing further was thought about it by the villagers.

The Case

One of the Mandalinci gendarmes must have reported hearing gunshots to his commander in Bodrum, for on 13 June 1967 the Bodrum commander came to Mandalinci to investigate the alleged gunshots. Before proceeding to the house, he went to the harbor to drink *rakı*. He stayed there until he was very intoxicated. He then had Hacı Nuri, the old proprietor of the coffee-house where he was drinking, lead him up the hill to Adnan's house. He searched all over the house for bullet holes, staggering around and continuing to be unpleasantly drunk. It is said by villagers that he had come to the village intending to spend money for sexual access to Adnan's wife.

When Adnan heard how long the commander had stayed in his home, he was angry. He wrote a letter to the gendarmes commander in Muğla, the capital of the province, claiming that the Bodrum commander had molested his wife.

On 17 June, only four days later, the Muğla gendarmes commander came to Mandalinci by jeep. He talked with Hacı Nuri, Adnan, Adnan's wife, and the gendarmes stationed in Mandalinci village in order to gather evidence concerning the behavior of the Bodrum commander.

*

I do not know the outcome to this case, for the Muğla commander disciplines a lower officer as he sees fit, and the action is not made public.

Adnan invokes the formal machinery which in every Turkish administrative agency makes an individual responsible for the conduct of those beneath him. To write to the Muğla commander that a district officer has been guilty of misconduct toward a married woman during the course of a criminal investigation at her house is a strong accusation, indeed. It is commonly known, of course, that this kind of accusation against a district commander would be investigated. Even if the man were found innocent (unlikely, because of his drinking and intoxication while on duty), the record of Adnan's letter and the report of the investigation would be placed in the official's dossier and would follow him throughout his career. This sort of allegation is especially damaging to an officer's reputation because, as a district commander, he is in charge of the conduct and deportment of all gendarmes stationed in the Bodrum region. Most gendarmes are young, lonesome, and far from their homes, many for the first time. How can an official accused of such unseemly behavior see that those under his command behave in ways to the credit of the military and set an example for the local population? If much criticism of the conduct of an officer is reported, his superior may decide that his behavior is in fact questionable, or at least indicative that his relations with the local population are not good and probably hinder the adequate performance of duty, which may lead to his transfer to another location. Under normal circumstances, Bodrum gendarmes commanders are transferred every three to five years.

Shooting a gun in an inhabited area is against the law, and makes the offender subject to arrest and prosecution for an act in violation of the Turkish Criminal Code. A verdict of guilty makes him liable to both a fine and a jail sentence. Knowing this, no

villager is willing to admit to hearing gunshots (since such an admission could be used as evidence and the villager would be called to court as a witness), although for several days when the gendarmes were not around, shots and the incidents preceding them were the major topic of conversation.

It might be useful to describe my knowledge of this family before analyzing this case further, since my impressions may give more credibility to the interpretation. On two separate occasions I visited Adnan's wife, Fatma, at her home. These visits were the only occasions in which village girls, who had gone to all other houses with me, refused to come along.

On the first visit I took my field assistant. I was conducting a house-to-house census, and was primarily concerned with kin relations. Fatma was glad to receive us, made us lemonade, and after a few minutes of discussing kinship, she turned to my assistant and laughingly said in very quick Turkish, "You are a handsome young man. Why do you never come to see me? Is it that she won't allow you to? Do you do whatever that woman wants?" He gave a noncommittal answer, and we talked a while longer about kinship. I was struck by her open manner with a man. Unlike other village women in the presence of a strange man, she looked him in the eye, she laughed a good deal (a sign of flirtation in the village), and she sat in ways that exhibited her body. She seemed lively, flirtatious, and extremely pretty by village standards. As we left, she winked and smiled at my assistant, saying, "Well, if you ever have some time free from work, you ought to come to me." Several months later, I went to see her alone. She treated me in a more serious manner, and answered my questions. At that time I was essentially concerned with choice of residence after marriage. Although I could not bring myself to question her directly about her promiscuous activities, I did comment on the colorful materials which decorated her house, and on her beautiful clothes. She answered, "I have bought all these materials myself. So few of these village women know how to make a house pretty. It's very boring living in a village. My husband and I plan to move to Bodrum soon, so that our two sons can attend high school there."

On one occasion, I visited Fatma's mother. She was the only woman in the village who wore lipstick and rouge. She was old, plump, and must have been well over fifty years of age. Instead

of the village dresses and baggy pants, she had on a fitted skirt and stockings, similar to those which the urban women in Bodrum wear. She avoided my questions concerning her daughter. I never saw either Fatma or her mother in the women's evening groups, and other women did not mention either of them, unless there was some new gossip concerning Fatma.

I talked on several occasions to Adnan at his coffeehouse and kept a daily check on the men who went there. Although a few village youths occasionally went to play cards, his faithful clientele consisted of the three old village alcoholics. I never saw Attila go there, although while Yusuf's coffeehouse was functioning Attila sometimes visited it instead of Hacı Nuri's. As mentioned earlier, when Adnan came to Hacı Nuri's or Yusuf's coffeehouse, his initial greeting was barely acknowledged. No one turned to listen to him when he spoke, and no one urged him to stay when he chose to leave, as sometimes happened with other men.

In addition to my own impressions, there were occasions on which two informants volunteered information about this family. After Gülen had lived with me four months in Bodrum, she related another episode concerning Fatma (Case No. 28). When she concluded, I asked her why Adnan did not divorce Fatma. She answered, "Fatma could get seventy-five husbands, but who else would marry Adnan?" Much later, in the summer of 1968, I was checking details of a case in which Oktay had played a significant role, a case which concerned Fatma, her husband, Adnan, and another man (Case No. 29). After providing his version of events, Oktay added, "I once stopped Fatma on the road and asked her why she was a prostitute. 'Do you like money so much? Do you need so much sex? Why?' I asked. Fatma slowly smiled and responded, 'Am I not beautiful?'" As an afterthought, Oktay said, "Anybody can go to her, and some even without money. An old dirty man without an arm goes to her, bringing only a bit of cheese, and he has her."

In a sense, then, by not conforming to village norms concerning female chastity and the proper relations between husbands and wives, this family lives outside the village moral system, and hence outside village social life. Villagers do not force them to leave the village, but Adnan and his wife are present only at large village events, such as circumcisions, weddings, and the

ceremony commemorating the new village school—events to which everyone comes and no one is excluded.

Why did Adnan choose to act against the Bodrum Gendarmes Commander, when for at least eight years (see Case No. 29) Adnan had rarely acted against men in his own village who, on repeated occasions, had sexual relations with his wife? Her adultery, prostitution, and sexual adventures with many different men are gossiped about even by adolescent children, so her misconduct must be known to Adnan. Yet Adnan continues to behave as if she did not prostitute herself; he treats her as a wife whose virtue is beyond question. To maintain such an attitude in the face of repeated evidence to the contrary indicates that Adnan chooses not to take a stand against his wife's conduct.

Adnan must have watched the Bodrum commander drinking *rakı* in the coffeehouse adjoining his. He must have realized that the man was becoming drunk, that he was actually quite intoxicated by the time he went to Adnan's house to make an investigation of the alleged gunshots. Yet Adnan did not accompany him. During the entire time the Bodrum commander was in his house, Adnan did not make the ten minute walk from the seaside to his home to see how the investigation was progressing.

Adnan's general deportment, suggesting that his wife's behavior is in a way acceptable to him, probably relates to his attempts to preserve his marriage. His quick and decisive action against the gendarmes commander thus needs to be interpreted as a reaction to a new situation—the threat of a gendarmes commander's sexual interest in his wife. The structural position of authority that the person who is gendarmes commander holds gives that person a superordinate authority over any villager to such a great degree that, had Adnan not acted quickly to limit the commander's access to his wife by making the commander's conduct known to his superiors, Adnan might have been rendered powerless to do so later. The amount of power the commander can muster, and his extensive networks to other persons in authority, provide him with far more credibility, and hence ability to force his interpretation of events (i.e. in this case his behavior toward the wife), than Adnan has. This view suggests that events occurring in everyday life have little meaning until they are interpreted by the actors and audiences involved in them, but that credibility of persons, especially persons in

authority positions, carries more weight than the credibility of less powerful persons. Only when there is an accumulation of witnesses who recite detail after detail pointing to the misuse of power do others in equivalent or higher authority positions begin to view a superordinate person as misbehaving.

The immediate investigation of events by a superior officer means that the Bodrum gendarmes commander's future visits to the village will be noticed and his conduct there is now open to question and to scrutiny. The wisest course of action for him is to end his interest in Adnan's wife, since any future involvement with her opens questions concerning his morals, his use of authority, and, ultimately, his judgment as an officer. On at least three occasions Adnan has had earlier dealings with gendarmes officers and soldiers (see Case Nos. 28 and 29). The episode which most directly bears on this case took place in 1963 or earlier. Adnan's wife sends for him with the news that Ahmet, her long-time lover, is injuring her. Adnan goes to their house to find that Ahmet has fled. Ahmet asks Oktay, his patron, to intervene to help him. Oktay hides Ahmet. On the same day, a gendarmes commander from Bodrum or Muğla (informants gave conflicting statements about his rank and location) comes to the village, hears of the incident, and begins an investigation. After establishing details of the liaison between Fatma and Ahmet, Adnan's previous nonchalance about the lovers, and his seeming unconcern about his wife's promiscuity, the commander goes to Adnan and maneuvers him into a position where Adnan sees that, if he has Ahmet arrested or begins a lawsuit against him, it will only add to his (Adnan's) humiliation. The discussion became common gossip in Mandalinci and, because everyone knew the commander had called Adnan a pimp, it further contributed to Adnan's loss of prestige.

I could not establish whether the commander in the 1967 case was the same person who played such a significant role in the 1963 incident. In all likelihood he was not, for informants would have remembered and commented on the fact that the same person was involved.

Whether Adnan was upset or pleased to find that, four days after he sent his letter, the Muğla commander came with his retinue to Mandalinci to investigate the improper conduct is un-

known. But I doubt that Adnan likes being at the center of a scandal.

By using the formal mechanism of reporting the commander to his superior in Muğla, Adnan invokes the strongest technique available. By taking swift and decisive measures to publicize a gendarmes commander's interest in his wife, Adnan acts, in this instance, to circumscribe future contact between them.

CASE NO. 27

Informant

Sami to Safran and me in response to my question about his boat. We were all in the coffeeshouse on 9 February 1967.

Actors

Sami Thirty-eight years old. A schoolteacher in a large seaside village nearby. He spends summers in Mandalinci, where he was raised, and where his mother still lives in their tangerine orchard and winters in the nearby village.

A tourist

In early August 1966, a young tourist (my informant said "beatnik") was seen walking along the road from Bodrum. He arrived at the village nearest to Mandalinci late at night, carrying a knapsack. Some men bought him tea at the coffeeshouse, and he continued on toward Mandalinci. He was seen here staggering about the village, and rumor suggested that he might be drugged. Yusuf claims he saw him prowling around near their houseyard, but did not report his presence to the gendarmes, thinking the man might be a friend of Lessing's, who lived next to him.

The next morning a large motorboat was missing from the harbor. The owner, Sami, inquired among the men at the coffeeshouse if anyone had seen someone borrow it, but no one had. Yusuf, however, remembered the stranger who had been in his houseyard.

The village gendarmes were told of the theft, and the boat owner got a ride into Bodrum to report the theft to the harbor authorities. The gendarmes radioed gendarmes on the Greek islands nearby, and the young man was subsequently arrested and

imprisoned on the Greek island of Leros. The boat was impounded by Greek customs. The Greek government wanted 3000 liras to pay for all the red tape involved in retrieving the boat.

At present, negotiations are being carried out by the Bodrum court and Greek customs on the island of Leros. The school-teacher says he cannot pay such a large amount to get his boat back. As of August 1967 no progress on recovery of the boat had been made.

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The choices open to the boat owner in attempting to recover his boat are limited. He acts to establish that no villager had borrowed the vessel, and that a young stranger had been seen prowling about the harbor late at night, but now the young stranger, like his boat, is missing. Some men suggest that the "beatnik" wanted to leave Turkey without going through customs. Both Greece and Turkey have strict entry and exit procedures and these apply to tourists and nationals alike. The stranger would not have the proper papers for the boat, and these are always checked. Mandalinci men surmised that he had stolen the boat to sail to Greece. Since it was the only powerful boat in Mandalinci harbor, the way to recover it is through the village gendarme, who will telephone to the sub-district station in a nearby village (they do not have a direct line to Bodrum) to report the theft the same day.

To avoid this delay, the boat owner hitches a ride into Bodrum and goes to the Bodrum harbor authorities. They telegraph nearby Turkish and Greek harbors. Within several days, the owner learns his boat had been found in Leros, and a British youth apprehended.

The problem which remains is how to recover the boat without paying the exorbitantly high duty demanded by Greek customs. Because of continual violation of territorial waters, both Greek and Turkish customs place high duty on boats which enter illegally. Whenever a fishing or sponge diving boat is apprehended within the geographic limits of the other country, it is seized, its crew jailed, and the boat usually forfeited. Sami may have to wait until Turkish authorities seize a Greek boat and then attempt to arrange an exchange of the Greek boat for his.

All four cases in this chapter reveal problems which could not

be managed by informal disputing in unstructured situations. Formal Turkish complaint procedures had to be initiated to cope with the theft of a motorboat by a foreigner, the dalliance of a gendarmes commander with a married village woman, the kidnapping of a girl, and the patronage involved in the award of local civil service jobs. The seriousness of all these problems, and the single-stranded social relations of disputants in all but the abduction case, may explain why state intervention was sought so quickly.

These cases also reveal that villagers are not opposed to asking Turkish authorities to intervene when they feel that their self-interest is served by so doing. Village attitudes are not uniformly closed against Turkish law enforcement and bureaucratic agents; any individual who invokes them will not necessarily be censored, ridiculed, or ostracized. Remote and isolated as Mandalinci villagers seem to be in some respects, they use law enforcement agencies of the state when it suits their purposes. This means that Mandalinci villagers have been drawn into the national Turkish administrative system and thus have become receptive to the value system inherent in and promoted by the Turkish legal codes.

CHAPTER NINE

COMBINED TECHNIQUES

Up to now we have discussed two types of disputing procedures—those in which persons use unstructured situations to negotiate differences and those in which persons take their complaint to a formal, hierarchically organized agency, governed by a written code of procedure and producing decisions (or results) in accordance with guidelines set by Turkish law. Here we study the overlapping and intermeshing of these two contrasting methods of handling grievances. We analyze how persons in dispute combine informal and formal methods of disputing in attempting to obtain specific results. This conceptualization of disputing as a process whereby opponents make decisions to use certain methods or agencies to achieve desired ends, and if a satisfactory outcome is denied, the aggrieved selects a new method or agency, seeking a resolution more to his (her) liking, is basic to the approach formulated by Nader and her students in the mid-1960's (Nader 1965a; Nader and Todd 1978). Collier developed the same approach independently at about this time (1968, 1973).

Informal and formal disputing techniques can be conceptualized as occurring *serially* when an informal disputing technique fails to produce a mutually satisfactory outcome and one disputant takes his grievance to a law enforcement agency or law court.

Informal and formal disputing techniques can be said to occur within the same time span when, first, a court case has not been terminated and one opponent uses an unstructured situation for discussing, negotiating, arguing, or fighting¹ about issues in dispute; or, second, when a court case has not been terminated² and

¹ Villagers sometimes try to conceal acts defined as crimes from law enforcement officers: for example, the gunshots in Case No. 26; the overcharging of tourists in Case No. 19; the fighting in Case Nos. 1, 2, and 17; the adultery in Cases 14 and 22; the prostitution in Case Nos. 16 and 29; the theft in Case Nos. 3 and 4; the kidnapping in Case No. 8; the insults in Case Nos. 13, 15, 29, and 30; and the defilement of the tourist's car in Case No. 19.

² Most lawsuits take a minimum of six months after the first hearing, because cases are not heard consecutively (for more detail, see pp. 125-26).

informal attempts are made to dissuade the opponent from continuing the lawsuit. In the Turkish countryside which I studied, most attempts involved pressuring witnesses. A witness might be dissuaded from appearing,³ pressured to change his testimony,⁴ or induced to lie in court.⁵ On occasion, the opposition is threat-

³ *An example of "avoiding becoming a witness."*

The case came from a tobacco-growing village to the east of Bodrum. The plaintiff claimed the defendant struck him on the head with a rock, causing a severe head wound. There were three witnesses to the event, two from the village in which the litigants lived, the third from Bodrum. Only the Bodrum man would testify that he actually saw the defendant strike the other man with the rock. One of the village men claimed the Bodrum man had come to him and said that the defendant hit the plaintiff with a stone, but he himself had not seen the event, although he was nearby, because he was too busy filling his water cans at the well. The other village man said, "I was on the way back from filling my water cans. I saw the defendant and the plaintiff start together on the road toward our village. I heard the sound of fighting behind me, but I didn't look back, because I was afraid I would have to be a witness." (From Court Dossier, Bodrum Field Notes, *Asliye Ceza* [Middle Criminal Court], Case No. B.C. 120.)

⁴ A married woman opened a case in the Bodrum Court against a forest ranger who had spent the night in her house, claiming he had attempted to molest her. The day after she opened the case, two other forest rangers came to her house by jeep and offered her 500 liras (\$50) to drop her charges. The jeep driver testified in court that he had in fact taken the two rangers there, but that he did not hear their conversation with her. (Bodrum Court Cases, *Sulh Ceza* [Lower Criminal Court], Case No. B.C. 41B.)

⁵ *Example One.*

A case was brought against a Mandalinci woman for changing her testimony in court. She was tried for giving false testimony, but since there was only one witness to her change of evidence, the case was dropped by the judge on the grounds that there was not enough evidence to prove she had lied. (Bodrum Court Notes, *Asliye Ceza* [Middle Criminal Court], Case No. B.C. 86, July 1967.)

Example Two.

The case concerned insulting a civil servant. It took place in a village on the Bodrum peninsula, near Bodrum town. The civil servant was a villager who was a watchman in that village. He had caught the defendant's two sheep in someone else's garden. He apprehended them. When the defendant came to claim his sheep, the watchman demanded two liras as penalty. The defendant claimed he borrowed the money from a passing woman. The watchman claimed the defendant never gave him the money. In the third hearing, which took place four months after the first court hearing on 7 July 1967, the woman from whom the defendant said he had borrowed money came as a witness. She testified: "The village watchman caught the defendant's sheep and tied them up somewhere. I am a neighbor. Then the defendant came. I heard the noise between the village watchman and the sheep's owner. The watchman was saying, 'You have to be punished for these sheep. You must pay money, I will give you a receipt, then you can take your sheep.' The defendant answered, 'I don't have money.' After a few days, the defendant came to me and said, 'You will be a witness for me in court. Please say that I gave money to the watchman.' He was asking me to lie." The defendant was sentenced to one month in prison for disobeying the village watchman, but

ened with bodily harm.⁶ Thus, taking a complaint to a Turkish agency does not always deter hostility and violence between disputants.

The five cases in this chapter have several common features: (1) informal disputing used by an aggrieved person failed to resolve the problem to his satisfaction; (2) in each dispute only Mandalinci villagers are involved as principals, although in Case No. 31 an adversary has moved to Bodrum; (3) all five disputes contain behavior which became the basis of criminal prosecution at court, although every "criminal act" was not noticed or prosecuted; and (4) in four disputes the principals exchange insults and/or hit each other on at least one occasion, and in two cases (Case Nos. 31 and 32) feelings ran so high that fighting occurred. Two of these long term disputes were between sets of adult siblings and show how difficult it is for any dispute-airing agency to break up the log-jam of hostility which, accumulating around unresolved grievances, blocks mutual understanding and normal exchange interactions.

The first cases analyzed here concern Adnan and his promiscuous wife, Fatma, discussed earlier in Case Nos. 13, 16, and 26.

CASE NO. 28

Informant

Gülen. See Case No. 18. The information obtained from Gülen was corroborated by the Bodrum judge who heard the case.

because it was his first offense, he was given a suspended sentence (Bodrum Court Field Notes, *Asliye Ceza* [Middle Criminal Court], Case No. B.C. 51). In Turkish law a suspended sentence is held in abeyance for five years; if a man commits another offense for which he is found guilty during this time, the penalty for the first case is added to his second sentence.

⁶ In a case in which the offense was to threaten another, the plaintiff testified, "On that day I was in the house sorting tobacco leaves. The defendant came and he started hitting me. He said, 'You have to drop that other case against me. Otherwise I am going to exterminate your family (*kökünü kurutmak*).' Then he called me obscene words." The judge asked, "What is the other case between you?" Plaintiff: "He threw stones at my house. That case was opened against him by my father. Now he threatens me." (Bodrum Court Cases, *Asliye Ceza* [Middle Criminal Court], Case No. B.C. 93, 14 July 1967.)

Actors

İsmail: İnci's eldest son (see Case No. 21). Eighteen and nineteen years old at the time of my fieldwork. About sixteen at the time of this case.

Fatma Adnan's wife. See Case Nos. 13, 16, 26, and 29.

Time 1964 or 1965.

İsmail was going to Milas. Fatma heard of his trip. She asked him to bring her a beautiful dress from a store there. She said she would pay him when he returned. He brought her a beautiful dress, which at least four people saw. "Who is that dress for?" they asked. "Your mother?" İsmail just laughed. "Can my mother wear that shiny thing?" (According to villagers the most beautiful material is metallic; such dresses are worn to weddings.)

İsmail gave the dress to Fatma and asked for his 70 liras (\$7.00), but she said, "I'll pay you later." Whenever he asked her, she always said the same thing. Finally, he began to get annoyed. He went to her, saying, "I am going after sponges, can you give me my money now?" She thought a moment, then said, "Come to my house at night. I will put a big copper pot outside. You can take it and sell it. If you get more than 70 liras for it, give me what is left over."

Late that night, as İsmail was carrying the pot away from her house, a friend of his, İnal, saw him. İnal was about sixteen years old also. İsmail said to him, "Come, let's hide this somewhere. Later we will sell it and divide the money."

İnal helped him and then went to Fatma's husband, Adnan, and told him İsmail had taken his pot and where it was hidden. Adnan went to the Mandalinci gendarmes with the story. In the evening Adnan and a gendarme waited together near the pot. When İsmail came along to pick up his pot, the gendarme and Adnan captured him. They took İsmail to the *nahiye* gendarmes station in the next village to question him and make out a police report. Later a case was opened against him for theft in the Bodrum court.

Fatma was called to court as a witness. The judge asked her, "Do you owe any money to İsmail?" "No," she said. "I have no debt to him." The judge then asked İsmail if he had any witnesses. İsmail replied, "No, but material like her dress was made

of cannot be found in the village. Such material is not even sold in Bodrum." At another hearing İsmail brought the four people who had seen the dress before he gave it to her. Each said, "We saw this material when he had it before he gave it to her, and in fact she is wearing that very dress in court today!" When the judge turned to Fatma and asked her to take an oath that İsmail had not paid for this dress, she began to cry. The judge said, "Don't spill tears on your new dress." Fatma asked that her pot be returned. The judge said, "Pay the money you owe and you can have your pot." After the court decision Adnan paid İsmail 70 liras and took his wife's pot back to her.

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This case illustrates how deception in one set of social relations (the marital relation of Fatma and Adnan) leads to conflict in a different set of relations (that between Fatma and the youth, İsmail). If the marital relation between husband and wife had conformed to village norms concerning proper roles and obligations between husbands and wives, this case would not have occurred.

In Mandalinci it is expected that a husband will provide money for his wife's clothes. Most villagers wear shabby and worn-out clothes on ordinary days and get dressed up only for occasions—visiting, holidays, weddings, circumcisions, funerals, and wakes. Women ordinarily do not have more than one or two good dresses.

My interviews with Fatma (see Case No. 26) already revealed her undisguised interest in clothes, materials, and money. This case demonstrates her ability to plan for what she wants. There is a veiled suggestion that she planned to repay İsmail through sexual favors. This seems implicit in her stalling, but İsmail clearly does not pick up on it. Instead, when he continues to ask for money as reimbursement, Fatma suggests converting a large copper cooking pot to cash.

İsmail ought not to have agreed to these arrangements, for, intentional or not, the situation makes him seem a thief. When discovered by İnal in the compromising position of taking the pot by stealth at night, İsmail does not explain the situation, but attempts to buy the youth's silence by offering him half the profit. In retrospect, İsmail makes two imprudent choices in attempting to gain restitution. The first is accepting the pot and

complicity with Fatma; the second is not going to Fatma's husband to explain the debt. But he probably feared Fatma's wrath, and the way she might twist the facts to her own benefit.

İnal revealed the incident of the copper pot to Adnan, the husband, because he did not want to be implicated in the "theft." Adnan went to the gendarme knowing the outcome he wanted: a charge of theft uncomplicated by his wife's misbehavior.

Repeated court hearings established that Fatma did have a new dress which İsmail had bought. When she refused to testify under oath that İsmail had not given her the dress, the judge decided in İsmail's favor and acquitted him. Adnan was required to pay İsmail for Fatma's dress and İsmail agreed to return the pot.

CASE NO. 29

Informant

Ahmet to Safran on 29 March 1967. The following is Ahmet's version of events.

Actors

- Ahmet* See Case No. 9.
Fatma See Case Nos. 13, 16, 26, and 28.
Adnan See Case Nos. 16 and 28.
Oktay See Case Nos. 9 and 31.

"When I was eighteen, I was working in Arif's orchard. I had been working there for several years. When I began the job, there was a stupid electric pump. I never could start it, and no one else could do it either. I was crying because I couldn't get it started. One day it started so quickly that it burned a nearby shack. After that incident I was able to talk the orchard owner into buying a new motor; he sold the old one to Adnan for 2100 liras (\$210).

Adnan's orchard was near Arif's, and sometimes when his motor wouldn't start, they'd call me over. One day Adnan called to me and said, 'I am going to Istanbul for fifteen days. Please take care of my motor. I would like to pay you to water my orchard.' I agreed to do this, and he left.

I went every day to start Adnan's engine, because it was tangerine season, and the trees needed water. And every day I saw Adnan's wife in the garden, standing there staring at me, and making strange gestures. She would pull a tangerine from her bosom and smell it, saying, 'Look, this smells like you.' In those days I was very closed (*kapalı*); I was very inexperienced. After her husband came back she didn't behave any differently, and I began to touch her, to kiss her also. Every day I was kissing and touching her; afterward I would put some money into her breasts, about 5 liras (\$0.50). It continued this way for one and a half years, and I loved her madly. But I could not get to her in a sexual way. I was going crazy. She was taking my money, but she was not letting me have sex with her.

One day she was putting the bucket into the well. I was watching her from behind the tangerine trees. After she had filled her water pot and lifted it to her shoulder, I envisioned everything. I decided to jump at her but, if she shouted, I would run away. Someone had told me, 'If you want to catch her, you must put your finger into her cunt.' So when I jumped out at her, I placed my hand there, and my friend was right, because she couldn't even move. She let go of the pot and she sank slowly down. As she was lying down, I didn't remove my finger, because I thought if I did, she might run away or perhaps shout. And afterward I finished my job.

After this time she was quite all right to me; we were very close to each other. In the daytime I would go to her house, about once a week. Everybody knew what was going on between us. Orhan, the fisherman, and Hamut, his brother, began to follow me, and so did some of the younger men, but they couldn't catch us at it. However, her mother became afraid and asked me not to come in the daytime. 'You must come at night,' she said.

Every Friday night Fatma's husband, Adnan, went to his store to bake pastry made from American flour for the Mandalinci schoolchildren. On that night I would go to her. She would send a message to me with one of her children or I would wait in a dark part of the road until her husband passed, then I would rush in her door. Her sons would come to me, saying, 'Money, money,' and I would give them whatever I had in my pockets. I was very happy. When we began to make love, the boys would go downstairs to sleep.

One day she was outside. I called her to come into the house, but she refused. I pulled her feet inside, threw her down, and she started to cry. I heard her weeping, but I didn't care, I had my way. After it was finished, she sent one of her boys to her husband, saying, 'Child, go quickly to your father and say Ahmet is injuring (*eziyet*) me.' The child left, and I did, too. I passed her husband on the path, but he didn't say anything to me. He just looked at me and looked away. I went to Oktay and explained the situation to him. He gave me a key to the cottage in his orchard. Before I went into the house I washed. I had taken 250 grams of biscuits while I was talking to Oktay. I stayed hidden there from morning until late afternoon. In late afternoon I returned to Oktay's coffeehouse.

On the same day the Bodrum gendarmes' commander came to Mandalinci to see that bad woman, because he also wanted to screw her. When he heard about the incident with me, he was upset and tried to find me. Someone told him that I was in Oktay's coffeehouse, so he came there. He asked, 'Have you had sex with her?' 'No,' I answered. But he knew better than to believe me. We talked a while and he decided to help me. He asked, 'Are you carrying any of her things around with you?' I had some letters, pictures, and a small head scarf, all of which I gave to him. The commander took these things to her house, showed them to her husband and said, 'How can you give this man to the court?' Later he returned a few of her letters and her scarf to me.

After a while we became intimate again. One day her husband's mother caught us: 'speaking with the same mouth' (*bir ağız oldular*), the two women went to the gendarmes' station in Mandalinci. Afterward, I went there, too; I explained this story to the soldiers, who let me go free.

A while later I married and stopped this relationship with Fatma. She was very angry, but for a while she did nothing. One day I was passing Fatma's house with my wife, who was very pregnant.⁷ As we passed Fatma's houseyard, Fatma threw a stone at me, shouting, 'How do you dare to walk past here?' The stone hit my feet; immediately I went to the subdistrict gendarmes station, and made a complaint against Fatma, saying, 'I

⁷ About April 1965. The child was a year and a half old at the time this was recorded, 29 March 1967.

want to take her to court.’ The gendarme wrote up an official paper, and attached her letters and head scarf to it. I, too, was brought to court by her, for attacking her house (*evlerine tecavüzden*). There were witnesses against me, but eventually I was found innocent. The court found her guilty, and told her she must pay 200 liras (\$20) and spend eighteen days in jail. In that time a new government came into power and declared a general amnesty (*affi umumu*), so she neither paid her fine nor went to prison.”⁸

COURT RECORD FOR 1965 – *SULH CEZA MAHKEMESİ*

(Lower Criminal Court)

These cases appear in the court record of 1965, although there is a discrepancy between Ahmet’s version and the record itself. According to the court notebook for the Lower Criminal Court, Ahmet opened a case against Fatma for insult and bodily assault. She was found guilty and sentenced to one month in prison and a fine of 180 lira (\$18.00). Fatma had the decision sent to Appellate Court which upheld the Bodrum judge’s decision.

Fatma opened a counter case for insult against Ahmet and his wife within a day of his case against her. Ahmet and his wife were found guilty and sentenced to one month in prison and a fine of 250 lira (\$25.00), but a *tecil* (deferment or suspended sentence) was granted them. I was unable to check the register to see whether Fatma had paid her fine or served any of her prison sentence, but I assume that Ahmet correctly remembered the fact that she had not because of the general amnesty. I was unable to see the actual dossiers of either case.

Other Informants

I asked Gülen about these events, but she refused to discuss them, probably because her first cousin (the daughter of her mother’s sister) married Ahmet and Gülen is very fond of this girl.

⁸ On September 10 1965, Demirel’s *Adalet* party came into power. In April 1966 they granted a General Amnesty for most crimes.

Oktay, however, verified the general details of the case, although, in his version, the gendarmes commander came not from Bodrum, but from Muğla, making him a more important official. Oktay claimed it was Adnan's wife's brother who told the story to the commander, and that the commander began to gather evidence from Fatma, Adnan, and others. Oktay said, "When I heard that the commander was in the village, I knew he would find out about Ahmet, so I sent a jeep to another village to get *rakı*. I had my wife kill a chicken and, when the jeep returned, someone brought the commander from the seaside coffeehouse, to my store to drink. While we were drinking I told him Ahmet's side of the story. 'Where is Ahmet now?' the commander asked. 'He is with me,' I said. 'Bring him here,' he said. I sent for Ahmet and while we were waiting I told the commander what kind of a woman she was, and that many men were going to her. When Ahmet came, the commander began shouting at him. I said to the commander, 'If you do not believe what kind of a woman she is, go and see her. See for yourself whether she is a prostitute or not.'

The commander went to her and forced her to talk. Afterward he spoke to her husband saying he should not be weak, he must be firmer with her. According to Oktay, he called Adnan a *pezevenk* (literally, "pimp," but a general term of abuse, also). The commander left without opening a case against Ahmet. After the scene with the commander, the husband had no inclination for a court case, either.

*

Ahmet and Fatma were lovers for at least seven years. Other people, including Fatma's mother, mother-in-law, and children knew it, so Adnan must have known also, but he does nothing to acknowledge the love affair until Fatma sends word that Ahmet is injuring her. As Adnan passes Ahmet on the road, we gain a significant glimpse into his personality, for Adnan looks at Ahmet and then looks away. He neither speaks, threatens, nor confronts. When a Turkish man passes a man and woman walking on the road, both men keep their eyes downcast so that neither is challenging the other, and signifying that the unaccompanied man is not looking at the woman, which would be a transgression of privacy and hence a challenge to the other male. Eye contact, then, is considered threatening behavior when rural Turkish men

are in competition over women. Here Adnan responds quickly to his wife's summons, but he does nothing to directly confront Ahmet.

But Ahmet knows he is now in trouble, since the privacy of the affair is undermined by Fatma summoning her husband. Her action acknowledges the intimacy of their relation, and Adnan no longer can pretend ignorance of it. Scared of the consequences, Ahmet quickly asks Oktay, his patron, for help, because every villager knows that the "ideal" behavior calls for the outraged husband to make some public display of anger against the wife's lover.

Oktay's role in these events reveals how a high status profile and power are crucial in dealing with people external to the village. In explaining his part in the case, Oktay clarifies the basis for his actions. For one thing, Ahmet had to be hidden so that the sight of him does not provoke Adnan to ask the intervention of village gendarmes. The hiding of a lover after a husband discovers his wife's adultery is a technique used to cool emotions in such situations (see Case No. 22). Second, as soon as Oktay heard that the gendarmes commander was in the village, he sent for *rakı*, planning a drinking party for the commander. It was not unlikely that the news of the scandal would reach him, for everyone knew that Ahmet had enemies, Oktay said. By protecting Ahmet and by dissuading the commander from making an official report (and hence arrest), Oktay can demonstrate his skill in dealing with officials, and his aid to those who support him.

Oktay arranges a feast as the setting for telling the commander the version he wants him to hear. By the end of the meal, the commander begins his interview of Ahmet. Since Ahmet possesses tokens which only lovers carry, the commander comprehends that the sexual encounter between Ahmet and Fatma is a part of longer intimate relations. The commander notes, for the benefit of the angry husband, how foolish he will seem in court when it becomes known that Ahmet and his wife were long time lovers. Oktay concludes his story by recounting how the commander had instructed Adnan to be firm with his wife to ensure that her promiscuity did not continue.

Later, Ahmet and Fatma renew their liaison. After Adnan's mother catches the lovers, she forces Fatma to denounce Ahmet to the village gendarmes. Ahmet defends himself by reminding

the village soldiers of the commander's investigation of the lovers and the lack of a written report. It must have seemed to the village gendarmes (as any subordinate officer would be likely to assume) that Ahmet is under the commander's protection, or at least linked to people who are connected to the commander. From their point of view, then, it is easier to informally process this new incident than to make a formal report.

Ahmet discontinues his affair with Fatma after he marries. About a year later, Fatma hurls stones at the feet of Ahmet and his pregnant wife. This behavior greatly angers Ahmet, so he goes directly to the subdistrict gendarmes station to press criminal proceedings against Fatma.

Why did Ahmet choose such action? Ahmet had bought a small plot of land on which to build his house, which is in the neighborhood where Fatma lives. He came to live there because two of his wife's mother's sisters lived nearby and would help his young wife, and they would provide moral direction for her. But Fatma's stone-throwing signifies that her anger at his rejection had not yet abated. To ignore her provocation is to invite further retaliation. Ahmet told Safran he could not go to the Mandalinci gendarmes, because they would view the stone-throwing in the light of the past history of the affair. To begin criminal proceedings, Ahmet goes to the subdistrict gendarmes station in a nearby village. Criminal prosecution thus is a way to terminate the liaison.

An interesting glimpse into village attitudes toward the district court is that Fatma felt the need to open a countersuit against Ahmet. She must have felt that a counter-claim strengthened her own position as defendant. (Bodrum court records for Mandalinci village reveal several instances of claim and counter-claim between the same sets of plaintiffs and defendants; see p. 261). Fatma's complaint, according to Ahmet, is that he attacked her house. The court docket records the complaint as insult, not as aggression against a domicile.

The two court cases involving Ahmet, Fatma, and many of their neighbors as witnesses settle the problems between Ahmet's household and Adnan's. To my knowledge, no further discussions or hostile behavior occurred between the time the lawsuit ended in 1966 and the end of my fieldwork in fall 1968. Ahmet's wife told me in the summer of 1968 that she was content with her husband and with the location of their house.

The next two cases (Nos. 30 and 31) demonstrate how persons use informal and formal techniques of disputing in attempting to gain control of property. These cases illustrate how siblings, who are expected to meet norms of mutual aid and supportive interaction, come into conflict over the division of property. Difficulties among adult siblings become all the more intense, and thus hard to resolve, when property is at stake, because control of property is the economic source upon which a high status profile is based.

CASE NO. 30

Informants

Orhan to Safran and me in mid-February 1967. The *keşif* of the court trial (i.e. the official viewing of the disputed property by the court), takes place in the village on 6 March 1967, and is witnessed by Safran and myself. On 16 March we interview Orhan to see if he is satisfied with the court decision; on 26 March 1967 we interview Nergis, Şeytan's wife.

Actors

Lâle Orhan's wife. See Case No. 13.

Orhan Representative for his wife, Lâle, in the court proceedings. See Case No. 8.

Şeytan Forty-two years old. A camel driver who has a camel train which people hire to transport things. Father of four young children. He is Lâle's older brother.

Kemal About sixty-five to seventy years old. An old man. Father of Şeytan and Lâle.

Sari About seventy years of age. An old woman. Kemal's sister; hence, aunt to Şeytan and Lâle. See Case No. 18.

In February, Orhan asks if I want to come to a house eviction. He tells me that he owns two houses in the village. He lives in one and another family (he did not identify them as relatives) lives in the other. He wants the other family to leave the house. He had asked them to leave several times, but they had refused. Now he

has opened a court case, and the judge will soon come to the village to evict them.

Background

Several months ago there was some trouble between Şeytan and his sister, Lâle. During this trouble, he struck her. (Perhaps the issue is related to Lâle's adultery in Case Nos. 13 and 14.) There also had been trouble between them several years ago when Orhan was away sponge diving. Şeytan beat Lâle because she called him names. The case went to court, and eventually Şeytan was fined 225 liras (\$22.50). Adnan (Case No. 16) was Lâle's witness against Şeytan. Şeytan's wife, Nergis, said Adnan lied.

There is also old trouble between Şeytan and his sister over land which their father owns; this court case concerns that land.

Background to the Court Case

Şeytan and his family are living in a house he acquired when he married thirteen years ago. A little before the trouble with his sister, several months ago, Şeytan had trouble with his mother about firewood.⁹ This seemed like an opportune time for Orhan and his wife, Lâle, to buy the house and land from Lâle's father, according to Orhan. They did not receive a title (*tapu*); they bought it and recorded the sale through a *noter senedi* (certificate of notarization).

After Orhan and Lâle buy land from Lâle's father, Şeytan decides he had better take land from his father's sister, Sari. He arranges to have 100 square meters of land. The woman he takes land from, Sari, is his nearest neighbor. Her one room house is affixed to a wall of Şeytan's house; the houseyards are not separated.

The Keşif (i.e. the official viewing of disputed land) in Mandalinci, 6 March 1967

Two p.m. The judge, the court recorder with portable Remington typewriter, and the land surveyor arrive in a hired jeep from Bodrum. They walk to the land which is under dispute. A table is

⁹ Firewood is one of the things he brings by camel.

brought from a nearby house, covered with cloth, and set up in front of the house and houseyard in question. Several chairs are brought for the court personnel. Ali is judge. He asks both parties if their witnesses are present. They respond, "Yes." The judge calls for expert testimony regarding the ownership of village land. Muzaffer, a farmer, comes forward. The judge asks him what he knows about this land, and he responds: "This land used to belong to Kemal and his sister, Sari. Kemal sold some of his land to Ahmet [see Case No. 18] without consulting his sister, Sari. That was several years ago. Recently, Sari sold some land to Şeytan without consulting her brother, Kemal. As far as I know Kemal's land has never been divided from Sari's land."

Orhan is legal representative for his wife in this case.¹⁰ The judge asks him to walk around the land his wife owns. Orhan walks around the two adjoining houses and houseyards, including that which Şeytan and the old woman, Sari, inhabit. Kemal, father to Şeytan and Lâle, is called as a witness; he substantiates Orhan's statement, saying, "I sold this land to Orhan." Another witness substantiates the sale. It was validated by a *noter senedi*, of which there is a record in the case dossier.

Şeytan is called. He tells how he bought land from his father's sister, Sari. He bought 100 square meters. He then paces off half of the land originally paced by Orhan. The two men stand glaring at each other. The old lady, Sari, is called to testify. She is almost inaudible; she is confused and seems senile. The judge becomes irritated. He begins to shout at her, "Did you give land to Şeytan?" She nods yes. "Where?" She gestures toward her own house and yard. "Does anybody else know anything about this?" A witness comes forward and testifies that he has knowledge of the transaction between Sari and Şeytan.¹¹

The judge turns to Orhan and Şeytan, asking them both to come forward. He asks them, "Do you object if we divide (*taksim*) the land so that Şeytan has 100 square meters around the house?" They discuss it a bit, and neither objects, but Şeytan angrily proclaims, "I will never leave that house. Never!" Lâle

¹⁰ A legal document indicating power of attorney must be presented to the judge if someone is to act as representative for another person in a court proceeding. Husbands frequently represent their wives in court; often the wife herself does not appear.

¹¹ Ahmet was twice called as a witness (see Case No. 29), but did not appear. When his wife wished to testify in his place, she was refused by the judge.

comes forward and begins angrily to scold her brother. The judge becomes annoyed, interrupts, and says irascibly, "Don't do that. You are relatives. You are brother and sister. It is shameful to fight. Shameful!" They keep muttering among themselves while the judge turns his attention to court matters. Occasionally he turns to yell at them that they must make up their differences, that they are brother and sister.

The judge has the land surveyor mark off 100 square meters from the house. Şeytan is to own the house and houseyard which Sari inhabits, but Sari is to be allowed to stay there until she dies. Orhan and his wife will own Şeytan's house and houseyard. The case is finished. The judge obtains signatures from all the witnesses; they must sign their names under their typed testimony; the litigants must sign also.¹² When it is Kemal's turn to sign he takes a seal (*mühür*), stamped with the name "Kemal" from his pocket, because he is unable to write. The judge angrily scolds him saying, "And now you show how you don't know anything about the world. For fifty *kuruş* (\$0.05) I can get any name I want on a seal." Kemal makes a thumbprint on the document.

Orhan is instructed that if he wants to obtain control of the house, he must open a new case; this case merely was to establish boundaries and rights of ownership.¹³

Episode After the Hearing

The judge and his helpers pack up their equipment and leave. The investigation took about forty-five minutes and was witnessed by about twenty villagers and seven or eight children who played nearby. The crowd slowly begins to disperse. Kemal comes over to his son, Şeytan, and says angrily, "If you want to leave the house, leave it; if you don't want to, don't." Şeytan, equally angry, answers, "I will never go out." Kemal, becoming more angry and upset, shouts, "In all this time, you have never even brought me a camel's load of wood. A worthless son!" Addressing all the village people who are around, Şeytan shouts,

¹² It was not necessary for Lâle to sign, since Orhan was legally her representative. But since she was present, her signature made this court decision even more binding on her, if later she should change her mind.

¹³ It is common knowledge that to evict people from a house in which they have been living takes two or more years of court hearings, even if it is the owner who wants to evict them.

“Look at him. He wants to turn me out of my house for a camel’s load of wood. Shameless father, you must give up your struggle against me.” Kemal answers, “I will not give up, I will not. I will not be shamed; I will continue the fight.”

During this encounter, Orhan’s wife is also shouting. Orhan had forced her to sign the court paper, which she had done reluctantly, but she was not at all pleased by the settlement. Now Orhan makes her leave the area, since it is clear her shouting will only keep Şeytan and Kemal arguing. Orhan wants her to go to their house. His manner with her is quiet, but forceful. He pushes her toward their yard. His quiet insistent manner contrasts sharply with her excited mood. He is firm; it is clear that he can lose his temper if disobeyed. Lâle leaves, but turns to shout back over her shoulder, clenching her fist, “You want to see blood?” Şeytan yells back, “I will knock out all your teeth.” Orhan gestures at Lâle to leave.

After Orhan urges his wife away, everything slowly quiets down, and people gradually leave.

Ten Days After the Hearing

Orhan is interviewed by us about ten days later. He says he is satisfied with the outcome of the case and will not go to court again. His manner indicates that he no longer wishes to pursue the topic, so we do not.

Twenty Days After the Hearing

On 26 March 1967 Safran and I go to Şeytan’s house to see what his attitude toward the case is. Since he is not home, we talk with his wife about the case while we wait for him. Nergis says that she and Şeytan are getting on better with Şeytan’s father, Kemal, but that things now are not going so well between Kemal and Orhan. Şeytan had gone in *Kurban bayramı* (a holiday of four days in spring) to pay his respects to his father, which pleased him. Thus Kemal and Şeytan have been reconciled.

A few days before, Orhan’s wife had gone to Kemal, her father, and said that if Kemal did not throw those people from the house, she would hang herself. Kemal is reported to be frightened that she might do that, but he is also angry at Orhan because he heard that Orhan had been telling people he bought the house

and houseyard for 1000 liras (\$100), which is not true. Kemal had given it to him. Now Kemal wants to get the house back and give it to Şeytan. But Orhan and his wife have a *noter senedi*, Nergis tells us. She adds that Orhan sent them a message that he would sell the house and houseyard to Mehmet for 2000 liras (\$200). "But," said Nergis, glancing around the one room, "that is too expensive for this place; we will not pay it."

FROM THE COURT RECORD OF LÂLE-ŞEYTAN DISPUTE

Type of case: *Meni Müddâhale* (use of property without owner's permission).

Type of Court: *Sulh Hukuk* (Lower Civil Court).

Plaintiff: Lâle, Wife of Orhan. Mandalinci village. *Vekil* (Legal representative or deputy)—her husband, Orhan.

Defendant: Şeytan, a camel driver from Mandalinci.

Letter from Plaintiff's Deputy 2 December 1966.

"The land in question is 250 square meters. There is a two-room house and houseyard on the land. Kemal sold that land to my wife, Lâle, for 1000 liras (\$100). Şeytan is using my land, and he is being stubborn about leaving our house. I want him to leave, that is why I am opening a law case."

Letter from the Defendant, Şeytan 30 January 1967.

"This land belonged to Zennep, the mother of Kemal. It is about one *dönüm*. When she died, the land was inherited by her three children: Kemal, Sarı, and Sevediyeye. A division (*taksim*) was never made. Each person merely took a section and is using it. I bought Sarı's share. That is the reason I am living there. The plaintiff bought a share from Kemal, but I do not complain about his land. None of this land is titled, and a land division was never made. I could claim every piece if I wanted to. I think this case ought to be dropped."

First Court Hearing 26 December 1966.

Both the defendant and the plaintiff appeared. The defendant stated he wished to get a legal representative. The case is postponed until 30 January 1967.

Second Court Hearing 30 January 1967.

Everybody came. The defendant stated he will not have a legal representative. He will represent himself.

The plaintiff's legal representative says, "This place is without a title (*tapu*), I bought that place. Here is a piece of paper showing that I bought it."

The defendant says, "I have a *noter senedi* that I bought some of that land."

The representative for the plaintiff says, "Could we have a viewing (*keşif*) of that place?" The judge answers that the man who will survey it will be paid 20 liras (\$2.00) for his work. (The plaintiff must pay *keşif* expenses.) The plaintiff's representative agrees to do so. The *keşif* is scheduled for 8 February 1967; the next court hearing is scheduled for 13 February 1967.

Third Court Hearing 13 February 1967.

The judge states that there had been too many cases on the court calendar to get to the *keşif* as scheduled. The *keşif* is re-scheduled for 6 March 1967, and the next court hearing is scheduled for 13 March 1967.

Keşif 6 March 1967.

Keşif is held as scheduled. (For a description see my observation of this event, as described in pp. 214-17).

Fourth Court Hearing 13 March 1967.

The plaintiff's legal representative and the defendant come. They both state they had been getting along together since the land division at the *keşif*.

Decision 13 March 1967.

The legal representative for the plaintiff does not wish to claim possession of the house and house lands of the defendant. The defendant has taken his part of the inheritance. The plaintiff was given 500 square meters of land; the rest goes to the defendant. That is how we decided the division at the *keşif*. The plaintiff will pay the court expenses.

In some respects, this case is typical of a type of land dispute which occurs in Mandalinci. These disputes result from *ad hoc* arrangements about land and houses at the death of the head of household. The decisions about usufruct rights are not made final, however, so that at a later period, even years later, inheritors may object to their share of the patrimony. If someone sells his share or a part of it, his brothers or sisters may complain that their rights to the land have been violated.¹⁴

Although the resolution of the land dispute in this case is relatively easy, the history of quarrels, grudges, and acts of violence between the siblings and between the adult son and daughter and parents suggests difficult personal relations. This dispute over land is one of several types of conflict occurring in the past years between these sets of family members. This case, then, needs to be viewed against past failures of these people to close off hostilities. Lâle and Şeytan are rivals, each attempting to court the favor of their parents, to place Şeytan or Lâle into a more favorable position to gain land and other resources of the family estate.

Lâle and her husband, Orhan, use the disagreement between Şeytan and his parents as a way to induce the father to give (or sell) his daughter, Lâle, her share of the patrimony. After obtaining possession by a *noter senedi*, Orhan begins to suggest that Şeytan leave the home in which he has lived since his marriage in 1954. Şeytan's statements at the court hearing indicate that he is angry on two accounts: first, that his sister and brother-in-law use his quarrel with his father to their advantage by gaining possession of his house, and, second, that they are attempting to force him out of the house, which he considers his share of the patrimony. To protect his position, Şeytan had obtained (bought?) the house and yard from his father's sister, Sari, who is childless.

Şeytan's counter action further enrages Lâle. Possession of Şeytan's house seems to be linked to Lâle's scheme to drive Şeytan out of her neighborhood, since in the past he took a stern

¹⁴ In tobacco-growing villages to the north of Bodrum, brothers and sisters more frequently live in the same section of the ward, and do not insist on division of the field, for tobacco cannot be profitably cultivated in small plots. They may allow the land to be registered in the name of one sibling only, or have it divided and registered in each individual's name, but continue to farm it as joint property.

attitude toward her behavior, and on at least two occasions struck her in anger. This occurred while her husband, Orhan, was away working on a fishing boat, and no doubt was linked to gossip about her sexual behavior then. (In the absence of a husband, an older brother becomes responsible for a woman's moral deportment, and any indiscretion on her part reflects on his honor also.) Case Nos. 14 and 15 indicate that there is considerable gossip about Lâle's behavior during the period of the present case; and were she to continue her sexual activities, it would be in her interest to have her brother elsewhere. If we examine Lâle's behavior during and after the court decision, we find that, although her rights to Şeytan's house and yard are legally established, she is still unsatisfied. Her mutterings during the hearing, and her threats of suicide to her father later, suggest that more is at stake than which house and yard shall be hers.

Orhan's goals are simpler. He is clearly seeking to obtain legal rights to the house Şeytan lives in, perhaps as a way of establishing his willingness to aid his wife, perhaps because of its value. The resolution of the dispute satisfies Orhan, as he indicates at the hearing and as he tells me ten days later.

Orhan's failure to evict Şeytan by informal methods led to a civil lawsuit in Bodrum for house eviction. In the first hearing, the judge establishes that Orhan and his wife, Lâle, did not possess a clear title to Şeytan's house and yard, and that this is not a house eviction case, but a situation in which land has not been legally divided. (A person goes to a *noter* [notary public] to obtain a *noter senedi*; the process does not involve a title search nor a hearing of evidence of earlier rights and claims, and thus in court a *noter senedi* does not constitute evidence as to a clear legal title.) But, the *noter senedi* does indicate that at one time the father did intend to have Lâle, and not Şeytan, own this house and yard.

To obtain a clear legal title to land (*tapu*), all prior and conflicting claims to the property must be reviewed either by a judge in a court hearing, by a Turkish land survey committee (*kadaastro*),¹⁵ or by the *kaymakam* (district director) in Bodrum. In this dispute, the Bodrum judge establishes that the basic problem

¹⁵ Such a committee, consisting of nine members, was conducting survey work in the Bodrum district, and by autumn 1968 had granted legal title to land in eleven of the thirty villages in the Bodrum region, but had not as yet come to Mandalinci.

concerns undivided land. At the death of its owner three generations before, three siblings had inherited the patrimony. They had made no final divisions, although they did establish temporary use patterns. This land is in the process of passing to the next generation, Lâle and Şeytan's, but apparently Lâle and her husband do not agree to the *ad hoc* arrangements made thirteen years before when Şeytan came to occupy his current home.

When the judge, court recorder, and court surveyor came to Mandalinci to conduct the official viewing of the disputed land, "expert" testimony revealed the lack of land division. After a discussion, the judge devises a way to divide the houses and houseyards so that each heir gets an equivalent house and yard. Orhan, as Lâle's legal representative, and Şeytan agree to the division worked out in the village by the judge. This division is now officially surveyed, and becomes the basis of the judge's decision of the case and later the basis of legal registration of the land title. Thus we can say that the judge decided the case in a way which allowed the male principals to take part in the decision, and that the decision itself recognized and made legal the informal arrangements Orhan and Şeytan had made about whose house each would take. The fact that the judge does not attempt to establish whether actual money had been paid for property is due to the fact that this land was patrimony, rather than a sale of land between non-kin. The villagers seem to think that claiming to have paid cash for their father's land gives them a stronger case, but before property is divided sale is not feasible, and cash payment is thus irrelevant.

At the time of decision, I was perplexed: why does the judge not arrange a swapping of houses and yards, so that Şeytan can have legal right which corresponds with his usufruct rights for thirteen years? After announcing his decision, the judge turned to Şeytan and advised him that if he wished to obtain rights to his dwelling place, instead of the other house, he needs to open a different lawsuit. Elsewhere, I have suggested that

In recognizing the informal arrangements the litigants had previously worked out, the judge may have been attempting to keep his role as arbitrator closer to the litigants' own perceptions of a solution.

(Nader and Starr 1973:135)

But I am still undecided as to the justice of this outcome, especially since new interpretation of case materials suggests that Lâle

has separate motives for wanting Şeytan to leave the immediate area.

Would the judge have been paternalistic if he had intervened to award legal title in a way which also reflects use rights?

Two brothers are central characters in another dispute over property, which covers (perhaps) eight years and includes eight lawsuits in the Bodrum court. The decision in at least one suit was sent to Appellate Court in Ankara, and the hostility and legal proceedings had not finished by the time I left Turkey in autumn 1968, although a resolution is beginning to emerge.

CASE NO. 31

Informants

My major informants are Oktay and his best friend, Musa. The general outline of the dispute is elicited in two days of interviewing Oktay and Musa on 15 and 16 February; the second day, the entire four-hour conversation is recorded on tape (Law Case Tape 1). The interviews take place in Oktay's house. Oktay's wife and Musa's wife (who sometimes is present) also provide information.¹⁶ My assistant and I went to court to witness the hearings each time they were scheduled. On several different occasions, we discussed Oktay's dispute with the Bodrum judges and *Savcı*. Much later, when the court personnel is finally amenable to letting me see dossiers—which is long after I had the written permission from Ankara to view them—I am able to check Oktay's story with the court dossier.

For a long time, Oktay's version influenced my understanding of the case, since he was my first and most detailed informant. It was only when I rearranged the order of my information, and the court dossier became more prominent and Oktay's version less

¹⁶ Collecting information concerning this case proved a starting point of friendship between Safran, Oktay, Musa, and myself. Oktay's position of influence among villagers, as well as his practical knowledge, led me frequently to discuss aspects of village social structure with him. Furthermore, even after I was forced to move from the village, when I would return for a wedding or visit I would always pay my respects to Oktay and his family, and frequently they would give me a meal. Thus, during the fourteen months in this area, I had frequent opportunity to discuss Oktay's dispute with him.

so, that I came to the understanding of the dispute presented later in the analysis.

Actors

Oktay See Case No. 9.

Kübra Thirty-five years old. Wife of Oktay. They have three children, two of them sons.

Musa See Case No. 17. Oktay's best friend.

Zeynep Thirty-eight years old. Musa's wife.

Nebi Thirty-nine years old. One of Oktay's younger brothers. He lives in Bodrum.

Necla Wife of Nebi. Her family comes from Bodrum.

Murat An old man, about seventy, born and raised in Yugoslavia. As an adult he came to Turkey. He had been living in Yası köyu before coming to Mandalinci.

Background to Present Court Cases: Oktay's Version

In 1959, Murat came and said to Oktay, "I have a field in Mandalinci, but I don't have any money. Let's make that into a tangerine orchard together." They agree that Murat would not spend any cash, but that he would provide the land. Murat repeated, "You can take my field and make a tangerine orchard. Since I have no children, when I am old you can support me. You can take money from the orchard. I want you to think of it as your own. You are to be the owner of that orchard."

"In that same year," Oktay said, "I made a well for the orchard, which cost 3200 liras (\$320). I was also giving money to Murat, and I also made a wall and a canal for the orchard. I was happy with the arrangement, and by 1960 it was a good garden." Oktay turned to me and said, "I had spent more than 10,000 liras (\$1000) for that orchard, and it was not completed yet. The wall-makers were still working, and I needed to buy some pipeline to conduct the water.

"But," continued Oktay, "in September 1960, Murat said, 'Okay, leave me. I don't want to be partners with you anymore.'" "How could he do that," said Oktay, "when I had spent so much money for trees, canals, wall, workers? All that we needed was a motorized pump for the well. But what could I do? I didn't have any papers to show that I had given the cash for these

things. And at this time I did not have title (*tapu*) to the land.”

Oktay continued, “My brother, Nebi, profited from our trouble. I hadn’t gotten on well with this brother, because we had an old trouble about money. When Murat needed money, Nebi lent him 2000 liras (\$200). I lost 6000 liras (\$600) over that orchard.¹⁷ About this time in 1960, Murat sold part of our garden to Nebi, my brother, but he did not tell me he was going to do this. So I stopped speaking to him.

“But sometime later, I decided that, because I had already spent so much money on the orchard, I couldn’t really give it up. So I bought it from Murat. I bought the orchard from him for 20,000 liras (\$2000). I bought the entire orchard; after I paid my 20,000 liras, I had title to the land. The 2 *dönüm* which Murat had sold to Nebi was done through a notary transaction (*noter senedi*), but I had paid for that part, too. So I went to see a lawyer and he told me that if I had title papers I need not worry about that part which Murat had given to Nebi.

“During this time, Murat had debts. He owed the Ziraat Bankası (Agricultural Bank) 1800 liras (\$180), and the *Narenciye Kooperatif* (Citrus Cooperative in Bodrum) 1100 liras (\$110), and I paid those debts for him.”

“Now,” continued Oktay, “since I was the owner of the orchard, I took control of it in June 1965. A little before this time, Nebi and Murat had had a case against each other in the Bodrum court. It concerned a cow. There had been some people standing around the Mandalinci school. Murat came by, leading his cow. Nebi saw him. He was angry because he claimed Murat owed him money. He went up to Murat, hit him, and took the cow away. Many people saw this. Murat opened a case about it. I saw Nebi do that to Murat, and was angry. Now the story turns to my advantage.”

“When Nebi took Murat to court about the money he owed him, Murat opened a case against Nebi about the cow. For a while, they didn’t get along, but last March 1966, when I was in Izmir, Murat and Nebi came to an understanding. Three or four

¹⁷ Safran thinks Oktay managed to retrieve about 4000 liras (\$400), but it is not exactly clear what the expenditures were, and Oktay hedged when asked direct questions about what he spent, especially since facts such as these might be relevant in his court cases. It is possible, however, that Oktay was exaggerating costs in order to impress us.

men had been teaching Murat how to make money. The first was Attila,¹⁸ the second was Yıldırım, and the third Hüseyin Ali. These men had been organizing to hurt me. They got Murat to go to court and claim that I stole his orchard. Murat took a precautionary measure: he got Nebi to pay the court fees of 100 liras (\$10).

“On the first of April, Murat came to see me, but he didn’t say anything about this. I had heard the story on my return from Izmir, so I asked him, ‘What is happening? You were in Bodrum. You have been very busy? What are you up to?’ Murat said he had not gone to Bodrum, but when I continued to ask him, he answered, ‘Well, I was wrong, but they forced me to do it. They told me nice things. But now I have decided you are my best son.’ ”

“There were witnesses,” continued Oktay, “and they all saw Murat take and kiss the *Qur’an* and kiss some bread and say, ‘I will not do such things again. If you will come with me now to Bodrum, Oktay, we can drop this case.’ So the next morning Murat and I set off together. We went to Milas to engage a lawyer, and on the same day we went together to the Bodrum court and explained everything to the judge. The judge decided that it was my orchard. But that same night, Nebi came from Bodrum to Mandalinci to see Murat. Murat was at that time living in a house in my orchard. They arrived about one o’clock in the morning and took Murat by jeep to Bodrum.”

“Did you know they had come?” I asked Oktay.

“Of course not. They didn’t want me to know, that’s why they came in the middle of the night.”

“Did they take him by force?”

Oktay gave me a knowing nod. “Three men took him away.”

He continued, “The next morning Murat and Nebi opened a new case against me at court.¹⁹ Yet two cases between Nebi and Murat were still being heard. A little later, Nebi dropped his old case against Murat, but the case that Murat has against Nebi still continues.

¹⁸ Attila and Oktay are leaders of competing village factions. I do not know if Attila discussed the ownership of the orchard with Murat to influence him against Oktay. It is possible, of course, that Oktay’s own feelings against Attila cause him to attribute this intent to Attila.

¹⁹ The case for 36,000 liras mentioned below.

“On January 16, 1967, I went to court and found out that the case they have against me is over. They have lost and must pay my lawyer’s fee and a court fee.²⁰ On March 8, I have to go to court again. Nebi and Murat are suing me for 36,000 liras (\$3600), which is money Nebi claims he spent to improve the orchard.”

“What was the trouble between you and Nebi and your wives in front of the courthouse?” I asked. (I had originally heard of the Oktay-Nebi dispute in terms of this incident. On 9 February 1967, in the evening in Yusuf’s coffeehouse, Orhan had described a fight between two brothers and their wives in the street in Bodrum. One of the brothers was a Mandalinci man. “First the wives began to fight, then the brothers,” said Orhan. “Bodrum policemen came to break up the fight and to arrest the four people. The case was scheduled for the twenty-first of February and I am going to be called as a witness,” said Orhan. Safran had asked him what the cause of the fight was, and Orhan had answered, “Land.” The other men had merely laughed when they heard of the incident.²¹ Several days later, when we passed Oktay in the road he invited us to come to visit him, and we went in order to gain details of the dispute.)

And so Oktay gave me his version of the fight in front of the courthouse on 9 February. “I turned to my wife as we were leaving the courtroom after a hearing in that other case and said, ‘Don’t worry about them. Let them speak, but let us go.’ And we started down the stairs with them following behind, saying terrible things to us. All the people standing around the court corridor and outside heard them. As we got to the street Necla hit my wife, and then my brother, Nebi, came into this fight between

²⁰ Nebi subsequently sent this case to the Appellate Court (*Temyiz Mankemesi*); the Appellate Court is required to say within six months whether they agree with the verdict or not. If they disagree, a new trial is held in the original court. In this particular case, they agreed with the verdict. The case concerned title to the orchard. Nebi and Murat claim that Oktay had gained title to the orchard by tricking Murat, and that Oktay has not really paid 20,000 liras for the orchard. The Appellate Court upheld the validity of Oktay’s title; the verdict came after I had left Turkey in December 1967.

²¹ Yusuf’s coffeehouse at the seaside is mostly filled with men who, if they were forced to choose, would be loyal to Attila. But only about four or five of the twenty or so individuals who gather here nightly would be totally committed to support Attila in any situation. These are Orhan, Hacı Nuri, Abdulrahim, Hasan Ali, Yusuf, and Turgot.

the women, and he tried to hit my wife. So I went and hit him; we hit each other. Meanwhile the women are pulling each other's hair, and somehow Necla got a black eye. Nebi was trying to punch my wife and he hit his own wife in the eye instead."²²

Okday continued, "I don't want to take him to court because he is my brother, but he wants to go. We four went to the police station and explained everything. The chief of police writes it all down, and sends us to the Public Prosecutor. When we get back to court the Public Prosecutor takes us into his office and says, 'You must change your attitudes. You are brothers. And your wives must change their attitudes, too. If you can modify your positions, the case can be dropped.' I agree with the public prosecutor, and want to make up with my brother, but he says, 'Okday has been calling me very bad names.' 'Well, he is sorry now,' says the public prosecutor. 'I must consider what I want to do about this,' Nebi says. He goes out of the office and talks for a few minutes with his wife. When he returns he states, 'We will open a case.' So we all go into the courtroom."²³

"The judge says, 'First we must ask the Census Office if they are brothers or not, and we must find out from the court records if there has been a case between them before or not.' We went down to the Census Office, proved that we were brothers, and returned to the court. Murat had seen the fight. He had said, 'Hit, hit' to Nebi, 'you have to kill them,' so he is going to be called as a witness, too. 'All right,' says the judge, 'we will finish this case on the twenty-first of February.'"

Background to the Tangerine Garden Dispute

"How did your trouble with your brother start?" I asked Okday.

"In January 1958 my younger brothers, Nur and Nebi, came

²² I find this a very fanciful explanation of Necla's black eye. Note also that Okday mentioned neither Orhan's presence as a witness, nor the fact that the Bodrum police had to intervene to stop the fight. There are also certain logical inconsistencies in Okday's description of how he acquired the orchard by cash sale, but these will be more evident when the letters from Nebi and Murat, which explain their side of the dispute, are presented in the section concerning the Court dossier (see pp. 235-38).

²³ When people are arrested for fighting in a *kaza* (rural town), the law requires that their case be started within forty-eight hours of arrest. The Bodrum judges told me that this is done to keep the peace, but that such a law cannot be applied to the villages because it often takes longer to process the records and get the offenders to town.

to me with a problem because I am the oldest brother. Nebi claimed Nur owed him some money, Nur claimed he did not, and they wanted me to decide the issue between them. I listened to both sides and then said, 'Nebi has bought many things from the marketplace. He has made a tangerine orchard and built a house. All these things take money. Nebi has many debts but Nur has no debts. How could Nur owe Nebi money when it is only Nebi who spends money?' And since that time when I gave an opinion against him, Nebi has been my enemy."

At an interview the day before, Oktay had given a different version of how the trouble started. He claimed then that Nebi and his other brother, Ziya, had come to him to decide a problem. After listening, Oktay claims to have said, "You are both wrong, so make up."

At the time I pondered these two different explanations, but assumed that I could ask again at a much later date. In later discussions, however, Oktay neatly avoided discussing the origin of the trouble and concentrated on the latest episode or most recent court hearing. There are several possible explanations for the difference in stories. First, the version on the second day can be considered an expanded and more complete explanation with a mistake made by Oktay about which brother was involved in the dispute with Nebi. Second, it is possible that Oktay does not remember exactly how the trouble originated and so made up an explanation which he elaborated on the second telling. Third, it is possible that Oktay is a villain: if one takes the letters to the court from Murat and Nebi as true, then Oktay has, through guile and cunning, gained title to an orchard rightfully owned by Nebi and Murat. A fictional explanation of the origins of the trouble is needed to cover up his greed. There is also Yusuf's statement to Safran concerning Oktay. In response to Safran's questions about the dispute, Yusuf said, on 4 March 1967, that Oktay had given his younger son to be adopted²⁴ by Murat in order to obtain the orchard. The boy was nine or ten at the time (he is thirteen now). "Oktay was playing a game; after he got title (*tapu*) to the orchard, he did not look after Murat and his wife anymore. They were very poor and had no food. That is why Murat's wife died,"

²⁴ The son continues to live with Oktay and his wife. The point of the adoption is to give Murat, who is childless, an heir. The gain for Oktay is the orchard, which he will manage for his son.

said Yusuf. But Yusuf's viewpoint must be tempered by the knowledge that Yusuf has nothing to gain by representing Oktay in a good light to Safran. Yusuf is one of Attila's supporters, and at the time of making this statement to Safran he was using a room rent-free, in a building owned by Attila, for a coffeehouse. I suspect that he might have spoken more favorably of Oktay after Attila gave that same room to Orhan for a seaside restaurant early in May 1967.

On the 6 April 1967 the judges and public prosecutor told us that both Oktay and Nebi had legally given their sons for adoption to Murat in order to get the orchard. "They are all wrong. Murat is wrong to play the brothers off against one another, and both brothers are wrong. In four years there have been four cases over this orchard. When a case is decided, they open a new one. It will never finish. But what is happening is all happening to Murat. Poor old man," said Hasan Bey, a Bodrum judge.

FROM THE COURT RECORD OF THE STREET FIGHT

Sulh Ceza (Lower Criminal Court)

Police Station Record

On 8 February 1967 at 10:30 a.m. in the morning, six people were brought into the police station because they had been fighting in the street outside the courthouse. They were Nebi and his wife Necla, Oktay and his wife Kubra, Murat, and Zeynep. All were questioned. Subsequently, charges of *darp* and *hakaret* (hitting and insult) were brought against the first four listed. Charges were not made against the last two, and they were free to go. Four witnesses were listed in the police record. The record, the accused, and the witnesses were sent to the Public Prosecutor's Office in the courthouse to be questioned by him.

Public Prosecutor's Record, 8 February 1967

The public prosecutor took signed statements from the four people charged with hitting and insult, and from the witnesses. He sent Necla to the government doctor to get a certified statement about the severity of her wounds.

He charged all four people as *müşteki* and *sanık* (plaintiff and defendant). The charge from his office read as follows: *Adiyen Müessir fill ve hakaret, şuca teşvik ve yardım* (name calling and insult, provoking and aiding someone to commit a crime).

Government Doctor's Report, 8 February 1967

“The left side of Necla’s cheek is swollen. The swelling has been caused by a strong fist. Her hair has been pulled, some of the hair has been pulled out. For three days she will be unable to work. In a week she will be well.”

First Court Hearing, 8 February 1967

Necla’s testimony: “My husband, Nebi, and his brother, Oktay, have a court case in *Asliye Hukuk* (High Civil Court). After the hearing Zeynep took my hands and held them, while Kübra pulled my hair. This happened in front of the courthouse. Kübra hit me in the cheek with her fist. But now she says, ‘I didn’t hit her; I didn’t pull her hair.’ ”

Nebi’s testimony: “After the court hearing, we were leaving. I saw at the time that Kübra was hitting my wife. I wanted to pull her away, but Ahmet held me from behind. Then the two women stopped fighting. I did not call Oktay bad names, and I did not hit his wife.”

Kübra’s testimony: “I didn’t hit her, I am not guilty. She hit me.”

Oktay’s testimony: “After the court hearing, our wives fought. I did not call Nebi bad names. Nebi called me bad names. Murat also insulted me.”

Zeynep’s testimony: “When Kübra and Necla were fighting, I did not help Kübra.”

Murat’s testimony: “When Necla and Kübra fought, I did not provoke them to fight. I didn’t call Oktay bad names either. I am not guilty.”

Ist Witness. Ahmet. Born 1939, Mandalinci village. “It took place in front of the courthouse. First Necla said to Kübra ‘Shameful,’ then she began to attack her. Zeynep was standing near to Kübra. Suddenly all three were mixed up. Nebi ran to the women, but I held him back. He hit me two times, saying ‘Why are you holding me?’ I tried to make them quiet. Murat was

shouting during the fight, 'You have to hit Nebi and Necla.' Oktay and Nebi spat into each other's faces."

2nd Witness. Nermin. *Kumbahçe Mahallesi*, Bodrum. Born 1930.²⁵ "I heard people fighting in front of my house. Zeynep was holding Necla, the other was hitting her. I couldn't bear that, so I went out and separated them. Again in front of the police station, Oktay called Nebi bad names. I didn't see Necla beating Kübra."

3rd Witness. Orhan (see Case No. 8). Mandalinci farmer. Born 1928. "I was standing in the courthouse door. Zeynep walked up to Kübra and pulled her hair. And then they began to fight. I didn't see who got hit. Also at this time the witness, Nermin, was there. I went up and made the women separate. I didn't see who Zeynep was fighting. Oktay and Nebi also insulted each other. I don't know who started it."

4th Witness. Musa (see Case No. 17). Mandalinci farmer. Born 1926. "Zeynep walked up to Kübra and hit her two times. The two of them pulled each other's hair. Orhan came and made them separate. I didn't see Zeynep holding Necla's hands. Nebi and Oktay also insulted each other."

Second Court Hearing, 21 February 1967

Oktay is represented by a lawyer from Milas. All the plaintiffs and defendants came. The hearing is adjourned until records come from the Census Office.

Third Court Hearing, 28 March 1967.

Everybody came. The judge decided to hear more witnesses. Hearing postponed.

Fourth Court Hearing, 18 April 1967

1st Witness. Nazlı. 42 years old. *Kumbahçe Mahallesi*, Bodrum. "I was sitting in my house. I heard a commotion. I went out, and saw two women attacking Necla. Those two women [she points to Kübra and Zeynep, who are in the courtroom], are hitting her. She was crying out, 'Don't strangle me.' The men

²⁵ She lives almost next door to the courthouse. She is one of Bodrum's four or five prostitutes.

were holding each other back; I didn't hear them speak bad words, I saw nothing more."

2nd Witness. Hatice. 59 years old. *Kumbahçe Mahallesi*, Bodrum. "I heard a noise, I went out. Those people were fighting. Later they walked away. I heard they fought again at the police station. I don't know anything more."

Okday's lawyer states, "We would like to bring witnesses."

The judge postpones the court until the 16 May 1967.

Fifth Court Hearing, 16 May 1967

Okday's lawyer says, "We decided not to bring any more witnesses." The judge decides to recall certain of the witnesses again. Postponed until 30 May 1967.

Sixth Court Hearing, 30 May 1967

1st Witness. Ahmet. "I want to say the same thing as I said before. Murat insulted Okday. Also Nebi insulted Okday. Okday insulted both Murat and Nebi."

2nd Witness. Nermin. "I didn't see Murat insulting Okday. But in the police station it was Okday who first began insulting Murat."

3rd Witness. Orhan. "I want to give the same testimony."

4th Witness. Musa. "I want to give the same testimony."

5th Witness. Zeynep. "I want to give the same testimony."

6th Witness. Necla. "I want to give the same testimony."

Seventh Court Hearing, 20 June 1967

They all came and said, "We are all getting along now. We want to drop this case." The judge decides to drop the case.

Decision. The case is dropped by consent of all participants.

Comment. When I asked Okday about his case, he told me that the judge had found him "not guilty." That seems a liberal interpretation of the situation, since dropped charges are quite different from a verdict of "innocent." This decision compares to the case of neighbors fighting (Court Film last case) in which, at the seventh hearing, the judge, again, said, "You are all guilty. If

you continue to want to pursue this case, I will fine you all and put you in jail. If you will make up and drop the case, I will not fine you for fighting. What do you want to do?" The case was dropped.

FROM MY RECORD OF OBSERVATION AT THE
FOURTH COURT HEARING, 18 April 1967.

Ali Bey is judge. Oktay, his wife, Kübra, and Zeynep are represented by a Milas lawyer. Nebi and his wife do not have a lawyer.

1st Witness. Nazlı. 42 years old. Female. "I heard a noise in the street and I went from the house to the street. Those two women [pointing to Nebi's and Oktay's wives] attacked one another." *Judge* asks: "Are you sure? Did you know any of them before? Do you know her name?" He points to Necla. *Witness:* "I learned her name just now in the court waiting room. She was saying [during the fight], 'Don't strangle me. You are killing me.'" *Judge:* "What were the men doing during this time?" *Witness:* "They were holding each other back." *Oktay's lawyer to the judge:* "Please ask her how they got her to come here as a witness." *Judge to the lawyer:* "If you think this witness is lying, you can open a new case." *Lawyer to judge:* "Ask her when this happened?" *Judge to the witness:* "When did this happen?" *Witness:* "In the morning."

2nd Witness. Hatice. Forty-five years old. A woman. "I was walking in the street. I heard a noise, I looked that way. I saw many people all mixed up, and afterwards they went down the street. There they fought, but I didn't see it."

Nebi says to the judge: "Please ask the first witness who saved my wife from that woman?" *Judge to 1st witness:* "Who saved that woman from those two women's hands?" *Witness:* "Nermin." The lawyer for Oktay and his wife says, "We also have witnesses. We want the case postponed." *Judge to Nebi:* "Have you something to say?" *Nebi:* "No, but they are making the court busy." *Judge:* "You did that before, now it's their turn." He pauses. "Isn't there any possibility that you could be reconciled? You are brothers. Why do you fight so much?" *Nebi:* "I

know. It is a very terrible thing to have trouble between brothers, but what will we do about the bad names they called me?" *Judge*: "Finished." He motioned in a disgusted impatient way that they must leave the courtroom. The case is postponed until 16 May 1967.

FROM MY RECORD OF OBSERVATION AT THE
FIFTH COURT HEARING, 16 May 1967.

The case was called, but only Oktay, his wife, and Zeynep were present. Nebi and his wife were not in court. The Public Prosecutor and the Judge converse. They remark that the case had been scheduled for around 11 o'clock. Since no more cases are to be heard, the court is adjourned until 11 a.m., when this case will be called again.

At 10:50 the court page comes into Ali Bey's office where the judge, Oktay's lawyer, my assistant, and I are having coffee. He says that Nebi and his wife have arrived. We go to the courtroom. Oktay's lawyer reads a list of witnesses whom they wish to have testify. These are the following individuals: Orhan, Hatice, and Münevver.

The case is postponed in order for the witnesses to be heard.

FROM THE COURT RECORD OF THE OKTAY,
NEBI, MURAT ORCHARD DISPUTE

Type of Case: *Tapu iptâli* (voiding a land title)

Type of Court: *Asliye Hukuk* (High Civil Court)

Plaintiff: Nebi. Bodrum. Represented by a lawyer from Milas.

Defendants: Oktay. Mandalinci. Represented by a lawyer from Milas. Murat. Mandalinci. Not represented by a lawyer.

Plaintiff's Letter:

Letter from the Lawyer of Nebi to Asliye Hukuk Court to Open the Case. 23 September 1966.

"Nebi and Oktay are brothers. Murat, the other defendant, has made Oktay's son his adopted child. He has done the same thing

for Nebi's son. Murat sold a piece of the orchard to Nebi on 27 December 1960 for 15,000 liras [\$1500]. He took this money. Murat, on the 1st of April 1961, made Nebi's son his adopted child, and they all lived together, Nebi, Nebi's son, and Murat. Nebi thought that the other part of the orchard would eventually be inherited by his son [because his son was adopted]. During this time Murat owed money to the citrus cooperative. He owed 2220 liras and 65 kuruş [\$222.65]. Nebi paid off this debt in three installments. Murat also owed money to the Ziraat Bankası of 1639.80 liras [\$164.00] and also paid off this debt in three installments.

"In an earlier time this was a fig orchard. Nebi turned it into a tangerine orchard. He also turned the piece he bought from Murat into a tangerine garden. His expenses were 18,045 liras and 50 kuruş [\$1804.55]. He received as income from the tangerine orchard 2311.83 liras [\$231.18]. That means that Murat owes a great deal of money to Nebi, about 15,773.67 liras [\$1577.37]. And at this point Murat made Nebi leave the orchard.

"Afterwards, Murat made Oktay's son his adopted child. That was on 28 November 1964. After they had separated, Nebi opened a case, in 1964, for debt in the Bodrum court. But Murat answered that Nebi owed him 9883 liras [\$988.30]. So Murat opened a case, in 1965, in *Asliye Hukuk* for debt against Nebi. Nebi answered that he already had opened a case for debt, and that Murat still owed him 15,733 liras.

"The Bodrum judge decided to combine the two dossiers for debt into one case (i.e. the 1964 lawsuit—Nebi vs. Murat for 15,773.67 liras—and the 1965 lawsuit—Murat vs. Nebi for 9883 liras). These became one case under the 1964 dossier number.

"Murat had adopted Oktay's son, but he still retained title to the orchard at this period. Oktay's cunning ideas, however, began to turn Murat against Nebi. Oktay said to him, 'If you lose that case in court they will take your orchard from you and you will be a very poor man. However, I will take care of you until you die. I will see you have all you need, and if you sell that orchard to me, the court can't take it from you to pay your debts to Nebi.' For 20,000 liras [\$2000] he sold the orchard to Oktay, but Oktay never really gave him the money. Even if Nebi wins this case, he will not get his part of the orchard back, because the

title (*tapu*) does not belong to Murat now. In this way they have tricked Nebi. Soon the debt cases will be over because he no longer has money or property.

“The two debt dossiers keep Nebi busy. When witnesses proved the debt, Murat, on 29 March 1966, dropped his debt case for 9883 liras. He admitted that he owed money to Nebi for 15,733.67 liras (the 1965 lawsuit), but that case ended without Nebi getting anything. We also asked that the *İcra memurlugu* ²⁶ sell his things to get the money, but they didn’t.

“During this time Oktay and Murat weren’t getting along. When Oktay got the orchard from him, he turned his back on him. After that Murat thinks that even if he gives Nebi the money he owes him, he, Murat, will still have 40,000-45,000 liras (\$4000-4500). For that reason Murat opened a lawsuit in 1966 against Oktay to get the orchard back (*tapu İptâlı*).

“We gave our debt dossier to the *İcra memuru* (claims enforcement officer of the bureau), but he answered us that Murat owns nothing so we cannot sell his things to get the money back.

“Oktay and Murat played this trick so that they wouldn’t have to pay Nebi his money. The real price of this land is about 8000 liras (\$800). Please clear up the title and return the orchard to Murat so that Nebi can get his money back.”

The defendants have ten days in which to answer the above charges.

First Defendant’s Letter:

Letter from Oktay to Asliye Hukuk Court in Reply to Charges.

10 September 1966.

“I cannot answer the charges without going over all the dossiers. Please give me a longer time period in which to prepare my answer.”

²⁶ *İcra Memurluğu* (literally, Execution Bureau) is the office to which one applies for execution of a judgment. After a court case for debt has been won, if the defendant does not have any money, the plaintiff can go to this bureau. The director of the bureau will then legally seize the defendant’s property and sell it, giving the money to the plaintiff for payment of the debt. In function the bureau is similar to a county sheriff’s office in the United States or England. But the fact that the Turkish claims enforcement bureau is *not* connected to the Turkish police system makes it fundamentally different from its American or English counterpart. In Bodrum the Claims Bureau was located in an office in the courthouse; its Director also was the notary public and head stenographer of the Bodrum Court.

Second Defendant's Letter:

Letter from Murat to Asliye Hukuk Court in Reply to Charges.
15 October 1966.

"Nebi is right. I agree with all that. For that reason I cannot pay court expenses.

Nebi bought a piece of the orchard from me for 15,000 liras [\$1500] with a notary sale (*noter senedi*). I promised to sell it to him. He also paid my debts to the Cooperative of 2220.65 liras [\$222.70], and to the Ziraat bank of 1639.80 liras [\$163.98]. He paid 18,045.50 liras [\$1804.50] for improvements in the orchard. He received income from the orchard amounting to 2311.83 liras [\$231.18]. Thus I still owe him 15,773.67 liras [\$1577.37].

"I knew he was going to try to get this money back through a court case. That is the reason I gave the orchard to Oktay, and we made it seem like Oktay paid me 20,000 liras [\$2000]. But everybody knows I really didn't sell it. Oktay had said to me, 'If Nebi wins that case, he will sell your orchard, and you will be poor and hungry. But I am willing to take care of you as long as you live. I will give you a life full of comfort. If you give the title to the orchard to me, your old age will pass lightly. If you don't, I will not be able to take care of you.' Oktay said all these things to me and tricked me into giving him title. I gave him title without taking money. Oktay knows that. My orchard is not worth 20,000 liras. It is worth 80,000 liras.

"I opened a case in 1966 in *Asliye Hukuk* [to get title back from Oktay] which concerns some of the problems in this case [literally: these cases are touching each other]. For that reason if Nebi will win this case, my other case will be solved.

Please give the decision which is necessary for Nebi to win."

İcra Memuru's (claims enforcement officer's) Letter

An official document from the *İcra memuru* states that Murat has neither money nor possessions.

First Defendant's Letter:

Letter from Oktay's lawyer to the Asliye Hukuk Court.
22 November 1966.

“It is not true what Nebi and Murat say. If you will check the title to the orchard you will see that it belongs to me. They are trying to trick me. We must wait for the decision in the other cases.”

Oktay’s lawyer cites four laws why the orchard cannot be taken from Oktay.

First Court Hearing. 19 October 1966. Hasan is judge.

The lawyer representing the plaintiff, Nebi, and the lawyer representing the defendant, Oktay, came. Murat, who was not represented by a lawyer, also came. The judge decided to request that the Census Office provide details as to whether Murat adopted both Nebi’s and Oktay’s sons.

Second Court Hearing. 23 November 1966.

An answer has come from the Census Office. They have a document indicating that Murat adopted Oktay’s son. They do not have a document indicating that he also adopted Nebi’s son. The Court has also looked at old dossiers; there are receipts from the cooperative and from the bank which show that Nebi did pay Murat’s debts. The amounts paid and the amount of debts are the same as in the plaintiff’s opening letter. The court also agrees with Oktay that the other cases must be decided before this case can be finished. The case, which Murat opened in 1966 for *tapu iptali* (to get title back) is the real issue.

Lawyer for the Plaintiff, Nebi: “That is not right. If that case is decided correctly, the title will revert to Murat. Thus there is no point in waiting for a decision.”

Lawyer for the Defendant, Oktay: “But if Murat loses that case, there is no reason to continue this case. Oktay doesn’t owe Nebi any money.”

The judge decides to look again at the 1966 case Murat opened against Oktay to get the title back on his orchard.

Third Court Hearing. 28 December 1966.

The case concerning title (Murat vs. Oktay) has been postponed until 25 January 1967, so this case will be postponed until 8 February 1967.

Fourth Court Hearing. 8 February 1967.

A decision was reached in Murat versus Oktay concerning title to the orchard. The decision upheld Oktay's claim to title, but Murat, the defendant, sent the case to Appellate Court. A decision must come from that court before this case is decided.

Fifth Court Hearing. 8 March 1967.

The lawyer for the defendant did not come. He has sent word that he is ill. The case is postponed until 19 April 1967.

Sixth Court Hearing. 19 April 1967.

One of the defendants, Murat, did not appear. The case is postponed until 24 May 1967.

Seventh Court Hearing. 24 May 1967.

The defendant, Murat, did not appear. The dossier has not been returned from Appeals Court in Ankara. The case will next be heard on 13 September 1967.

Eighth Court Hearing. 13 September 1967.

The dossier still has not been returned from Ankara. Case postponed to 18 October 1967.

Ninth Court Hearing. 18 October 1967.

Dossier still has not come. Case postponed until 29 November 1967.

SUMMARY OF EVENTS FALL 1967 through AUGUST 1968

In autumn of 1967 Oktay had made a three week visit to Ankara. I was curious as to what he had done there, and as I began asking about his purpose, it became clear that he had gone to discover, if possible, what decision the Appellate Court would make on his lawsuit concerning title, which had been sent there by Murat, the person who lost the title decision in the Bodrum court. Oktay seemed pleased with the progress of the case, and

indicated that he felt confident that the Appellate judges would uphold the verdict of the Bodrum court.

When I returned to Bodrum for three months in the summer of 1968, I visited Mandalinci village, hoping to discover developments in the lawsuit over the orchard. Oktay was not in the village, but I talked with his wife. She said the title still belongs to Oktay because the Appellate Court had upheld the verdict of the Bodrum court. But, the case concerning the money which Nebi claims to have spent on the orchard during his control of it, opened in 1967 for 36,000 liras, is still unfinished.

*

In order to understand the power components of this case, we need to examine Oktay's status profile in relation to that of the brothers. Oktay grew up in Mandalinci, one of four sons of a poor subsistence farmer. Oktay's older brother, Ziya, married and moved to Mari. Nebi married a Bodrum girl and moved there to become a fisherman. Only Oktay and Nur (a younger brother, who played no role in this dispute) remained in Mandalinci.

Although Nebi's marriage brought him to Bodrum, it did not give him contacts to people of wealth and influence, and he has not developed such networks on his own. While studying the Bodrum court, I observed a lawsuit in which Nebi, as plaintiff, was attempting to stop his landlord from raising his rent from 80 liras (\$ 8.00) to 120 liras (\$12.00) a month. When Nebi's house was inspected by the court, I saw he lived in a small two-room cottage with an outdoor privy, in one of the poorer Bodrum wards. Thus, while Oktay's marriage linked him to a wealthy villager (both Oktay and his father-in-law were ranked as two of the three wealthiest villagers by ten informants, all of whom gave me that information independently), and while Oktay uses his position as large producer to become a village power broker, unless Nebi can gain control of the orchard he will remain an impoverished fisherman.

Like his father-in-law, Oktay himself is considered wealthy by other villagers. Oktay has a close friendship with Musa, the owner of a tangerine orchard adjoining the village headman's, and Oktay describes Musa as "like a brother." Musa's mother and Oktay's father-in-law are siblings. Thus this friendship gives Oktay another link to his wealthy in-law.

The marriage of Oktay's son to Musa's daughter in August

1967 not only symbolizes Oktay's close friendship to Musa, but unites them economically. Oktay's and Musa's land, once separate, becomes united through this marriage.²⁷ The orchards now can be managed jointly, and the men can give economic and work support without worrying about the return of individual favors.

Oktay, Nebi, and Murat's dispute over ownership of the orchard has created a series of major and peripheral conflicts. Oktay says the dispute began about 1960, but Nebi's lawyer's letter (see p. 236) places the beginning of the dispute in 1963, when Murat made Nebi leave the orchard, and later adopted Oktay's son (1964). Now four years and at least eight lawsuits later (including an appeal to Appellate Court in Ankara), a process leading to resolution and settlement of claims is beginning to emerge.

The nine court cases are as follows: Two major lawsuits to gain land title were opened against Oktay—Murat's 1966 suit and Nebi's 1966 suit against Oktay and Murat. Three major suits concerned debt: Nebi's suit against Murat in 1964, Murat's suit against Nebi in 1965, and now Nebi's unfinished suit against both Oktay and Murat for about 36,000 liras. (This debt suit is not mentioned in the dossier of the land title case, of which I have extensive notes, because it occurred after that suit). My knowledge of the debt suit stems from my initial interviews with Oktay and the summer interview with Oktay's wife in 1968, and thus the actual amount of the debt is questionable, although it would not be less than 15,773 liras, the amount of Nebi's earlier suit against Murat.) A street fight occurring after a court hearing in Bodrum in 1967 between Oktay, Nebi and their wives was broken up only by the intervention of the Bodrum police, who (because the couples would not reconcile at the police station) opened a case for street-fighting against them in criminal court. These charges were dropped only after seven court hearings, and

²⁷ In structural terms, fathers-in-law are near opposites of brothers. As children of the same parents, brothers farm united land, which at the death of their father is divided among them. In contrast, before men become fathers-in-law they farm separate plots of land. When their children marry, they know that eventually, perhaps only after their own deaths, some of their land will be united in their married children's ownership. In sum, brothers begin life farming the same land only to have it become divided, while fathers-in-law farm separate land only to have it united under their children's ownership.

only then due to clever judicial strategy. In hearings the judge had been pushing for the litigants to say that they were now getting along. The judge quickly dismissed the case during the seventh hearing after each person admitted willingness to drop charges to avoid being jailed. There is also an old case of Murat against Nebi for his cow, and a court hearing was part of the legal procedure necessary for Oktay in 1964 to give his younger son in adoption to Murat.

Before discussing the essence of the emerging resolution, let us examine, as best we can, the underlying structure of the dispute.

A close reading of all the information available to me (all of which is presented here) reveals the three principals and court records are in agreement over the following points:

- (1) The land prior to 1959 belonged solely to Murat.
- (2) In 1960 Murat sold (or gave) two *dönüm*, of his field to Nebi by certified note (*noter senedi*). Nebi may have established a tangerine orchard on these two *dönüm* prior to the *noter senedi* that established his ownership.
- (3) Oktay gave his younger son to Murat for legal adoption in 1964 as a way of giving Murat an heir, and this adoption is related in a direct way to Oktay's attempts to gain control of the orchard.
- (4) At different periods Nebi and Oktay made exclusive arrangements with Murat: each would provide the capital and managerial skills necessary to improve the orchard and produce tangerines; Murat would provide the field and sign notes on loans at the Credit Union.
- (5) In order to avoid paying debts to Nebi, Murat gave or sold land title to Oktay for the remainder of the orchard, excluding Nebi's two *dönüm* in 1965. (Oktay told me that Nebi's two *dönüm* were included in his agreement with Murat, but Oktay's lawyer's letter to the court does not mention Nebi's two *dönüm* in the title dispute, so we can assume that Nebi's rights can be substantiated and the lawyer cannot find a legal ground to challenge them.)
- (6) Nebi's suit against Murat, his former partner, for 15,773.67 liras can be substantiated by receipts.

In dispute are:

- (a) The nature of Nebi and Oktay's rights (ownership or usufruct) to the orchard, meaning the nature of the contractual

agreements each made with Murat and whether these agreements can be proven in court.

- (b) Whether cash changed hands between Nebi and Murat, and Oktay and Murat, for ownership rights, and if so, exactly how much.
- (c) How much Oktay and Nebi spent when managing the orchard and how much in profits each made.

One additional aspect of this land dispute should be mentioned. Murat's letter to the court and Nebi's receipts establish that Nebi paid out at least 15,773 liras while managing the orchard. The Claims Bureau has established that Murat has no assets. Thus it appears that Murat must have *given*, not *sold*, the orchard to Oktay. Otherwise Murat would have cash or new property. There is no mention that he had other debts to pay in addition to those to Nebi, and 20,000 liras in cash simply does not disappear. The Claims Bureau report also means that even if Nebi wins his debt suit against Murat he will be unsatisfied, because Murat cannot repay him. Winning the judgment is important, however, because he can use this decision in a new debt suit opened against Murat *and* Oktay. In the new suit he can claim that Oktay assumed ownership of the orchard when there were liens against the property, namely, Nebi's expenditures. We can assume that Murat will substantiate this, because a close reading of Murat's letter in Nebi's title suit against Oktay and Murat indicates that Murat again is siding with Nebi against Oktay, since all points in Murat's letter substantiate points in Nebi's letter.

In Oktay's recounting of the dispute, there is mention of a debt suit against him for 36,000 liras. This sum comes up again in his wife's discussion with me in 1968. As mentioned earlier, I have not established the actual amount of Nebi's claim against Oktay and Murat, because this lawsuit is not mentioned in the land title dispute of which I have extensive notes. Whatever the actual amount of Nebi's claim, this is his method of recouping some of his losses in connection with the loss of title to the orchard, and it also acts to diminish Oktay's wealth.

The resolution thus appears as follows: Oktay will keep ownership of the orchard because he has its legal title (established by the Appellate Court review of the Bodrum judge's decision). But Oktay appears to be losing the unfinished debt suit. It now seems

likely that the Bodrum judge will make Oktay pay some cash to Nebi, and he may even have to pay some of Nebi's court costs.

This dispute is a good demonstration of what happens when a Bodrum judge makes decisions that one or more litigants are willing to accept. The unsatisfied litigant either has the decision sent to Appellate Court to review, hoping it will be overturned, or he opens a new court case in Bodrum, based on another aspect of the problem. This case also illustrates that problems in a dispute as complex as this can in no way—short of physical violence—be resolved by village disputing techniques. The informal and formal dispute-processing mechanisms at the village level are ill-equipped to handle conflicting land ownership claims. But the planners of the new legal order in Turkey never intended that local level institutions handle land claims. That jurisdiction was given to the district director and to the state Court system. In the Bodrum area of Turkey, a cadastre unit has been at work since 1966. A cadastre is defined as a special team which hears claims to non-disputed land and awards land title for land farmed consecutively by the same household for twenty years, or land which someone has paid taxes on for a stipulated period.

Considering the amount of capital, time, and energy these three men have invested in this orchard, and the amount of importance each attaches to it, the claims must be processed slowly to allow litigants and judges opportunity to gradually evolve a resolution which takes into account the interests of all principals. Bodrum judges seek points of law which fit the shifting circumstances, and decide cases in light of legal rules. As a litigant finds the decision unacceptable, he opens a new case, which again places the judge in a position to find rules applicable to the "facts" as he establishes them in repeated court hearings. In essence, judges seek decisions, based on legal rules, which will not be overturned in appellate court. Judges are willing to hear issues and claims in repeated court cases between the same litigants, because the initiation of a new case means that a litigant remains convinced that his interests have been unfairly treated. If the goal of law is to find an equitable solution to hard cases (Llewellyn and Hoebel 1941:21) or if there "inheres in [law] ... a sense of prescription, of what ought to be" (Fuller 1963:21), then in the Turkish context that solution must come slowly, giving litigants considerable time and opportunity to reconsider their stances

vis-à-vis the property so that at least each principal understands he has gotten the best result he could, given the circumstances.

CASE NO. 32

Informants

The description of the fight is based on conversations Safran overheard in the coffeehouse between 2 and 7 March 1967, on which day we wrote up the details of the case. The fight and subsequent death upset the villagers so much that we were unwilling to ask questions immediately afterwards. The information Safran overheard in the coffeehouse did not add significantly to the details learned earlier. Even the criminal investigation conducted by the Bodrum Public Prosecutor and Bodrum judge Ali Bey, in the village of Mandalinci on 21 April 1967, which we witnessed, did not add significant new information to what we had collected.

Actors

Niyazi Nineteen years old. Unmarried youth, living with his family. Had not yet gone for military service.

Aydın Twenty years old. Unmarried youth, living with his family. Had not yet gone for military service.

The Case

On 2 March 1967 at about 6:30 p.m. a fight between Aydın and Niyazi took place. The sun had set, but there was still enough light in the sky to see. The fight took place on a narrow donkey path, about 20 meters from Aydın's house. Riza, another young man said to be a good friend of Aydın's and Niyazi's, appeared at the scene of the fight immediately afterwards. He is said to have warned Aydın not to go.

About half an hour before the fight Aydın was going home by bicycle from the coffeehouse near the school in the center of the village. He met his father on the way, and while they were speaking somebody threw a stone. Aydın's father asked what that was, but Aydın answered, "Nothing." Aydın continued home, left his bicycle, and returned to a place about

20 meters from his house, the place where the fight occurred.

Hüseyin, an adult man from the village, passed the boys and saw their position before they fought, but he thought they were merely talking with one another. He did not suspect that there would be trouble. Aydın was stabbed seven times with a knife: two stab wounds in the lower back, one in the left thigh near his groin, one in the upper left arm and one in the lower left arm, and two more elsewhere. Niyazi was wounded only once with a rock a little behind the left ear. The wound was five centimeters long, quickly became quite swollen, and proved to be fatal.

After the fight Aydın returned to his house, where his family immediately understood how seriously he was wounded and hired the Ford truck, which acts as a small bus for villagers, to take him to the Bodrum hospital.

Niyazi was encountered on the road by Hasan Ali (who is one of Niyazi's relatives) and some other people on their way to a coffeehouse in the inner village. Niyazi was running. Hasan Ali asked, "What is happening?" (*Ne oluyor?*), but Niyazi did not answer. Niyazi left the road, jumping from a low bridge into an empty waterway, and continued running towards the seaside part of the village. He ran until he came to the wall around his house-yard, and there he fell, due either to fear or exhaustion. His parents heard his moaning and carried their son into the house. He was unable to speak, and in fact, is said never to have spoken again. His head was swollen around the wound and blood covered his entire body down to his shoes. Quite soon the village gendarmes came. The Sergeant carried a pistol and the two soldiers each had rifles. The Sergeant pricked Niyazi (who was still lying down) with a needle to see if he was faking, but the boy did not respond.

At first the family had thought he was faking, but now they began to realize that he was seriously wounded. Since Aydın had been taken off in the Ford and since the other Mandalinci jeep was in Özköy, Niyazi's parents sent a neighbor, Çevat, to ask if I would carry him in my Land Rover, but I was in Izmir on business. Çevat went to my neighbor's house to ask where I was. His first words upon entering were, "There is a murder in the village" (*Köyde bir cinayet var*). He found Safran there. The time was now about 8:30 p.m.

Safran and Çevat went together to the gendarmes station to

use the only village telephone to call for a jeep to come from the Nahiye village, but it was too windy to make the telephone connection.

When the other village jeep returned from Özköy they took the youth to the Bodrum hospital, where Aydın already was. Thus the families of both boys met in the hospital halls. Aydın's father said to Niyazi's father, "If my boy dies, I will kill you." Everybody at that time thought Aydın was the more seriously injured. Niyazi's father answered, "It is a fight between our boys; it is not our quarrel. But you may kill me if you want to. I know it is difficult for you because you have only one son. I hope if a boy must go, Allah will take my son. I hope that yours will stay alive."

Niyazi died in the Bodrum hospital that night. Aydın was taken to Izmir the next day, and for the next few weeks was in serious condition in an Izmir hospital.

Nobody in the village knew why the boys fought, but an old man in the coffeehouse said he heard that one of them had whistled at a girl.

The Bodrum Investigation

On 29 March 1967 Aydın was declared well by the Izmir hospital. On 30 March he was brought under police escort to Bodrum. He became a prisoner in the Bodrum jail, and the official investigation of the crime by the Bodrum police and public prosecutor began.

On 6 April I talked with the judges and the Public Prosecutor about the case, after I had attended one of the court sessions. Aydın's case will be heard in private by judge Ali Bey, who will collect evidence. The case will be transferred to the Muğla court, because all violent crimes that result in death are heard there.²⁸

At this time I asked: "What will the court decision be? Hasan Bey, a judge: "He will be sent to prison."

²⁸ At the time of the interview a judge said that the case would be heard in the Muğla Court because the Bodrum Court can only sentence him to five years in prison, and that is not severe enough. Later I came to understand that the reason the Bodrum Court does not hear this case relates to the type of crime, rather than the type of punishment. That is, the *Turkish Criminal Code: Text and Application (Türk Ceza Kanunu: Serhi ve Tatbikat)* sets out which kinds of crimes are to be heard in which courts. The Bodrum Court does not have jurisdiction over violent crimes in which a person is killed.

Keşif in village of Mandalinci. 21 April 1967.

Judge Hasan Bey, a court secretary, the public prosecutor, and a land surveyor arrived in a hired Minibus at 3:10 p.m. in the afternoon. They began their investigation at the scene of the fight in the road. The distance between this place and Aydın's house was measured. The place where Aydın collapsed in front of his house was closely inspected. The distance from the fight to Niyazi's house was paced off; an alternate route, which Niyazi did not take, was also paced off. The bridge from which Niyazi jumped into the dry waterway was examined. Here Hasan Ali, Niyazi's relative, said he had jumped from the side, not from the bridge top. As Hasan Ali made his statement, another man was calling him, "Liar, liar." The judge impatiently said that it didn't matter. Safran thought that Hasan Ali might lie in order to establish that Niyazi's wound could not have come from tripping and falling in his jump from the road to the waterway. To make the jump less severe than it actually was would reduce the possibility of attributing the wound to a natural cause.

The group then returned to an open area near the road where a table was set up and eleven witnesses from the village were interviewed. These people included two women who had seen the boys before the fight, Hüseyin, who had seen them immediately preceding, the parents of both youths, the gendarmes who had immediately investigated the case, and Hasan Ali and his group of men who saw the wounded Niyazi on the road. No one knew the reason for the fight. No one knew of hard feelings between the boys before the fight began. The investigation took about an hour and a half in all; witnesses were asked to sign their testimony after it was typed.

Hearing in the Courthouse in Bodrum

About two weeks later, some of the witnesses were called to a private hearing in the courthouse. They repeated their testimony. We did not go in to Bodrum for the hearing because at that time my village visas were being questioned, and I had been advised not to draw attention to myself. I asked Abdulrahim, my neighbor, about the hearing afterwards. He said no one gave any testimony which differed from that recorded in the village, and that the Bodrum part of the investigation was now closed.

Case Forwarded from Bodrum Public Prosecutor to Muğla Public Prosecutor and Court. The Ağır Cezası (Highest Criminal Court) in Muğla

Toward the end of May, the dossier was sent to the Muğla Public Prosecutor. Aydın was taken by jeep under police guard to the Muğla prison. The rest of the case would take place in Muğla, the state capital (*vilayet*).

By the time of the Keşif in Mandalinci, Aydın's father had hired a lawyer, who was present at the hearing. The lawyer came from Milas, an hour-and-a-half drive from Bodrum.

For the next two and a half months I was involved in my own affairs—the shift of residence from Mandalinci to Bodrum, two trips to Ankara to attempt to get research visas, the design of a new research project since my village conflict study had been forbidden—and I did not ask about this case. When I next asked about it in late August, I was told that it was delayed because Aydın's lawyer was sick. Aydın was still in prison. During the autumn and early winter the case made no progress because of the illness of the lawyer. The lawyer subsequently died, and Aydın's father hired a new lawyer early in December 1967, when the case was begun again.

In about mid-March, Aydın was found innocent and set free. His lawyer had pleaded self-defense. The boy had spent almost a year in prison. He was immediately drafted and sent away for his two years of military service.

I asked many of the villagers whom I knew during the summer of 1968 what they thought of the resolution of this case. Most agreed that it was fair; after all, an informant would point out to me, Aydın spent a year in prison for his crime. My most articulate informant seemed to express the attitude of most villagers when he said, "One boy is dead; must the other spend his life in prison?"

*

The selection of a private setting suggests that at least one youth planned to fight as a way of settling grievances. Since Aydın appeared at the rendezvous without a knife, I think he did not suspect a serious fight to occur. Many adult village men carry a large pocketknife, which was Niyazi's weapon. It never became clear who first used a weapon (knife or rock), as there were no

witnesses to the fight. Since Aydın incurred severe knife wounds in seven parts of his body, while Niyazi was struck only once with a rock, we can suspect that Aydın picked up the rock to use in self-defense. If he had come prepared to use the rock, he would have struck Niyazi on more parts of his body, especially to ward off Niyazi's knife, which caused him to be hospitalized for over a month. That the fight was scheduled for dusk indicates that at least one youth intended to fight in private when most of the villagers would be in their homes for the evening meal.

How the gendarmes heard of the violence is unclear. A soldier usually sits in the coffeehouse in the evening, thus picking up any unusual events in the village. One may have been there when Aydın's father came in desperate search of a jeep. Aydın's friend, may have reported the fight, or one of the village men might have told of encountering the wounded Niyazi on the road. How quickly the gendarmes learned of the fight is important, since their knowledge of violent encounters is one way of preventing further retaliation by kinsmen.

That the gendarmes sergeant, accompanied by two soldiers, arrived at Niyazi's house with drawn guns suggests they already knew Aydın had been rushed to Bodrum hospital with severe wounds. If Niyazi had lived, both youths would have been tried for assault in the Bodrum court. Because one died, making the charge manslaughter, the other was tried under the jurisdiction of the Muğla law court.

The attitude of villagers toward gendarmes and Bodrum police, as law enforcement agents of the Turkish state, contrasts markedly in this case with that of Case No. 26, where gendarmes attempt to investigate "gunshots." When it becomes apparent that no village vehicle is available to transport the wounded Niyazi to a hospital, a villager goes to the gendarmes station to use the only village telephone. In fact, the phone only connects with the sub-district headquarters in Özköy, so that the villager would have been required by the gendarme to state his reasons for phoning the sub-district. Under normal circumstances, no villager would ask a gendarme to use the station's phone to summon a jeep from another village. Later, at the court investigation, most villagers gave an accurate account of what they knew. Only a relative of the dead youth is said to have lied. His lie concerned the distance of Niyazi's leap. It is understood by villagers and by Bodrum

judges that a person might lie in behalf of a relative or close friend, and Bodrum judges say they always evaluate testimony of a witness in terms of whether he is for or against a litigant.

This case suggests why adult village men avoid negotiating grievances in private settings, for there is no one around to intervene to stop the fighting. The fatal wounding of one youth in this case led to a prolonged imprisonment and trial of the other. As far as I could tell, no revenge was sought by the dead boy's family, or will be. The fact that the other youth spent close to a year in prison, and left for two years' military service immediately thereafter without returning to the village, is an attempt on the part of government officials to prevent retaliation by kinsmen. The verdict of innocent is less important to kinsmen of the dead youth than the fact that the other spent a year in prison, for imprisonment itself is considered punishment. Several informants suggested that the youth would not return to live in the village at the end of his military service, but instead would settle elsewhere in Turkey. (In fact, when in Antalya, I met a man who was tried for murder of a Bodrum man ten years before, and, although acquitted, he was forced to exile himself from the Bodrum region.)

The reason that vengeance and its elaboration into the institution of feuding is not a developed social institution in Mandalinci relates to the establishment in about 1900 of a gendarmes station in the village, the settlement of the village by dispersed households rather than extensive kin-based units, the division of loyalties between several locales on the peninsula as households migrated between winter and summer locations, and the fact that a man does not identify his interests with a particular kin or territorial unit. Even today, Mandalinci attitudes toward "vengeance killing" are unlike those reported from other Turkish areas (Stirling 1960, 1965:246-54), Greece (Campbell 1964:193-94), and Albania (Hasluck 1954). In this killing, the sensitive handling of the situation by Turkish authorities prevented further occurrence of violence.

The introduction to this chapter defines conditions under which informal and formal techniques of processing disputes are used in combination or sequential order to handle the same grievance or series of grievances. All cases in this chapter illustrate situations between persons in ongoing relations when informal

methods of disputing have failed to contain, handle, or resolve grievances. The lack of containment results in one person either beginning legal proceedings or using an informal disputing technique which brings the dispute to the attention of law enforcement personnel (as in Case No. 32 and the street fight in Case No. 31). Only Case No. 32, the fight between the village youths, provides an example of violence between individuals in an ongoing, but (apparently) not close social relation. That youths would occasionally fight is not unusual, but that they would plan to meet in a secluded place, that one boy would mortally wound the other, and that he himself would incur severe injuries is an extraordinary event in Mandalinci life, and the villagers were deeply disturbed by it.

Villagers expect that lovers and siblings will get along well, will find informal methods of resolving grievances, and, in general, have close, mutually satisfactory, and sustaining relations. Yet instances of repeated insults and aggression occur between intimates in three different disputes (Cases Nos. 29, 30, 31). The antagonists are a married woman and her lover, an adult brother and sister, and two adult brothers. Although the most violent aggression occurred between non-intimates, the striking aspect of all the other aggression is its repetition between three sets of intimates, and the repetition of court litigation between each set.

These intimates use the court to handle different *types* of problems in their ongoing relations. To them, the Bodrum District Court has become an important institution for handling disruptive social relations, even though the "meaning" of taking an intimate to court differs from case to case and from grievance to grievance.

In processing prolonged disputes between persons in ongoing relations, the court fills four functions: (1) resource allocating or redistributing function, (2) punitive function, (3) norm-enforcing function, and (4) instructive or instrumental function (i.e. assertion of norms).

Oktay, Nebi, and Murat's repeated use of the court relates to each person's attempt to gain (or regain) control of the orchard (i.e. resource allocative function of the court). In this long dispute, which covered five or more years, the violence which occurs in the street fight between the men and their wives concerning control of the orchard seems to flow from high feelings gener-

ated in a particular court hearing. But the street fight is symptomatic of their inability to work out problems relating to control and ownership of the orchard.

Lâle's case against her brother for assault signifies something different in court use. She brings her brother to court to punish him for hitting her and to attempt to prevent his "future" acts of violence against her (i.e. punitive and instructive functions of the court). A later case between Lâle and her brother concerns ownership of houses and house lots, and there the court acts, again as an arbiter, in allocating resources. The ease with which the Bodrum judge unraveled the tangles of claims, deals, and trade-offs concerning houses and lots in this case suggests that if the siblings had better feelings toward each other, they would have been able to find the same mutually acceptable resolution.

Ahmet's lawsuit against his long time mistress is to punish her for aggression and to terminate their liaison once and for all, because he has married someone else (i.e. punitive and norm-enforcing functions). Here, court use signifies attempts to block any further interaction between the two. Taking her to court is one way to symbolize the fundamental change in their relations. Court use by a former lover thus becomes a "key-log" in building a way to block further contact.

These four uses of the court by rural villagers relate to three primary activities of the Bodrum court: (1) it processes routine matters such as changes of age and dates on birth certificates, regulating the age at marriage, looking over accounts for orphans and the like; (2) it expresses national values, stressing the importance of law in judge-made decisions, since judges cite relevant laws when delivering a verdict; and (3) it processes disputes and conflicts in such a way that behavior associated with disputing can be kept minimally violent and that the disruptive effects of disputes between persons will have a negligible effect on the social life of the region.

I am aware of the increasing discussion of courts as settings which do not necessarily allay or resolve disputes: see Abel (1974), Felstiner (1975), Danzig and Lowy (1975). But my understanding of what Turkish disputants seek when they go to the Bodrum Court are its dispute-resolving characteristics: its ability to interrupt the grounds of the dispute itself, to limit the issues to be decided, to reinterpret the basis of the social relations be-

tween litigants, and to provide a more balanced, less biased distribution of resources (based upon new laws of inheritance). Some litigants find useful the fact that judges instruct persons on how they ought to correct faulty, too demanding, or too negligent social interaction.

To any Turkish villager, the Bodrum Court embodies abstract authority. Even when decisions do not meet the goals of a disputant and he sends the unacceptable decision to the Appellate Court, he realizes his position may not be as solid as he had thought, and he may, at this juncture, begin to modify his demands. Some rural villagers thus find the Bodrum Court an important institution for handling disruptive social relations.

CHAPTER TEN

WESTERN LAW IN RURAL SOUTHWESTERN TURKEY

In attempting to assess the effect of introducing western civil and criminal law codes in Turkey, we have investigated rural lives and values as they occur in Mandalinci, a remote village. Within the framework of village kinship, economic, social, and political organization, we have isolated, described, and analyzed disputes as they occur within the village between villagers, and between villagers and outsiders (e.g. other villagers, townspeople, bureaucrats, tourists, officials).

In this chapter we shall break down our larger area of inquiry, the reception of foreign law in Turkey, into the following questions: (1) What do people in a Turkish village fight about? (2) What is the range and variation of the ways Turkish villagers handle quarrels and disputes? (3) What factors lead disputants to choose one method or agency over another? (4) How much “autonomy” is allowed local-level institutions and local people in handling and attempting to resolve village quarrels, or, put differently, when and why do Turkish law enforcement agents become involved in local disputes? (5) How much violence occurs in the village? (6) What “styles” of decision-making (compromise, zero-sum, or other) does the district court display in regard to specific types of conflict? Answers to these questions provide certain insights into the impact of western law in rural southwestern Turkey, at least as it affects Mandalinci villagers.

Grievances in a Turkish Village

Most people living in face-to-face communities argue, dispute, and fight about similar issues: rights to fields or orchards, woodlands, streams, houses, and other things which their group define as scarce resources; unpaid debts; sexual activity with a person defined by that social group as chaste or as affiliated with another; theft as defined by the group; unfulfilled expectations concerning obligations and rights which go with particular paired roles (i.e. husband-wife, parent-child, sibling-sibling, spouse-parents-in-

law, neighbor-neighbor, patron-client); trespass by animals into gardens and by people into houseyards and houses; and insults to honor and pride. Although most of the world's people argue and fight about similar issues, the ways persons attempt to handle, contain, and settle disputes have particular local configurations which are affected by local social organization and social structure.

Issues in dispute in Mandalinci range from theft of chickens, cows, and pots; to insult, debt, and slander; to elopement, adultery, and soliciting a married woman; to fighting and killing; and to contested titles to houses, lots, and orchards.

The Range and Variation of Handling Grievances

Up to now events and interactions between disputants have been classified as part of particular disputes or extended cases. If all instances in which Mandalinci villagers use a disputing technique or interact with a dispute-handling institution are charted independently of the particular dispute in which the behavior was originally classified during my field investigation, we find 26 cases¹ which fit our definition of a dispute, and 104 sets of conflict interactions. Any interaction between two or more persons which could be labeled by informants or by me as conflict-managing or conflict-provoking, I shall call "disputing behavior." (I also collected several instances of conflict-avoiding behavior, e.g. see Case No. 12). Some disputing behavior led me to long term disputes, others were eruptions in generally good social relations, and some I was unable to learn more about. All these disputes and conflict interactions share at least the feature of deriving from a common source: my participation in village life and work with village informants for over a year and a half.

By treating each manifestation of disputing behavior as a discrete unit, we can see the clustering of techniques in terms of

¹ The 26 cases which fit the definition of a dispute are Category I—15 disputes between Mandalinci villagers (Case Nos. 8, 9, 13, 14, 15, 16, 17, 21, 22, 23, 28, 29, 30, 32, and 31 (classified here because the younger brother would return to the village if he wins the orchard); Category II—3 disputes between Mandalinci villagers and villagers living within a twenty-five-mile radius (Case Nos. 4, 20, 25); Category III—5 disputes between Mandalinci villagers and foreigners—i.e. citizens of other countries—(Case Nos. 5, 6, 18, 19, 27); and Category IV—3 disputes between Mandalinci villagers and Turkish officials (i.e. bureaucrats or gendarmes), Case Nos. 25, 26, and Example 2.

Table 4
Disputants Interacting with Remedy Procedures

	1	2	3	4	5	Totals
<i>Within Village</i>						
<i>Agency</i>						
1. Muhtar						0
2. Council*					1	1*
3. Imam						0
4. Gendarme		1	2	2		5
5. Outside mediator, in village			1			1
6. Representative		3	2			5
7. Messenger		1	1			2
8. Witch		1				1
<i>Self-Help</i>						
9. Public Confrontation	2	7	3	2		14
10. Private Confrontation		11	7			18
11. Gossip		8	2			10
12. No action		3		1		4
13. Avoidance		1	1			2
14. Breaking Contract		2				2
15. Refuse Help		1				1
totals	2	39	19	5	1	66
<i>Outside Village</i>						
<i>Agency</i>						
16. Outside mediator, outside village**	1					1
17. Director of Bodrum		3				3
18. Court	3	4	4	6		17
19. Sub-district Gendarmes			1			1
20. Harbor Authority, Bodrum			1			1
21. Appellate Courts, Ankara			4			4
22. Visit to Appellate Court, Ankara		1				1
23. Gendarmes Commander, Muğla		1				1
24. Police, Bodrum		2			1	3
25. Director of Province, Muğla		1				1
26. Gendarmes Commander, Bodrum		2				2
27. Gendarmes Commander, Izmir				1		1
28. Police, Izmir				1		1
29. High Criminal Court, Muğla		1				1
totals	1	17	9	8	1	38

Sources of Information

- | | |
|---------------------------------------|---|
| 1. Witnessed by anthropologist. | 2. Happening during fieldwork. |
| 3. Told by a principal from past. | 4. Informant concerning recent past, 1-3 years. |
| 5. Distant past, 3 or more years ago. | |

* Reportedly happened 15 years ago. Told by only one informant, unable to substantiate.

** Letter to Turkish Prime Minister.

Table 5
Legal Level of Remedy Procedures invoked

<i>Within Village</i>	
<i>Two party negotiations</i>	51
<i>Third Parties</i>	
Messenger	2
Witch	1
Council	1
Gendarmes	5
Representatives	5
Mediator	1
	total 66
<i>Outside Village</i>	
<i>Three Party</i>	
Sub-district	1
Gendarmes	1
District (Bodrum)	26
Officials	5
District Director	3
Gendarmes commander	2
Law Enforcement Agencies	4
Police	3
Harbor Authority	1
Gendarmes*	8
Court	17
Province (Muğla)	3
Officials	2
Province Director	1
Gendarmes Commander*	1
Law Enforcement Agencies	0
Court (High Criminal)	1
Capital (Ankara)	6
Officials	1
Prime Minister of Turkey	1
Appellate Court officials	1
Law Enforcement Agencies	0
Appellate Courts	4
Largest nearest city (Izmir)	2
Law Enforcement Agencies	
Police	1
Gendarmes	1
	total 38

* Here we follow a village distinction between going to the gendarme station to report an incident and going to a Gendarme commander or writing him a letter to report an incident. In the former case, villagers are interacting with an agency; in the latter with a Turkish official.

what disputing methods villagers use and their use frequencies. The 104 sets of disputing behavior are classified in Table 4. Each disputing behavior was charted only once. The opening of a court case thus counted as only one behavior even when it involved eight hearings, but when two different court cases were initiated between the same principals these were treated as independent events and each was counted separately.

Of the 104 sets of conflict interactions, 66, or almost two-thirds, took place in the village and 38, or about one-third, took place out of the village. In considering the legal level (Table 5) of

Table 6
Cases Involving Mandalinci Villagers in Middle Criminal Court

<i>Asliye Ceza. Middle Criminal Court</i>				
Year	Plaintiff	Defendant	Charge	Decision
1965				
1.	Women, Geriş	2 men, Mandalinci Mandalinci	Serious insult	Case dropped
2.	Man	2 men Mandalinci (same as in # 1.)	Serious insult	Case dropped
1966				
1.	2 women 1 man	1 man	Entering house at night, threat, hitting, insult	Innocent of threat, other charges dropped
2.	1 woman	Ortakent man	Deflowering a virgin.	Charges dropped, they married.
3.	Public Prosecutor Woman	Woman	To kill s.o. through carelessness	Innocent
4.	Man, Mandalinci	Peksemit man Gökçebel man	Violation of hunting laws	Innocent
5.	Public Prosecutor Peksemit man	Man, Mandalinci	Insult, bringing out a weapon	Not finished
1967				
1.	Woman	Woman	A lying witness	Innocent
2.	Woman	A man (the woman's husband)	Wounding	Dropped
3.	Woman	2 women, 1 man	Wounding	Charges against women dropped; man given 6 months in prison

managing conflicts we should not be surprised to find that approximately two-thirds of the disputing maneuvers occurred in the village and that of those handled outside the village nearly one-half went to the Bodrum District Court. What is surprising is the discovery that villagers in an area as remote as Mandalinci was in 1967-68 appealed to Turkish officials in provincial capitals and even in Ankara in attempting to find solutions to grievances. These complaints concerned: (1) bias in award of civil service jobs in Bodrum, (2) behavior of a gendarme, and (3) court decisions. The picture we obtain from this data is not of naïve villagers isolated from sources of power, but instead the ability of some villagers (village entrepreneurs and members of regional elites) to gain access to officials in bureaus through both formal and informal channels to make their complaints known.

Of the twenty-six cases which met our definition of dispute (see pp. 8-9):

- Fifteen were between Mandalinci villagers (category I)
- Three were between Mandalinci villagers and villagers living within a twenty-five-mile radius (category II)
- Five were between Mandalinci villagers and foreigners—i.e. citizens of other countries (category III)
- Three were between Mandalinci villagers and Turkish officials, gendarmes, or bureaucrats (category IV)

Of the fifteen disputes between Mandalinci villagers, eleven were managed throughout the dispute within the village, two went to criminal court via a gendarme report at some stage in the dispute, and two led to civil suits opened by Mandalinci plaintiffs. But to know that four of fifteen disputes between Mandalinci villagers reached the Bodrum Court at some point in the controversy tells us little, until we realize that the principals in these four disputes sought court intervention in their quarrels on twelve different occasions. This represents over three-fourths of the total number of village disputes reaching court. The two disputes leading to civil suits involved a house and lot (Case No. 30), and a tangerine grove (Case 31). But principals in these civil land disputes were also defendants in criminal cases brought by the public prosecutor because of aggression against their opponents. Since other Mandalinci land inheritors did not need court-arbitrated decisions to resolve land division, it appears that the underlying cause of conflict is not land division itself, but the quality of the social

relations between the parties which prevents them from finding an equitable division themselves. Likewise, the two alleged crimes, theft and assault, which aggrieved parties reported to the gendarmerie and which subsequently became the basis of criminal charges, were not the only instances of theft or fighting in the village; but those other hostile interactions were not reported to the gendarmerie, and thus did not go to criminal court. Again, it seems evident that court use has to do with the conflict-laden social relations between the parties rather than the nature of the complaint itself. Further proof: the theft of a pot in Case No. 28 which became the basis of a court case turned out not to be a theft, but the return payment on an unpaid debt. However, by involving village gendarmerie in the dispute a principal lay the groundwork for limitations on the issues to be discussed in working out the dispute in court (see pp. 204-06 for a more detailed discussion).

Elsewhere I have shown that a villager may seek a court arbitrated decision when his status changes (Starr n.d.), and in the conclusion to Chapter IX I suggest villagers seek court arbitrated decisions when (1) a scarce resource is at stake in an already conflict-ridden relationship, (2) a person wants limitations on the issues to be discussed, (3) a person seeks to punish another for insult or violence against him, or (4) he wants to terminate a relationship.

Factors in the Choice-making Process

Here I attempt to elucidate patterns among the following variables—the grievance, the relative status profiles of the disputing parties (hereafter termed the status relationship of disputing parties),² and the choice of disputing procedures.

When Scarce Resources are at Issue

1. *Motorized Vehicles.* Theft of jeeps, cars, trucks, and motorized boats is not a problem in the Bodrum district. Pre-

² Goodenough (1965:8-11) uses "status relationship" as an analytical term to refer to the collective relative ranked statuses between two persons within the same shared universe.

sumably such crimes are rare in face-to-face communities. In Bodrum people are able to gain access to jeeps or boats through personal networks or by paying for transportation, and the disadvantages that theft of a vehicle would create far outweigh any immediate benefits. No Mandalinci villager would consider stealing a vehicle. The offense is so grave that even if the jeep or boat were returned undamaged and the thief served a jail sentence for his crime, he would no longer be able to live in Mandalinci or Bodrum town, but, like a murderer, would be forced into exile.

Thus when the school director's motorboat was missing, he knew that no villager had taken it (Case No. 27). After asking at the harbor coffeehouse if any men had seen a stranger take it, and discovering that a stranger had been observed in the harbor after dark the previous evening, he reported his boat as missing to the Mandalinci gendarmerie and, later, to the Bodrum Port Authorities. [Since the captain of any motor launch leaving Mandalinci's or Bodrum's harbors must first obtain written permission from the gendarmerie (in Bodrum, from Port Authorities) he knew that careful surveillance was maintained at all Turkish ports.]

This dispute is an example of a type of conflict which does not occur between local people, but which may become more prevalent as Bodrum develops into a tourist center.

2. *Land.* Disputes over land are not handled within the village because once a question of land ownership arises there is no village means of settling the dispute.³ Most land disputes are between siblings and center on problems of land division after inheritance (see Starr and Pool 1974:548). There is some discrepancy between customary practice and Turkish inheritance law, but these differences only become issues when land is used by some inheritors before divisions for all inheritors have been made. Although in the past, when land was plentiful, women's rights to their patrimony were not asserted, as soon as land scarcity began to develop women and their husbands began to claim female shares of patrimony. Female land rights are frequently not acknowledged, although under Islamic law the shares of females were to be one-half those of their brothers. Under the

³ Stirling's findings (1957:24-26) differ on this point.

Turkish civil code adopted in 1926 all siblings are to inherit equally, regardless of sex, after the surviving widow takes one-fourth, and the Bodrum court enforces these rights.

Two of the seventeen disputes between Mandalinci (or former Mandalinci) villagers concerned land. Both disputes were between adult siblings. Case No. 30 was an inheritance case in which houses and houselots had been casually claimed by married siblings, but a careful distribution recognizing rights of all inheritors had not been made. The case went to court because of bad feelings between the siblings on a number of issues. After the judge divided the house and lot in a court hearing most of the grievances between the siblings were allayed (for more details see pp. 220-22; Nader and Starr 1973:134-35).

A second, more complicated land dispute, Case No. 31, concerned a struggle between Oktay, the leader of a village faction, and his brother to gain title to a Mandalinci tangerine orchard. The field had previously belonged to an elderly Yugoslavian man, and both Oktay and his brother had supplied money to convert the field to an orchard. Both men promised to care for the old man in return for land title, and Oktay even gave his youngest son to him to be adopted as his legal heir. Oktay's brother no longer lived in Mandalinci, although he would move back to the village if he could regain control of the orchard. The struggle involved eight court cases, and continued for over five years, and although its final resolution had not occurred by the time I left Turkey in autumn of 1968, it began to appear that Oktay would retain title to the main orchard, while his brother would have to be content with the small part he had obtained, and the regaining of some of the expenses he had incurred while the orchard was in his care (see pp. 243-46, below, and Starr 1975 for more details).

We are now in a position to state the reasons why land disputes cannot be settled in the village:

- (1) Changes in the economic system from subsistence agriculture, minor cash cropping of figs and olives, and/or animal husbandry to cash cropping of spring vegetables or citrus fruits on irrigated fields has made possession of land title to fields increasingly important, because of cash expenditures involved and profits to be gained.

- (2) The *muhtar* and his council are not considered an authoritative body by villagers. They are not indigenous, local-level insti-

tutions, but were introduced under Turkish law and thus represent state intrusions at the village level.

(3) Villagers are unwilling to let the *muhtar* or council decide disputes with important economic consequences, such as land rights, because they know the *muhtar* and council are not impartial. Nor do the *muhtar* and council have the power to force disputing parties to bring cases to them.

(4) There are no individuals in the village who have gained reputations as mediators in disputes. In fact, there are no village mediators (see Table 4). Villagers who become third parties act as representatives. The only instance of mediation in the village is the Bodrum gendarmes commander's mediation of a grievance between a woman's husband and her lover (Case No. 28, pp. 208-09).

(5) In order to decide issues concerning land, Bodrum judges call upon the bureaucratic records of a nation-state: census records, land registry records, and the cadastre survey currently at work in the Bodrum district. They summon villagers who can recite genealogies of land use to give testimony. Only after many avenues have been explored are judges willing to decide title in contested land suits. And even then the losing party may reject the court decision by sending it to the Appellate Court in Ankara (see Case No. 31).

Therefore, the following patterns of dispute management emerge in regard to scarce resources. When such resources are in dispute, villagers use the formal legal system of the Turkish state. Theft of boats and cars are reported to law enforcement agencies, which have access to national and international law enforcement bureaus that can search for missing vehicles. Disputes over houses, lots, fields, and orchards are taken to court, which is the major institution for deciding legal title in contested situations, although even court decisions concerning title may not end the dispute or stop further attempts to claim property through legal channels.

When Scarce Resources are not at Issue

When scarce resources are not at issue, a variety of variables determine choice of disputing behavior.

1. *Two party disputing in unstructured situations*

First, two party disputing in an unstructured situation works when scarce resources are not at stake, there is only one grievance, and it is between persons who normally have a reasonably smooth-functioning relationship (both perceiving it as such). Under these circumstances, each party can express his preferred outcome to the dispute, and since each has a long term stake in preserving the relationship, we expect that they will find a way to compromise claims.

Second, two party disputing in an unstructured situation does not work when the grievance is left unresolved, because issues may accumulate, meaning that everyday interaction between disputants becomes tense and their perception of their relationship may change. As their attitudes harden, each may perceive the behavior of the other as grievance-provoking, so that when a serious issue comes up or land is to be divided, there is no way to talk out the arrangements, since few ways of resolving differences of interests have been developed. Under such circumstances mediation or court arbitrated decisions must be used to resolve discord. But, as pointed out earlier, no processes of mediation or institutionalized roles as mediators have developed in the village.

2. *Cases using third parties*

Representation in unstructured situations. A village representative is brought into a simple dispute when the disputants have a disparate status relationship. In five instances (Case Nos. 20, 21, 22, 23, and 29) a villager represented another in dispute. In three of these disputes two male and one female head of household represented members of their household in dispute (Case Nos. 20, 21, 22); in Case No. 23, a quarrel between females, a mother (not a household head), represented her daughter, and in Case No. 29, a youth went to his patron (he worked for him as day laborer at the time) rather than to his father for help. The important point about a representative is that he does not mediate: he represents the side of one disputant to the other, and his role is to neutralize the status differences between disputants so that power of the higher ranking person cannot be used as a way of achieving his goals and the lower ranking person does not humiliate or use force. In all the examples in which representation was used, the representative successfully negotiated an outcome, but representatives were not brought into complex disputes (i.e. disputes with multiple grievances or issues).

Village Gendarmes. When disputes become complex, village gendarmes may be used. Complaints were made to village gendarmes by principal parties in Case Nos. 28 and 30 and on two different occasions in Case No. 29. In no instance did they negotiate a resolution of issues, but instead opened procedures leading to prosecution in criminal court. Disputants chose to involve the gendarmes when they wanted limitations on the issues in dispute (Case No. 28) or when they wanted to introduce "avoidance" into a relationship (Case Nos. 29 and 30).

Outsiders to the Village. A youth asked his patron to intervene in a dispute which arose when his mistress accused him of rape to her husband. The patron arranged that a gendarmes commander who was visiting the village mediate the quarrel between husband and lover (Case No. 29). This one example of village mediation seems fortuitous, because it is the only example of mediation occurring in all the village data I collected. Precisely because he is uninformed of all the ramifications and complications of village social relations, and because he is unhindered by these networks of relations and by village power struggles, he can focus on the limited issues involved. But we cannot underestimate the effect of his high status, and of his authoritative position as gendarmes commander in the wider society, on his successful mediation.

In summarizing factors in the choice of a village-based remedy procedure or agent we can point to the following as significant:

(1) Unstructured two party negotiations are successful in simple disputes only. They do not work when multiple issues are involved or the disputants have long term, conflict-ridden social relations. In a two party negotiation or confrontation the choice of a disputing technique depends upon a person's status position within the village social structure. Physical aggression and humiliation correlates with inferior status position, while individuals in superordinate positions withhold jobs, pay, or use law enforcement agents against inferiors.

(2) Using a representative (household head or patron) is successful when the dispute is simple and the disputants have a disparate status relationship.

(3) Village gendarmes or sub-district gendarmes are brought into simple or complex disputes as a *stage* in the process of opening a criminal case in the district court. They are not asked to mediate or arbitrate disputes. Rather, they are viewed as law

enforcement agents, persons who will process complaints in criminal cases.

Autonomy in Dispute-handling at the Local Level

Considerable autonomy is allowed to the villagers by the gendarmes in working out their own solutions to problems, as long as their ways of handling discord do not violate laws of public safety. Put differently, village gendarmes are quick to investigate gunshots or fights, but in general they feel that their very presence acts to deter bloodshed, and for the most part they are correct.

Villagers may deny hearing gunshots to protect their fellow villagers from arrest when no one has been hurt (Case No. 26), but as noted above, the gendarmes quickly became aware that two village youths were wounded in a fight because one father, wishing to summon transportation for his wounded son, needed to use the only village telephone, located at the gendarmerie (Case No. 32). On rare occasions a villager will go directly to the village gendarmerie to report an incident. Making a complaint at the station brings non-village persons of authority into a dispute, so the usual goal of a villager in making such a complaint is to start criminal proceedings at court. In one instance, however, a woman forced her daughter-in-law to report that her lover had molested her; after investigation the gendarmes did not commence criminal proceedings (Case No. 29). In another a gendarme helped apprehend a youth in the act of taking a pot, which led to his arrest and trial in criminal court (Case No. 28), while in a fourth instance an adult man made a complaint against his former mistress at the sub-district station, leading to charge and counter charge in criminal court (Case No. 29). A Mandalinci villager made a written complaint against a village-based gendarme, claiming insult and threat. After administrative channels were exhausted and he still felt unsatisfied, he opened a criminal case at the Bodrum Court (see Example 2, pp. 116-17).

Thus, integration into larger social units has both benefits and drawbacks for Mandalinci persons. Benefits accrue from undercutting a value system which suggests a man *ought* to retaliate actively within an eighteen-hour period against another adult male who commits an offense against him. Drawbacks accrue

from giving the gendarmerie "authoritative positions of power" over villagers. Villagers are defenseless when a specific act by a gendarme affronts their values. The only redress open to them is to make written complaints to the gendarme's superior officer, and hope that the officer will feel responsible for the behavior of his subordinate (see Case No. 26 and Example 2).

Violence and Court Use

During the three year period of 1965 through 1967 there were ten cases brought before the Lower Criminal Court (*Sulh Ceza Mahkemesi*) in Bodrum involving a Mandalinci villager as defendant accused of assault or of wounding another. In six of the cases charges were either dropped or the defendant was found innocent. (One of the cases that was dropped was the street fight between Oktay and his brother. Another was a case of wife-beating, which I was able to verify had occurred, but the wife decided not to continue to press charges.) In four cases the defendant was found guilty and sentenced (see Table 7). Two of those cases involved Fatma and Ahmet. Thus, in four out of ten cases at the Lower Criminal Court the plaintiff can claim to have won, but I have pointed out here (pp. 260-62, below) and elsewhere (Starr 1975, 1978) that disputes between Mandalinci villagers which reach court represent long term, conflict-ridden relations and usually are not settled in one lawsuit. Principals may open suit and counter suit (Case Nos. 29, 30, 31); a judge's decision may be sent by the dissatisfied party to be reviewed by Appellate Court in Ankara, or it may be challenged in a new lawsuit between the principals. Given the tendency for multiple lawsuits to occur between litigants, it seems inaccurate to categorize Bodrum Court decisions in abstract terms of plaintiff won or plaintiff lost, for the plaintiff has only won or lost one round in a contest in which the principal players may make ten or twenty moves. Furthermore, defeating the other party in a court case may be part of a strategy in a long term political contest (Starr and Yngvesson 1975). For instance, in analyzing Oktay's eight lawsuits over the tangerine grove, I suggested (Starr 1975) that the grove formed an essential part of his strategy to outflank Attila in village politics, because the orchard provided high occupational status and the resources for developing many clients, who form the basis of his support group.

In the same three year period ten cases were heard before the Middle Criminal Court (*Asliye Ceza Mahkemesi*) in Bodrum involving a Mandalinci villager as either plaintiff or defendant, but charges were dropped or defendants found innocent in eight cases (see Table 6; one other case was still pending in July 1968). Five Mandalinci villagers (three men and two women) were accused of assault, but only one man was convicted (see Table 7). A grandmother from Mandalinci was accused and acquitted in Middle Criminal Court of causing the death of her ten year old grandchild through carelessness. (The child was at her cottage and drowned in a nearby open irrigation well). The child's mother, the defendant's daughter, acted as plaintiff. The only other death in the village that was allegedly caused by another person

Table 7
Convictions of Mandalinci Villagers for Aggressive Acts in a Three-Year Period:
1965, 1966, 1967

<i>Year</i>	<i>Plaintiff</i>	<i>Defendant</i>	<i>Offense</i>	<i>Sentence</i>	<i>Appeal</i>
SULH CEZA MAHKEMESİ (Lower Criminal Court)					
1965	1. Male	Female*	Insult and assault	One month in prison, 180 lira	Appealed, but verdict of lower court upheld
	2. Female	Male**	Insult and assault	225 lira for insult; 250 lira for assault	
1966	1. Male	Female	Threat, insult, wounding	Insult and wounding charges dropped; six days in prison for threat to kill. Pardoned	
	2. Male (father)	Male (son)	Assault	300 lira	
1967					
ASLİYE CEZA MAHKEMESİ (Middle Criminal Court)					
1965					
1966					
1967	1. Female	Two females Male	Wounding	Charges against women dropped. Six months in prison for man.	

* This probably is the case between Ahmet and Fatma, when Ahmet was plaintiff, although the time in prison and fines are not the same as he suggested.

** This probably is Fatma's case against Ahmet and his wife.

occurred as a consequence of the fight between boys (Case No. 32). This case was heard in the High Criminal Court (*Ağır Ceza Mahkemesi*) in Muğla.

Considering that the population of Mandalinci is a little over 1000 it does not seem unwarranted to suggest that there is a low incidence of physically aggressive acts between villagers. I specifically elicited details concerning violent behavior from my closest informants. If every case of violence I was able to substantiate is added to the list of Bodrum Court convictions, it means that approximately ten physically aggressive actions, of common knowledge in the village, occurred in Mandalinci in a three year time span (e.g. five convictions plus four cases in which charges were later dropped). Those cases were the death of the youth (Case No. 32); the wife-beating case, in which charges were later dropped; Oktay and his brother's street fight (Case No. 31), in which charges were dropped; and the beating Musa received but did not report (Case No. 17). These data should be viewed in conjunction with the fact that the case material in this study strongly suggests that violence tends to recur between the same individuals. A low incidence of physically aggressive acts between community members is one index of the effectiveness of conflict-reducing techniques.

The Style of Bodrum Court Decisions

Many western scholars suggest that Middle Eastern rural courts attempt to reconcile disputing parties, that harmony of interests is stressed by the judges, that court decisions can be most aptly characterized as attempts by judges to find compromises to competing claims, and that adversary proceedings, thought to be so characteristic of western courts, are noticeably absent.

Five disputes have been analyzed in this book which at some stage reached a Turkish district court. These allow us to evaluate some of these assumptions concerning what decisions Turkish judges reach, and how case outcomes can most appropriately be described. The cases are briefly reviewed below.

In Case No. 28 the judge examined all the facts to reveal a situation more complicated than the charge, "theft of a pot." After establishing that the pot was in fact payment for a debt a married woman owed a youth, the judge arranged for cash pay-

ment by the woman's husband, which allowed the husband and youth to be reconciled if they wanted to be. Reconciliation was not discussed by the judge in the courtroom, however; and a compromise to competing claims was not sought because once all the facts were out, it was clear to everyone how the case should be resolved.

In Case No. 29 two different stages involved complaints made by a principal at the village and sub-district gendarmes stations, and in its final stage the dispute involved two criminal cases at the Bodrum District Court. In the court cases both plaintiffs claimed insult and assault by the other. A review of the total relations between the parties⁴ reveals that a young man was seeking court action against his long time mistress because he had married and wanted to terminate their liaison for good. It was not in his interest to be reconciled, since his reason for opening a criminal case was to establish an avoidance relationship with her. In fact the final lawsuit was instrumental in effecting avoidance between the principals.

Case No. 30 involved adult siblings who had had two previous lawsuits concerning insult or hitting. This final suit concerned contested houses and house lots. Although the plaintiff's claim was that he wanted to evict his opposition from his house, it soon became apparent that the case concerned patrimony which was assigned to heirs on an *ad hoc* basis without final arrangements being made. Once the judge discovered that situation, he could apply Turkish inheritance law in deciding allotments of disputed property. The judge's decision made use of the actual out-of-court arrangements made by the principals concerning the property, so that their informal allocations then became legal through a court decision. Had the judge been more interested in an equitable rather than a strictly legal solution, he might have arranged an exchange of the property so that Şeytan's share would be the house he had inhabited since his marriage thirteen years before. The judge advised Şeytan that if he wanted to

⁴ For a discussion of some of the theoretical implications of viewing individuals in dispute in their total and frequently multiplex relations with each other, see Allott, Epstein (1967), Gluckman (1965:172-73, 176; 1967:xv-xvi; 1969:5-7), Nader (1965a: 18; 1965b, 1969b), Van Velsen (1967). For an application of the method, see Bailey (1960), Colson (1953), Gulliver (1963), (1969a), Turner (1957), Van Velsen (1964), and Yngvesson (1970, 1976).

exchange his share of the house and lots with his sibling in order to obtain legal title to the one he had lived in for thirteen years, he would have to open a new lawsuit. The arbitrated judicial decision of this inheritance dispute allayed much of the tension and areas of disagreement between these adult siblings and their spouses, and thus laid the groundwork for their reconciliation, if they chose. But the judge's statements to the litigants in the actual court sessions did not suggest that reconciliation was the judge's goal. In fact, in witnessing the viewing of the disputed property, which was instrumental in deciding the case, I was impressed by the degree to which the Turkish judge was concerned with points of law. The law, as expressed in Turkish law codes, and not the total social relations between the litigants, was the continuing focus of the hearing.

The dispute in Case No. 31 over ownership of a tangerine grove involved three principals (two of them brothers, the third an old Yugoslavian man), and covered at least four years and eight lawsuits (nine actual cases). Two suits attempted to void Oktay's title, registered at the Bodrum Land Records Office, three concerned the debts the younger brother, Nebi, incurred while the orchard was in his charge; one concerned a street fight between the brothers and their wives after a court hearing, one concerned the taking of a cow from the old man by the younger brother (he claimed it in partial repayment of debt), and at least one court hearing was necessary for Oktay to give his eight year old son in adoption to the old man (a way to ensure that his son would inherit the disputed orchard). Although the judge did insist in the street fighting case that the brothers drop criminal charges against each other—"I'll send everyone to jail, if you don't"—there was no other attempt to reconcile the three disputants. Nor did either judge try to find the middle ground between competing claims. In fact, it is clear that what the judge attends to are the legal issues involved in the dispute. When he locates these he can discover the legal rules relevant to his decision. Thus, Oktay's registered land title carried more weight as evidence than testimony by Nebi and others that the title was falsely gained, because the old man had given Oktay the orchard as a way of avoiding his cash debts to Nebi. By giving the orchard away, the old man owned nothing which could be seized by the Claims Bureau after Nebi won a suit for payment. Because Nebi

considered that his claims to the orchard had been inadequately heard, he opened a second case concerning title. When he lost that case, he opened a case against both the old man and his older brother, now title holder of the orchard, for repayment of expenses incurred while the orchard was under his management.

Case No. 32 involved the death of a village youth in a fight. The surviving youth was arrested and held in prison until his acquittal over a year later. In this case the judge made no attempt to reconcile the parents of the youths; thus the possibility of revenge was left open should the other boy return to the village. But the village *muhtar* and other influential men saw to it that the youth went for his military service immediately upon his release from prison. His parents understood the advisability of this, and of his settling in another area after his army service to ensure that no vengeance killing occurs.⁵

In pulling all these examples of judicial decisions and case outcomes together, it becomes clear that the concepts of “zero-sum” or “compromise” decisions are not categories which readily fit either judicial decisions or the results of court litigation. Nor do Turkish judges seem particularly concerned with reconciling close kinsmen or neighbors who have to reside near each other. The clearest goal of the judges in each case is to discover legal issues in the dispute, which then can be subject to judicial scrutiny to determine which laws apply. Although judges ask litigants if there has been previous litigation between them, and when there has, they summon those dossiers to review them as to type of complaint and judicial decision, judges do not probe the total social relations between litigants to find underlying sources of conflict in ways that have been described for some African and Mexican courts.⁶

This dispassionate approach to human conflict demonstrates the gap between the legal culture of the judges and the local culture⁷ of the villagers, who come to court expecting more personalized justice.

⁵ It is customary for a person known to have committed a murder to leave the Bodrum area by imposing self-exile, despite the fact that he may not be convicted in court, or he may have served a jail sentence. I met one such man when visiting in Antalya and heard of one other person.

⁶ See Aubert (1969) Bohannon (1955), Gluckman (1957), and Nader (1969b).

⁷ Compare Collier (1973:59-62), who describes two legal cultures of the local Zinacanteco settlement and the Mexican legal system.

For when a litigant seeks court arbitration of his quarrels, he wishes to explain the range of problems he has with his opponent, and he expects the judge to hear him out. Judges, however, focus and control the testimony of litigants by asking questions they consider relevant, rather than letting a litigant tell his side of the dispute. We obtain a glimpse of how litigants state their claims in initiating a court case by the fact that so many case titles are phrased in commonsense language rather than legalese (see Starr and Pool 1974:557-58).

Nevertheless, the routinization of decision-making by establishing a set of facts, and then finding appropriate laws to interpret and solve them, suggests that judges adhere to professional norms. Bodrum judges know that their court decisions will be subject to official scrutiny, and when too many decisions are sent to the Appellate Courts, a judge risks being transferred to a less desirable location or he risks not being transferred to a city of his choice when his term in Bodrum expires. Furthermore, lawyers are as cognizant of the law as judges, and lawyers appear in many land disputes and, for most defendants in cases in Middle Criminal Court. (Lawyers were used by Oktay and by his brother in Case No. 31, and by the defendant in Case No. 32.) Judges do not seem openly to favor local and regional elites more than their less wealthy, less well-connected fellows. Starr and Pool (1974:549) found variation in the penalties imposed for the same crimes. Observation in the courtroom for over a year suggests that variations occur there because judges take into account first time offenders and extenuating circumstances, but give harder sentences and fines to people who make the court busy by pursuing the same grievance (see Example 2) or who continually come to court for fighting. In sum, the most striking characteristic of judges' decisions in rural Turkey is the effort these judges make to fit commonsense labels and issues in dispute (i.e. he took my cow, I want my motor back, he entered my houseyard at night) into Turkish legal categories.

The Impact of Western Law

The law administered by the district town of Bodrum and interpreted and enforced by the gendarmerie, Bodrum police,

and the District Court reflects the introduction of western jurisprudence, a western administrative system, and the enforcement of a uniform legal code in Turkey. But villagers in Mandalinci continue to use their own ways of handling disputes within the village and they attempt to keep gendarmes and government officials ignorant of what is actually happening unless violence occurs. When problems occur which cannot be settled by village methods (e.g. land disputes), when violence erupts, or when the system of patronage prevents a villager from obtaining what he considers fair treatment by an official then the villager may resort to formal agents or agencies.

What has evolved among Mandalinci villagers, then, is selective use of their own informal village controls and the formal law enforcement agencies of the Turkish state. The *muhtar* and village council are not used in part because there is no collective, corporate village life, and in part because these two institutions represent secular intrusions of the new Turkish state and are not indigenous, local forms of authority. In fact, they have been superimposed over existing authorities, the heads of households, who continue to be the persons most capable of handling simple grievances.

Although Stirling (1957), Timur (1957), and others have suggested that villagers are lax in obtaining state marriage licenses and court-decided divorces, I found little evidence in Mandalinci to suggest this to be the case. Villagers seemed to accept the procedures which the state requires to legitimate or terminate a marriage. Examination of cases of elopement again provides a glimpse of how villagers are beginning to use the law to their own advantage. Village parents now report their missing daughter to the gendarmes, because they realize that an eager seducer who becomes a reluctant groom usually loses his reluctance when faced with a jail sentence for rape. Wealthy villagers have seen the advantages of registering their productive land at the Land Registry Office in Bodrum in order to gain legal title. Even poorer villagers appear increasingly aware of the advantages of a land title. Villagers also accept the property divisions, initiated under the new inheritance laws of 1926, if property must be divided through a court case. More frequently, children may agree informally to share the responsibility of looking after their mother so that she is not given a separate house or land share. Such an

arrangement can be viewed as an informal adjustment to the new inheritance laws. It is sanctioned by village custom, for only when siblings cannot agree on land division do they turn to the court for an arbitrated decision. Bodrum judges suggested that if the widow is able to care for herself and wishes to stay in her own house, she will be awarded a share of the land and houses according to the legal strictures. If she expresses her willingness to be supported by her children in one of their houses, judges claimed that they bow to village custom and award her only rights to a house. This represents an example of judges' taking into account the customary methods that villagers use for property division. In sum, what seems to have developed in Mandalinci village and in the Bodrum District Court is a blend of customary procedures and adjustments to the national law.

Communications among villagers, districts, and provincial centers developed slowly during Ataturk's regime, which meant that the Turkish government was not able to force strict adherence to all of the new laws of the Turkish state, but has enforced certain of its laws selectively [e.g. permits for weapons, the shooting of guns in public places, and, at times, school attendance for children (Starr and Pool 1974:543)]. The fact that Mandalinci villagers have long had a gendarmerie located within their village, and have been initiated gradually into the expanding administrative and legal systems, may account for the success of Turkish law at the local level.

It would be naive and presumptuous to point out the applicability of this study to other regions of Turkey and to other developing countries, although there is a temptation to mention one insight. Many new nations are attempting to write and enforce uniform codes of law that will pertain to all ethnic and rural groups. Law enforcement agents and law courts are required to enforce these laws, frequently without knowing whether such laws overlap or conflict with local values. The study of Mandalinci shows, however, that villagers have ways of resolving conflicts that are faster, cheaper, and frequently more effective than recourse to the District Court. As we have seen, as a dispute settlement agency the Bodrum District Court was successful only in a limited sense, because judges did not usually attempt to allay the conflict inherent in either land or sexual disputes.

National systems of law enforcement may be more profes-

sional, but they also are more expensive in terms of time, money, and number of employees, and they frequently give less attention to the individual, his family, and his problems. In many countries, furthermore, there appears to be considerable discrimination in national courts against ethnic and religious minorities as well as against the urban and rural poor. For those reasons we might do well to pose the question—to what extent can law continue to be a force of change if state agencies do not take into account the viewpoint of the people under their jurisdiction? In fact, discrimination or unsympathetic handling of their problems may alienate ethnic, rural, and poor people from the national value system, rather than draw them into it.

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