THE DYNAMICS OF *TÖRE* AS THE *ETHOS* OF TRIBE IN KIZILTEPE

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ABSTRACT

THE DYNAMICS OF *TÖRE* AS THE *ETHOS* OF TRIBE IN KIZILTEPE

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This study aims to find out the structure, logic and meaning patterns of the concept of *töre* as the *ethos*, that is all social practices, of the Kurdish tribal formation and which, up until now, has been studied in the framework of honour killings (namus cinayetleri) debates rather than a distinct issue in academia. By this way it is aimed to redefine the concept at theoretical and empirical levels. In this study, first of all, the concept of tribe is tackling and it is questioning that what tribe means today as a social and political structure; and searching for the essential tension between the state and tribe due to their perception of sovereignty. In addition to this, it is intended to introduce how *töre* operates in the resolution of everyday disputes of a tribe member. It is aimed to analyze how to articulate and/or dislocate of modern state law and *töre* which based on tribal resolution mechanisms over intra tribal and inter tribal disputes. For this purpose, I conducted a field research with the help of informal interview and participant observation techniques within Kurdish tribes in Mardin, Kızıltepe.

Keywords: Töre, Kurdish Tribal Organization, State, Dispute Resolution

ÖZ

KIZILTEPE'DE AŞİRETİN *ETHOSU* OLARAK *TÖRE* DİNAMİKLERİ

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Bu çalışma, günümüze kadar akademide bağımsız bir mesele olarak çalışılmaktan ziyade, 'namus cinayetleri' tartışmaları etrafında ele alınmış olan *töre* kavramının, Kürt aşiret toplulukları içerisinde, yalnızca dar anlamda bir cezalandırma mekanizması meselesi olarak değil, aşiret toplumunun tüm yapıp etmeleri, yani *ethosu* olarak yapısının, mantığının, anlam örüntülerinin neler olduğunun ortaya çıkartılmasını amaçlamaktadır. Böylece kavramın hem teorik hem de görgül düzeylerde yeniden tanımlanmasına çalışılacaktır. Çalışmada her şeyden önce aşiret kavramı ele alınmakta, bir siyasal ve toplumsal yapı olarak bugün aşiretin ne anlam ifade ettiği sorgulanmakta ve devlet ile arasında egemenlik kavrayışı açısından varolan özsel gerilim araştırılmaktadır. Buna ek olarak aşiret bireyinin gündelik yaşantısında ortaya çıkan anlaşmazlıkların çözümünde *töre*'nin nasıl işlev gördüğü ortaya konmaya çalışılmaktadır. Aşiret içi veya aşiretler arası anlaşmazlıklarda devlet hukuku ile *töre*'ye dayalı olarak oluşan aşiret içi çözüm mekanizmalarının birbirine eklemlendiği veya birbirini yerinden ettiği durumlar analiz edilmeye çalışılmaktadır. Bu amaçla Mardin, Kızıltepe'de Kürt aşiretleri arasında katılımcı gözlem ve yapılandırılmamış görüşme teknikleri kullanılarak bir alan araştırması gerçekleştirilmiştir.

Anahtar Kelimeler: Töre, Kürt Aşiret Yapısı, Devlet, Anlaşmazlıkların Çözümü

toprağın altındaki köklerime

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Finally, I wish to express my gratitude to the Kızıltepe people for their hospitality and warm attitude. I had a great two months there. They invited me their homes, condolences and wedding ceremonies. They shared their meal and their thoughts with me. I am thankful to all for their help.

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INTRODUCTION

1.1. THE INITIAL INTEREST AND AIMS OF THE STUDY

What enables a problem to be discussed within academic or the public sphere is its perception by many groups as a "problem". For a perception like this to emerge, this problem does not need to create a big problem space in every person's daily life. This problem may not create a direct influence within the lives of those who perceive it as a problem but rather may occupy a place for those who are far away in another geographical destination. But this "problem" perception and discourse pave the way for discussions between different groups by being shaped around a crisis discourse.

The discussions on the concept of *töre* are also shaped in such a similar discursive framework. However, up until now, the concept of *töre* has been considered widely in the context of "honor killings" (namus cinayetleri) debates. The concept of *töre* has started to be heard of through the murder cases against women who live within the tribe system in Turkey's east and southeast parts within the framework of a specific "honour code". Especially during the changes in the Turkish Penal Code, the concepts of *töre* and honor (namus) came into the scene. In the paragraph "j" of the article 82 of the new law, aggravated life sentence is given to homicides by motivation of *töre*". But during the discussions of the draft law many women's organization suggested to use "honour" (namus) instead of *töre*.

The term *töre* murders could not describe the murders committed with the motivation of honour and the statement *töre* was linked to a specific region and a tribe structure. In this way, an open door was left to the personal honour killings. But this it is the fact that the "honour pincers" which functions as a control mechanism over women's body and sexuality, regardless of a region, ethnicity, educational level or economic conditions, affects all women in some way. Currently, not just in Turkey but in all parts of the world, women are being killed in the name of honour just because they wear miniskirt, they go out alone, they do not listen to the rules of their fathers or husbands, whether you call it *töre* or jealousy crisis this happens. In other words, honour killings are the products of the patriarchal system which establishes a control over women's body and sexuality rather than the feudal structure.[1]

Therefore, honour is presented as an above-concept which is the means of patriarchal control over women's bodies and includes the concept *töre*. *Töre* is thought to be one of the feudal[2] type of this control. Yet, the point is, *töre* is neither only focusing on gender nor should it be reduced to killings. This means that there is no exact correspondence between the concepts of *töre* and *namus* (honor), although the terms share similar etymological roots. Furthermore, *töre* was/is generally perceived as an "outdated custom" of "underdeveloped regions" and "communities" which is the cause of "murders" of raped or kidnapped young women by their relatives. Since this point of view implicitly associates *töre* with the "murders" and "under developed regions", it unsurprisingly fails to analyze the internal mechanisms of these tribal organizations and tight bonds of these communities with *töre* which is, for a short definition, the customary law of tribal society.

As a thesis topic what makes this matter interesting to me at the beginning is the fact that "honor killing" debates are becoming increasingly visible in the written

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[1] Derya Demirler ve Pınar Gümüş, (2004), *TCK Değişirken...*, http://www.feminisite.net/news.php?act=details&nid=460

[2] The term "feudal" refers to an old Marxian discussion in 1970's which was questioning the dominant character of mode of production in Eastern and Southeastern Turkey. It does not imply a Western type of Feudality.

and visual media in Turkey. I am especially using the term "becoming visible" for the reason that such murders were/are occurring in almost all countries under different labels. However, along with the rise of feminist movement and the enthusiasm for "gender" studies, "honor killings" debate became more controversial one in Turkey and Europe. This process and researches regarding the issue, of course, is extended to the different facets of the specificity of Turkey. In Turkish case the term "honor" (namus) gets different definitions and meanings unlike English-speaking world. Yet, the researches of scholars were suddenly made a special emphasis on women's suicide and murder in Turkey's East and Southeast regions and coding these events in the name of "custom-based killings" (*töre* cinayetleri). Actually, it is a question that whether this "creation" process has started with the academic researches or media or emerged from state's efforts that tries this issue to place in the center of its own political "intervention" to the Kurdish question. But it is a fact that this "creation" process and embracing the issue with the authentic "*töre*" was very useful for all parties. For instance, if such an event occurs in a Kurdish region and/or in a Kurdish family than media preferred to label it as the "*töre* killing". But if it happens in a different region and in a family that has a different ethnic background than media puts it with "honor killing".

In written media, one of the pioneers of this view, Ertuğrul Özkök, asserts that the problem of "*töre* killings" belongs to Kurds and Kurdish region, in his article, namely "Asıl Kürt Sorunu Bu" (This is the Real Kurdish Problem)[3]. At the beginning of his article, he asks if "*töre* killings" problem is an 'education problem' and he implies that it is not. He gives his parents' life experience (uneducated but trained themselves very well and set a good example) as the example of this negation. Then he asks what the difference is between his parents and the people who commit these crimes. He says that:

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[3] Ertuğrul Özkök, "Asıl Kürt Sorunu Bu", 14 June 2006,
http://www.hurriyet.com.tr/yazarlar/4577393.asp?yazarid=10&gid=61

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Now it is time to put clearly the name of this question. *Töre* killings are not Turkey's problem; it is East's, especially Southeast's problem. If we talk about a "**Kurdish problem**" in Turkey than this [*töre* killing] is the real "**Kurdish problem**" of the Kurds. (…) In fact, some people even attempt to hang out the shame of *töre* killings onto the neck of the State of Turkish Republic[4].

Özkök, by this way, emphasizes that this problem is not a social but an ethnical one which has to be solved by the Kurds. By rejecting the responsibility of the state concerning these murders, he ignores the close connections with economic, political and social aspects of this problem and externalizes Kurdish people by the virtue of labeling the problem as "Kurdishness" or as "cultural characteristic of Kurds". Thus he, on the one hand, isolates political bases of Kurdish problem and on the other hand codes Kurdish people as the "underdeveloped society" through this issue.

Another journalist (and a former politician and ambassador), Gündüz Aktan also states that *töre* killings are the problem of Kurds[5]. He even feels very uncomfortable of associating the word "Turk" with the word "Kurd" on this issue. He says that:

After all, the Western press also begins to understand that *töre* killings have a relation with tribal system; both facts are peculiar to Southeast. Previously, Westerners have been thought that *töre* killings committed by all Turkish people. In fact, once in a while, in an article that published in IHT [probably he means International Herald Tribune] *the words Kurdish and Turkish were used synonymously*[6]. (emphasis added)

By this way the concept of *töre* has been discussed surrounding "under development" discourse as the substitute of the term *namus* and seen as the tool of

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[4] "Artık bu sorunun adını açıkça koyma zamanı geldi. *Töre* cinayetleri, Türkiye'nin değil, Doğu'nun, özellikle Güneydoğu'nun sorunudur. Eğer Türkiye'de bir **"Kürt sorunundan"** söz ediyorsak, bu da Kürtlerin gerçek anlamda bir **"Kürt sorunudur"**. (..) Hatta bazıları *töre* cinayeti ayıbını bile Türkiye Cumhuriyeti Devleti'nin boynuna asmaya kalkışıyor (emphasis in original).

[5] Gündüz Aktan, "Aşiret Düzeni", 04.11.2006, http://www.radikal.com.tr/haber.php?haberno=203466

[6] Nihayet Batı basını da *töre* cinayetlerinin aşiret düzeniyle ilgisi olduğunu, her iki olgunun da Güneydoğu'ya mahsus bulunduğunu anlamaya başladı. Batılılar daha önceleri *töre* cinayetlerinin Türk halkının tümü tarafından işlendiğini sanıyordu. Hatta bir keresinde IHT'de çokeşlilik konusunda çıkan bir yazıda verilen örnek Güneydoğu'dan olmakla birlikte, Kürt ve Türk sözcükleri eşanlamlı kullanılmıştı.

the violence against women in the ongoing debates. In short, *töre* represents a sort of "outdated custom" which belongs to Kurdish people and has to be overcome by means of different tools of modernity.

This thesis tries to exceed the limits of the narrow framework of this discourse and to question and explain the meaning patterns and the functions of the concept *töre* within tribal societies. *Töre*, in this study, will be focused on not as the "savage" traditions of an "underdeveloped" social order but as the internal justice mechanism of the tribal social structure. *Töre* is all of the social practices which are born within the daily life practices of tribal life and which determine and are affected by the behavior practices of tribe members. In addition to this, it is the main mechanism in terms of the solution of the inter-tribe and intra-tribe disputes within the daily problem areas. Therefore, *töre* is the structure which reflectively changes, transforms and shapes the tribal social structure in which it is shaped. For this reason, the main problem of this study is how *töre* can be defined and explained. Another question of this study is what *töre* means for a tribe member.

To understand what *töre* means is mainly useful for us to understand with which parameters a tribe member behaves in his/her daily life. *Töre* helps us to identify a tribe member's social behavior in three basic levels. First of all, the relations of a tribe members with other members of the tribe is determined within the framework of *töre* principles. We can analyze the relationships a tribe members enters horizontally with the members of the same lineage and vertically with the tribal elders through these principles. *Töre* is one of the basic factors that determines both the power and kinship relationships within the tribe. Therefore, understanding the tribal mechanisms will enable us to understand the intra-tribal relationships. At the second level, *töre* rules will help us in understanding the relationships of tribes with other tribes. The power relationships which emerge through inter-tribal relations develop a "balance" mechanism with itself. All of the social, political and economic relationships are developed within the framework of the rules of this balance mechanism. What determine the parameters of this mechanism are the

principles of *töre*. Lastly, the *töre* principles are effective in determining the relationships of both tribe members and tribes with the state. The question of whether tribe members choose the state courts or intra-tribal solution mechanisms especially gains importance here. Within the framework of these disputes between the modern state law and the tribal *töre*, a tension emerges in the legal sphere. While the state wants to apply its law within its sovereign territories, tribe members put intra-tribe solution mechanisms into force and by-pass the state law. How the law crisis which is the result of this is managed by the state officials is again an important question. In addition, how these intra-tribe mechanisms are used for the intra-tribal problems should also be highlighted.

One of the main aims of this study is to analyze the tribal social structure which is shapes *töre*. The dominant general belief both within academia and the political realm is that tribes are unraveled and gradually disappears. The dominant view is that the capitalist production relations and modernity will unravel tribes gradually and eliminate them. But tribes are social structures which still exist among the Kurds. Therefore it is a crucial thing to understand to what extend tribal structures exists in Turkey in recent days. Through this study, it is going to be argued that there is an essential tension between the tribes and the state and tribes are mainly shaped by this tension. Therefore, trying to understand the state within the analysis of tribes takes an important place. Lastly, it is worth analyzing that while tribe leaders on the one hand sometimes maintain the functions of *töre*, on the other hand they have the tendency to manipulate *töre*. Besides, how a tribe leader keeps the tribe members together with which mechanisms is also an important question.

This study which tries to explain the modern law, tribe, state and the power relationships between them through *töre* principles, refers to a limited effort to understand the most basic social, political and legal problems experienced in Turkey today. It is aimed in this study to provide some theoretical and empirical means in understanding the social aspects of especially the "Kurdish question" which are not focused on sufficiently. The statement which was provided with me

during my field research by a high-level bureaucrat is striking: "Kurdish question is the total of all problems that Kurdish citizens experience in their daily lives". This study, if it can provide a contribution in understanding the basic problems emerge upon the daily life problems of the Kurds, succeeds.

1.2. OUTLINE OF THE STUDY

This study is composed of six chapters, the first is "introduction" and the last is "conclusion". It should be pointed out that I hesitated to put clear separations like "theoretical chapter" or "field chapter" from the very beginning to the end of the study. In every chapter, there are both theoretical and concrete and data-based narratives in relation to the questions asked and answers given in the mentioned chapter. I sometimes tried to integrate the field research data within the theoretical narratives and I sometimes tried to integrate the theoretical narratives into the field research. I do not know how successfully I established a narrative but I think that that kind of writing style makes the study much more clear regarding the reader. Besides, I think that the author creates stronger bond between the theoretical data and the field research data thanks to this method.

I will try to mention about the theme of the study, the basic problematic and the research questions in the first chapter, namely in "introduction". I will tell about what kind of a method I used during my field research and the limitations of the study. Lastly, I will try to convey some information on the Kızıltepe region where I conducted my field research.

Chapter 2 is the part in which I established the most general conceptual framework and the biggest part of the basic discussions. In this chapter, I try to understand and to define it both in empirical and theoretical levels. Most basically, I question what a tribe means today. In this sense, I am searching for the traces of the existential tension between the state and the tribes. To understand what kind of a social system of a tribe is, it is compulsory to understand the state, its mentality, the basic

theoretical basis on which it relies and its main character firstly. To understand the abstract and the concrete tensions which exist for me can be possible only if we can highlight the contrasts and the similarities of tribes with the state. Therefore, I try to unravel the basic characteristic of the state briefly in this chapter. Then, I will try to highlight the theoretical basics of the concept of tribe. After this, I will focus on the prospects of the tribal social structure within the Kurdish tribes in the Middle East. So we will begin to understand the basic features and the basic institutions of a Kurdish tribe. We will try to analyze the position of the tribe leader in this sense. So we will search for an answer to or most critical question which is "what is the thing that keeps the tribe members together under the hegemony of a state today?" while doing this, I will make use of the data I gathered during my field research.

Chapter 3 is the part in which I try to understand the concept of *töre* in the conceptual level. For this, I search the etymological origins of the term firstly. We will analyze the different usages of this term which was used firstly in the ancient Turkish states. We will try to understand what *töre* means theoretically and we will try to find a new definition for the term. Then we will analyze the relation of *töre* with some other concepts. We will focus on the contrasts and the similarities of *töre* with other concepts. Lastly, we will try to understand how *töre* is shaped within different power relationships within tribes.

In chapter 4, I will try to search for the traces of the tension between the tribes and the state in the legal sphere. In other words, I focus on the tensions between the state courts and the tribal *töre*. I will try to understand whether the tribe members in Kızıltepe have the tendency to solve their problems through the state courts or through the rules of the tribe with the tribe. I will try to determine the basic factors that determine these tendencies. Highlighting this tendency will provide us with the clear relations of different legal systems that the state and the tribes represent. We will analyze why the state law is dislocated in the regions where tribes are intensively settled and how the tribal *töre* is articulated to the state system.

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In chapter 5, I will analyze how tribal *töre*, of which we analyze the relations with different concepts and systems and we defined, is applied in cases of intra and inter tribal disputes. We will try to understand the strategies and techniques followed regarding the disputes emerging on issues like blood feud and eloping. I will explain how these rules are applied to the disputes and in which cases they are manipulated through the examples told to me during my field research.

Lastly, in chapter 6, namely in "conclusion", I will make a general evaluation regarding the concepts like tribe, state, state law, tribal *töre* and the issues they are related to. So I will try to give some answers to the questions I asked in the beginning. Besides, I will try to show the possible new questions from the study.

1.3. METHODOLOGY AND FIELDWORK: KIZILTEPE

In every research there are some difficulties to collecting valid and satisfying data from field. Thus it is important to choose sufficient research method and technique(s) before starting the research. Before I began my field research I was aware of such difficulties in a research that seeks for some "confidential" information like "murders", "feuds" or "eloping" keeping as secrets within community. So it was not possible to design a quantitative research technique in this research. In this study, therefore, I have used qualitative methods which enabled me to capture deeper information which is sufficient for my field research.

For this reason I have conducted one and half month (from October 2008 to December 2008) field research in Kızıltepe, Mardin using the method of participant observation as an ongoing thesis work. This work is an investigation the other aspects of *töre* including inheritance, marriage, land ownership and exchange within/among members of tribe in accordance with their dispute resolution principals. In this research I tried to understand the structure, logic and meaning patterns of *töre* for the members of tribe and to find out the power relations occurring within the tribal organization. For this purpose I had interviews

with the members of different tribes and took notes of their thoughts and their discourse regarding the different aspects of the issue.

Thus, first of all, I intended to conduct informal interviews. However, even it would be hard to get some "secret" information with using a tape recorder. If I had conducted recorded interviews, many people would not have wanted to tell me what they knew concerning disputes occurred in that region. Therefore I decided to make unrecorded interviews in a flexible manner. I talked to people in their homes while we were eating, or in their farms while they were working. And I took notes to my notebook almost every evening. I had more than a hundred pages of notes. Yet, I conducted some interviews with *aghas* that were willing to tell "everything" to a "university teacher". So I had four recorded interviews. During the research, on the other hand, even some people did not want me to write down what they tell. Therefore I changed names of people and places.

It is impossible to have interviews in the region without a connection due to the mentioned difficulties of the study above. Tribe members hesitate to talk about many of the harsh issues that someone asks questions on. Since I was aware of this before I visited the field in Ankara, I established a contact with an agha from Kızıltepe through the intermediators. This agha is Bahtiyar agha that you will see through the following chapters of the thesis. Even though he is not the formal leader of the tribe, he carries out this mission in a de facto way and he is one of the prominents of the tribe. Bahtiyar agha is an important businessman in the region. He has large lands and business centers. Besides his economic power, he is also a respected and loved person. His bonds with other tribes are strong and he knows almost everyone from different groups. Therefore, I had no difficulty in conducting interviews and getting answers to my questions through him. Even though, firstly I interviewed the prominents of other tribes because of his social position, in the further phases I had the opportunity to have interviews with lower class tribe members. Therefore, this study would be so difficult without Bahtiyar agha's intermediatorship.

Bahtiyar agha enabled me to have interviews with other tribe *aghas* and his tribe members by taking me from where I stayed in Kızıltepe to their houses. Besides, he enabled me to meet other people by taking me to condolence tents and weddings. Therefore I did not have a difficulty in terms of the interviews.

1.3.1. On Kızıltepe

It will be useful to give information on Kızıltepe, Mardin where I carried out my study because this study should be evaluated within the specificity of Kızıltepe. The data of the field research cannot be thought apart from Kızıltepe's socio-economic and political features. It should be said that if this study was conducted in another region, the results could be different. Therefore, it is useful to evaluate the analysis of the data through the context of Kızıltepe.

There was only one reason that made me choose Kızıltepe before I started my research. I only could get into contact with just two tribe *aghas* in Şanlıurfa and Kızıltepe. Therefore, I had to make a choice between the two. I chose Kızıltepe in terms of that it is a region where the Kurdish movement is strong. As it is well-known, one of the important figures of the Kurdish movement, Ahmet Türk is from Kızıltepe. Ahmet Türk's nephew became the mayor of Kızıltepe. So I thought I could find links between the Kurdish movement and the tribe system by carrying out my research in Kızıltepe. So I went to Kızıltepe.

Picture 1: Kızıltepe District Map

Source: http://www.kiziltepe-
bld.gov.tr/TR/kiziltepe/basliklar.asp?anakategori=%DDl%E7e%20Haritas%FD

Even though I chose Kızıltepe because of its close link with the Kurdish
movement, I can say that the socio-economic features of the region were
determinant for me. First of all, Kızıltepe belongs to Mardin as a district; its
population is more than Mardin. According to the 2004 data, the population of
Mardin Central is 65 789 and the population of Kızıltepe is 121 302.[7] In other
words, the population of Kızıltepe almost doubles Mardin's population. There is
more than one factor as determinants in this. The first is that Kızıltepe is between

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[7] Mardin İli Tarım Master Planı, http://sgb.tarim.gov.tr/Proje_Yonetimi/Master_planlari/master_planlari.htm

Şanlıurfa, Mardin, Şırnak and Suriye. Therefore, Kızıltepe is on the commercial ways. After the opening of Habur gate, it became an important commercial center. In addition to this, Kızıltepe has large and fertile lands. Even though there are few lands open to irrigation, agriculture continues thanks to the underground water. Every year, at least two different products are gathered. It attracted migration with these features.

With the entrance of money economy, a huge transformation has been experienced in Kızıltepe in the last 30 years. When the conflicts with PKK are added to this, it happened to turn into an area where all balances were destroyed and a new order was established. One of my interviewees, Ferhat, summarizes this transformation and change in a good way:

> I went to Ankara for my education. I was fired from my job. When I turned back, I saw a big difference from 77. After 80s, the traditions turned upside down here. The bonds and values became less effective in 85. The thoughts regarding the values and bonds were just in statements. For example, interest became legitimate. In the past, there were just on-two people working with interest, but they were not thought in a good way. They could not get a good position within the society. But the interest-making became higher. Then, alcohol consumption also increased. People started to drink too much. These happened after September 12. After September 12, people started to be the flatterers of the state. On the one hand the state pressure, on the other hand the PKK's pressure caused a degeneration of the characters. Especially after 80 with the opening of the border gate [he means Habur] illicit money increased here. Contraband trade and money ambition captured people. Everything started to be legitimate to gain money. Contraband trade increased immediately and so illicit money did. While in the past the sign and the source of richness was cultivated lands, now new rich peoples started to appear. Lands started to be at the second plan and the border gate became more important. The poor got rich. The rich did not deign the contraband job in the beginning. For this reason, some of the rich people got poorer and some of them maintained their positions. The climate also changed after 85. Since the agriculture techniques are not developed here, people tried to gather products three times a year and the fertility of the lands decreased. So, the border gate started to be the only income source. Everyone turned into its opposite in this process. Ratters and denouncers increased in the society. I have no connection with PKK but because of those people who do not like me, the state sent me to jail several times.

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But they even did not ask questions since I did nothing to be asked. PKK caused the migration of capital and brain drain. Village guardians intervened in the honors of people. We have to add the narcotic thing to the contraband job. It was permitted to cultivate hashish here between the years 1987-95. By this means so many people grew strong. During this process, a huge amount of capital entered the region..[8]

This quotation is actually important in terms of showing the importance of carrying out my field research in Kızıltepe. It was a critical job to search the tribe bonds and the *töre* principles in a region where big changes and transformations have been experienced, values have been degenerated, bonds have been weakened, the illegal gains have increased and following Ferhat's statements, "everyone has turned into its opposite". Looking for the tribal bonds and *töre* in Kızıltepe rather than looking for it in an area which is relatively closed and the capitalist economic relations have entered less and where the modernity experience has been lived relatively less will open a new door for us. So that we will see the effects of the change in the socio-economic relations over the tribe bonds and *töre*.

1.4. LIMITATIONS OF THE STUDY

This study also has limitations as others have. The first and perhaps the most important one was that I did not know Kurdish. Even though the people in the

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[8] Ben 1977'de Ankara'ya gittim üniversite için. İşten çıkarılmıştım. Geri döndüğümde gördüm ki 77'den o güne çok büyük bir fark var. 80'den sonra burada adetler ters yüz oldu. Buradaki bağlar, değer yargıları 85'te azalmıştı. Bu değerlere ve bağlara dair düşünceler söylemde kalmıştı. Mesela faiz çok meşrulaşmıştı. Eskiden faiz ile iş yapan bir-iki kişi vardı ve onlar da hoş karşılanmazdı. Toplumda iyi bir konumda yer almazlardı. Ama faizcilik çok artmıştı. Sonra içki de çoğalmıştı. İnsanlar çok içmeye başlamışlardı. Bunlar 12 Eylül'den sonra gerçekleşmeye başladı. 12 Eylül'den sonra insanlar devlete yalakalık etmeye başladılar. Bir taraftan devletin baskısı, diğer taraftan PKK'nin baskısıyla karakterler dejenere olmaya başladı. Özellikle 80 sonrasında sınır kapısının [Habur kastediliyor] açılmasıyla kara para burada çok arttı. Kaçakçılık ve para hırsı insanları esir aldı. Para kazanmak için her şey mübah oldu. Kaçakçılık alabildiğine arttı; bu nedenle kara para da arttı. Eskiden zenginliğin göstergesi ve kaynağı ekili-dikili toprak iken şimdi bu kaçak işinden yeni zenginler türemeye başladı. Araziler ikinci planda kaldı; sınır kapısı önemli hale geldi. Fakirler zenginleşti. Zenginler ise başlarda bu kaçak işine tenezzül etmedi. O nedenle kimi zenginler geriledi, kimisi ise yerinde saydı. 85'ten sonra buraların iklimi de değişmeye başladı. Burada ziraatçilik teknikleri gelişmediği için insanlar bazen senede üç ürün elde etmeye kalktılar ve arazi verimi azaldı. Böylece sınır kapısı neredeyse tek gelir kaynağı oldu. Bu süreçte herkes karşıtına dönüştü. Toplumda ispiyonculuk ve ihbarcılık başladı. Benim PKK ile uzaktan yakında ilgim yok ama beni çekemeyenlerin ihbarıyla beni kaç defa içeri aldılar. Ama bana soru bile sormadılar çünkü soruşturulacak birşey yapmış değildim. PKK burada sermaye göçüne ve beyin göçüne neden oldu. Korucular insanların namuslarına el attı. Kaçakçılık işine bir de esrar-eroin işini eklemek gerek. 1987-95 yılları arasında burada esrar ekmek serbestti. Bu sayede çok insan bir anda palazlandı. Bölgeye büyük sermaye girişi oldu o sırada.

region speak Turkish, it was a lack for me not to understand the Kurdish conversations in the condolence tents or village rooms. These Kurdish conversations sometimes were carried out intentionally. Therefore, not knowing Kurdish was a big disadvantage for me.

Connected to this, even though the men know Turkish, women do not know it at the same level. Moreover, it was not easy for me to meet and talk to women in the region. Because of this reason, I could just talk to two women. In other words, most of the data I gathered are composed of men's narratives. This is one of the biggest insufficiencies of this study. Thus, understanding tribes and *töre* from women's eyes waits for another study.

The third and the last limitation is about the time I stayed in the region. A time period of 1,5 month for such a research is open to discussion. Even though I gathered enough data for my research, more time may be needed to analyze the issue with other aspects of it. But the project budget I got from the Middle East Technical University Scientific Research Center enabled me to conduct a research just during this period.

CHAPTER II

WHAT DOES TRIBE MEAN TODAY?

Recently, there is a general view that the tribes are about to vanish within the borders of the modern states all over the world. This view cannot said to be wrong. It is true that tribal social structures are transforming under the sovereignty of modernity. Nevertheless, tribes continue to exist in some parts of the world, particularly in the Middle East. In this respect, we have to understand the tribal social structure and give an answer to the question what a tribal structure is. It should not be forgotten that each social organization that we call tribe have different peculiarities. The "tribes" of Africa, Australia, America, Central Asia and Middle East have even contradictory structures. Thus, the question what a tribe is has diverse answers.

A detailed description of those diversities is beyond the scope of this study. It is a very difficult task even to frame the tribal structure of one region, say Middle East. Until today many studies have been done to describe diverse tribes, but it is not easy to cover all features of the tribes in the region due to ethnic, religious, lingual and geographical differences. Moreover, the tribes are always subjected to change and transformed. Such change and transformation is not only about the everyday practices but also results in the broader transformation of the social structure. For instance, while it was possible to make research on the social structure of nomadic tribes in Turkey 40-50 years ago, today nomadic life is almost extinct (except from seasonal nomadism). Most of the nomadic tribes turned into settled ones or forced into it. In this regard, research on the same tribe of the same region on different

time periods will have different results. When we consider that tribes are losing power and the discourse about them being extinct, the answer to the above question will become harder to answer.

Despite the difficulties stemming from the plurality of answers, we can concentrate on the common principles of tribes to draw a general framework. But here we should keep in mind that most of the tribes today are under the rule of the modern states. Tribes continue to exist, be it weak or powerful, under the "rule" of the modern states. This is very much determining on the social changes and transformations experienced by the tribal structures. Thus, it is inevitable that the analysis of tribes today should take the state-tribe relations to its core. To understand this relationship, we should first examine the logic of the modern state.

2.1. SOVEREIGNTY AND THE LOGIC OF MODERN STATE

The concept of the state constitutes one of the most controversial issues of social sciences in general and of political science in particular. Even long before it won the title of "science", the concept of "politics" was the main axis of debates in Ancient Greek. However, "politics" was considering upon the Greek *polis* in Aristotelian thought. Aristotle's "political animal" man could only exist within the borders of *polis*. "He understood by it [the statement 'political animal'] a being whose life is fulfilled in the city".[9] "It was virtually impossible to conceive of civilized and free life outside the *polis*, therefore it was perfectly reasonable to conceive of politics as being about existence in a city".[10] The city, that is *polis*, was the only word which corresponds to the modern term 'state'. Yet, it would be a misunderstanding to translate the concept of *polis* to the modern sense of 'state'.

Our (modern) state differs with some distinctive features from other state-like institutions, such as Kingdoms and Empires in history. Even though I do not seek

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[9] R. M. MacIver, (1955), *The Modern State*, Oxford University Press: London, p.87.

[10] Andrew Vincet, (1994), *Theories of the State*, Blackwell Publishers: Oxford, p.5.

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for an answer to the question "what is the state?" which is "one of the most simple yet elusive questions that can be asked in politics"[11], it has to be displayed the particularity of logic of modern state among other political institutions. There are several definitions which try to reveal the uniqueness of the state.[12] Morris thinks that:

> Our states are different from earlier forms of political organization. ... they claim a variety of special powers, and their authority is rather sweeping. Their governance is, ... territorial in relatively new ways. Government is now more centralized and hierarchical than in earlier, premodern times. In a variety of ways, the sorts of allegiances that are now expected of us and the ways in which our state affects our identities are new.[13]

In these sentences Morris displays one of the most important features of the state, that is *territory*. First of all the state can only be defined within the certain borders of a territory. The state rules over a territorially bounded society. In its both internal and external affairs the state should impose the boundaries upon its subjects and other states. Actually the concept of border is a modern one and intrinsic to the concept of property. The recognition of property as the inherent right of individuals after French Revolution was a big step to establish the legal bond of the unity of the state and property. One of the most famous sentences of Rousseau in his *Discourse on the Origin of the Inequalities* is the best expression to depict the tense relation between property and the state: "The first man who, having enclosed a piece of land, thought of saying 'This is mine', and found people simple enough to believe him, was the true founder of civil society".[14] Along with the concept of territory, the idea of *sovereignty* establishes the fundamental base of the logic of state. In fact, this concept gives the main character to the state as a political institution.

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[11] Vincent, (1994), p.1

[12] From now on, it will be meant "modern nation-state" wherever I use the word "state".

[13] Christopher W. Morris, (1998), *An Essay on the Modern State*, Cambridge University Press:UK, p.17.

[14] Jean-Jacques Rousseau,(2005), *On the Origin of Inequality*, trans. G.D.H. Cole, Cosimo Classics: New York, p.61

Joseph R. Strayer emphasized the "impersonality" of the institutions. The state is an entity that composed of different units which emerges in a "fixed space". He says that: "What we are looking for is the appearance of political units persisting in time and fixed in space, the development of permanent, impersonal institutions, agreement on the need for an authority which can give final judgments and acceptance of the idea that this authority should receive the basic loyalty of its subjects".[15] This "fixedness" of space explicitly implies the territory of the state. Besides, the main stress of Strayer which is on the impersonality of units reminds a Weberian rationalization and institutionalization. According to Poggi: "The modern state appears as an artificial, engineered institutional complex rather than as one that has developed spontaneously by accretion".[16]

Max Weber himself touches upon the characteristics of modern state. According to Weber the modern state has the "monopoly of legitimate force" as an indivisible right. He says that:

> The modern state is an institutional association of rule, which within a given territory has succeeded in gaining a monopoly of legitimate physical force as a means of ruling, and to this end has united material resources in the hands of its leaders, after expropriating all the autonomous estate functionaries who previously controlled them in their own name. It then established itself in the person of its supreme head in their place.[17]

The obvious meaning of this quotation is the fact that modern state has the authority to use coercive power on all actions and people under its rule and it uses

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[15] Joseph R. Strayer, (1970), *On the Medieval Origins of the Modern State*, Princeton University Press: New Jersey, p.10

[16] Gianfranco Poggi, (1978), *The Development of the Modern State: A Sociological Introduction*, Stanford University Press:California, p.95

[17] Max Weber, (2008), *Max Weber's Complete Writings on Academic and Political Vocations*, ed. John Dreijmanis, trans. Gordon C. Wells, Algora Publishing:New York, pp.160-161.

this authority in an absolute way and without sharing with another chair.[18] He adds:

> The primary formal characteristics of the modern state are as follows: it possesses an administrative and *legal order* subject to change by legislation, to which the organized activities of the administrative staff, which are also controlled by regulations, are oriented. This system of order claims binding *authority*, not only over the members of the state, *the citizens*, most of whom have obtained membership by birth, but also to a very large extent over all action taking place in the area of its *jurisdiction*. It is thus a compulsory organization with a *territorial basis*. Furthermore, today, the *use of force* is regarded as legitimate only in so far as it is either permitted by the state or prescribed by it…The claim of the modern state to monopolize the use of force is as essential to it as its character of compulsory jurisdiction and of continuous operation.[19] (italics mine)

Weber, here, fairly identifies the qualifications of a modern state. The concepts written in italic compose the frame of the modern state and show the main character of a new type of administrative institution. The state has the authority to establish its order on the citizens with referring to a legal and juridical system. This very definition of modern state basically refers to a crucial concept which is the base of it, that is *sovereignty*.

The notion of sovereignty which is for the first time analyzed in a systematic way by Bodin, reveals the main principles of the state. To understand the notion of sovereignty helps to comprehend the logic of state in its modern form. Sovereignty as being a relatively new concept in discussions of politics can be dated to sixteenth century with Bodin's thoughts. Benoist says that: "In *La Republique*, Bodin begins by reminding his readers that sovereignty (*majestas*), the foundation of his entire system, is prerogative of authority, being itself one of the presuppositions of politics[20]". It is crucial that Bodin founded his entire theory on

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[18] Pınar Ecevitoğlu, (2009), *Namus Kavramı ve Türkiye'de Namus Cinayetleri*, Unpublished Dissertation, Ankara.

[19] Max Weber, (1978), *Economy and Society: An Outline of Interpretive Sociology*, Berkeley, CA, University of California Press, eds. Guenther Roth and Claus Wittich, Vol. 1, p.56.

[20] Alain de Benoist, (1999), "What is Sovereignty?", trans. Julia Kostova, in **Éléments**, No.96, p.101

this concept. He is aware that new forms of political institution, that is state, can only survive with the help of this notion. In his master piece, *The Commonwealth,* he begins with the definition of the state which is called "commonwealth" in English speaking world: "A commonwealth may be defined as the rightly ordered government of a number of families, and of those things which are their common concern, by a sovereign power".[21]

In this sentence Bodin counts briefly two significant characteristic of sovereignty. He mentions a "rightly ordered government" which consists of families as the primary component of the state for him. Family, in this sense, becomes a small archetype of the state. This phrase mainly refers to two important necessities in order to constitute a state. One is a "rightful" administration. This means that law of state has to be applied in the same way to all subjects. As long as the state provides a just administration to their subjects it can get the legitimacy for its authority. Benoist says that: "He [Bodin] asserts that a government is strong only when it is legitimate, and he emphasizes the fact that a government's actions always should be in accord with certain norms, which are determined by justice and reason"[22]. However, according to Benoist, Bodin is conscious of the fact that these considerations are not sufficient to explain the very idea of sovereign power[23]. Therefore, as the second necessity, sovereign needs to hold power. Sovereign is the man whose power "is not delegated, temporary, or accountable to anyone; if his power depended upon anyone but himself, either internally or externally, he would not have the power to make law".[24] This is the absolute power and the source of sovereign's authority which cannot be shared with any other power-holder.

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[21] Jean Bodin, (1967), *Six Books of the Commonwealth*, abridged and trans. by M.J. Tooley, Basil Blackwell: Oxford, p.1

[22] Benoist, (1999), p.101

[23] Ibid., p.101

[24] Ibid., p.102

> This model rests on the assumption that state authority should be *ultimate*, which implies several conditions. A sovereign state has the highest authority within a hierarchy of authorities. It rules *directly*, permeating every level on this hierarchy, and there is no intermediate authority able to interfere. This feature becomes especially clear when contrasted with the medieval system where political authority was fragmented and decentralized. ... And, finally, the classical account of sovereignty holds authority to be *absolute*, i.e., *unconstrained, inalienable* and *indivisible*, which means that it cannot be delegated or divided.[25]

These two concepts, "authority" and "power", is the base of the concept of sovereignty which correspond to two main principles of administration, that are *auctoritas* and *potestas*. Specifity of the concept of sovereignty and the feature that separates it from administrative principles of other state-like institutions is that the state holds *auctoritas* (authority) and *potestas* (power) together indivisibly. Authority can only be provided by a Law (with the capital "L") which could win the consent of subjects. Thus, sovereign needs both the power of coercion and the consent. This is Hobbes's *Leviathan* which is clutching sword (power) in the one hand and crosier (authority) in the other. "The power of the sword, the punitive power, and the legislative power must be in the same hand".[26] Hobbes is another main figure of the conceptualization of sovereignty and the modern state. The theory of sovereignty keeps a central place in Hobbes's theory. Like Bodin, he also thinks that sovereignty implies the unity of these principles.

> This union, ... is defined by Hobbes in legal terms. The commonwealth must be constituted as one legal person by a great multitude of men, each of whom covenants with all the others to regard the will of this legal, civil, or artificial person as his own will. This legal person, the sovereign, "is" the commonwealth. In practical terms this

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[25] Bernd Krehoff, (2008), "Legitimate Political Authority and Sovereignty: Why States Cannot be the Whole Story", in **Res Publica**, 14:283-297, p.289.

[26] Laurence Berns, (1972), "Thomas Hobbes", in **History of Political Philosophy**, eds. Leo Strauss and Joseph Cropsey, Rand McNally: Chicago, p.380.

means that every subject should regard all actions of the sovereign power as actions of his own, all legislations by the sovereign as his own self-legislation. [27]

In Hobbes's state, *auctoritas* and *potestas* come together and these concepts which are, according to Akal, the *application* (implementation) and the *principle* (Law) of political power should be considered together.[28] The state, for Hobbes, is both who makes and applies the laws. Indeed, this very dichotomy lies on the basis of classical political theory.

2.2. STATELESS SOCIETIES AND POLITICAL POWER

Up until now, we have tried to discuss on the concept of sovereignty on which the logic intrinsic to the state that has been grounded on it. As we touched upon above, the fundamental characteristics differentiating the modern state from the other state-like institutions is the concept of sovereignty; that is to say, it makes its secularized power grounded on unity of *auctoritas* and *potestas* and while the modern state defines the Law, at the same time it executes this Law. As a result of it, the state establishes a political power relation in terms of these two elements of sovereignty.

However, the point needs to be emphasized at that moment is the fact that "the political" can not be given meaning only within the framework of ruler and ruled. Beyond this, each society requires to establish relations one way or another in between Law and implementation (auctoritas and potestas), as Akal mentions, in order to both regulate its relations with the other groups outside and its own social structure inside. Beyond an institutional ruler/ruled relations, an attempt to regulate "the social" refers to sphere of power relations in a general sense. Accordingly the concept of political power is more inclusive concept than the concept of state in terms of explaining the politics. State, in the context of characteristics we mentioned above, could be defined as a type of institutionalized

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[27] Ibid., p.378

[28] Cemal Bali Akal, (2005), *İktidarın Üç Yüzü*, 3. Baskı, Dost Yayınevi: Ankara, p.328.

political power; however it is not the only institute producing political power. In this sense, societies which are not organized identical to the state could not be isolated from this sphere of power relations, which is political power.

It is significant to remember French anthropologist Pierre Clastres at this point. The problematic of his famous work "Society Against State" is to be able to consider "the political" out of the concept of state.[29] In this regard, he seeks for the questions of how political power should be defined and how political power is built in the savage societies.

According to Clastres, the fundamental characteristic of power discourse introduced by West with ethnocentric attitude is the relation of command and obedience. While societies in which such a relation exist gets valuable, societies having lack of it are coded most likely as societies having "embryonic", "nascent", "poorly developed" power. Thereby state becomes identical to political power.

> Every real or possible form of power is consequently reducible to this privileged relation which a priori expresses the essence of power. If the reduction is not possible it is because one is on this side of the political, so that the absence of any command-obedience relationship ipso facto entails the absence of political power.[30]

According to Clastres, this ethnocentric attitude of West goes hand in hand with its old accomplice, "evolutionism". Through the biological metaphors we mentioned above, evolutionism creates borders between different social formations, like developed/undeveloped. While doing it, it follows a dual way: "First make an inventory of societies according to the greater or lesser proximity their type of power has to ours; then assert explicitly (as in the past) or implicitly (as at present) a *continuity* between these various forms of power".[31] This Western point of view, on the one hand, constructs itself on the basis of its opposite, on the other hand it

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[29] Pierre Clastres, (1998), *Society Against State*, Zone Books: New York.

[30] Pierre Clastres, (1998), p.16

[31] Ibid., p.17

makes it subordinated with the emphasis on the opposite who has potentiality to evolve into West itself. According to Clastres, not to mention that stateless societies evolve into the state, on the contrary they resist on the direction of not being state.

Clastres's emphasis on political power which is universal beyond the relation of command and obedience is based on a certain assumption. According to Clastres, societies should be divided as involving "coercive power" and "non-coercive power", instead of societies with political power and those without it. According to him: "Political power as coercion (or as the relation of command-obedience) is not the *only* model of true power, but simply a *particular case*".[32] In other words, Clastres argues that different types of power require for differentiation on the basis of existence or non-existence of coercion. Although we understand what Clastres attempts to clarify with this quotation in the following pages, i.e. societies without "leaders" (or more clearly the ones who do not have coercive power apparatus) like Guayaki society he studied, in my point of view, conceptualization of "non-coercive power" is the weakest point of his theory. Especially this sentence placed in the following pages reveals the deep contradiction in his theoretical framework: "It is in the nature of primitive society to know that violence is the essence of power".[33] However, this is not the fundamental emphasis of his analysis. Consequently for Clastres who argues that power is originated from the essence of society,[34] this contradiction does not overshadow the idea of existence of political power in societies without leaders.

In the example of Guayaki society, the position of leader paves the way to interpretation of existence of his non-coercive power. The leader of Guayaki society does not have authority. In other words, he is a leader without power, as is known. Society alienates power temporarily to War-Chief in the times of war.

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[32] Ibid., p.22

[33] Ibid., p.154

[34] "it is a necessity inherent in social life", p.23

"The model of coercive power is adopted, therefore, only in exceptional circumstances when the group faces an external threat. But the conjunction of power and coercion ends as soon as the group returns to its normal internal life".[35] Except from these extraordinary times, the leader of society is the one who has no authority. Societies get organized on the basis of *consensus omnium;* which makes them peaceful.[36] What separates power from coercion is the balance between duties and rights of chief.

> The chief is responsible for maintaining peace and harmony in the group. He must appease quarrels and settle disputes – not by employing a force he does not possess and which would not be acknowledged in any case, but by relying solely on the strength of his prestige, his fairness, and his verbal ability. More than a judge who passes sentence, he is an arbiter who seeks to reconcile. The chief can do nothing to prevent a dispute from turning into feud if he fails to effect a reconciliation of the contending parties. That plainly reveals the disjunction between power and coercion.[37]

In addition to this, chief has to be generous and ready to give away everything that he has. In return, he has right to polygamy. But according to Clastres, "the chief, as custodian of the essential values of the group, is by that very fact responsible for it, and via the women he is in a sense the group's prisoner".[38] The duty to rule is not given to chief by Guayaki society. Society rules itself. What chief makes could be defined as "duty to speak". Chief *must* give a speech every early morning from a high place. The content of the speech is not significant; people already do not listen to chief but pretend to listen. What is significant here lies on the realization of speech itself. "Duty to speak" is the border line between chief and power.

> By compelling the chief to move about in the area of speech alone, that is, the opposite of violence, the tribe makes certain that all things will remain in their place, that the axis of power will turn back exclusively to the social body, and that no displacement of

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[35] Ibid., p.30

[36] Ibid., p.30

[37] Ibid., p.30

[38] Ibid., p.46

forces will come to upset the social order. The chief's obligation to speak, that steady flow of empty speech that he *owes* the tribe, is his infinite debt, the guarantee that prevents the man of speech from becoming a man of power.[39]

Clastres' theory which states that all societies are societies with political power paves an important way for us. To say that stateless societies also have political power (in Akal's words) is to express that a certain relationship is built between Law and implementation. The character of power shows differentiation according to whom hands *potestas* is in and how it is carried out. In addition to this, according to Akal, the problematic of where Law gets it basis from is one of the basic factor that determine the character of the political power.

> From the simplest to the most complicated, every society adapts to an indispensable social logic and therefore all political units show similar qualities. A general logic that is adapted by every society, because it is a society, can be identified. Every type of political power inevitably builds a relationship between Law and implementation. This "relationship of political power" between Law and implementation, as in the example of the state, is definitely built in the Ancient Greek cité, as well as in the Fareo's Egypt, or in a simple community, according to the differences between types of political power. Therefore, when the interruptions that differentiate the type of political powers are mentioned, what is to be understood, above all, is the interruption that differentiates the relationships of political power between Law and implementation. This interruption is between the types of societies where Law and implementation are held separate, and the types of societies where law and implementation are agglomerated or placed against each other in the worldly area. Although it is possible to think of different subtypes exist between these two fundamental types, it is possible to say that the quality that differentiates stateless societies and the states with societies is the worldly quality of Law in former and the unworldly external quality that is not worldly in the latter.[40]

Although I agree with what Akal says on the relationship on Law/implementation and political power, I would like to express that I do not agree with his view in his last sentence which states that law of the stateless societies have an external

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[39] Ibid., p.154-155

[40] Akal, (2005), p.323.

character that makes a reference to the divine. Akal puts forward this argument reference to Marcel Gauchet's article *La dette du sens et les racines de l'etat* (Anlam Borcu ve Devletin Kökenleri).[41] According to Gauchet, "every society must make sense of itself by means of a superior power apart from itself"[42]. Hence, Gauchet says that it is a focus of external divinity that enables the usage of political power and to be administered. In this sense, every society receives it Law from outside. Although I will go into its detail in the next chapter, I would like to shortly express that, the Law (the principles of administration) of the stateless societies is fundamentally the *ethos* of the society and receives its source from all of social practices. Therefore, the Law of the stateless societies is social. Once the Law emerges, it surpasses every individual in the society; in the sense the Law is above the society. However, this situation does not change the conclusion that the Law in question emerges from social practices. In this sense, Law as principle of administration is not obliged to make a reference to a focus of divine in all stateless societies. For example, *töre*, which is the Law of the tribal societies in Turkey, gets is principles and rules from the social life patterns of the society out of which it derived. It is exactly this socialization that enables *töre* to differentiate from Sheri'a/Islamic Law throughout time.

The tribal societies in Turkey also build the Law/implementation relationship that Akal puts forward in social and political level. Therefore, it can conveniently be said that tribal societies are societies with political power. However, this Law/implementation relationship is different from the relationship that the state builds. The tribal law that arises from social practices, namely *töre*, is only expressed in words by the leader of the tribe. Tribe leader or elders do not have the authority to make the Law (in other words, the principle of legitimacy the society rests upon). This Law (*töre*) comes into being in the course of time, filtered through social practices. They are known by the whole community and every

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[41] Marcel Gauchet, (2005), "Anlam Borcu ve Devletin Kökenleri", in. **Devlet Kuramı**, ed. Cemal Bali Akal, trans. by Ozan Erözden, Dost Kitabevi:Ankara, pp.33-67.

[42] Akal, (2005), p.133.

member of the tribe regulates himself according to this Law. The leader of the tribe and the elders enable this Law to execute. Therefore, the leader of the tribe is not the one who makes the Law, he is only the one who verbalizes and reminds it to the society. In this sense, the leader of the tribe is different from the state leader who makes and implements the Law. The tribal society's relationship of political power differentiates from that of the state with this aspect.

The critical point here is the fact that tribal society, although different from that of the modern state, also builds an area of sovereignty. Control is established on members of the tribe through the Law of the tribe. However, social control, different from the differentiated judiciary organ in the modern state, is provided by the society itself. The members of the tribe shape their social behaviour in line with the Law of the tribe and its principles. The orders of this Law are adhered more strictly than orders of any other Law. This is an important factor in enabling the tribe to protect its existence; that this Law, in other words *töre*, is still accepted by the members of tribe who diligently make sure that its rules are adhered to. The tribe will continue to exist as longs as the Law exists, vice versa. At this point, it is important to try to understand what kind of an entity the tribe is, which keeps the Law alive.

2.3. TRIBAL STRUCTURE: FORMS AND DEFINITIONS

In this section, first of all I will explain the views on tribe structures in general. The elaboration of all of the features of the tribe structure (historical development, different tribe types which emerge structurally, different tribe systems in different geographical regions, the social structures of these tribes, etc.) with its details is not the main aim of this study. Because of this reason, I will try to analyze the most general features that define the tribal societies in the Middle East, the general formation of the Kurdish tribes and the information based on the observations and the impressions I got during my field research under this topic. Therefore, in this

section I will convey some of the examples of the interviews I conducted during my field research.

2.3.1. Characteristics of Tribal Social Formation in the Middle East

As it was stated in the beginning, it is really difficult to give an answer to the question "what is a tribe?". "The term tribe has been used to describe many different kinds of groups or social formations, a single, all-compassing definition is virtually impossible to produce".[43] However, it is possible to see the definitions which may demonstrate the general characteristics of a tribal social structure within the anthropology literature. For example, Tapper counts the features of the tribes as follows:

> *Tribe* may be used loosely of a localized group in which kinship is the dominant idiom of organization, and whose members consider themselves culturally distinct (in terms of customs, dialect or languages, and origins); tribes are usually politically unified, though not necessarily under a central leader, both features being commonly attributable to interaction with states. Such tribes also form parts of larger, usually regional, political structures of tribes of similar kinds; they do not usually relate directly with the state, but only through these intermediate structures. The more explicit term *confederacy* or *confederation* should be used for a local group of tribes that is heterogeneous in terms of culture, presumed origins and perhaps class composition, yet is politically unified usually under a central authority.[44]

The first problem which is included within this definition is the view that the tribe is a kinship-based society. Kinship, in its narrow sense, refers to the blood-ties within the community. In other words, it is believed that there is a blood tie within the kinship community. This tie is mainly relied on "a common ancestry" myth. The members of the group believe in that they come from a common descent and

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[43] Philip S. Khoury and Joseph Kostiner (eds.), (1990), "Introduction: Tribes and the Complexities of State Formation in the Middle East", in **Tribes and State Formations in the Middle East**, University of California Press:Berkeley, p.3

[44] Richard Tapper (ed.), (1983), "Introduction", in **The Conflict of Tribe and State in Iran and Afganistan**, St. Martin's Press:London, pp.6-9, quoted in, Philip S. Khoury and Joseph Kostiner (eds.), (1990), p.5

the plausibility of the myth is supported by the heroic stories about the descent. In this sense, the definition of kinship group can made as such:

> Consanguinity group or affinity as an essential 'organization unit'; grounds its existence on a common ancestor and constitutes a common historical consciousness by recording its members to its collective memory in terms of their proximity to this common ancestor; is where living members share a particular space and form a more or less determined production unit depending on the division of labor developed according to such criteria as age, sex; is hence a collectivity that defines itself as a 'unique' and 'distinct' group in the face of other affinities or affinity groups depending on all of the above.[45]

However, blood ties cannot be perceived as a sufficient element in defining the kinship because a membership to a descent group cannot always be realized by birth. In addition, some of the tribal organizations do not define themselves based on kinship. Tapper points out that some tribes in Iran never subscribed 'to an ideology of common descent, organizing as explicitly political local groups with a common leadership'. Most tribes, however, 'ascribe[d] common descent to all those who, by whatever means,…acquired rights in the territory' they inhabited".[46] Therefore, we cannot argue that tribes are only descent organizations (sometimes, never). The kinship criterion is only an insufficient criterion of defining tribes. Moreover, defining tribes as kinship-based descent groups explicitly starts to be an attempt to ignore the fact that tribes are political organizations. Therefore, tribes cannot be defined just based on kinship.

The second important part of Tapper's definition is his statements on the result of the interaction that a tribe enters into with the state. According to Tapper, on the one hand, tribes remain "unified" as a result of the interaction they had entered with the state, on the other hand, they had not been forced to stay under the authority of a central leader. However, according to me, this kind of an analysis

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[45] Pınar Ecevitoğlu, (2009), pp.95-96.

[46] Richard Tapper (ed.), (1983), "Introduction", p.66, quoted in, Philip S. Khoury and Joseph Kostiner (eds.), (1990), p.5

can be falsified with the example of the *Bucak* tribe in Turkey. One of the prominent members of the *Bucak* tribe, Sedat Bucak is known with his relationship to the state. However, this situation could not help the Bucak tribe to remain politically unified. Another prominent member of the tribe, Sertaç Bucak is a person who carried out the leadership of the The Right and Liberties Party (Hak ve Özgürlükler Partisi/HAK-PAR) which is an important party of the Kurdish movement today. In this sense, the tribe is divided into two. The two prominent members of the tribe, one has powerful relationships with the state, the other supports the Kurdish federalism. Moreover, both leaders are important figures within the tribe. Therefore, it is possible that the interactions with the state can produce results contrary to what Tapper argues.

The ideological role of kinship while forming tribe as a fictive unity of descent can not be ignored. This concept creates a powerful state of belonging within the tribe which keeps the tribe together. But the only factor which keeps the tribe together and creates a powerful feeling of belonging (more if there are tribes which do not refer to the kinship bond that Tapper mentions about). Another bond that keeps the tribe together is the group consciousness which is explained with the term *asabiyya* of Ibn Khaldun. The term *asabiyya* includes blood bond however it also exceeds it. The thing that keeps the community is the feeling of solidarity. Especially when blood bond loses its clarity, *asabiyya* gains importance in terms of maintaining the unity of the society:

> In the fact of (common descent) is obvious and clear, it evokes in man a natural affection, as we have said. If, however, its existence is known only from remote history, it moves the imagination but faintly. Its usefulness is gone, and preoccupation with it becomes gratuitous, a kind of game, and as such is not permissible. In this sense, one must understand the remark, 'Genealogy is something which is of no use to know and which it does no harm not to know'. This means that when common descent is no longer

clear and has become a matter of scientific knowledge, it can no longer move the imagination and is denied the affection caused by group feeling. It has become useless.[47]

Another crucial characteristic of tribe is the fact that it based on segmentary opposition. The best-known example of this model can be found E.E. Evans-Pritchard's classic *The Nuer*. According to this model, briefly, more close kins of the same descent stand together against more distant ones. This means that in such an alliance I and my brother, together, are against to our cousins; our cousins and we (my brother and me) are against neighbour village; that village and ours are against other clan; that clan and our clan are against other tribes, and so on so fort. Barfield asserts that, "The relationship between each lineage rested on segmentary opposition, that is, lineages were supported by, or opposed to, one another based on their degrees of relatedness".[48]

Tribe
Subtribe
Village
Lineage
Household
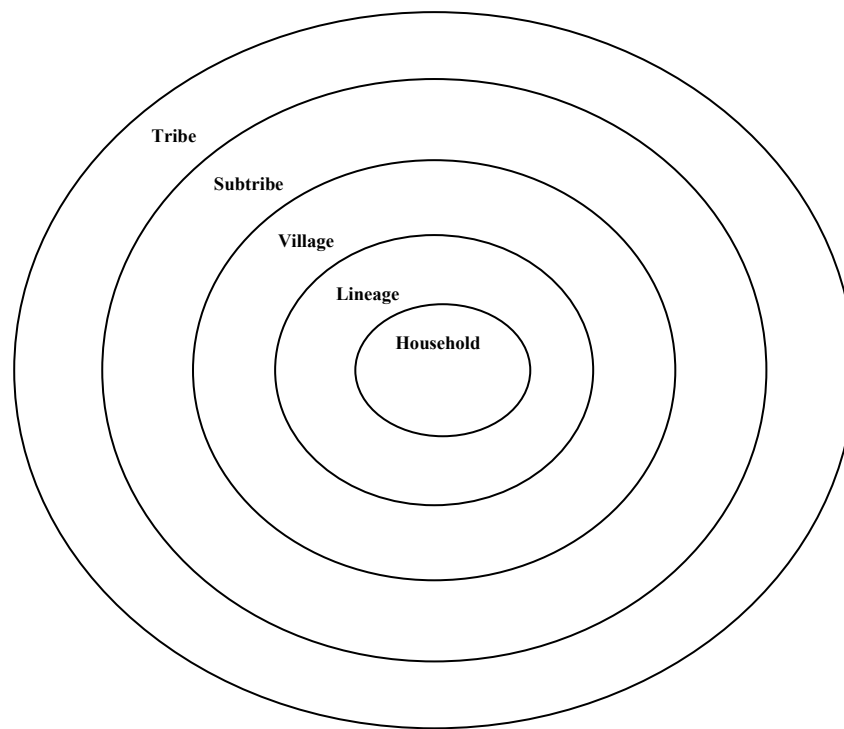
[47] Ibn Khaldun, (1981), *The Muqaddimah: An Introduction to History*, trans. Franz Rosenthal, ed. by N.J. Dawood, Princeton University Press:Princeton, p.99

[48] Thomas Barfield, (1990), "Tribe and State Relations: The Inner Asian Perspective", in **Tribes and State Formations in the Middle East**, Philip S. Khoury and Joseph Kostiner (eds.), University of California Press:Berkeley, p.160.

Figure 1: Segmentary Opposition

Source: Marshall D. Sahlins, (1968), *Tribesmen*, Prentice-Hall Inc: New Jersey, p.16

This "Figure 1" which is quoted from Sahlins' book *Tribesmen* can make easier to understand this organization. According to Sahlins, "the tribe is divided into concentric circles of kith and kin: the household in central position, a circle of lineage kinsmen surrounding it, a wider circle of village relations, on out to the tribal and inter-tribal spheres. Each sphere, otherwise *a level of organization*, becomes in this perspective a *sector of social relations*, relations increasingly broad and dilute as one moves outward from the familial navel".[49] So it can be said that segmentary system is not only based on "opposition" and "antagonism" of different levels. This model is;

> more than a scheme of social relations, it is an organization of culture. The several levels of organization are, it the jargon of the trade, *levels of sociocultural integration*; the sectors, *sectors of sociocultural relations*. That is to say, first, that each level (each kind of group) has a range of functions: economic, ceremonial, defensive, and so forth – each organizes certain necessary tasks. Moreover, each sector as a more or less solidary field of co-membership has its values and morality, which govern the conduct of human affairs within that field. The terms of economic exchange, the weapons of political dispute, … vary according to the sectoral distance of parties. Functions are regulated by levels of organization, and transactions by sectors of relation.[50]

According to Lapidus who claims that the concept "tribe" is unclear and controversial, refers to kinship ties. However the definition cannot be limited to this. According to Lapidus, tribes are mainly political and religious organizations. In this sense, tribes cannot be defined as ethnical or familial groups.

> The word is used to refer a kinship group, an extended family, or a coalition of related families. (...) I will not take a position about the meaning of tribe except to make clear that I am not talking about small-scale family groups, cooperative herding, or village

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[49] Marshall D. Sahlins, (1968), *Tribesmen*, Prentice-Hall Inc: New Jersey, p.15

[50] Ibid., p.16

communities but about political entities that organize fragmented rural populations – be they small kinship or clientele groups or ad hoc alliances of individuals conceived as an extended family – into large-scale alliances. Such large-scale political entities may be conceived by their members in terms of a common mythic ancestry, but usually the leadership is defined in terms of patriarchal, warrior, or religious chieftaincies. (...) Although I may use the word *tribe* for convenience, it should be clear that tribes in my sense are not familial or ethnic groups but political and religious chieftaincies whose composition varies greatly.[51]

Bassam Tibi, as Lapidus, has a tendency to separate tribe from ethnical groups. For him, the example of the Middle East does not support the views which see tribes and ethnic groups unified and the same: "Whereas historians and anthropologists mostly refer to prenational groups as tribes, social scientists seem to have replaced the concept of tribe with the concept of *ethnie*. The Middle Eastern context does not support the equation of tribes and ethnies, that is, ethnic communities".[52] Tibi argues that a sufficient definition of tribe can be realized with a Weberian sense.

[Tribe] is a stateless, segmentary social group characterized by a (myth of) common lineage and bound together by linear loyalties. Historically no such pure tribe has ever existed; there has always been interaction among tribes on all levels (including intermarriage). Furthermore, tribal autonomy was regularly diminished by the subjection of tribes to state power. When tribes became holders of state power, they changed in many ways.[53]

Barfield is also aware of the fact that it is difficult to define tribe. He states that this kind of difficulty may arise from the existence of different tribe types as well as the existence of different state types within which these tribes exist. In this

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[51] Ira M. Lapidus, (1990), "Tribes and State Formation in Islamic History", in **Tribes and State Formations in the Middle East**, Philip S. Khoury and Joseph Kostiner (eds.), University of California Press:Berkeley, p.26-27

[52] Bassam Tibi, (1990), "The Simultaneity of the Unsimultaneous: Old Tribes and Imposed Nation-States in the Modern Middle East", in **Tribes and State Formations in the Middle East**, Philip S. Khoury and Joseph Kostiner (eds.), University of California Press:Berkeley, p.130.

[53] Ibid., p.13.

sense, Barfield argues that firstly the questions of "what type of tribe" and "what type of state" should be asked, however, Barfield chooses the way to define the characteristics of tribes through their differences from states.

> In contrast to states, tribal political structures employed, in theory, a model of kinship to build groups that acted in concert to organize economic production, preserve internal political order, and defend the group against outsiders. Relationship among people and groups in such systems were mapped through social space rather than geographic territory. Political units and the territories they occupied existed primarily as products of social relations: right to use land and exclude outsiders were based on tribal affiliation.[54]

Barfield's definition highlights an emphasis apart from the reference he makes to kinship ties. According to Barfield, the right of a tribe to use a land derives from its relations with other tribes. On other words, tribes determine their limits as a result of their external relationships with other tribes. This is a type of a sovereignty relationship. The sovereignty relationship is not established just by the tribe members internally, but also is determined by the struggles with the tribes outside. A tribe has to form a balance in its relationships with both other tribes and also the state. Tribal politics is shaped through these relations. However, this relationship is against the sovereignty of the state essentially; because there is a permanent clash between the sovereignty of the tribe and the sovereignty of the state. As it is stated before, the state sovereignty both establishes the Law and executes it. This law, before everything, creates a contrast in theoretical level with *töre* which is the Law of tribes. State sovereignty does not want other hegemonies which may create alternatives within its territories. However, tribal social structure which does not have any differentiations within its political, social and legal domains forms a contrast to the state sovereignty because of this reason.

Here, returning again to Tapper, it will be useful to state the definition he produced based on tribes' contrast with the states. According to Tapper, who attracts

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[54] Barfield,(1990), p.155-156.

attention to the fact that the literature and the concepts about tribes are ambiguous and that their meanings of all concepts are determined with everyday negotiations: "'Tribe' as an anaylitical concept, I have argued elsewhere, is best viewed as – and best matches indigenous concepts for – a state of mind, a construction of reality, a model for action, a mode of social organization essentially opposed to that of the centralized state".[55]

Lastly, in this part, I would like to explain the views of Lindner on tribes and the ideology of tribes. Lindner, who has contributed a lot in terms of the understanding of tribes, excludes the idea from the definition of tribe that it is a kinship based society. According to Lindner, the basic concepts and criteria in terms of defining a tribe have changed. The most important definition which should be described is that a tribe is a kinship based society. Lindner, who gives the example of camps (obalar) which were small groups and were established by Osman Bey in the first years of the Ottomans argues that these camps were established by consanguineous families. Lindner explains that "serving together and sharing" keeps the families together within the camps. "The tribe was a useful device for pulling together such seemingly disparate groups as Turkish pastoralists and Byzantine settlers. Modern anthroplogists' field studies show that tribal, clan, and even camp membership are more open than tribal idiom or ideology might indicate".[56] Therefore, according to Lindner, kinship is even not a necessary concept while defining a tribe. "Kinship, in fact, neither necessarily nor sufficiently defined it".[57] But on the other hand, Lindner acknowledges the functional importance of kinship: "To the extend that blood ties seemed essential for those who joined the enterprise, clan genealogies were 'recalled' which forged distant relationships among lineages".[58]

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[55] Richar Tapper, (1997), *Frontier Nomads of Iran: A Political and Social History of the Shahsevan*, Cambridge University Press:Cambridge, p.9.

[56] Rudi Paul Lindner, (1983), *Nomads and Ottomans in Medieval Anatolia*, Uralic and Altaic Series, Vol. 144, Curzon Press:London, p.33

[57] Ibid., p.33

[58] Ibid., p.33

So, for Lindner, what defines a tribe? "The idiom of tribal ideology was one of kinship, but the tribal reality was formed of *shared interests*, advantage, and service. The tribe was, then, a useful political institution" (italics mine).[59] I think that these emphases Lindner does are so important. Lindner, displays that tribes are political organizations not just in the theoretical level but also through historical examples. This political becoming of a tribe emerge both in the organization of itself within its own members and also within the framework of its relations with the Ottomans. Thus, we can argue that Lindner shifts the axis of tribe ideology immediately from an abstract ground (namely from blood tie) to a concrete/materialist basis (namely to services and shared interests). This step can be read as the beginning of a very radical transformation in terms of the studies that will be done on tribes. At this point, it should be point out that the definitions and the concepts Lindner uses about the Ottoman tribes are still valid today. During my field research in Kızıltepe, I also observed that the tribes are organized through similar principles. In this region which is highly affected by especially modernity, money economy and urbanization, the positioning of the tribes both within themselves and to outside forces, is organized within the framework of the principles Lindner mentions about. In the next sections, I will try to demonstrate how these principles are shaped within the Kurdish tribes through the data I gathered from the field. Thus, we will see the factors that enable tribes to exist still in Kızıltepe region and through which strategies tribe members stay loyal to their tribes.

2.3.2. Kurdish Tribal Organization:

The discourse I mostly came across during my field research is that tribes have lost their power and in fact they have begun to diminish. It has been emphasized that the unity of the tribes have been deteriorated and it is difficult for them to move collectively. Almost everyone I interviewed was expressing that the tribe is a feudal remnant and it is gradually giving its place to relationships of a different

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[59] Ibid., p.33

kind. For instance, Seyit agha, who is himself an *agha* of a tribe, is supporting this view.

> Even now, I believe that tribe structure is still relatively standing. In my opinion, there are interventions from outside which do not suit the social dynamics and chemistry of the Kurds. Even though these interventions seem to portray a stance contrary to the tribe structure, they actually act as paradoxical as to put forward a practice that keeps the tribe structure alive. ... The feudal structure I have lived within is gone with the wind. There remained a number of things which are formal. They existed in previous times, if we think back on these times. ... The social structure is changing even at the moment. It is changing despite the understanding of the Kurds. The former agha-peasant relationships are now taking shape by an evaluation within a humour of worker-employer or poor-rich.[60]

According to Seyit agha, *agha*-villager relationship is replaced by new types of power relations due to transformation of social, political and economic structures. These new types do not let tribal structure remain. Yet, thanks to impacts that he calls "some outer interventions" tribes still survive. For Seyit agha, these "outer interventions" essentially passing over tribes of the state and even are empowering them in accordance with its interests. However, even these attempts do not prevent weakening of the tribes.

Even though this discourse on the impoverishment of the tribes has rightful aspects, for me, it should be examined. Development of capitalist relations in economic sphere, imposing state's hegemony on political sphere and new value systems of modernity in social sphere have caused either the transformation of tribal social system or dissolution in some places.

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[60] Ben şu anda bile aşiret yapısının göreceli olarak ayakta durduğuna inanıyorum. Bana göre Kürtlerin toplumsal dinamiklerine, Kürtlerin kimyasına uymayan dışarıdan müdahaleler var. Bu müdahaleler bazen aşiret yapısına karşıt bir duruş sergiliyor gibi görünse de aslında aşiret yapısını ayakta tutan bir uygulamayı da bazen öne çıkartacak kadar paradoksal davranıyor. ... Benim yaşadığım o feodal yapının şu anda yerinde yeller esiyor. Sadece biçimsel olarak bir takım şeyler var. Daha eskiden vardı. Çok eskilere gidersek.... Şu anda bile toplumsal yapı değişiyor. Kürtlerin ve anlayışına rağmen değişiyor. Eskiden agha-köylü ilişkileri şimdi yerini daha çok patron işçi veya yoksul-zengin esprisi içerisinde değerlendirirsek bir şekil arıyor

When we consider the specific situation of last 25 years of Turkey, the conflicts between the PKK and the state have an important effect on the tribe structure. Nevertheless, as Seyit agha has expressed as well, actually while this effect is liquidating the tribes, on the other hand, it also played a role in the strengthening of tribe structure. Even though both the PKK and the state seemed to be combating against the tribes in the discursive level, from time to time, they actually make use of tribes in conflicts. As will be elaborated in the following chapters; while state is captivating some tribes by means of village guardship, PKK followed a similar path by using intra-tribal conflicts. This helped the tribal structure to preserve its power.

In this section, therefore, I will try to analyze this organization and its structure which is paradoxically remains standing despite the great transformations in social, political and economic spheres. We will seek for some crucial aspects of tribal structure. Doing so that, we will understand how tribal organization and its members still behave as a group. And we will mainly ask the question that what binds tribe members together.

As it is known that the social organization of Kurdish people are not only compose of tribe-like institutions. In Kurdish social structure there are both tribal and non-tribal people existing together. However, tribal structure is the dominant form of social organization. For this reason I will give brief information about, tribal organization of Kurds. *Emirates* which were another important form of Kurdish social organization before the nineteenth century do not survive today.

On the other hand, whenever we refer to the term "Kurdih social (or tribal) organization", it has to be reminded that there is not such a "single" structure which covers Kurdish areas as a whole. As Bruinessen puts "the differences are too obvious and too wide"[61] among different regions. Therefore, I will try to

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[61] Martin van Bruinessen, (1992), *Agha, Shaikh and State: The Social and Political Structures of Kurdistan*, London ; Atlantic Highlands, N.J. : Zed Books, p.50

depict, firstly, a general overview of "certain patterns" of these structure(s) and secondly, give my own examples and obervations collected from field research.

2.3.2.1. Segmentary Lineage:

Almost all researchers agree on the fact that there are mainly five levels of units inherent the Kurdish tribal organization. However, it can be observed that there are some difficulties and differences in terms of labelling these units. For instance, as I will show below, the term *Mal* refers to lineage, sub-lineage and household in the region. These difficulties arise from the broadness of the Kurdish region and differentiation of dialects of Kurdish language. Now I will try to depict what characteristics do these segments have.

The first and smallest unit of tribal organization is the household (in Kurdish *Mal or Xane*). *Xane* (or *Mal*; I prefer to use the term *xane* to separate it from other segments) essentially corresponds both to individuals of the family living together and the house as a place. The number of individuals living in *xane* may differ for every family. It generally includes one xane, mother, father, grandmother, grandfather and the children; it sometimes may include the newly married children's spouses and their children too. However, the determining factor is not the number of members forming the *xane*, but as put by Heckmann, it is the common use of all property and forming the household budget together. Hence, *xane* is essentially an economic unit. "*Mal*, as a property holding unit, means that its members produce for and consume from a single budget and the management is mostly (but not always) done by male". In addition to that, *xane* is at the same time a social space. The members of the *xane* are sharing the same property as well as the same place. In this sense, "the division of the social space (along with property) is a powerful and emotionally charged symbol which clearly marks the division of a *mal*".[62]

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[62] Lale Yalçın-Heckmann, (1991), *Tribe and Kinship among the Kurds*, Peter Lang, Frankfurt am Main: Bern, New York, Paris, p.150

Mal, as the second level of Kurdish tribal organization, is a unit which is smaller than a "lineage" and bigger than a household. It is mostly refer to 4 or 5 families. Every *mal* consists of approximately 30-40 people. "A *mal*, as a result of growing of its population, can be a lineage over time".[63]

The third level of segmentary system, *bavik*, "is a pure lineage".[64] It is also called as *Mal*. In Kızıltepe region I also heard that this unit has been called *maqul* which is one of a term of tribal leadership. This unit "includes a group of patrilineal kin descending from a fictive ancestor (man or woman) with a specific name".[65] Mal is mostly affiliated with a village. Every member of a lineage calls itself with the term *Mal*; for example, *mala Gemşo* means "lineage of Gemşo".[66]

> A *mal* [in the sense of lineage] is not a property owning group; nevertheless, it is a social unit where a person or household's tribal membership is most clearly defined or challenged. Because *mal* is the smallest tribally recognized social unit based on common descent ideology, the best way to test a person's tribal membership is to demonstrate or question the person's membership is a *mal*.[67]

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[63] A. Vahap Uluç, (2007), Güneydoğu *Anadolu Bölgesinin Toplumsal ve Siyasal Yapısı: Mardin Örneği'nde Siyasal Katılım*, Unpublished Dissertation, p.117

[64] Bruinessen, (1992), p.62

[65] Heckmann, (1992), p.98

[66] *Mala Gemşo* is a real lineage in Kızıltepe region. Members of this lineage has a group in a popular social networking website *Facebook*. In the description of the group says that: "Hacı Gemşo *is considered* as the founder of the village" (italics mine). Most of the members of this group has the same surname; yet, there are some exceptions. See,

http://www.facebook.com/search/?q=mala+gem%C5%9Fo&init=quick#/group.php?v=info&ref=search&gid=24548999678

[67] Heckmann, (1992), p.99
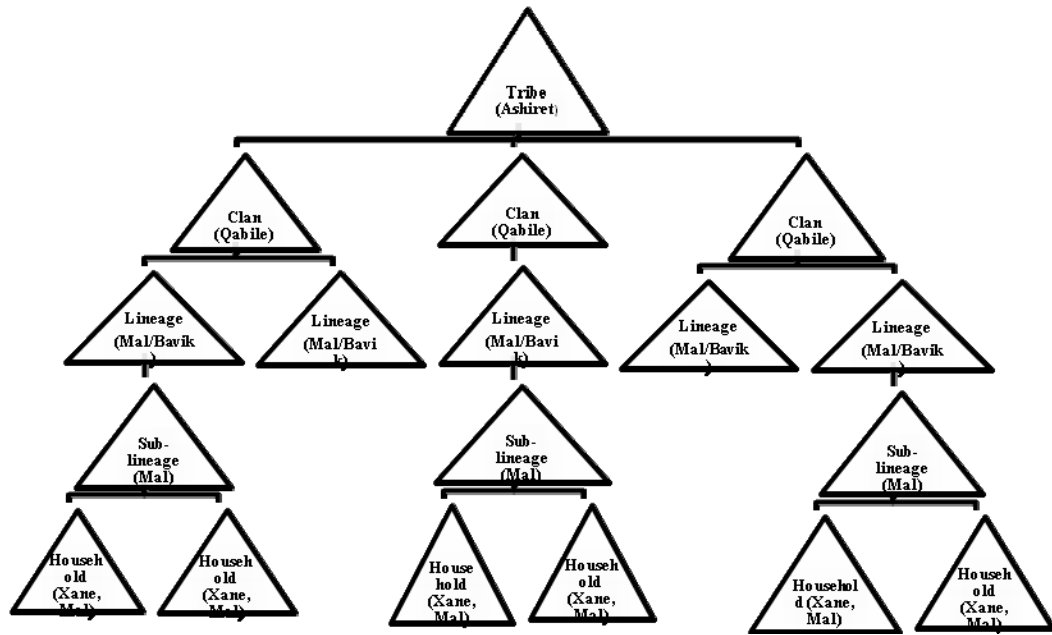
Figure 2 - Segmentary System

Source: This figure is based on the Bruinessen's drawing with some changes and modifications. For the original drawing see. Bruinessen, (1992), p.52.

The next level of tribal organization is clan (in Kurdish *qabile*). *Qabiles* are composed of several lineages (*baviks/mals*). Every *qabile* is represented by a lineage, but it has a specific name different from lineage's name. Names of *qabiles* are determined according to, either the name of village/ region which that *qabile* settled for years or the name of the ancestors which is believed common for all *qabile*. For instance, there are three *qabiles* of *Halacan* tribe in Kızıltepe region: *Amereki*, *Haseneki* and *Temereki*. It is believed that these names of *qabiles* belong to three brothers who originated the *Halacan* tribe. Yet, this is a fiction which is known for everyone in tribe. Although every member of tribe knows that each *qabile* and even each lineage of different *qabiles* had come from different regions, they prefer to maintain this tribal ideological fiction. There are many large or small *qabiles* in every tribe. "At this level, the criteria for defining how large or small a

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qabile ideally is, are unclear, and ambiguities are ample about whether a group of lineages referred to as one *qabile* is indeed a *qabile* or another tribe, or something else".[68] The leader of the *qabile* is called *maqul* who is different than *agha* of tribe. *Qabile* is a unit that which locates in between a kin group (such as *mal*) and a political organization (such as tribe/*ashiret*).

The last and the top level of segmentary hierarchy is tribe (in Kurdish *ashiret* or *eşiret*). "People who belong to the lineages and tribal sections are referred to altogether as one tribe, *eşiret*".[69] For Heckmann, at the level of *ashiret*, tribal ideology, which is based on kinship and descenting from same ancestors, becomes secondary; and this ideological principle displace with some other unificatory principles such as political alliances. Therefore it can be seen that there are continious transivities among tribal organizations. One example from Kızıltepe region shows that fact. In Kızıltepe region there are two important tribes, namely *Kikan* and *Halacan*. It is believed that these two tribes are coming from same ancestors. Until the mid of nineteenth century there was only *Kikan* which consists of today's *Halacan*. Although there were two main sections of *Kikan*, namely *Kiki-Çirikan* and *Kiki-Halacan*, the members of these sections were calling themselves as *Kiki* which means "the person who is the member of *Kikan* tribe". However, because an unknown reason, some conflicts have occurred between the two sides at the middle of nineteenth century. According to some rumors, during these conflicts more than a hundred people died. After these conflicts these two main sections had divided to separate tribes and decided to make Zergan River as the border of these two tribes. Today, these tribes have taken the names of Kikan and *Halacan*. There is neither conflict between them nor alliance. The leaders of these tribes are also politically at opposite sides; although one is close to Islamic movement, other one is a supporter of Kurdish movement. This example shows that there can be fissions and fusions within tribes.

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[68] Heckmann, (1992), p.99

[69] Heckmann Ibid, p.100

According to Bruinessen, *tribe* (in Kurdish *ashiret* or *eşiret*) locates at the top of this segmented organization. "'*Ashiret*' is used throughout Kurdistan and denotes the entire tribe. A confederation of tribes is also called '*ashiret*'".[70] Therefore, for him, the term "*ashiret*" does not refer to a strict level of integration. However, in the footnote that Bruinessen gives in that same line, he warns us that "confederation" is not actually a term used by people of the region.[71] According to him, this term is used by European researches because it has a functional dimension. Even though there is no primary measure to distinguish tribe from confederation according to Bruinessen, he states that confederation is a unit employed as the weakening of community's ties with its members. In other words, there is no relationship among the members of the confederation (therefore of *ashiret*) similar to that found among the members of the clan (qabile).

This subject that Bruinnesen mentions has also been one of the issues that attracted my attention during my fieldwork. This issue which seems like a labelling problem at first glance is actually noteworthy as it is an indicator of internal relationships of different units in the tribal hierarchy. Now I will try to explain this phenomenon with some examples I have gained during my fieldwork.

As stated above, the *Halacan* tribe in Kızıltepe is made up of three different *qabiles*: *Amereki*, *Haseneki* and *Temereki*. The name *Halacan* refers to two different units. *Halacan* is first of all a lineage that comes from within the *Temereki qabile*. However in time this lineage has risen to the position of leader family in the *ashiret* that these three *quabiles* are included in and has given its name to the *ashiret* itself. In short, *Halacan* as a lineage is a smaller unit than other *quabiles*, but is also above the *ashiret* in terms of representing it to the outside. When the leader of the *ashiret* dies, the new leader is again chosen from within this lineage. That is to say that no other lineage within these three *quabiles* can be nominated for candidacy for leadership. Yet, in certain circumstances, the leader

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[70] Bruinessen, (1992)., p.61

[71] Ibid., p.125

can be from different families from the *Halacan* lineage.[72] In the remainder of this study, the name *Halacan* will not denote a linage but the whole of the *ashiret*.

People in the region also name these units as *qabile* and *Halacan* as *ashiret*, similar to the categorization we have cited above.[73] According to me, however, *Halacan* essentially carries characteristics of a confederation and the other three *qabile* units the characteristics of *ashiret*. Above all, it is a fact the "we" feeling within the unit named as *qabile* is much more pronounced. The belief to have come from a common ancestor is still existent, even if on an ideological level. Yet, more importantly that this, internal solidarity is much more manifest in these units. The example of blood money is important for showing this solidarity. During the blood feuds that emerge as a result of enmities among families in the region, a certain amount of money called "blood money" is paid to the family of the deceased. As I will dwell on in more detail in the following chapters, it is mandatory for the killer's family to pay blood money to the victim's family in order to put the two families at peace. Blood money in the region in recent times can add up to such high figures as 500 – 600 thousand liras. For this reason, it is almost impossible for just one family to pay this money. Therefore, in time, there emerged a method of collecting this money by splitting it among the *xanes*. In other words, each *xane* is obligated to contribute to blood money according to their level of wealth; not every *xane*, thus, gives the same amount of money. While some families give more money, some others give less. The critical point in this is that all the families that gather blood money among themselves are *xanes* that are members of the same *qabile* unit. If we are to exemplify this with the *Halacan ashiret*, if the family that should pay the blood money is a member of the *Amereki qabile*, that money is collected from all tha *xanes* within *Amereki*. In fact, even the relatives of *Amereki* living in Syria are asked for an amount of money that matches up to their share.

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[72] I will touche upon these circumstances later .

[73] For lineages, they often use the term *familia*.

Therefore, here is a solidarity that exceeds the *ashiret* in the *qabile* (and even exceeds the "nation" for it connects families within the boundaries of different states). *Halacan* as an *ashiret* (and the other two *qabiles*) do not partake in the blood money. In fact, during a blood feud, other *qabiles* do not enter into combat with guns in their hands as long as the combat does not get out of hand. They only provide emotional support. Combats only bind the combating *qabile*. Inter-group solidarity is high in *qabile* unit. Therefore, the unit that is named as *ashiret* in the segmentary hierarchy actually carries characteristics of a federation. Its function is to keep the *qabiles* together around a tribal ideology. Yet, according to my observations during the fieldwork, the binding power of Tribe confederations today is diminishing. In reality, these confederations can create a group identity only in limited issues.

Qabile leaders respect the leader of a lineage confederation and accept him as an *agha*. However, confederation leaders do not have a say in the decision making processes within a *qabile*. Today, the institution called "family council" is made up of the elders of either a lineage or a *qabile*. Yet, elders from different qabiles within the same *ashiret* do not take part in this family council and do not have a say in decisions.

In conclusion, as it is seen, it is not only a labelling issue, but the issue of the organization of the social. There is an inherent organizational principle within every unit of the segmentary structure. While this organization is realized within kinship relations in the smallest units, in larger units, the political organization of the social structure is the thing which keeps this unit together. Hence, in my opinion, it would be more appropriate to say that the unit which is labelled as *qabile* within the segmentary hierarchy is the unit which we labelled as tribe (*ashiret*) from the beginning of the study. Likewise, it is more suitable for the structure which is named as *ashiret* to be labelled as *tribal confederacy*. In the following sections of the study, the concept of *ashiret* will refer to the concept of *qabile* in the Kurdish segmentary organization.

2.3.2.2. Social Relations and Hierarchy: Condolence Tents and Village Rooms

In Kurdish social organization in the most general sense and in Kızıltepe region in a more or less specific sense, visits of condolence are immensely significant in terms of establishment and maintenance of social relations between both individuals and *ashiret*s. Visits of condolence that constitutes an important social obligation, play an important role in the region in terms of reinforcing the social bonds. Therefore visits of condolence are considered very significant in the Kızıltepe region. Everyone close to the family and/or close to the *ashiret* to which the family belongs, considers it a duty to attend visits of condolence in the condolence tents pitched for a couple of days by the family of the deceased person. Thus, a meticulous analysis of the condolences may provide important insights about the features of the social structure in the region.

Condolences take place via the tents that the family of the deceased pitches in their own villages. Although these tents vary in size, an average tent is approximately 10 meters long and 3 meters deep. Number of tents to be pitched in the village and number of days they will be open for visits may vary according to the social status of the deceased person. For instance, if the deceased is a tribal agha, 4-5 tents may be open for a week. During this time, visitors are able to express their commiseration to the family. In the condolence tents, food is served to the visitors twice a day, once in the noon and once in the evening. In addition to this, tea, *mırra* and sometimes cigarettes are offered as well. The expenses of erection of tents and serving food are often shared by the families living in the same village in case the family of the deceased is not very rich. Therefore, tents of condolence may be considered an example of social solidarity in the village unit.

Visits of condolence are among the most important public spaces where people communicate with each other. Conversations may be about almost anything. From politics to business life, from the resolution of various conflicts to the first steps of new partnerships, every issue can be discussed in these tents. Thereby, people who

normally cannot the find the opportunity to visit each other seize that opportunity during the condolences.

Picture 2 – Condolence Tent

One of the most important characteristics of the condolence tents is that people are supposed to be seated according to a certain hierarchy in these tents. It is more or less clear where each individual who attends a visit of condolence will sit. Those who enter the tent know they are supposed to sit according to this hierarchy as well as where to sit. This rule of seating is strict. Those who are low in the hierarchy sit in the "foot" side which is the entrance of the tent whereas those on the very top of the hierarchy sit in the "head" side which is the end of the tent. The criteria constituting the hierarchy are various. Tribal leaders or high-up's, high-ranking bureaucrats, businessmen and the family's relatives who come from long distance sit in the "head" side of the tent since they are on the very top of the hierarchy. Following this sequence, people who are lowest in the hierarchy sit towards the foot side of the tent. People who are low in the hierarchy are those owning limited

or no land, barely make a living for his family, those who do not occupy an important position in the *ashiret* and the young. An event that I have witnessed during a visit of condolence is interesting in the sense that it illustrates how this rule is exercised. In one of visits of condolence, someone who saw a relative in the "head" side where the *agha's* sit, got up and sat down in the end part to say "hi" to his relative. He had a chat with his relative for a while and kept sitting there. After a while, the host called out to the person from a far and asked him to come by. The man who resisted this claim for some time eventually got up and left as a result of the insistence. Although at first I could not fully understand what happened, Bahtiyar agha said that the man was unseated by the host because he did not deserve to sit there due to his status.

During these visits of condolence I was always seated in the top spots of the hierarchy in the tent because I was the guest of an agha and because of titles like "university professor", "researcher" and "author" attributed to me. I was never seated on the very top spot but always right next to aghas. When I wanted to sit in the middle during a visit of condolence, I was immediately yet politely warned and taken back to the "head" side. Even I, not being a member of that community, was not allowed to violate this hierarchy. Therefore, tents of condolence causing a great loss of time and money since they are pitched several times each week, constitute a public space where examples of social solidarity are seen and where people communicate. On the other hand, it is an arena of power relations where social hierarchy is performed every day to remind each individual in the community over and over again.

Another space having similar functions is the village rooms. These village rooms found in the house of high-up of almost every village, have been fulfilling several functions all along. First of all, any passer-by who is looking for a place to stay for the night may spend the night in these village rooms. Whether the village room is open or not to strangers, is understood from a sign on top of the roof. If a few bricks placed on two vertical bricks on the roof are seen, it means that village

room is open to strangers. Villagers also give food to the strangers who would like to stay in the village room. Not only strangers but close relatives or guests who come to the village are also accommodated in the village room. In every house I went during my field research, I was always put up in the village room and not inside the house. Taking this function into consideration, village rooms are indicators of hospitality.

Picture 3 - Village Room[74]

Abdülkadir Timurağaoğlu the leader of *Kikan* tribe describes another function of village rooms as such: "Village rooms are school for the young, meal house for the poor and court for justice and right". Fundamentally there are three functions sorted here. What it means to say that village room is a "school" for the young is that it is actually the place where the young learn about *ashiret* rules and *töre*. As we mentioned earlier, food is offered to guests and foreign nomads in the village rooms. That is why it is also a meal house. However, the most striking function

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[74] A "village room", in the house of *Kikan* tribal leader Abdülkadir Timurağaoğlu.

here is that it is a court for "justice and right". What is meant by court here is not one in the usual sense of the term. Village room is the space where important issues are discussed and important decisions are taken within the *ashiret*. It is also a place where numerous controversies are talked about. Therefore it is these rooms where the high-ups of *ashiret*, namely the family council (aile meclisi) get together to discuss important issues and conclude them.
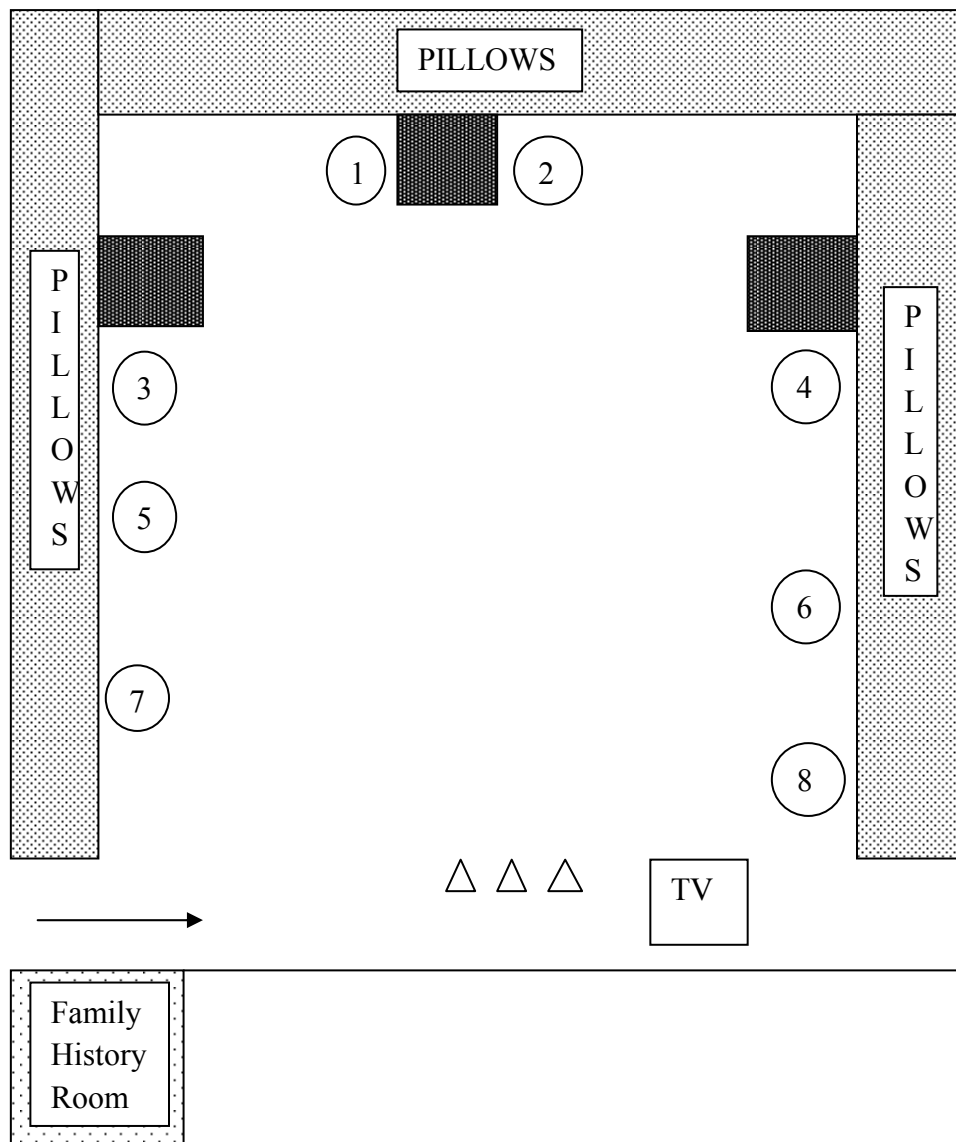
Figure 3 – Panoramic View and the Seating Order of Village Room

There is a seating order in the village rooms just as in the tents of condolence. Seating order is hierarchical and who is supposed to sit where is obvious here as well. The drawing above illustrates the seating order in the village room. Enumerations in the drawing are meant to show who gets seated where during my visits to the village. Number one indicates me; number two Abdülkadir Timurağaoğlu (A.T.) the leader of *Kikan* tribe; number three Muhammed Timurağaoğlu (M.A.) the oldest son of the last tribal leader namely A.T.'s elder brother who died a few years ago; number four Bahtiyar agha who took me to the village and introduced me to that *ashiret*; numbers five, six, seven and eight indicate the children of A.T. and his brother respective of their ages, in the seating order. Those I indicate by a triangle on the other corner of the room beside the television, are the man servants who brought us tea, betel nut etc. I especially emphasize "man" because I never encountered a woman in the houses I have been to or during visits of condolence (except in the house of Bahtiyar agha). The whole service was carried out by men.

There are two striking elements in this village room. Firstly, it is the pillows I indicated with dark color. That is, the existence of pillows that M.T. and Bahtiyar agha lean to the back (or arms). I saw those pillows between me and A.T. in another village room too. However I came across the pillows facing one another only in the village room of A.T.. According to me, the point in putting those pillows is emphasizing the hierarchy within the room and even confirming it. Who can sit where in the room is determined by precise boundaries. Everyone is expected to know his place and get seated accordingly. It was surprising for me that Bahtiyar agha and M.T. got seated right outside the pillows. Plus, the cousins sitting not side by side or close to each other but leaving a certain distance in between seems to be a form of producing this hierarchy.

Finally, another room which I saw only in *Kikan* tribe's village room is which I call "Family History Room". In this room there are old pictures of former *aghas* of *Kikan* tribe, their medals gained during their military service and some important

documents. In addition to this it is important to show that some pictures denoting some historical events that family come through.

2.3.2.3. Being a Tribal Leader

Being a tribal leader is still an important institution in Kurdish tribes. According to the general discourse in the Kızıltepe region, the institution of being an *agha* is one that lost its power compared to previous times (just as in the discourse produced on *ashiret*). People adopting this discourse reminisce the *aghas* of the past with both a great reverence and fear. I should add that I constantly came across plenty of stories of heroism about these *aghas* during my interviews[75]. Yet, almost everyone suggested that there are no longer *aghas* like that and present-day *aghas* are weakened in parallel with *ashiret* structure.

Picture 4 - Kikan Ru'asası (Kikan Chieftains)[76]

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[75] Bahtiyar agha calling his father a "chevalier" and telling that children would be threatened by the name of his father so they would go to bed, can be given as an example here.

[76] I am thankful to *Kikan* Tribe for letting me to use this picture in the thesis.

However in my opinion it is necessary to discuss a little about this discourse of "weakening". This discourse covertly implies that the institution of being an agha formerly had a significant power over *ashiret* and *ashiret* members (references were made to 30-40 years back). In other words, these former *aghas* are the leaders who have a great economic power due to their land, whose words are taken as orders and to whom almost no decision can be taken without consulting. Therefore it is expressed by the owners of this discourse that new *aghas* do not possess the same authority or the influence over *ashiret*. This discourse is somewhat right at certain points. It is legitimate to expect a weakening in the institution of being an agha as well as in *ashiret* thanks to the development of monetary economy, a lot of people in the region cultivating their own land and consequently gaining a relative economic freedom. On the other hand however, the reasons and conditions that sustain the institution of being an agha cannot be explicated by a relation of economic determination alone. The reasons underlying the fact that the institution of being an agha is still sustained in the Kızıltepe region can be associated with many different conditions. Before explaining these conditions, I would first like to convey the leadership statuses in Kurdish *ashiret*s and who can be an agha according to which mechanisms.

A tribal leader is usually the eldest son of the *agha* lineage which is distinguished in various historical circumstances in tribe. Yet, it is not a rule that the elder son will be the leader. If there are some other sons of *agha* they have also a chance to be a suitable candidate for being tribal leader under some conditions such as being loved in community, communicate better with other tribes, be able to fight for the tribe, behave according to tradition and possession of economic power. After the death of *agha* the elders of the tribe come together and negotiate to elect the new leader, whom they think represents the tribe in the best way. Generally, the other siblings of this chosen person agree on the decision. Being a tribal leader does not mean to guide all tribe alone. The basic function of tribal leader to provide a balance among interests of different families of tribe and doing so that, establish the order. In this sense, anyone who cannot receive the support of tribal elders will

not attempt to be *agha*, because it will fail and will cause divisions in tribe. One of the most fundamental factors that reduce power of tribe is separations. Therefore, the leadership of *agha* is brought through the consensus of tribal elders.

In addition, it is possible to say that there is transitivity within a tribe in terms of becoming an *agha*. Under certain conditions the leadership of tribe may be granted to other elders of tribe instead of the son of *agha*. Bahtiyar agha is the most obvious example of this situation. He is one of the *maqul*, not agha, of his tribe. *Maqul* is the term that is given to the leader of a lineage. However, following words are remarkable:

> My relatives have great respect and love for me. I mean elders have great respect and younger have great love for me. I mean I am the only one in my tribe. Now they see me in that perspective. You also realized that their interests in those condolences of people; in my condolences so forth. I can do everything, such as organization. I believe that my tribe is subjected to me. I mean they are seriously subjected to me. It is because I am economically powerful. Some tribesmen of other tribes say: "I need some money, I will take my patient to the hospital" and he does. We were opening the hospital road, arranging a doctor and [finding] everything like operating table. For example, members of our tribe when they have the funeral, from the shroud process of funeral to all are being provided. I mean you are obliged to do them. But if you don't have money, you can't of course[77].

Bahtiyar agha is a relative of the leader of tribe, but does not come from the same lineage with him. Thus, the leadership position does not descend by lineage to him. As it has been understood from his words, his economic power and using it for the sake of his tribe members, he has *de facto* become the leader of tribe. The

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[77] Akrabalarımızın bana çok büyük saygıları, sevgileri var. Yani büyüklerin büyük sevgisi, küçüklerin de büyük saygısı vardır. Yani aşirette tek kişi benim. Şu anda bana o gözle bakıyorlar. Siz de farkettiniz, o taziyelerde insanların bana olan ilgi alakalarını; kendi taziyelerimde falan. Organizasyondur, her şeyi yaparım ben. Aşiretin bana bağlı olduğu kanaatindeyim. Yani ciddi bir şekilde bana bağlıdırlar. Hem bir yanda ekonomik anlamda güçlü olduğum için. Bazı aşiretin mensupları işte "efendim şu kadar para lazım, hastamı götüreceğim" diyor ve götürüyordu. Hastane yolunu açtırıyorduk, doktor ayarlıyorduk, ameliyat masasından tut her şeyine kadar [buluyorduk]. Mesela bizim aşiretin mensupları cenazeleri oldukları zaman, cenazenin kefen işleminden tut, bilmem nesine kadar, hepsini sağlıyorsun. Yani mecbursun bunları yapmaya. Ama paran yoksa da yapmazsın tabi.

"official" *agha* of his tribe, on the other hand, is known as a man who cheats and steals the lands of his relatives and tribe members with unfair ways. In this sense the "official" *agha* does not use his position fairly and caused a power vacuum in tribal administration. Bahtiyar agha filled this vacuum by the help of his leadership capabilities. This situation shows us that there is transitivity within tribes and unless the person who use the leadership for the benefit of tribe may lose his position. As Lindner states that "the tribesmen supported not the eldest son, but the candidate who best represented their interests, for their welfare and survival depended upon their chief's ability to represent".[78]

In addition to this, it should be assert that there are some other criteria to decide tribal leader. Doğan, brother of a tribal leader, told me one of these which I call "nobility criteria", exemplifying his brother's process. Doğan's father, the former deceased *agha* of tribe, had married three times but he has sons from last two marriages. Doğan is the younger one from third marriage of his father. Following the tragic death of his father and two brothers, tribal elders came together in order to decide new *agha*. As a result of this meeting, tribal elders decide Doğan's own brother who is from the second marriage as the new *agha* of tribe. Doğan explains this situation as below:

> My father got us married with noble families' daughters. My father was married three times; they did not have child from first marriage. Our second mother is not from a noble family. They are gypsies. That's why my father was married to my own mother. After my father's death all tribe wanted my brother as new agha, not other brothers from our second mother. Other brothers did not object to this decision.[79]

Even though these words are striking, they cannot be considered as "surprising". It is a fact that Doğan's discourse implies an obvious discrimination against his

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[78] Lindner, (1982), p.693

[79] Babam bizleri hep asil ailelerin kızları ile evlendirdi. Babam üç evli; ilkinden çocuk olmamış. İkinci annemiz ise asil bir aileden değil. Onlar çingene. O nedenle babam annemi almış. Babamlar öldürülünce de tüm aşiret agha olarak ikinci annemizin oğullarını değil benim aghabeyimi istedi. Diğer oğullar da buna itiraz etmedi.

mother-in-law. However, the main point in this case is to attaching a great importance to the tribal nobility of the tribe as being a kinship-based society. Even though the idea that descending from a common ancestor can commonly be considered as a "fiction" or a "belief", in this case, we observe the traces of this "fiction" that takes an important place in tribal structure in terms of choosing a tribal leader.

Being an *agha* is a state composed by very different processes than being chosen to be a tribal leader. Being an *agha* starts with really accepting that status, before anything else. It is not an acceptance in the oral sense but in the sense of meeting the requirements of the status in terms of behaviors and actions. An *agha* accepting his status means that he accepts certain obligations and responsibilities towards his *ashiret*. His active participation in the processes inside and outside his *ashiret* is the major factor ensuring the reconstitution of his being an *agha* over and over every day. *Agha* is aware that he obtains all his authority and responsibilities from his *ashiret*; or he has to be aware. If he does not meet the requirements of these prerogatives and responsibilities then his *ashiret* does not stand by him hence his state of being an *agha* is not practically realized. Therefore the increase or decrease in the power of both the *ashiret* and the state of being an *agha* depend on the acts of *agha*.

The agha of the *ashiret* has to represent his *ashiret* in the face of other *ashiret*s outside and maintain justice and balance, hence the order among the members of the *ashiret* in the inside. This dichotomy of justice and balance is realized over more than one sphere. But firstly, *agha* has to be generous and helpful in every sense. He is supposed to employ every means he has for his *ashiret*. About this Bahtiyar agha says:

> We are maqul within our own *ashiret*. We do goodness to them; show love and affection. We show them the right way. We solve their problems right away. We concern ourselves with their patients and everything. It's not as if you only have money; you do

it with money? Of course if you have you are even more sublime, you are more. But if there is no money you do it by other means.[80]

Bahtiyar *agha* is a business man who cleverly used the social capital and financial savings passed over to him from his family, hence enriched. He has factories and lands. At the same time he is someone whose word is taken seriously in his *ashiret*. As previously mentioned, being a *maqul* he is the most considerable candidate to fill the power vacuum formed within his own *ashiret*. In this context I asked him if he had employees in his work places from the people of his own *ashiret*.

> Of course we have employees from the *ashiret*. In fact at some time periods, those troublesome for the region we brought 10-15 people by paying them just to be our bodyguard. And not just from one family in the *ashiret*, but from different families, I mean we acquired the balance like that. We brought *ashiret* members and got them work. There are still working for us. …For instance if you take one or two [employees] from each village, you acquire the balance. I mean everyone [says] like: "my son is working there". Plus our *ashiret* benefited a lot from us when we started this work.[81]

As is seen, Bahtiyar agha set the young from his *ashiret* to work at some time periods. It actually has two functions. First, it provides financial opulence within the *ashiret* by setting the unemployed to work and making them earn financial income; second, it renders the *ashiret* members loyal to the *ashiret* by giving them a sense of solidarity. In addition to this, Bahtiyar *agha* acquires the "balance" in his own terms, by taking the young to work from different families rather than choosing them from a single family. Therefore both the possible resentments that

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[80] Biz kendi aşiretimiz içerisinde maqul'üz. Biz onlara iyilik yaparız; sevgi-şefkat gösteririz. Onlara doğru yolu gösteririz. Onların sıkıntılarını hemen gideririz. Hastasından tut, bilmem nesine kadar ilgileniriz. Yani değil ki sadece paran vardır; paranla mı yaparsın? Elbette paran varsa daha da yücesin, daha da fazlasın. Ama para olmazsa başka yönde de yapıyorsun

[81] Elbette aşiretten çalışanlar yaptık. Hatta bazı dönemlerde, bölgenin sıkıntılı dönemlerinde aşiretten 10-15 insana maaş vererek sadece korumalığımızı yapmak için getirdik. Ve aşirette de sadece bir ailenden değil, değişik ailelerden getirerek, yani dengeyi o şekilde sağlıyorduk. Aşiret mensuplarını getirdik, çalıştırdık. Halen de çalışan vardır bizde. ...Mesela her bir köyden bir-iki tane [çalışan] alırsan dengeyi sağlamış oluyorsun. Yani herkes: "benim oğlum orada çalışıyor" filan [diyor]. Bir de biz bu işe girdiğimizde de kendi aşiretimize çok ciddi faydamız oldu

might be caused by unemployment within the *ashiret* are prevented as well as those who belong to the same *ashiret* but not know each other well enough get to know each other by co-working. Thus, employing *ashiret* members both increases the loyalty to the *agha* of the *ashiret* whereas also happens to be an important tool in keeping the *ashiret* together. The significance of this situation should not be underestimated in a country where unemployment rates are always very high.

Nevertheless the fact that the tribal leader feeds the *ashiret* members is not his only function and the only element that enables him to exert power over them. Tribal leader has to stand by *ashiret* members whenever needed. He has to ease their everyday lives and help them with things that they cannot overcome on their own. These words of Bahtiyar agha clearly illustrate the responsibilities and functions of a tribal leader:

> For instance, we did all the transactions in state's official institutions. From traffic arrestment to military transaction, from taking out an identity card to taking out a passport… I mean he came, like "I've got this work to be done". You know *hocam* I mean the system doesn't work perfectly in Turkey. It gets way faster with some people getting involved. Secondly, we employed our relatives for shipping; our works of shipping. I mean what we brought we loaded to their trucks. At that time period we seriously had a lot in the shipping business. Relatives, I mean they come before anything else. From purchasing raw material, buying his wheat from him, to works of shipping and feeding. Our relatives have great respect and love for me. I mean the elderly have great love and the youngsters have great respect. I mean I am the only one in the *ashiret*. Right now they look at me like that. You realized too, their interest in me in those condolences; in mine as well. It's organization, I do anything. I have the opinion that the *ashiret* is dependent in me. I mean they are seriously dependent in me. On the one hand because I am economically powerful. The members of some *ashiret* are like "sir this much money is needed, I'll take away my patient" and takes away. We opened up the road to the hospital, arranged the doctor, the operation table and everything. For instance when the members of our *ashiret* have funerals you provide everything, from shroud

procedure of the funeral to whatever you name it. I mean you are obliged to do these. But if you don't have money, of course you don't.[82]

As can be seen from Bahtiyar *agha's* words, the function he fundamentally fulfills as an *agha* is easing the everyday lives of *ashiret* members via his spiritual and material repertoires, and coming up with various solutions to the problems they might come across. Though this primarily requires a certain material power, beyond that he interposes in their relations with the state by his social capital. According to me that is the most important function of the tribal leader. As the leader of a political group that is alternative to state sovereignty, tribal leader functions as a bridge between the *ashiret* members and the state bureaucracy. It is over the tribal leader that the state reaches the individuals who are members of these *ashiret*s. The *ashiret* individual does not even come to know this state bureaucracy as far as it is not necessary. For instance, he does not have to come to Ankara in order to take a passport. Therefore the tribal leader's relations with the state determine the whole *ashiret*'s relations with the state. The intermediary role between the *ashiret* members and the state is reinforced when having the knowledge of those institutions is supported by material power in the bureaucracy that does not work "perfectly" as Bahtiyar agha mentions.

Another important issue that Bahtiyar agha brings out is that they carry out their partnerships or transactions in commercial businesses generally with relatives, namely with the ones from the same *ashiret*. According to me Bahtiyar agha points

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[82] Mesela devletin resmi kuruluşlarında bütün işlemleri biz yapıyorduk. Trafik tutuklamasından tut, askerlik işlemine kadar, bir nüfus cüzdanının çıkartılmasından, pasaport çıkartmaya kadar... Yani geliyordu, işte "benim filan işim var". Biliyorsun hocam yani Türkiye'de sistem dört dörtlük yürümüyor. Birilerinin devreye girmesiyle daha da çok çabuklaşıyor. İkincisi biz burada tüm nakliyemizi ağırlıklı olarak akrabalarımıza veriyorduk; nakliye işlerimizi. Yani getirip onların kamyonlarına yüklüyorduk. O dönemlerde nakliye işinde çok ciddi bir biçimde vardı. Akrabadır, yani her şeyden önce gelir. Hammadde alımından tut, ondan buğrayını almaktan tut, nakliye işleri, yeme içmesine kadar. Akrabalarımızın bana çok büyük saygıları, sevgileri var. Yani büyüklerin büyük sevgisi, küçüklerin de büyük saygısı vardır. Yani aşirette tek kişi benim. Şu anda bana o gözle bakıyorlar. Siz de farkettiniz, o taziyelerde insanların bana olan ilgi alakalarını; kendi taziyelerimde falan. Organizasyondur, her şeyi yaparım ben. Aşiretin bana bağlı olduğu kanaatindeyim. Yani ciddi bir şekilde bana bağlıdırlar. Hem bir yanda ekonomik anlamda güçlü olduğum için. Bazı aşiretin mensupları işte "efendim şu kadar para lazım, hastamı götüreceğim" diyor ve götürüyordu. Hastane yolunu açtırıyorduk, doktor ayarlıyorduk, ameliyat masasından tut her şeyine kadar. Mesela bizim aşiretin mensupları cenazeleri oldukları zaman, cenazenin kefen işleminden tut, bilmem nesine kadar, hepsini sağlıyorsun. Yani mecbursun bunları yapmaya. Ama paran yoksa da yapmazsın tabi.

to an obligation in *ashiret* terms beyond an expression of love, when he says "relatives, I mean they come before anything else". One is supposed to go to *ashiret* members first in case of any possible partnerships to be established in such commercial affairs. Being a member of the same *ashiret* entitles them to it. However, to establish partnerships with people from the same *ashiret* consolidates the *ashiret* bonds on the one hand and contributes to the position of the *agha* on the other hand. Bahtiyar agha already explicitly conveys that by saying "I'm the only one in the *ashiret*" and "*ashiret* is seriously dependent in me". Plus he associates peoples' interest and love towards him with his helps, services and preferences.

Another striking point is that Bahtiyar agha emphasizes them being obligations, all those helps and services he mentions. Now this obligation is fundamentally the conditions of being able to be an *agha*. A tribal leader is obliged to do all these in order to sustain his leadership. What reproduces his state of being an *agha* on a daily basis is him fulfilling these obligations. In return he expects loyalty to himself from the *ashiret* members. I asked Bahtiyar agha what he gained in return for these helps and services of him:

> Now, my dear *hocam*, it's hard to tell this in words. This gives strength to me, I feel strong in the homeland. I possess the post, the position. Namely, you raise beyond human. You become the feared. You become the feared man in the region, I don't mean like; you become a man whose check, worthiness, valuem is recognised. You gain personality, you gain identity. In addition you become popular among the congressman, mayor candidates in the region. He comes to your house and like (he says) "give me your vote". You use it in politics and in other places too if needed. I mean for instance if you pursue tender bids, chase the economics the dream of it, you do that too. But before anything you occupy an official position. You become the gentry where you go; they invite you like "please welcome.[83]

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[83] Şimdi sevgili hocam, benim onu sözle anlatmam zor. Bana güç veriyor; memlekette güçlü hissediyorum kendimi. Ben, makam mevki sahibi oluyorum yani. İnsanlar üstü oluyorsun yani. Korkulacak adam oluyorsun. Bölgede korkulacak adam, yani şey anlamında söylemiyorum; hesabı, değeri, kıymeti bilinen bir insan oluyorsun. Şahsiyet kazanıyorsun, kişilik kazanıyorsun. Bir de bölgede milletvekillerinden olsun, belediye

Bahtiyar agha's words sum up the situation so manifestly that there is no need for long interpretations. These words of the *agha* are important in the sense they illustrate that although it is constructed on a fictive "kinship" discourse, the relation between *agha* and *ashiret* needs different things in order to keep up. The relation between *agha* and *ashiret* is an essentially symbiotic one; which means a relationship where both parties benefit from each other… What *agha* gains in return of his helps and services, we can summarize in one word: "power". In this manner, *agha* acquires power in politics, commercial relations and social life. Thus the circle that this symbiotic relation generates is completed: *Agha* can receive support from *ashiret* as long as he keeps supporting, can be powerful as long as he receives support and then again he can support the *ashiret* members as long as he is powerful. This cycle constitutes the essence of the relation between the *ashiret* member and the *ashiret* leader.

Lastly, another important function that enables *agha* to establish his authority, is him solving the disputes that emerge between the *ashiret*s or within *ashiret*s. As it is going to be elaborated in the coming chapters of this study, tribal leader is accepted as an *agha* by the *ashiret* as long as he solves problems. As Bruinessen asserts:

> Leadership and conflict are closely interrelated. Disputes generally need the invention of popularly recognized authorities in order to be settled, and a leader's authority is confirmed and increased with every serious disputes he resolves. (...) It is no exaggeratiobn to say that, barring recourse to outside supporters, quarrelling and mediating in other people's quarrels are the most important activities by which one can establish, consolidate and extend one's authority.[84]

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başkanı adaylarından olsun, popüler hale geliyorsun. Geliyor senin evine, "bana oyunu ver" [diyor]. İcab ederse onu siyasette de, başka yerlerde de kullanırsın. Yani mesela ihale peşine düşersen, ekonomiklerin peşine düşüne düşersen onu da yaparsın. Ama her şeyden önce makam mevki sahibi oluyorsun. Gittiğin yerde eşraf oluyorsun; seni "buyurun, buyurun" diye çağırırlar.

[84] Bruinessen, (1992), p.78

2.4. CONCLUSION: WHAT BINDS TRIBE MEMBERS TOGETHER?

The axis that we followed up through this chapter included how we can define a tribe, its difference from the logic of a state and its creation of a contrary power realm against states and finally the elaboration of some of the determinant features of the Kurdish tribe structure. Thus, we focused on some of the basic characteristics that form a tribe and enable us to name it as "tribe". This was the establishment of a building. Therefore, we explained most of elements that has to be in a building. Even, we analyzed the missions and responsibilities of the building manager. However, we have said little about the residents of the building, which is the main thing that enables the building functions as a bulding. In this section, I would like to focus on the agents of this building, namely the members of the tribe. And I am looking for the answer of the first question: what are the reasons that unite the members of tribes together under a tribe and that keep them together?

We have to point out first of all that all individuals are not born as tribe members within the Kurdish social structure. This is on the one hand the result of that the individuals who immigrated to the big cities established a modern life and do not remember the tribe ties. On the other hand, there are communities who have not established tribe bonds since the very past. These communities are called "tat". Ziya Gökalp mentions about these communities in one of his researches on the Kurdish tribes:

> The villages which lose their properties that are inherent to the tribe and adhere to the state are called "Tat". Tat is a word that is taken from Turkish. Turks used to call the clans who lived outside the Turkish *töre* "tat". Gurmanços also call those who do not regard their own *töre* this name. They call "tatenaze" those who are not tribal, which means "they are tats, they are foreign and ignorant".[85]

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[85] Ziya Gökalp, (2007), *Kürt Aşiretleri Hakkında Sosyolojik Tetkikler*, Toker Yayınları, p.43.

During my interviews, my interviewees told me about the communities called "tat". Even though these communities do not hold tribe ties themselves, this does not create a barrier in front of their definition of themselves within a tribe. In general, they bind themselves to the tribes of families which are members of a tribe in their villages. Mostly, they establish a fictitious relationship with a specific family which is a member of the tribe they would like to bind themselves to. Therefore, the established fictitious bond turns into a real bond as far as they satisfy the expectations of the tribe and they become members of the tribe.

> In addition to this, transitivity exists among the lineages within various tribes. For example, transitivity is very prevalent between the *Qirwar* (Kırvar) and *Bucaq* (Bucak) tribes of Siverek. Although they are not related by blood, dynasties from *Qirwan* have stood next to *Bucaqs,* and *Bucaqs* have have stood for *Qirwars*. There were a lot of Armenian families in Kejan tribe in the past. These Armenian families led their lives like them and they accepted themselves as members of Kejan. Members of Kejan can be in Karakeçi or other tribes.[86]

Following these examples, we can argue that the tribal societal structure is an organization which is very open to the transitions. Inter-tribe or intra-tribal transitions are always possible. As we have seen in the example of the Armenian families within the *Kejan* tribe, being a member of a tribe does not rely on an ethnical or religious basis. These transitions exceed ethnical, religious or lingual ties. This provides them the identity of being a member of a tribe by gathering families from different identities. But, how does such a structure succeeds in existence?

As far as I observed during my field research, "being a tribe" and "being a member of a tribe" can be evaluated through two platforms. The first of these platforms is that we can mention about a tribe which exists historically, believed to come from a "common ancestor", relies upon several stories regarding its past (apart from

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[86] Eyüp Kıran, (2003), *Kürt Milan Aşiret Konfederasyonu: Ekolojik, Toplumsal ve Siyasal Bir İnceleme*, Elma Yayınları, pp.43-44

whether they are real or not) and names itself under a specific name. Connected to this, within the context of the membership claim of its family to a tribe, it is possible to mention about a tribe membership that comes from its birth. This situation is not sufficient to be a tribe member even though it enables an individual to define him/herself through a tribe. When we think of that a tribe is a political structure, the second platform of "a tribe" and "being a member of a tribe" appears. Being a tribe and one's defining her/himself over a tribe is a process which is edited everyday. You can either be a member of a tribe through what you do or decide upon or not in your everyday life. However, this does not refer to a situation which has only two poles and indicates being "in" or "out" totally. As Bruinessen puts emphasis on "being tribal or non-tribal are not absolutes, but matters of degree, and there are continually shifts within and between statuses".[87]

However, we can mention about some of the basic factors that determine the membership to a tribe (or if we say it from the opposite that determine standing outside a tribe). But we have to add that these factors mostly do not determine the attachment to a tribe alone. The first of these are the economic reasons. It is observed that the attachment of individuals who have their economic adequacy diminishes. If you have an income (land, animal or commercial income) which is sufficient for your family that is at the bottom unit and if you are not bound to anyone else in that sense, your attachment to your tribe disappears accordingly. The second factor which is as important as the first one is how much a person can solve any problem that he/she is faced by in everyday life. In other words, in the practical sense, whether you can carry out your works under the problem realms such as whether you can prepare the documents or the petitions in tax offices, population administrations, municipalities or embassies; whether you can solve the problem you are faced with in land or military offices or whether you can carry out your treatment in the hospital without any problems, is a very important factor. If you solve these problems in your daily life alone and you do not need the

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[87] Bruinessen, (1992), p.122

assistance of a prominent tribal elder, your attachment to your tribe diminishes at the same level. The basic reason of the attachment and the loyalty to a tribe is the opportunity that the members provide between the families horizontally and aghas and villagers provide each other vertically. An individual that does not need assistance does not have an obligation to realize what his/her tribe expects him/her to do and does not need to define him/her through the tribe.

The power of resolving the daily life problems as an individual and economic independence forms the intersection point of being "agha", "tribe", "member of a tribe" and it separates modernity from the archaic identity. However, all of these should not make us forget a problem. The geography and the cultural climate will never leave a member of a tribe alone. The intensity of the kinship relations is a barrier to this in itself. While a modern city person has the feeling that he/she is thrown into the life alone, a member of a tribe does not have this feeling. Even though a member of a tribe does not want that, he/she is surrounded by kinship and tribal bonds. Space establishes a paternal control over the member of a tribe. The obscurity of the rural space, on the one hand, provides the opportunity of "protection, watch and observation", on the other hand serves for "control, arrangement and shaping". Because of this reason, a person who wants to rescue him/herself from the influence of the tribe is obliged to change his/her space.

But we should not think that the tribal bonds are restricted to the space in which a person lives. Members of tribes, who live for example in big cities which are far away from the places tribes live, are not totally free from the tribal influence. Attachment to the tribe can continue while living in big cities. Bahtiyar agha says that they also have relatives living in big cities and he continues as follows:

> They are one hundred percent committed to us, and are within our rules. They may come
> to the weddings if you invite them, but they come to funerals, condolences one hundred
> percent. Here if there is a price he is to pay, if there is a financial, material price to pay in
> an incident, we send it to him or we receive it from him. If he is a guy settled in Istanbul,
> a customs officer, a teacher or whatever, no matter what, we say "send over your

money" and he does so. They do not isolate themselves from us. When something happens to them, we go there. If they suffer unfairness, a group of 15-20 from here goes there. If they are sick we go to visit. Ties are protected and they are kept intact in a serious way. They invite us to their sons' and daugthers' weddings and we go there.[88]

The reciprocity relationship between the tribe and a member of the tribe can be seen easily in these statements. The compensation a tribe demands for some cases (like blood money) is indeed the cost for being a member of the tribe. The money, even though it is a high amount, can be collected by the prominent families of the tribe living in the region. But the demand of compensation also from the relatives living outside has the aim of testing the attachment of them to the tribe. Therefore, their attachment and loyalty are tested. In exchange for that, these relatives have the right to demnand help from the tribe.

It is not just a contibution related to money which is demanded from the relatives living outside the region. In addition to that, they are supposed to contribute to their tribes based on their capacities and talents. Below, while Bahtiyar agha gives a concrete example to this, he also points out the conditions of the bonds established with the relatives outside.

> However, of course, it is up to the leader of the tribe. If I ask my relative in Istanbul or Ankara how they are doing, call them once in a while to ask "how are you, are you doing well", that man is bounded to me. But if you do not own up to this man, if you say that he has left for that place and is now settled there, he is not going to regard you. It depends on the way of administration, but in usual we are connected to each other. It is this way in the rules of the tribe. For example, we have a niece, a member of the tribe. A boy named Ö. He was an eye specialist at the .... Hospital. I used to send him patients from here, no one can charge that patient! He is a patient that Bahtiyar has sent. He cures

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[88] Onlar yüzde yüz bize bağlıdırlar. Ve bizim kurallarımızın çerçevesi içerisindedir. Yani düğünlerde de davet edersen gelebilirler ama taziyelerde, ölümlerde yüzde yüz gelirler. Burada olan bir olayda, eğer onun vereceği bir bedel varsa, parasal, maddi bir bedel varsa gönderir, alırız ondan. Yani adam İstanbul'da oturmuş, gümrük memurudur, öğretmendir, bilmem nedir, ne olursa olsun, ona kıyarsan, "gönder paranı" deriz, gönderir yani. Kendilerini bizden soyutlayamazlar yani. Onların başlarına bir şey geldiği zaman gideriz. Olaya sebep olursa, orada bir haksızlığa maruz kaldıysa, buradan 15-20 kişi gideriz. Hasta olursa ziyaretine gideriz. Bağlar korunurlar ve çok ciddi bir şekilde korunurlar. Onların oğullarının, kızlarının düğününde bizleri davet ederler gideriz.

him, feeds him if it's necessary, he charges his fees to himself. He cannot charge him. It would be a shame. Many patients were offering him money, he would say "no, my uncle has sent you, I cannot take the money." We have connections as such.[89]

As we stated before, the intensity of tribal bonds is a matter of degree. Therefore, relatives living in big cities can continue their tribal bonds in some degree. But this is only possible with the person's will and the effort which is paid to attach this person to the tribe by the tribe leader. Bahtiyar agha also states this. Calling relatives and showing them that they are remembered makes these relatives attached to the tribe more. The active effort of the tribe leader over the members increases the group consciousness.

It should be stated in this point that all of the tribe leaders do not feel the same responsibility. Adil agha, while he also states that he would help a member when he/she needs however he believes that sometimes the weakening of the tribal relations may result in good things.

> I don't feel myself too responsible for the tribe members. Every sheep is hung from its own leg. But if someone has a headache, I will walk in the front row for him. Here, if something happens to a member of the tribe, the whole tribe gathers for him. They come and gather, no matter what party he supports. However, this will be abolished as income levels rise. I think that this is a good thing. It is good for people to decide independently.[90]

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[89] Yalnız şeye bağlıdır, o aşiretin liderine bağlıdır tabi. Eğer ben İstanbul'daki, Ankara'daki akrabama, onun hal hatırını sorarsam, "nasılsın, iyi misin" diye arada bir ararsam, o adam bana bağlanır. Ama yok sen o adamı hiçbir şekilde sahiplenmezsen, o adam gitmiş orada oturmuş dersen, bu adam da sana bakmaz yani. Bu insanların yönetim şekline bağlıdır ama normalinde birbirimize bağlıyız yani. Tüm aşiret kuralları içerisinde öyledir yani. Mesela bir yeğenimiz var bizim, bizim aşiretin bir mensubu var. Ö. diye bir çocuk, ... Hastanesi'nde göz uzmanıydı. Ben burdan ona hasta gönderiyordum, hiç kimse o hastadan para alamaz! Bahtiyar'ın gönderdiği hastadır. Tedavisini yapar, icap ederse yemeğini de yedirir, masraf da eder ona. Ondan para alamaz. Ayıp olur. Ve çoğu da para teklif ediyordu, "yok" diyordu "amcam göndermiş sizi, ben alamam" diyor. Böyle bağlarımız da var tabi.

[90] Ben aşiret üyelerine karşı kendimi çok da sorumlu hissetmiyorum. Her koyun kendi bacağından asılıyor. Ama birinin başı ağırırsa onun için en önde ben yürürüm. Burada aşiretin bir ferdine bir şey olursa, aşiret onun için toplanır. Ne partili olursa olsun, toplanır gelirler. Ama gelir seviyesi yükseldikçe bunlar kalkacaktır. Bence bu iyi birşeydir. İnsanların bağımsızca karar vermesi iyidir

Tribal or kinship relationships form a process which gets strong with the active effort of the leader. In this sense, a tribe leader may behave the members in different ways even in realms which are seen as being the most rational. For example, Bahtiyar agha states that he gives the youngsters of his tribe different works from these of the rest of the tribe members. In this way, the tribal solidarity stiffened.

> There are some jobs you can do with your relatives, and some you can't. For example, you can't make a relative do portage work. You give them certain duties; security, field guard or driving. Even if there's a very poor family among your tribe, even if they can take anything, in the end, it is difficult to make tribe members do portage work. With regards to craftsmanship, you show them respect whether you like it or not.[91]

The argument that tribal organization may get weaker with the education level is partly true. Even though we do not have a statistical data on this issue, we can argue that youngsters who have higher education may not want to take part in archaic structures like tribes. But some of the examples I have been faced by during my field research negate this argument. Mehmet who is also from Kızıltepe is a good example. Mehmet whom I had the opportunity to meet and to chat is a teacher in Kızıltepe. Mehmet, who started the conversation by stating that he is "against the tribe" and that thinks that it is an ancient structure, told me that he used gun and fight due to a dispute his tribe took part in. When I asked whether he contradicts with what he said firstly, he smiled. Even though Mehmet is aware of the contradiction, he cannot rescue himself from the surrounding tribal bonds. As we stated before, "space" makes it difficult to detach from the tribal bonds. Indeed, for me Mehmet is ambivalent in demanding to detach from these bonds. He does not want to reject the opportunities and the identity his tribe provides him with. So, he accepts the risks of fighting for his tribe.

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[91] Bazı işler var akrabalarınla yaparsın, bazılarını yapmazsın. Mesela bir akrabana zor, hammallık falan yaptıramazsın. Belirli işler verirsin ona; güvenliktir, saha bekçiliğidir veya şoförlüktür. Ama aşiretinin arasında çok yoksul bir aile varsa, onlar her şeye katlanabilse de, netice itibariyle aşiret üyelerine hammallık yaptırmak zor. Ama zanaat anlamında ister istemez el üstünde tutuyorsun

The discussed feature of being a tribe in the political life of Turkey is the topic of "tribe votes". The general view supports that the candidates supported by the tribes are more advantaged than others.[92] It is argued that tribes have the power for election victories and failures in every term. I asked this to Bahtiyar agha:

> In the past, one hundred percent of the people would vote for the party that we wanted. They still mostly do, in the present as well, all MPs come to me and ask for votes, I mean ask the tribe for votes. We go, look at the situation of the tribe and consult with them. We point by saying "Party A is good for us, they will do service to us, they will build our roads and electricity" or "this guy is leading, he will do more service to us." And they vote for us. But there is no chance to get one hundred percent vote from the tribe. Some people evade. Some people vote according to their own political views, but mostly they do as we say. ... We've got 4000-50000 votes. I mean I assume so. However, it is not only our 4000-5000 votes hocam. When our tribe is in the party and such, there is also a moral value. Same goes for other tribes as well... that man earns power there. Now, we also have nieces in other tribes, our words are of value there. We have sons, cousins, uncles, sons-in-law. It all grows like a snowball. Also, one says "this party is good, he is good person, Bahtiyar agha is there because he is a good person". Things like this take place. These are power for political parties.[93]

As it can be understood from Bahtiyar agha's statements, votes of the tribes still have importance. Not just because of the concrete amount of the votes but as Bahtiyar agha states, they are important due to the problem of prestige for the political parties regarding the relatives in other tribes. Aghas take important responsibilities in this issue. Their guidance is determinant for the tribes.

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[92] See for an opposite view, Uluç, (2007).

[93] Yani eskiden bizim istediğimiz partiye yüzde yüz veriliyordu. Şu anda da veriliyor yani bu dönemde de tüm milletvekilleri bana gelip oy istiyor, aşiretten oy ister yani. Gidiyoruz, aşiretin durumuna bakıyoruz, onlarla istişare ediyoruz. İşte "A partisi bizim için iyidir, bizim hizmetimizi yapacak, yolumuzu yapacak, elektrimizi yapacak" veyahut da "başındaki adam budur, bize daha fazla hizmet yapar" diye işaret gösteririz. Onlar da bize verir. Ama yani aşiretin yüzde yüzünü alma şansın yok. Yani bazıları da kaçamak yapıyor. Bazıları kendi siyasi görüşüne verir ama ağırlıklı olarak dediğimizi yaparlar. ... Bizde 4000-5000 oy var. Vardır yani. Sadece bizim 4000-5000 oyumuzla da bitmiyor hocam, Yani bizim aşiret filan partide olduğu zaman bir manevi değeri vardır. Başka aşiretlerin de... o adam da güç kazanıyor orada. Şimdi bizim başka aşiretlerde de yeğenlerimiz var, sözümüz geçiyor. Oğullarımız var, kuzenlerimiz var, eniştelerimiz var, damatlarımız var. Bunlar kartopu gibi büyüyor yani. Bir de "filan parti iyidir, iyi insandır, iyi olduğu için Bahtiyar agha oradadır" der. Bu gibi şeyler oluyor yani. Bunlar siyasi partiler için güçtür yani.

But the most important point here that voting behavior cristallizes the reasons of a tribe moving in unity. And this situation cannot be seperated from the conditions that we counted above. In other words, for a tribe to have a voting potential, its members should be attached to both their leaders and to their tribe. But, bloc voting behavior of a tribe is not sourced based on "fear" or "non-education". For me, on the contrary, it has a rationality in itself. As we have stated from the very beginning, a tribe is composed of people who have common interests based on the fact that it is a political organization and who act together for these common aims. In this sense, voting for the same party by all the members of the tribe is based on the fact that they see their common interest in this party. Here, I do not try to claim that every member of a tribe chooses his/her party consciously. But, if the bond between the members and the agha is strong and if the agha supported the interests of the tribe in the past, this indicates that their interests are going to be supported in the future, too. In this sense, the choices of the members of tribes are rational.

In conclusion, the political ideology of the individuals is not the only factor which keeps the tribe together. Tribal organization turns into a structure which exceeds language, religion, ethnical attachment, political ideology and blood bonds. If we reiterate the sentence of Lindner that we quoted above, "tribal reality was formed of shared interests". Therefore, members of a tribe can become a tribe as long as they work together, collectivize their interests and produce solutions to their problem realms and disputes in their daily lives. The power that keeps the members of a tribe is the common interests and togetherness in working.

CHAPTER III

ON THE MEANING OF *TÖRE*

In this chapter my main aim is to develop a discussion on the definition and content of the concept of *töre*. Actually it is hard to say that there are fulfilling discussions on this issue in the academic or political sphere in Turkey. Up until now, the concept of *töre*, as an academic and political concern, has been discussed within the "honor killings" (*namus cinayetleri*) debates rather than as an independent issue, and generally, and also wrongfully, these concepts have been used synonymously in a rather reductionist way[94]. Yet, as I will try to show in this study, there is no exact correspondence between *töre* and *namus* (honor), despite the fact that it is possible to associate them in terms of their etymological roots. However, the very approaches which consider these concepts and phenomena as indistinguishable are rather deceptive for a proper understanding of *töre* with all its dimensions. *Töre* was/is generally considered an "outdated custom" of "underdeveloped regions" and "communities" as the cause of "murders" of raped or kidnapped young women by men or their families. Since this point of view implicitly associates *töre* with the "murders" and "underdeveloped regions", it unsurprisingly fails to analyze the internal mechanisms of these tribal communities and tight bonds of these communities with *töre*.

Of course, both Turkish and international media play a key role in contributing to the ready-made association of these two concepts together, that is, "*töre*" and

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[94] As Koğacıoğlu puts it that: "In Turkey, for instance, an equally popular name for honor crimes is 'crimes of tradition'". Dicle Koğacıoğlu, (2004), 'The Tradition Effect: Framing Honor Crimes in Turkey', **Differences**, 15 (2), p.120.

"murder". On the one hand, it is impossible to reject that there are women and men killed by some decisions of tribal family members in the name of *töre*. There is nothing to discuss about this factuality. I should even report that during my field research some people told me – without venturing a name - that there were some murders committed against women and men in their region. So, I do not intent to refuse the reality of "death" or "murder". Yet, the problem about media is related with its distinct way of representing this particular social fact. The real motivation of the press in terms of "*töre* killings" debate is not a simple tendency to reveal a reality and report it; rather, this is a sort of "production of ideology" without dwelling on these murders' cause and effect relations and even covering them. The most significant method of press in this "production" process is using the words "*töre*" and "murder" together in almost every report with a view to molding public opinion. With the help of this conditioning process created by press, each appearance of *töre* in the news makes the public following such news think of "underdevelopment", "backwardness" and "murder".

I prefer to leave the identification and analysis of this creation/production process – reasons and results - to the conclusion chapter of this study. At this stage, the first thing to do, in fact, would be to ask the simplest but the most fundamental question of this thesis: what is *töre*? This main question which is formulated within a simple sentence should not mislead us. This question tries to point out two different levels of the word. Firstly the question refers to the definition(s) of the concept of *töre*. On one level, the question points toward the meanings of the concept in an abstract sense and also how these meanings have been transformed historically. On the second level, the question tries to identify the concept of *töre* as the totality of the social patterns of a social structure. Beyond its being an abstract concept, we need to analyze the ground on which *Töre* exists and makes itself felt and apparent in everyday life practices. Therefore, our concern should be on the structure of *töre*, both as a concept and a social phenomenon. For this reason, first of all I will show the etymological roots of the concept. And then, as I have mentioned above, I will try to evaluate this conceptual framework by

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analyzing some other features of the phenomenon. While doing this, I would also like to provide some observations from my field study.

3.1. ETYMOLOGICAL ROOTS:

The first known example of the concept of *töre* at the time can be seen in the Orkhon Monuments. It is possible to see the word in several lines. The concept of *töre*, along with the term "il" which was used together in almost all sentences refers to a totality. That is why, it would be very useful to touch upon the concept of "il". Divitçioğlu explains this concept as follows:

> I suppose that this term is the exact equivalent of the Latin term *territorium* and it is a specific and autonomous ethnic-ecological piece of land which only belongs to a tribe or a budun. Thus, having been a geographical concept, it is different from the "ground" which denotes "land". Besides, the concept is a social one, not political[95].

We understand from this definition that, "il" neither stresses geographical place which people live in nor emphasizes the political meaning of the concept of "vatan" (homeland)[96]. The concept of "il" does not only imply a piece of land it also emphasizes a sociality which includes social practices. Moreover, Divitçioğlu is trying to stress that the concept of "il" does not refer to an "institutionalized political unity" when he asserts that the concept is not a political one. Indeed, he says that:

> Since "il" is a social concept, depending on various factors, there can be "il" inside an "il". The most striking example of this fact is in Taryat Manuscripts;; like the differentiation making between "il of Ötüken" – "il of Tegreş" in "il of Uygur". I think this example is the most obvious one that denotes "il" cannot be used as "state". (...) As a matter of fact, Kök Turks never called "Turkish il" to the countries which they

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[95] Sencer Divitçioğlu, (2000), **Kök Türkler: Kut, Küç, Ülüg**, Yapı-Kredi Yayınları:İstanbul, p.104.

[96] Concerning the meaning of the word "vatan", Hobsbawm asserts that: "By the middle of the nineteenth century the Turkish word 'vatan', hitherto merely describing a man's place of birth or residence, had begun to turn under its [French Revolution] influence into something like 'patrie'." Hobsbawm, Eric, (1996), **The Age of Revolution 1789-1848**, Vintage Books: New York, p.55

campaigned. There are several examples, such as il of Kirgiz, il of Turgish, il of Oghuz, il of Karluk[97].

Therefore "il" is "homeland" (in Turkish *yurt*), but not a "country" (in Turkish *ülke*). It is not the land that a territorialized political unity has made its property with clear boundaries; it is a "home" where Turks, who are nomadic clans, experience their social existence within the framework of a specific sanctity.

When it comes to the concept of *töre*, it will not be sufficient to have a quick idea about its usage. At the first glance the usage of the concept can be seen a little ambiguous. Or, if we put it differently, there are some differences of the usages in various lines. Therefore a careful and comparative reading of the different usages of the concept can present new ways for understanding it. In this sense, in my opinion, the usage of the concept in Orkhon Monuments can be categorized into three different groups[98].

The first group includes the sentences in which the verbs "organization" and "destroying" are used in conjunction with the concept of *töre*.

> *Establishing the state [political-community] organized the law.*
>
> (*İli tutup töreyi düzenlemiş*)

> *The begs, the tribe of Turk, of Oghuz, hearken: Who could destroy your state, your law, the Turk tribe, lest the heaven above shall fall, ant the earth below crash hollow.*
>
> (*Türk, Oğuz beyleri, milleti, işitin: Üstte gök basmasa, altta yer delinmese, Türk milleti, ilini töreni kim boza bilecekti.*)

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[97] Ibid. P.105

[98] All quotations are from:

Muharrem Ergin (ed.), (1995), **Orhun Kitabeleri,** 19. Baskı, Boğaziçi Yayınları: İstanbul, p.15-61

For this reason, [he] conquered the state, of course, establishing the state organized the law.

(*Onun için ili öylece tutmuş tabii, ili tutup töreyi düzenlemiş.*)

Before that, slave became with the slave [the owner of the slave]; the concubine became with the concubine. Little brother did not know [recognize] the bigger brother, the son did not know his father. We had such a well organized state and law.

(*O zamanda kul kullu, cariye cariyeli olmuştu. Küçük kardeş büyük kardeşini bilmezdi, oğlu babasını bilmezdi. Öyle kazanılmış, öyle düzene sokulmuş ilimiz, töremiz vardı.*)

In this first group it can be seen that the usage of the concept essentially refers to the concepts "regulation", "ordering", "organizing", which implies the idea of "social order" which is permanently established and broken and then reestablished. *Töre,* here, appears as a concept that holds the community together and notifies individuals (the elder and younger brothers, and the son and father) of their place in the social hierarchy. *Töre*, as referred to here, is an "order" with an extremely strong base that can only be deteriorated due to really grave (and even improbable) causes like "the collapse of the ground" and "the falling down of heavens"; it is immanent to the idea of regulating the social.

The second group consists of sentences with the verbs "acquire" and "take away":

Out of God's grace he took away their state from [other] people, took away their kagan from them, subjugated the enemy, bent the keens of all those who had knees, made them bow their heads who had to bow. My father Kagan had acquired the state the law in their way and flew away.

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(*Tanrı lütfettiği için illiyi ilsizletmiş, kağanlıyı kağansızlatmış, düşmanı tabi kılmış, dizliye diz çöktürmüş, başlıya baş eğdirmiş. Babam kağan öylece ili, töreyi kazanıp, uçup gitmiş.*)

After accomplishing the acquisition of all these laws, my little brother Kül Tigin has just passed away.

(*Bunca töreyi kazanıp küçük kardeşim Kül Tigin kendisi öylece vefat etti.*)

In my sixteen years of age, my uncle kagan has acquired his state and his law like this: we sent on army to Altı Çob Soğdak, and crushed them. The Chinese Ong governor came, fifty thousand soldiers came, we fought war… We destroyed that army there…

(*On altı yaşında, amcam kağan ilini, töresini şöyle kazandı: Altı Çob Soğdaka doğru ordu sevkettik, bozduk. Çinli Ong vali, elli bin asker geldi, savaştık. … O orduyu orada yok ettik.*)

[He] has taken the state and the law for the Chinese Kagan.

(*Çin kağanına ilini, töresini alıvermiş.*)

Before that, slave became with the slave [the owner of the slave]; the concubine became with the concubine. Little brother did not know [recognize] the bigger brother, the son did not know his father. We had such a well organized state and law.

(*O zamanda kul kullu olmuştu, cariye cariyeli olmuştu. Küçük kardeş büyük kardeşini bilmezdi, oğlu babasını bilmezdi. Öyle kazanılmış, düzene sokulmuş ilimiz, töremiz vardı.*)

Yet, this "acquisition" and "withdrawal" usually take place as a result of a struggle, or war with the enemy, which presents a different perception of the concept of *töre*. On the other hand, this concept also refers to the phenomenon of bringing welfare to the society and rendering it powerful among other tribes. Therefore, in my opinion, the way the concept is used here indicates the concept of "sovereignty", albeit in a different sense from its contemporary usage. This sovereignty should be viewed as standing strong and surviving against outside forces, and expecting obedience from its subjects in return for a certain sense of responsibility.

Finally, the third group is composed of sentences with the phrases "in accordance with", "according to" and the word "establish":

[He] gathered seven hundred men and in accordance with the lae of my ancestors created and expanded the tribe [bodun] which had been left stateless, kaganless, made concubines, slaves and which had left its own law.

(*Yedi yüz er olup ilsizleşmiş, kağansızlaşmış milleti, cariye olmuş, kul olmuş milleti, Türk töresini bırakmış milleti, ecdadımın töresince yaratmış, yetiştirmiş.*)

For my father kagan [he] erected the kagan of Baz as balbal[99]. In accordance with that law my uncle sat us kagan. My uncle sat us kagan and reorganized the Turk [bodun] tribe and fed them.

(*Babam kağan için ilkin Baz kağanı balbal olarak dikmiş. O töre üzerine amcam kağan oturdu. Amcam kağan oturarak Türk milletini tekrar tanzim etti, besledi.*)

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[99] *Balbal* is a sort of stealea which is erected for the memory of ancestors in ancient Turkic societies.

Above the blue heaven, below the dark earth were created, in between the son of man. Above the son of man sat my ancestors Bumin Kagan, İstemi Kagan. They sat and established the state and the law of Turk tribe [bodun] and organized them.

(Üstte mavi gök, altta yağız yer kılındıkta, ikisi arasında insan oğlu kılınmış. İnsan oğlunun üzerine ecdadım Bumin Kağan, İstemi Kağan oturmuş. Oturarak Türk milletinin ilini, töresini tutu vermiş, düzene soku vermiş.)

When my father Kagan flew away, I was left at age of eight. According to [that] law, sat my uncle as kagan.

(Babam kağan uçtuğunda kendim sekiz yaşında kaldım. O töre üzerine amcam kağan oturdu.)

[He] sat and established state and law of the Turk [bodun] tribe, gave it organizer.

(Oturarak Türk milletinin ilini töresini tutu vermiş, düzenleyici vermiş.)

In my opinion, the lines in this last group stand out as sentences with the strongest emphasis on the sociality of the concept of *töre*. "Establishing the *töre*" of a society, "in accordance with its *töre*", becoming a khan "according to the *töre*" of that society refer to the tradition, rules, way of life, and thus, habits of that society. In other words, while the emphasis in the sentences of the first group is only on "order" and "regulation", this last group has to do with pure practices. Society is essentially formed upon these practices. It exists with such practices and it makes decisions in line with the way of life it develops in the course of time. Consequently, in these statements we see that *töre* is now emerging through the social.

Following the Orkhon Monuments, two other works where the concept of *töre* explicitly appears are Kutadgu Bilig by Yusuf Has Hacib and Dīwānu l-Luġat al-Turk by Mahmud al-Kashgari. Divitçioğlu states that "In Kaşgarlı's thinking törü means tradition and *töre* means creation. The *törkün* which I think that coming from same root means "meeting place of *oğuş,* house of parents". One of the provers that Kaşgarlı mentiones is very interesting: "*el kaldı törü kalmas*"; that is; hand can be left but *töre* cannot.[100]" He also points out that "In *Kutadgu Bilig töre* means law and order. In every usage of the word, it mentions either *il, bodun* or *iliğ* (kagan).[101]" In this context, Divitçioğlu maintains that:

> In the light of these lines, *töre* can be defined as the social laws which is derived from customs and traditions raised within/among khan, the state and the bodun. Let me immediately point out that the presence and the function of Tengri [God] is indirect. This point is very clear in Kök Türk monuments. *Töre* has always emerged from Turk bodun and Turkish state [il]. Kagan helps this emergence. His duty is to protection and implementation of institutionalized *töre*.[102].

The real emphasis in this quotation is on the sociality of *töre*; namely, that *töre* is born out of the social, and its existence depends on the social. *Töre* does not originate from Tengri. In this sense, it excludes the sacred; the sacred is not a command. *Töre* is not the command of the khan, either. While Divitçioğlu makes no statements concerning the method, he notes that the khan only assists in the "birth" of *töre*. Although its birth has not been clearly explained, it is obvious that *töre* has born out of the practices of the ancestors. Its historicity and sociality are formed through ancestors. Nevertheless, once *töre* is social, it becomes open to change. Therefore, *töre* also changes/is transformed. The fact that it originates from ancestors is not an obstacle for change.

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[100] Divitçioğlu, p.114

[101] Ibid.

[102] Ibid.

In Turkish academic literature, the first definitions of the concept of *töre* appear in the works of Ziya Gökalp and Abdülkadir İnan. The book "Türk Töresi" [Turkish *Töre*] written by Ziya Gökalp in 1923 starts with the question "what does *töre* mean?" Here is the first answer he gives: "It was used to say *"töre of Oghuz"* that precedents (customs and tradition) remains from the early ages of Seljuks and[103]". He then adds this: "Even though our ears get used to hear the word "töre" with the name of "Oghuz", *töre* does not only composed of customs and traditions of Oghuzs. We observe this word in Orkhon monuments as well.[104]". Referring to various sources for the definition, Gökalp feels the need to differentiate the concepts of *töre* and 'law':

> Nevertheless the scope of the word "töre" is not limited with the "law". Other than the written laws, *töre* includes unwritten traditions as well. In fact, there are religious and moral *töres* different that legal *töre*. Then Turkish Töre means all of the rules remain from ancestors of ancient Turks[105].

On the same page it is also noteworthy that in his translation of the proverb "İl bırakılır, törü bırakılmaz" that appeared in Kaşgarlı's Divan-ı Lügati't Türk, Gökalp uses *hars* for the concept of "törü". It is well-known that the concept of *hars* has a significant place in Gökalp's works. Gökalp uses the concept of *hars* for the concept of "culture" in general. Nevertheless, Parla states that Gökalp analyzes the concept of "culture" in two divisions:

> In the 'Two Meanings of Culture' (1923) Gökalp further lowered the barriers between culture and civilization: He began by breaking down culture into two connotations: *Hars* corresponds to 'popular culture'. It was 'democratic' and consisted of the traditions, habits, customs, oral and written literature, language, music, religion, morals, and aesthetic and economic creations of the people. *Tehbiz* corresponded to 'refined culture'. It was aristocratic ('the aristocracy of mind') and was found in intellectuals who had received higher education. (...) By this distinction, Gökalp brought together culture and

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[103] Ziya Gökalp, (2005), **Türk Töresi,** 3. Baskı, Toker Yayınları: İstanbul, p.9

[104] Ibid.

[105] Ibid., p.11

civilization (e.g. sciences and philosophy) and one culture and other cultures (e.g. fine arts and literature), for he insested that *hars* was national and *tehzib* international, an attribute of civilization[106]"

While there seems no contradiction between the concepts within the context of the definitions Gökalp offered for the concept of *töre*, and the concept of *hars* he used as an equivalent for *törü*, since the content of the *hars* concept is too broad, it becomes difficult to grasp the definition of *töre* made by Gökalp. Yet, the concepts of "customs" "traditions" and "habits" emphasized by Parla offer valuable hints to understand *töre*. These concepts also highlight the sociality of *töre*.

In Turkish academic literature, other historical and etymological studies regarding the concept of *töre* belong to Abdülkadir İnan who was a very successful historian of early Turkish republic. His works from 1950's to 60's for the first time provides us with some remarkable information about the etymological roots of *töre*. He was not concerned about *töre* in particular, but he tackled the issue within the context of the issue of the pre-historic Turkish society, its social structure, its culture and institutions. He published his first findings and comments concerning *töre* in the journal of Belleten in 1956. İnan asserts that: "*Töre* means "law" (kanun) and "order" (nizam) in ancient Turkish tablets"[107]. "This concept, with the term "il" (il törüsü), means "order and law of the state". He adds that: "The terms "yasa" and "töre" were used synonymously in Mongolian times"[108]. Thus, İnan mostly emphasizes the senses of "law" and "order" in the concept of *töre*.

A few years before him, M. Fuad Köprülü, another important historian of young Turkish republic, touches upon the "tension" between urf (örf) and sharia (şeriat)

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[106] Taha Parla, (1985), **The Social and Political Thought of Ziya Gökalp 1876-1924**, E.J. Brill: Leiden, p.33

[107] Abdülkadir İnan, (1998), **Makaleler ve İncelemeler**, I. Cilt, Ankara:Türk Tarih Kurumu, p.640. "In ancient Turkish inscripts the term 'töre' means 'law, order'. This term along with the word "state" [il] means 'the order of the state and law'.

[108] Ibid, p.641

in the middle age Turkish institutions[109]. Although he did not use the term specifically, he seemed to imply *töre* with the concept of *urf*.

Ümit Hassan makes remarkable contributions to the discussions of pre-historic Turkish society; its structure, religion/organization relations and kinship bonds. He also elaborates on the deeper and wider meanings of *töre* within the historical context of ancient Turkish kinship groups. He asserts that the term *töre* derives from the root of the word(s) töz/tös, refering to beginning, birth, ancestors, origin, saying, being created first, tribe, path (of tribe), and finally the law[110]. According to Hassan, the term tör is the same with töz/tös. Then Hassan counts nine words which derive from the root of "tör" including the term *töre*. They are; **törkün** that refers to family relations; **türkün** that describes the temple that includes the totem; **törü and/or töre,** that means customs and traditions descending from ancestors; **töre** that expresses folk, tribe, being affiliated with a given lineage; **töremek** that means being created, descent from same kinship; **töröngey** that means first created human; **töröl** that means tribe, relative, kin, origin; **tür** that means genus; and finally, **törüt** that means giving birth, origin and root[111].

One should see that all these words, by and large, refer to the same meaning: "descending from the same root". *Töre*, specifically, has also the same meaning that refers to the people descending from same lineage and same ancestors. Thus, it can be said that, definitions of *töre* address group of people organized along the kinship ties. Therefore it would not be wrong to say that *töre* is a feature of kinship societies. This definition also implies that *töre* is the way of tribe that has to be obeyed by the all members of the society. Yet, there is not an actual individual who explains this way of tribe to the other members. *Töre* is not the rule or law of a specific chief but the shared thought and sense of all members of tribe.

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[109] M. Fuad Köprülü, (1938), "Ortazaman Türk Hukuk Müesseseleri: İslam Amme Hukukundan Ayrı bir Türk Amme Hukuku Yok mudur?", in, *Belleten*, vol. 2, no. 5/6, sf.39-72.

[110] Ümit Hassan, (2002), **Osmanlı Örgüt-İnanç-Davranış'tan Hukuk-İdeoloji'ye**, İstanbul:İletişim Yayınları, p.26.

[111] Ümit Hassan, (2000), **Eski Türk Toplumu Üzerine İncelemeler**, İstanbul:Alan Yayınları, p.123.

Hassan also gives a definition of *töre*:

> 'Töre' in the general sense is the Asian kinship making itself into a rule; specifically the Turk making its own life style into a rule; specifically 'the way' that Turks and Mongolians have to stick to. It has been frequently advised by both legendary khan's and real-person rulers that 'the way' is nothing other than 'töre' and is not supposed to be either. (...) We will see that 'töre' ought to be conformed to, so that requirements of kinship life style are fulfilled and the present phase is maintained[112].

Hassan offers a two-way usage of the concept of *töre*. With the statement "töre ought to be conformed to", Hassan basically highlights the meaning of the concept with reference to a "body of laws". Yet this should not be taken as a "law" codified in the modern sense. *Töre* is organized as concrete principles under certain conditions (this will be explained in the next section), and these principles (or rules) dictate some solutions to the disputes of everyday life. In other words, following the *töre* is essential for the survival of the kinship way of life. What is followed here is thus a "way", the second component of Hassan's usage of the concept; namely, the way of life *per se*, and all the social life practices of the community. There is no contradiction in this two-way approach of Hassan. As the next chapters will attempt to explicate, social practices might turn out to be the rules that govern such practices. So, following Hassan's definition, being on the "way" itself is organized around certain principles and governed by certain rules.

Töre, in its most general sense, is immanent in all practices, from behaviours regarding the organization style of the community (for instance, religious rituals) to a daily practice like "horse riding". It is for certain that there is a difference between the "horse riding" practice of a tribe member and the "horse sacrifice" ritual[113] of the Altai shaman. While one is a practice highly important in the religious sphere, and in Hassan's terms, is a "public duty" of the shaman, the other is a relatively "harmless" practice from the social sphere, one that would not

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[112] Ibid.110

[113] Bu konuda bkz.Hassan, (2000), p.63

arouse much reaction in the members of the tribe if it was not obeyed. Indeed, the levels of acts and the social responses they get differ. Yet what is at stake here is whether the tribe member feels obliged to carry out a certain act, not how and how much the society will react towards the act that was (or was not) carried out (the individual might sometimes get totally unexpected reactions, too). So, riding a horse in style "b" instead of style "a" might not (or, might) have a social sanction. Yet, what makes *töre* distinct is the fact that the tribe member prefers to ride the horse in style "a" – the style common in the society. This (group of) preference(s) gives the tribe and all of its members their "identity". This is what *töre* exactly refers to. As Yıldırım maintains, "(…) it would not be a mistake to interpret törüğ [*töre*] as all rules (social, political and religious) that give an order (and identity) to the society[114]". It is not a command imposed on the tribe member from outside; it is an internalized rule the tribe member feels obliged to obey. That is to say, it is what Aristoteles defined with the concept of "ethos", and Hegel with the concept of "ethical life" [Sittlichkeit].

Aristoteles uses the term "ethos" as the meaning of "habits" and "character" which is derived from it.[115] "Ethos" covers all social practices, and in this sense, reveals the "character" (identity) of both the society and the individual. It should also be noted that the dictionary meaning of "ethos" is "character"[116]. Hegel, on the other hand, in his *Elements of the Philosophy of Right* makes a distinction between the concepts of "mores", which is the Latin equivalent of "ethos", and the concepts of "ethical life" and "morality", which are the modern equivalents of these two. "Morality and ethics, which are usually regarded as roughly synonymous, are taken here in essentially distinct senses. (...) But even if morality and ethics were etymologically synonymous, this would not prevent them, since they are now

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[114] Erdoğan Yldırım, (2001), **The Crisis of Jurisprudence in Contemporary Turkey**, Unpublished Phd Thesis, submitted to The Graduate School of Social Sciences of Middle East Technical University, p.118.

[115] Aristotle, (2004), **Nicomachean Ethics,** Cambridge Texts in the History of Philosophy, trans. and ed. Roger Crisp, Cambridge University Press: Cambridge, p.23.

[116] Oxford English Dictionary, "ethos" maddesi, http://dictionary.oed.com/cgi/entry/50078556?single=1&query_type=word&queryword=ethos&first=1&max_to_show=10

different words, from being used for different concepts[117]". According to Hegel: "[In the sphere of morality], everything depends on my insight, my intention, and the end I pursue, because externality is now regarded as indifferent. But the good, which is here the universal end, should not simply remain with me; on the contrary, it should be realized[118]". Thus, it should be said that the "moral" does not get its source from an external social reality. It only exists in such an "I" (self-reasoning) which is conceived as an abstract unit. On the contrary "ethical life" is only possible through within an "interaction", that is, in a social unit. "Morality and the earlier moment of formal right are both abstractions whose truth is attained only in *ethical life*. Thus, ethical life is the unity of the will in its concept and the will of the individual [*des Einzelnen*], that is, of the subject.[119]" Ethical life is the realization of the abstract morality. Thus ethical life is the very social life itself; its all the rules and patterns of social life. We should define morality as the "rationalization" of these all ethical practices. Therefore the "law" of the modern state as being the rational order of modern society becomes visible in the sphere of morality.

Apart from this, *töre* has is also *nomos* of the tribal structure. The word "namus" is Turkish is coming from Greek "nomos" which is the plural form of *nomoi* which means "law". In *Nichomacean Ethics*, Aristotle uses the term *nomos* instead of law several times. As it has been stated before *töre* has also same meaning with *nomos*. This also shows us the close affinity between *namus* and *töre*. If there emerges a conflictual situation in tribal everyday life, tribal social practices are coerced to establish a fixed rule in order to resolve dispute. Therefore during conflictual situations *töre* principles transformes into legal rules in an abstract level.

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[117] Hegel, G. W. F., (1996), **Elements of the Philosophy of Right**, Cambridge: Cambridge University Press, p.63.

[118] Ibid. p.64

[119] Ibid, p.64

As clarified in all these definitions and usages, *töre* is based on social practices. These practices somehow display the character and identity of the community they emerge from. So, it could be concluded that, each social unit, be it modern or so-called "traditional", has "*töre*". However, modernity aims at making all social practices "uniform" not only within national boundaries but also at an international level by means of mass communication. In this sense, it aims at absorbing local and unique *töre*s and putting them in a melting pot. This is one of the reasons why international law has gained this much significance today. If law is defined, in its most general sense, as the regulation of behaviours making up social relations, it could comfortably be stated that the basic function of international law is to create a universal behaviour pattern (code of conduct). Thus, modernity itself displays the will to be the single ethos.

The reason why the concept of *töre* has been defined and discussed with reference to tribes in Turkey is that tribal social structure contradicts with, and even resists, this modernity experience. This contradiction and resistence are basically due to the desire to preserve one's own ethos and to live with it. Therefore, *töre*, in its broadest sense, cannot be interpreted as a feature of the tribal social structure only; yet in today's Turkey what makes *töre* visible and widely discussed is the contradiction of the tribal *töre* with modern state order, which has become more apparent than the past. The main obstacle for a real understanding of *töre* often mentioned in the press since mid-1990's is the habit of labelling one party of this contradiction as "backward social order" and the other as "advanced/modern social order". Based on our individual ideological position, we might not view the tribal *töre* as "right" and/or "just", and we could maintain that the advantages of modern social order have gained victory over tribal *töre*. But this should be the subject of a totally different political discussion. This ideological evaluation of ours should not act as a barrier for understanding the characteristics of the tribal *töre*. As I have tried to express, understanding the tribal *töre* does not necessitate an evaluation of each act carried out in line with that *töre* as "right" and "wrong". In my opinion, in

today's Turkey, understanding *töre*, will assist us in many issues: from comprehending the life of a tribal member to perceiving the Kurdish problem.

Therefore, it would be insufficient to merely offer an etymological and historical analysis of *töre* considering the purposes of this thesis work. It would be useful to analyze the relations of *töre* with other concepts and phenomena both as an abstract concept and with its concrete daily life practices. Only such an effort would reveal what social and political processes have shaped the concept.

3.2. TRADITION AND *TÖRE*

In this section I will try to offer an explanation of the relationship between the concepts of *töre* and tradition. While asking what *töre* is, one should also reflect upon the concept of tradition, which is often viewed in the literature as being the same as *töre*.

As defined in the *Antropoloji Sözlüğü* [Dictionary of Anthropology] by Emiroğlu and Aydın, *tradition* "is one of the problems that has been mostly discussed and yet that has received the least attention by social sciences, and at the same time social/cultural anthropology". Indeed, "the number of books on 'tradition' *per se* is surprisingly few".[120] According to Gross,

> The term comes from the Latin verb *trader* meaning to transmit, to give up, or to give over. *Traditio* indicates the process by which something is transmitted. (...) What is implied by *traditio* is that (a) something precious or valuable is (b) given to someone in trust after which (c) the person who receives the 'gift' is expected to keep it intact and unharmed out of *sense of obligation* to the giver[121].

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[120] Kudret Emiroğlu and Suavi Aydın (ed.), (2003), **Antropoloji Sözlüğü**, Ankara:Bilim ve Sanat Yayınevi, p.329.

[121] David Gross, (1992), **The Past in Ruins: Tradition and The Critique of Modernity**, The University of Massachusetts Press: Amherst, p.9

Oxford English Dictionary offers the following definitions for the concept: 1)"The action of handing over (something material) to another; delivery, transfer"; 2) "An ordinance or institution orally delivered"; 3) "a statement, belief, or practice transmitted (esp. orally) from generation to generation[122]". Thus, the definition of the concept could be said to include three basic elements. The first element is a subject that transfers; namely, the ancestors. The second is the "present generation", and the third is the transfer process *per se*. The subject that carries out the transfer has no identity other than being "ancestor"; namely, it is not a specific character, it is even a myth. This poses a challenge when it comes to explain to the present generation the conditions in which the tradition has emerged. Tradition, on the one hand, ties itself to the past through ancestors; and on the other hand, it begins to acquire a "sacred" identity in that it cannot be explained. That is, for one who maintains a tradition, that tradition contains a "value". Therefore, not every element handed on from past to our day could be called "tradition". The transferred "thing" becomes tradition within the framework of certain meaning attribution practices. What makes it sacred/valuable is the mythical ancestors on the one hand, and the meaning attribution practices of the present generation on the other.

This takes us to the "transfer process". The transfer process itself is not a passive process. According to Emiroğlu and Aydın,

> One of the distinguishing aspects of tradition, maybe the most important one that its main feature making it "tradition" is to being subjected itself to a "selection". In other words, generations does not perceive everything as tradition inherited from generations of ancestor and does not repeat exactly. They re-evaluate or reconsider what they inherited according to the current conditions; while they entirely eliminate some of them, implement the others as they are or with partial changes [123].

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[122] Oxford English Dictionary, "tradition",
**http://dictionary.oed.com/cgi/entry/50255726?query_type=word&queryword=tradition&first=1&max_t
o_show=10&sort_type=alpha&result_place=1&search_id=Ip8U-kDmz0n-1718&hilite=50255726**

[123] Emiroğlu ve Aydın, Ibid., p.331

This very process of "selection", "omission" and "value attachment" is set in the framework of social, political, economic and historical conditions.

Then we can answer the question "what do we call as tradition?" in this way: Tradition(al) is the total of practices that come from the past to our day, that are repeated by a certain community at a certain time and place with certain intervals, and that have ritualistic elements. So, tradition is basically an action. It necessitates behaviour. It not only appears in discourse, but also manifests itself in social practices. In addition, as Hobsbawm has stated, we automatically establish a bond with the past while talking about tradition. Again as Hobsbawm has explained, this past need not cover a long period. Although Emiroğlu and Aydın, following Gross and Boyer, express that this period should cover "at least three generations"[124], I do not think that the process of tradition creation should be bound by such a time period.

At this point the concept of "invented tradition" Hobsbawm has introduced in the preface to his book *The Invention of Tradition* needs to be mentioned[125]. This concept first makes one think Hobsbawm is looking for an answer to an irrelevant question. In other words, are the questions on the distinction between the concepts of "tradition" and "invented tradition" really relevant? Hobsbawm clearly states what he refers to with the concept of "invented tradition" on the very first page:

> 'Invented tradition' is taken to mean a set of practices, normally governed by overtly or tacitly accepted rules and of ritual or symbolic nature, which seek to inculcate certain values and norms of behaviour by repetition, which automatically implies continuity with the past. In fact, where possible, they normally attempt to establish continuity with a suitable historic past[126].

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[124] Ibid.

[125] Eric Hobsbawm, "Introduction: Inventing Traditions", **The Invention of Tradition,** Eric Hobsbawm and Terence Ranger (ed.), (1993), , Cambridge University Press: Cambridge, pp.1-14

[126] Ibid., p.1

He also expresses that: "the object and characteristic of 'traditions', including invented ones, is invariance"[127]. This "past" might be referring to a time period of a thousand years or ten years. This time period, for me, depends on the characteristic of that tradition and what it means for the related community. A tradition may be formed in a relatively short time, as well. Therefore, every tradition has been human creation, and thus, each tradition is social. Every tradition develops through this sociality.

This is exactly why Hobsbawm's question is irrelevant. For every tradition is already "invented" in that it is actually part of a creation process. That is, every "tradition" refers already to "inventiveness". However, what Hobsbawm means with this concept is the traditions that have emerged as a result of the need to abolish established traditions and replace them with new ones in order to transform the previous political power, and political and social structure, especially during periods of "revolutionary transformation". As Hobsbawm stated:

> Revolutions and 'progressive movements' which break with the past, by definition, have their own relevant past, though it may be cut off at a certain date, such as 1789. However, insofar as there is such reference to a historic past, the peculiarity of 'invented' traditions is that the continuity with it is largely factitious. In short, they are responses to novel situations which take the form of reference to old situations, or which establish their own past by quasi-obligatory repetition[128].

This reveals the need of political powers to establish "tradition", and this issue is too broad to be discussed within the scope of this thesis. What I try to express here is that the concept of tradition is, by definition, the result of a creation process. Nothing can "be" a tradition, things "become" tradition. It is also the task of totally different historical and anthropological research to inquire what tradition has emerged as a result of what social and political structures.

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[127] Ibid.,p.2

[128] Ibid.

Considering the theme of this thesis, the most critical issue Hobsbawm has referred to is the distinction between the concepts of "tradition" and "custom". According to Hobsbawm:

> 'Custom' in traditional societies has double function of motor and fly-wheel. It does not preclude innovation and change up to a point, though evidently the requirement that it must appear compatible or even identical with precedent imposes substantial limitations on it. What it does is to give any desired change (or resistance to innovation) the sanction of precedent, social continuity and natural law as expressed in history[129].

These examples Hobsbawm provides to define "custom" are highly significant:

> Students of peasant movements know that a village's claim to some common land or right 'by custom from time immemorial' often express not a historical fact, but the balance of forces in the constant struggle of village against lords or against other villages. Students of the British labour movement know that 'the custom of the trade' or of the shop may represent not ancient tradition, but whatever right the workers have established in practice, however recently, and which they now attempt to extend or defend by giving it the sanction of perpetuity[130].

Especially the first example points out a very significant attribute of "custom". Different from the concept of "tradition", "custom" refers to encounters within power relations that are renewed every day, rather than invariant practices that come from the past to the present. "Custom" refers to a power domain that needs to be continuously renewed, not to ritualistic constants. As Hobsbawm puts it: "'Custom' cannot afford to be invariant, because even in 'traditional' societies life is not so"[131]. Practices indicated by custom refer to a continuous force-resistance relationship. 'Custom' includes reactions to a tendency to all kinds of institutionalization and thus fixedness. It is a process continuously established and

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[129] Ibid.

[130] Ibid.

[131] Ibid.

abolished and re-established. In Koğacıoğlu's words it refers to "strategical positioning realized as a result of dice thrown over and over again"[132].

In this sense, Hobsbawm's perception of the concept of "custom" and the meanings he attributes to it overlap with the concept of *töre*. It could comfortably be uttered that all attributes Hobsbawm links to "custom" are valid for *töre*, as well. *Töre* also emerges through certain force-resistance processes, as stated above. For this very reason, *töre* cannot be isolated from power relations. *Töre* does not stress invariance, either. As I have noted earlier, its historicity and sociality urge *töre* to change. Although *töre* has a link to the past (just like the concept of custom), its real emphasis is on the present; namely, the emphasis is on the social practices that take place in the present within certain power relations.

The sentence above by Dicle Koğacıoğlu is actually used by its writer to explain the concept of "tradition". Consequently, in both articles Koğacıoğlu wrote on the concept of "tradition" we encounter some problems related to the usage of the concept[133]. First of all, Koğacıoğlu seems to avoid giving a definition for the concept of tradition in both articles. She only expresses some of her thoughts on the content of the concept and prefers to ask questions like "what is the discourse of tradition?" and "what are the power relations shaping the discourse of tradition?" instead of asking "what is tradition?" I believe that the questions she asks are very significant and valuable, and I am also interested in the answers of the same questions. Yet, I also think that the question "what is tradition?" should also be asked. In other words, I find it insufficient to explain just what the concept is not and/or what the discourse(s) produced with that concept is (are).

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[132] Dicle Koğacıoğlu, (2007), "Gelenek söylemleri ve iktidarın doğallaşması: namus cinayetleri örneği ", *Kültür ve Siyasette Feminist Yaklaşımlar*, No.3, June, http://www.feministyaklasimlar.org/magazine.php?act=viewall&cid=92#_ftn2

[133] Her other article is: Dicle Koğacıoğlu, (2004) "The tradition effect: framing honor crimes in Turkey", *Differences: A Journal of Feminist Cultural Studies*, Vol.15, No.2, September, 118-152

The basic problem with the way Koğacıoğlu uses the concept of tradition is that she uses it synonymously with the concept of "custom" without any distinction between the two. In other words, Koğacıoğlu seems to disregard Hobsbawm's views on the distinction between these concepts[134]. Similarly, in her article in Turkish, Koğacıoğlu implies almost no distinction between the concepts of "tradition" and "*töre*"; she only states that the concept of "*töre*" has a "more ethnic tone". Therefore, she usually avoids using this concept in her article and tries to replace it with the concept of "tradition", yet fails to explain what makes the concept of *töre* to have an "ethnic tone". The problem is that, the very expression that the concept of *töre* has an "ethnic tone" reveals that she has fallen into the trap of matches established by the political power (e.g. "culture" = "tradition" = "Kurds") she has criticized throughout the article. Therefore, this usage is very problematic. On the other hand, these statements of Koğacıoğlu on honor killings highlight the sociality of *töre*: "All the information emerging about honour killings turn around the assumption that there is a tradition that solid and internally consistent apart from the people's attitudes, acts and daily lives who lives "there". Some headlines in newspapers like "The Killer Töre At Work" is got used to a töre fiction which is almost as a material thing standing outside of a social relations."[135].

3.3. "NO DISGRACE TO THE POWERFUL!" : POWER RELATIONS AND *TÖRE*

As previously mentioned, *töre* is mainly the ethical life itself that Hegel refers. Namely all social practices and patterns. But although *töre* is included in the field of ethical life, it feels the urge to transform itself to highly formal rules and starts being formalized at those points where social practices turn out to be problem areas between the individuals in the group and their self-interests. Hence it builds rules in principle level, on clashes of interests within or between groups and specific problem areas. Consequently starts to enter the field of morality due to its

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[134] It is significant that neither of Koğacıoğlu's articles has even a single reference to Hobsbawm.

[135] Koğacıoğlu, (2007)

tendency to answer a sort of justification need. That is, *töre* itself is ethical life but tends to turn to morality when faced with the problem areas of daily life.

Whether there is its explicit correspondent in the minds of people in tribal groups, the need to "call for the rule" emerges at those moments when disputes and conflicts cannot be settled within or between groups. There is no need for the rule where there is no dispute or clash of interests. The fundamental reason why a dispute cannot be resolved within the group is that the disputing parties are "equal" in power. It is highly probable the dispute to be resolved in favor of the powerful where parties are not equal in power hence one party is obviously more powerful than the other whether economically, politically or in some other sense. Therefore, what is "right" is attempted to be figured out by setting rules and principles in "equal" power relations.

Töre in this sense, is a word of "justice" according to which aşiret groups organize themselves; it is their non-material being, their unseen body. Besides, these rules cannot be undertaken as the exercise of a pure "justice". *Töre* rules are fundamentally practical rules, exercised regarding certain basic principles and within the framework of distinct conditions of each event. This makes the exercise of these rules open to power relations whereas one of the basic concepts of modern law, namely "equality in front of law" refers to an ideal of "justice" free of power relations- leaving aside the extent to which it succeeds- this rule is not followed the same in aşiret groups. However, this cannot be read as a "lack of justice" because we are faced with a mechanism to be read necessarily in terms of power relations.

The relationship between *töre* and power relations is two way. One of them Koğacıoğlu calls the "tradition effect" which modern power and institutions shape around a certain discourse and comes to mean the forms like backwardness, traditionality and pre-modernity imposed on individual or group subjects of *töre*[136]. Hence, all sorts of institutions possessing power strive to form their own

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[136] See. Koğacıoğlu, (2004)

area of intervention. I leave the discussion on tradition discourse and its effects to another chapter. The second kind of relations between *töre* and power relations already mentioned above, are those power relations inherent to tribal society that happen to appear where it is shaped. In this chapter, it is them I want to discuss. So I find it helpful to share some cases from my field research.

As one might have seen, the title of this chapter starts with a remark in apostrophes: "No disgrace to the powerful"[137]! The person that made this remark was my contact who met me when I went to Kızıltepe for my field research, in every sense helped me into that society and helped me build trust relationships with the people, too. My contact was Bahtiyar agha by his nickname, who was one of the high-up's of the tribe and who, almost every day picked me up with his private vehicle to take me to weddings and visits of condolence, sacrifices his own time for me to make interviews hence helped me enormously. He was not the agha of the tribe but was treated like one due to his economic power and high reputation in society. His efforts made it much easier for me to make interviews.

In one of the interviews I made with him, the subject matter turned to woman's status in society and murders committed in the name of namus and honor which I will firstly try to touch upon within the frame of power relations. Similar to what a lot of other people say, Bahtiyar agha also accepts that woman's status in that society is lower compared to mans'. But he says that he's uncomfortable with it and tries to change it as far as he can. For instance, he says that in the Southeast it's a shame for a man to attend his own daughter's wedding and such men are not considered highly by the society. However, Bahtiyar agha says that he attended his daughter's wedding to show her he's with her. Plus, he had also let her meet with the future husband for a while, so she could get to know him whereas this is an almost impossible thing to do in the region.

In addition to this, when I asked him about "honor crime" he told me that it gradually decreased compared to old times and emphasized that even then,

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[137] Güçlüye Ayıp Olmaz!

ostracism was preferred over "death penalty" for let's say a girl who runs away with her beloved. In the old times when devices of communication and transportation were neither so advanced nor widespread, it was considered a big punishment for someone to be ostracized even from Mardin to Diyarbakır. Going all that way on the back of a horse and not being able to come back was a punishment hard to bear for the person in exile. That's why this punishment was preferred instead of death. But the critical problem here is that punishment could change depending on who is abducted or abductor as well as the nature of the event.

> For instance, if someone else's wife runs away with a man, the punishment she gets is absolutely death! Here, both the man and the woman get killed. The situation might change if the woman is kidnapped by force, meaning only the man gets killed and the woman might be forgiven. If an unmarried young girl gets kidnapped without her consent, only the man who kidnapped her gets killed. If unmarried couples run away with their consent, they only get ostracized[138].

This is how rules and punishments are arranged according to concepts of namus and honor. I should say that during my interviews I have been told some things alike from other aghas and villagers. But the essential issue here is that elderly of the family (family assembly we might call) come together at such events, discuss in order to resolve the event and/but everyone comes up with a different suggestion during the discussions and death penalty might be one of the suggestions. It turns out that, precisely at this point power relations get involved so whoever is economically and politically more powerful, his word is taken into consideration and decision is left to him. That is, even if the man is not entitled agha but still occupies an active position in the tribe and gets his word listened, then his decision about the event is accepted. At this point, I asked if the rules get to be applied the same to the daughter of an agha and that of a villager. Bahtiyar agha answered like this:

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[138] Misal başka birinin karısı, bir adamla kaçarsa cezası mutlak surette ölüm olur! Burada hem adam hem de kadın öldürülür. Kadın zorla kaçırılmış ise durum değişebiliyor; yani sadece adam öldürülüp kadın affedilebiliyor. Evli olmayan genç bir kız rızası dışında kaçırılırsa, yalnızca onu kaçıran adam öldürülür. Evli olmayan çiftler rızaları dahilinde kaçarlarsa, onlara yalnızca sürgün cezası verilir.

This stuff is dumped on the poor. Because nothing happens to the rich. He has power. Some day the daughter of one of the mayors ran away to someone with her consent. They found the boy and the girl. They took the girl and released the boy. The man made the girl marry someone else right away, no killing or something took place. Because there is no disgrace to the powerful. But the poor attempts to kill her daughter, thinking "what would anyone say[139].

While I was in the field, Hakan, one of young agha nominees of an important tribe told me that in a similar case the village considered "dishonorable" the father who marries his daughter with the boy whom she had pre-marital sexual intercourse with instead of punishing her, nobody exchanged greetings or did business with him, hence the man put his lands on sale with low prices because he could no longer hang on there anymore and was going to migrate. In other words, social exclusion mechanism was run for this man due to "his daughter's mistake" and forced him to migrate; eventually succeeded too. In this sense, what Bahtiyar agha had mentioned for "the poor" seems to be realized in this specific case. However when I asked the same questions to Hakan he asserted that killing was more frequent in the namus issues of the nobles, namely the high-up's of the tribe. Because according to Hakan, they, meaning the high-up's of the tribe had to be "good examples" to those in the lower stratum of the tribe and hold it together with its rules and traditions. In this sense, if they do not inflict that penalty then the lower class would not inflict at all. This would cause high-up's loss of control over the tribe. But again according to Hakan, due to recent decrease of social control in lower strata, rate of agreement/reconciliation/peacemaking is increasing. He maintains that another motivation of reconciliation is economic; because cost of agreement/reconciliation/peacemaking is less than the cost of fighting and killing!

Inter-tribal and intra-tribal relations stick out as the most important area where power relations are crystallized. It is seen that tribe's can generate earnings at the rate of their power in land disputes and especially in their relations with the state.

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[139] Bu işler fakir fukaranın üzerinde kalır hocam. Çünkü zengine birşey olmaz. Onun gücü vardır. Zamanında buradaki belediye başkanlarından birinin kızı rızasıyla birine kaçtı. Oğlanla kızı buldular. Kızı aldılar, oğlanı saldılar. Adam kızı hemen başkasıyla evlendirdi; öldürme falan olmadı. Çünkü güçlüye ayıp olmaz. Ama fakir fukara "başkası ne der" diye düşünüp kızına kıymaya kalkar.

It can also be seen that some practices settled as rules are suspended due to reasons like a high priced land. For instance, this is a rule that is constantly exercised in the region: if a land is on sale, the right to purchase the land is first given to nearest villages and tribes. If they want to purchase, no one else, not even the agha of the supplier's tribe can apply for the land. But if no one from the neighbor villages applies for the land, then others obtain the right to apply. In an event told to me, this rule was suspended and land was shared equally since two tribes had come the point of fighting for a very precious land.

The one who told me the event was the agha of one of the most powerful tribes of the region, Adil agha, by his nickname. This is how the event took place according to his wording:

> 7-8 years ago a land was up for sale. D. tribe went on and bought this land. But M. tribe objected to this. Because this land was very close to their village and lands. For that reason there was unrest. Even a fight broke out between D. and M. but no one died or something. Later on we intervened. We listened to both sides. As a rule M. was right. We said to D. 'you are wrong'. And due to this reason, D. tribe sold the land to M. tribe for the same price it bought the land. Hence peace was maintained between the two sides[140].

Up to this point, the event seems to be a good example of how a dispute between two aşiret's is resolved according to a certain *töre* principle. However, when Adil agha told another land dispute that took place few years after this one and M. tribe was again a part of, he reveals how power relations modify the *töre* principle.

> Later on, I mean two years after that event, this time a similar issue rose between again M. tribe and S. tribe. This time land was a very precious one. However in this case, the one who purchased the land was M. tribe and the one who objected to this was S. tribe. S. tribe said that it was their right to purchase the land, claiming the land was close to their village. Again we intervened. And this time, we reminded the M. tribe about what had happened with the D. tribe back then. They partially accepted their unrighteousness but the land was

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[140] Bundan 7-8 yıl önce bir arazi satışa çıkmıştı. D. aşireti bu araziyi gidip satın aldı. Ama M. aşireti buna itiraz etti. Çünkü bu arazi kendi köylerine ve arazilerine çok yakındı. O nedenle huzursuzluk çıktı. Hatta D. ile M. arasında çatışma bile çıktı ama ölen falan olmadı. Daha sonra biz araya girdik. Her iki tarafı da dinledik. Kural gereği M. haklıydı. D'ye 'sen haksızsın' dedik. Ve bu nedenle D. aşireti bu araziyi aldığı paranın aynısına M. aşiretine sattı. Böylece iki taraf arasında barış sağlandı.

so precious that if we attempted to take it all from M. and give it to S., there was absolutely going to be bloodshed. Consequently, M. complied to sell only half of it to S.[141].

This event is immensely informative. M. aşiret sets forth the *töre* principle to claim right on a land in the first case, but does not tend to compromise when the same principle is directed to itself in the second case. What causes the difference between the two cases, are the relatively lower price of the land that caused the dispute between the tribes in the first case in addition to power relations between the tribes. Meanwhile I learned about this event, I had met the brother of the agha of the D. tribe in the first case and had the chance to make an interview with him. According to me, how the story turns out is closely relevant to the position of the D. tribe. D. tribe is a village guard tribe therefore does not get along very well with the other tribes in that region. Due to long years of battles they cannot cultivate their own agricultural lands therefore try to make a living by trade in the region but due to their political position their chances of trading with other tribes are limited too. In this regard, the D. tribe does not take the risk of conflicting with other powerful tribes in order to preserve its existence in the region. In fact, instead of conflicting they have followed the strategy of allying with different tribes by marriage. That's why it avoids fighting with M. tribe for a land and acquires new and powerful enemies as well as tries to preserve the existing balances of power. This means, the fact that they sold the land to M. tribe for the same price they bought it indicates their impulse to preserve the balance of power rather than their desire to fulfill the *töre*.

The last area where power relations emerge is observed in the gradual transformation of social relations from more feudal relations of production system like *agha*-villager to capitalist relations of production like employer-employee.

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[141] Daha sonra, yani o olaydan bir iki yıl sonra, bu sefer benzer bir mesele yine M. aşireti ile S. aşireti arasında gerçekleşti. Bu seferki arazi çok değerli bir arazi idi. Yalnız bu olayda araziyi satın alan M. aşireti, buna karşı çıkan ise S. aşireti oldu. S. aşireti arazinin kendi köylerine yakın olduğunu ileri sürerek, araziyi alma hakkı olduğunu söyledi. Yine biz araya girdik. Ve bu sefer M. aşiretine, geçmişte D. ile olan olayı hatırlattık. Haksızlıklarını kısmen kabul ettiler ama arazi o kadar değerliydi ki, hepsini M.'den alıp S'ye vermeye kalksak, kesin kan dökülecekti. Bu nedenle M.arazinin yalnızca yarısını S.'a satmaya razı oldular.

However within the scope of this work, I wish to dwell on the reflections of these changing relations of production on tribe relations rather than covering an analysis of these changing relations of power. I made one of my interviews with an employee of teacher's house where I stayed in Kızıltepe (Mustafa by his nickname). Mustafa was a boy in his mid twenties who had worked in various jobs. One of these jobs where he worked was in one of the factories of my contact Bahtiyar agha. Although he hesitated to talk to me for a long time since he always saw me with Bahtiyar agha, one day when the conversation was going well enough he told me his days in that factory were the hardest times he ever had. According to what Mustafa said, there were long times when he did not get his wage and was never insured during the time he worked there. Beyond this, he couldn't even attempt to ask for his right. Because being a union member was out of question. Plus it was hard to stand up against them due to tribal relations. According to Mustafa, people applied to that factory when they could find no jobs and there absolutely was a job there since work conditions were extremely severe. Hence it can easily be asserted that changing work relations of production and work create a new form of exploitation over tribe structuring and this reflects on the relations of power.

3.4. *TÖRE* AND *NAMUS*

As it has been shortly stated in previous chapters the discussions on töre has been mostly tackled under honour killings (*namus cinayetleri*) discussions in Turkish public opinion. However, especially among feminist organizations and academics the discussions on whether the murders of women can be labeled as custom-based killings (*töre cinayetleri*) or honour killings still continue and there has not been an agreement on this labeling problem yet. I tried to point out some political concerns behind this problem in "Introduction" chapter. Yet, on the other hand, many academics refused to label all murders under the name of *töre* due to the fact that there are lots of murders arising from jealousy and/or passion. These academics assert that not all murders have "traditional" base. Therefore, I will try to denote some aspects and analyze dissimilarities of these two concepts under this title.

The discussions on this issue, as I have stated below, started within the preparation process of new Turkish Penal Code. While government decide to give aggravated life sentence to the *töre* killings in Penal Code, woman organizations objected to this and suggest to replace the word *töre* with *namus*. When suggesting that woman organizations was aiming to separate the murders which committed with the purpose that "cleaning family honour" with the decision of "family council" and the murders without any decision of a such council. Therefore they believe that the term *namus* is more inclusive term to define murders against woman than *töre*.

It is possible to mention two platforms that crystallized this process during the changing of New Penal Code.[142] The first one is the Parliamentary Research Committee reports on New Penal Code. During the discussions on the issue most of activists and jurists asserted that it has to be added the term "honour killings" to the article 82. The second platform is "CEDAW[143] Process" which started after the enactment of new Penal Code in TBMM[144] in 26 September 2004. In "Shadow Report" written by some of woman organizations in Turkey which represents an alternative to government's "official" report, is criticized usage the term *töre cinayetleri* (custom killings) in Penal Code:

> This expression does not appropriately define murders committed in the name of honor. The term "custom killings" is associated with primarily local practices in the Eastern Regions of Turkey; generally, it entails the so-called extended "family assembly" issuing a death warrant for the female member of the family alleged to "dishonor" the family through some "inappropriate" conduct. "Honor killings", however, is a more inclusive term that entails not only "custom killings" but also any individual acts of murder by men of women which are motivated through the perception that a man's personal understanding of "honor" has been blemished. Hence, the use of the term "custom killings" in the draft law excludes and leaves open room for any acts of murder

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[142] Pınar Ecevitoğlu, (2009), p.287-289

[143] CEDAW: Convention on the Elimination of All Forms of Discrimination against Women

[144] Grand National Assembly of Turkey.

committed in the name a personal understanding of honor and not necessarily motivated by a customary practice.[145]

These discussions on new Penal Code has started a new curiosity and enthusiasm to answer the question that what is *namus*. Of course there were some studies on this issue leading by feminist activists and academic due to the murders of woman because of an "honour code". However, now, there is a new approach to reveal some other aspects of these two terms and differentiate them.

The word *namus* (honour) is Old Greek word *Nomoβ*, a masculine word, although the Ottoman language took the term from, according to one source, Arabic, and to the others from Persian. *Nomoβ* means that anything established, which is in habitual practice, use or possession, anything assigned, anything received by usage, custom, law, ordinance, a command, and a law or rule producing state.[146] So, it can be said that the words *töre* and *namus* share a similar root, that is "law". However, in Turkey, while the term *töre* is basically using to denote a "customary" and "outdated" activity which belongs only to Kurdish tribal organizations, *namus* is roughly means the sexual code of women. I tried to show the dangers and errors of this usage of the concept *töre* above. In a similar way, the term *namus* refers numerous different conceptualizations. Yet, the closest concepts to this word are "honour", "dignity" and "shame".

> There is not a proper translation of the term "namus" in Western languages. Actually the concept of "shame" using in English is a part of the term "namus" and cannot cover it. (…) *Namus*, in Western literature sometimes translates as "honour of family", "moral

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[145] Shadow NGO Report on Turkey's Fourth and Fifth combined Periodic Report to the Committee on the Elimination of
Discrimination against Women *for submission to the CEDAW Pre-session July 2004*, p.4
http://www.wwhr.org/images/shadowreport.pdf
[146] Leylâ Pervizat, "An Interdisciplinary and a Holistic Attempt to Understand the Honor Killings in Turkey",
http://www.pagu.unicamp.br/files/colenc/ColEnc4/colenc.04.a06i.pdf, p.297, pp.295-322

honour" or "sexual honour"; yet, the definitions cannot go beyond the components of *namus*.[147]

In this language [Ottoman] there are four definitions of *namus:* 1) Law, order; 2) Virginity; 3) Pureness, honesty; 4) Angel standing next to God. (…) It should be stated that according to the roots of the word: Recently in Turkey, the word *namus* is using close to the definitions in Ottoman as well. For description of it [namus], except the "angel standing next to God" one of the definitions is selected.[148]

According to Gezik, this "selection" process depends on the personal history and memory of an individual. We should add socialization process of an individual to these reasons. In Kardam's work, interviewees mention several different conceptualizations. For instance; "For us *namus* is …, I mean woman is *namus* and land is also *namus*". "For example, partner [*wife* or *husband*] of a person is *namus*. I mean, his land is *namus*. Everything can be *namus*". "When we say *namus* I suppose it is the honesty of a man. Not to being liar, not to stole. Being respectful to the rights and laws of others."[149] So it is hard to confine the definition of *namus* is a unique meaning. Yet it is not to be wrong to say that the general perception of *namus* is mostly deals with the sexuality and purity of women. *Namus* is a tool of men that provides to establish power over women. It probably is a remnant of an old tribal code which aims to provide the "purity" of the lineage. In order to found the bond of father to his son, men necessitate controlling strictly women sexuality. This is probable beginning of the *namus* (or *nomos*) as a social code.

The main problem is that on which base we differentiate these two concepts and find a solution to a real legal problem shaping around them. Pervizat prefers to separate these two kinds of "crimes" according to the sex of victims. For Pervizat,

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[147] Erdal Gezik, (2003), *Şeref, Kimlik ve Cinayet: Namus Cinayetleri Üzerine Bir Araştırma*, Kalan Yayınları:Ankara, p.31.

[148] Ibid., p.32

[149] Filiz Kardam (ed.), (2005), *Türkiye'de Namus Cinayetlerinin Dinamikleri: Eylem Programı İçin Öneriler Sonuç Raporu*, Birleşmiş Milletler Kalkınma Programı, Nüfusbilim Derneği ve Birleşmiş Milletler Nüfus Fonu, Ankara, p.23

"in the context of Turkey, crimes committed in the name of honor are overwhelmingly towards woman and girls who transgress the established societal norms. So honor killings (*namus cinayetleri*) are gender-based persecutions."[150] On the other hand, for her, in custom killings (*töre cinayetleri*) girls and women are not main targets. Because she thinks that custom killings is the seed of feudal system which mainly causes inter and/or intra tribal conflicts. Therefore, despite using "in a very rough way", in custom killings men kill other men.[151] However, the difference based on "sexuality" does not adequate to explain and separate these concepts and acts. Although it is true that the main target and victim is the women in honour killings, the main point about *töre killings* is not "sexuality". The victim of *töre killings* are anyone who transgress a social code. This code can be about sexuality, land, blood feud or heritance. Therefore *namus* code is one of the most important dictates of tribal society but not the only one. So I think that *namus* is only a part of *töre*.

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[150] Pervizat, p.298

[151] Ibid.

CHAPTER IV

BETWEEN STATE LAW AND TRIBAL *TÖRE*: ARTICULATIONS AND/OR DISLOCATIONS OF SYSTEM(S)

It can be argued that there is an antinomy between state and tribe in terms of implementation of modern law. State, according to sovereignty principle, imposes its law onto all individuals living within its territory. In other words the state is the only authorized institution which applies its own rules that sets with its own hands. This is the most indispensible characteristics of the state. Therefore, it is inevitable to emerge an antinomy in terms of modern law between the state and tribe which founds another dominated territory and, thus, which threats sovereignty principle of the state. While the state aims to establish an "order", tribe on the one hand challenges this "order" with its *töre* and on the other hand, tries to establish its own "order".

As a matter of fact, this antinomy emerges from the ontological tension between the state and tribe as being alternative institutions to each other. Being a political institution tribal social organization tends to put into practice its own "order" and "rule". But actually this tendency is theoretically positioning the tribe opposite to the sovereignty principle of the state. However, the vital point is, as a main question of my study, that if there is a real tension arising from using this right between the state and tribes in actual practice. In other words, whether it is a problem for the state and state authorities that tribes find solutions to the disputes within the framework of their own tribal rules and principles, that is, *töre*? Do state

officers impose modern law and enforce its legal procedures onto tribes and if they do to what extend? Can the relation between the state and tribes in terms of using these dispute resolution processes be describe as the "dislocation" of the state law or the "articulation" of two different legal systems? And secondly, I will try to analyze to what extent this tense relationship that is constructed in terms of law and *töre*, between the state and the tribe system can be read as an "articulation" and/or "dislocation".

The essential tension which is mentioned from the very beginning is experienced within the Kurdish specificity. The geographical situation of the Kurdish tribes, in other words their positioning in between the important civilizations and powerful states, played an important role in the emergence of these tensions. The relationships established with these powerful states highly affect the internal developments and the policies of the Kurdish tribes. Barfield explains this situation as follows:

> States, therefore, faced a different type of opposition when confronted by indigenous Middle Eastern tribes employing an egalitarian lineage structure. These tribal groups, such as the Kurds and Pashtuns, had an extremely long historical connection with the lands they occupied and successfully insulated themselves from both the cultural and the political hegemony of Turco-Mongolian dynasties and rival tribal confederations. Although they often lacked formal political structures, their ability to resist outside pressure was striking and has continued to this day.[152]

The resistance of the Kurdish tribes refers to the resistance they show in protecting their internal mechanisms and identities. The modern state, as pointed out before, aims to melt down the social and political structures under its hegemony in a pot and even aims to assimilate different identities. Therefore, Kurdish tribes paid effort to protect their social structures against the pressures coming from the states they lived in.

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[152] Barfield, (1990), p.179

This effort, besides protecting the cultural structure, refers to the protection effort of their relatively autonomous lifestyles. The relatively independent lifestyle refers to the survival effort under the direction of their leaders and through their own rules. This is mostly established by the riots and rebellions of these tribes. As Barfield states:

> They [Kurds and Pashtuns] not only preserved their language and culture from rival Turco-Mongolian tribes, but they succeeded in preserving their autonomy against modern states as well. Even in the late twentieth century the Kurds and Pashtuns have proved to be potent military obstacles to even the armies of superpowers.[153]

The relationships Kurdish tribes entered into with the states affected their structures, changed and transformed them. This change and transformation also affected their relationships they entered into with other tribes in their region. When we think of particularly Turkey, tribes fought each other starting from the very beginning of the establishment of the republic. For example, during the 1925 Şeyh Sait Rebellion, there had been extended conflicts between the tribes of Dersim and other tribes. Similarly, so many tribes took part with the state and fought PKK during the 25 years of conflicts. During these conflicts, the state aided the ally tribes and strengthened them. Bruinessen highlights this:

> The Kurdish tribes, then, do not exist in a vacuum that would allow them to evolve independently. Their functioning and internal organization, ..., is very much influenced by external factors. These factors include other tribes and non-tribal populations as well as, most significantly, states. The impact of the state on tribes is, in fact, much more varied and penetrating than has become clear so far; the said destruction of the emirates, punitive campaigns against unruly tribes, forced settlement and the levying of taxes are only a part of the tribe spectrum. We have seen that would-be chieftains of a tribe often depend on outside support, alliances with other tribal chiefs, or, more usefully, a powerful state. At times, tribes were armed and given military duties by states, which

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[153] Ibid., p.179

could not but affect the internal organization. In a certain sense, the tribes as described in the preceding chapter, may, I think, even be seen as *creations of the state*.[154]

Bruinessen analyzes the so-called relationship between the states and the Kurdish tribes based on the centre-periphery relationship. He claims that the efforts of tribes to protect their structures take different shapes under powerful and weak states. He also argues that the relationship between states and tribes over independence is shaped within the framework of these power relationships.

> Most Kurdish tribes always remained in the periphery of the large states, thereby maintaining a degree of political independence. For most of its history, mountainous Kurdistan was in fact a buffer between two or more neighbouring states, which gave the Kurdish tribesmen more leverage, since they could in theory choose between several sovereigns. Centre-periphery relations here show a pendulum movement correlative with the consecutive weakening and strengthening of central state authority. Strong states could effectively incorporate many tribes and intervene in their internal affairs, demanding military service, levying taxes, backing up the authority of chieftains considered as reliable, etc. At times of weakening central state authority, the tribal chieftains would continue to profess their allegiance but gradually empty this allegiance of its contents. They would stop paying taxes, refrain from lending the military assistance demanded, and in the end might openly proclaim their independence. If the centre's weakening was only temporary, these vassals would soon reaffirm their loyalties. Where central authority was not soon restored, however, one would see the emergence in the periphery of semi-independent chiefdoms or mini-states.[155]

As it can be seen from the quotation above, the power relationships between states and the Kurdish tribes always change. Changes in the power relationships change the attitude of the state towards tribes in political and social realms. Similarly, the attitudes of the tribes towards the states also change during the periods of losing or gaining power. During the times when states are powerful, tribes do not damage their relationships with the state and establishes strong alliance. But when states lose power, even though tribes continue their alliances, they behave reluctantly in

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[154] Bruinessen, (1992), p.134

[155] Ibid., pp.135-136

their participation to the social, political and economic processes. Therefore, while states are powerful, tribes articulate within the political system of states, they may dislocate the state hegemony when states get weaker. But it should not be forgotten that these dislocation processes are matters of degrees and they are open to the permanent negations between the parties. Therefore, it should be kept in mind that the process experienced between tribes and states is a power sharing process.

> (...) all populations were part of a state-centered political system, but states in practice were not absolutely dominant in their own territories. Power was commonly shared with organized political communities, especially in rural areas. States and rural chieftaincies confronted one another as organized entities, and there was usually an open struggle for power between the two types of political organizations within the same territory. In this struggle states had the advantages of reverence for the authority of the ruler, ability to exert military force, control of access economic resources such as markets, and a bureaucratic apparatus for taxation. Tribal populations had on their side geography, mobility, a warrior population, and flexible capacity for organization.[156]

The power struggle (and power sharing) between states and tribes demonstrates itself also within the legal realm. It will not be wrong to argue that there is a tension between the modern state law and tribal *töre*. While states want their laws to be binding over everybody, tribal social structure separates itself from the state law in resolving the internal disputes and generally follows tribal *töre* in ending the problems. The first person who demonstrated the tension between the Turkish state and the Kurdish tribes in the legal realm is Ziya Gökalp. Gökalp states as follows:

> According to the analysis of sociologists, in none of the primitive communities, there is civil law or public law understanding. Law just belongs to a clan. Since attacking a person means to attack the clan, the avenge is taken by the clan. (...)The attitude of communities who have the tribal spirit of not showing esteem to our laws is the result of this primitive law and understanding. Our lawmen should analyze this problem for **laws**

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[156] Lapidus, (1990), p.42.

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are norms which are provided **rights** within the public conscience. Every community has their own laws. It is not possible to make a community to believe in a law of which it is incapable of understanding.[157]

Gökalp, while stating that every community has a law refers to customary law in stateless societies. Before Gökalp wrote this book, anthropologists carried our important studies and produced outcomes. Therefore, the roots of Gökalp's argument that there is a separate law in tribal societies cannot be seen as new. But two of his findings are important. Gökalp, first of all, argues that tribes do not esteem states' law. This sentence is important in the sense that tribes in these years (namely in 1920s) solved their problems within the community and did not apply to the state courts. This is also important in the sense of demonstrating the tribe-state relationship of the time. The second is Gökalp's attitude in his last sentence. Even though we can interpret his argument that tribes are incapable in understanding the state laws, the criticial thing here is his emphasis on the uselessness of forcing the state laws on tribes. Gökalp mainly tries to explain that both of the social structures have different legal understandings. In other words, tribes' attitude of solving their problems inside is sourced from the fact that their different law and justice understanding rather than their lack of confidence to states. Difference between social systems results in differences in their understandings of law and justice. Therefore, laws enforced by states are insufficient in solving tribes' disputes.

At this point, it may be interesting to touch Gökalp's suggestion for the solution of this problem and to his foresights:

> We stated that the concepts of civil law and public law are not in the minds of tribes. "Collective responsibility" principle is valid for them. Already they try to integrate this principle to our civil laws. To give an end to this sitiuation, for the crimes regarding tribes, we have to accept "collective responsibility" and "pay-off" principles. In short, it is compuslory to solve the tribal cases acording to their particular situations. In this way,

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[157] Gökalp, (2007), pp.48-49

tribes get closer to the state and retreats being a tribe. They will even demand to obey the societal rules themselves.[158]

But without following **a special law and a general administration policy regarding tribes and similar social groups**, the extensions in governors' authority will not solve the problems. Not to face with illegalities carried out with the excuse of "the requirement based on the special conditions of the region" in the past, a special law should be arranged for every social example.[159]

Gökalp offers the arrangement and the application of suitable law to the law and justice understandings of tribes. In this way, he hopes to see tribes being integrated to the state. Gökalp is aware of the fact that the binding character of the laws over all individuals in the country is important for the hegemony of the state. State can continue its hegemony only if it can apply its rules to all individuals and communities. In this sense, Gökalp is aware of the tie between law and political integration. But the main mistake of Gökalp is argument that the applied law in modern states should be the same for all individuals and communities. In other words, to apply a special law to the tribes is essentially against the mentality of the modern state. For example, the application of a different law to a member of a tribe after a murder, means the acception of another hegemonic organization by the state within its territories. In other words, he is not aware of the fact that while hoping that tribes will get closer to the state, states accept the hegemony of the tribes in this way.

Another important point within Gökalp's sentences is the policies applied by the bureaucrats as a "requirement due to region's features". Gökalp evaluates these policies as being illegalities and argues that there is the need for special laws to prevent them. Gökalp states that governors try to solve the problems by exceeding the limits of their authorities. The law remains insufficient and the power vacuum is tried to be filled by the politics and bureaucracy. Even though the decisions

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[158] Ibid., p.55-56

[159] Ibid., p.96

given by the bureaucrats solved a problem of a tribe or an inter-tribal problem at a given space and time, it exceeded the framework proposed by the law. This is the point where the legal tension between the state and the tribes is crystallized. On the one hand, state officials should behave within the framework of the laws of the state, on the other hand, they may take decisions which contradicts the laws of the state where these laws (even the legal framework) are not sufficient. In the opposite case, the problems may get stronger and threaten the state order. This is the crisis of both the hegemony understanding of the modern state and the law. The critical point here is that while the legal structure of the state is being dislocated in the region because of these processes, the same processes functions to articulate the tribes to the system. To turn back to the issue later on, now I want to give some examples from my study on whether the crisis Gökalp mentioned about his time still exists or not and the facets of it.

I asked questions to almost everyone I had an interview with. I especially asked whether tribe members apply to state courts or solve their problems within their tribes. Hakan stated that in the past people had never gone to the state courts but now they started to apply. He also stated that the decisions of the courts did not satisfy the expectations of the tribe members. For me, Hakan wants to say that the justice understanding of the tribe is different from that of the state and this is why the court decisions did not satisfy the members. In addition, since almost no one goes to the courts, the courts also have almost no information about the problems. According to Hakan, to apply to the courts is perceived as being "powerless".

One of my high-level bureaucrat interviewees states that people of the region do not apply to the courts for their disputes or conflicts and in cases they apply they do this as a "last chance" or with the expectation of approval from the state. That is to say, people apply to the courts for two reasons. The first is that courts may be included as a remedy in cases when the dispute is not solved within the tribe. The second situation is that even though the problem is solved within the tribe, it is expected to be approved by the state. Even though most of the cases are solved

within the tribes, backing the approval (therefore the power) of the state is needed by every tribe member. But the bureaucrat I talked to pointed out that the courts are not total solutions for people. For him, the tribal logic does not let this happen. Therefore, court decisions do not play a determinant role in the resolutions. Lastly, my interviewee stated that educated, informed and right minded tribe leaders sometimes contribute to these cases. Here what he wanted to say is that in big conflicts, *aghas* take the lead and contribute to the solution of the problems. ın other words, state tries to fill in the space it cannot fill in politically and legally with the help of the *aghas*.

Fikret, who is the son of an *agha* but who does not accept this adjective because of his political views, states that people of the region consult *Rispi* who are known as the "white-bearded"'s for the solution. These are the prominent members of tribes. They do not intervene for every problem. Even, they do not have a judgment competency. However, if they are urged to find a solution, they come together around a table, discuss and give a decision. According to Fikret, the 80-90 years of the history of Turkey can be read as the intervention of the external law (Turkish Republic law) to the internal (tribal *töre*). In other words, Turkish state tries to impose its laws with artificial interventions on the people of the region. The state does not want another authority other than itself and imposes its laws on tribal laws. For Fikret, due to the social, economic and political changes and transformation emerged in Kızıltepe in 30 years, there happened a confusion between what the society knows as rights-law and what state has imposed.

> For example, in the case of the marriage of the children of uncles, the civil law states that it is "forbidden" but the tribal laws say that it is "normal". It is unclear what sharia says on this issue. At this point, it is important to know which law will be considered the most. Till the last years, the regional people respected their laws. But this started to change. Now, the society cannot form its own laws.[160]

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[160] Örneğin, amca çocuklarının evlenmesi meselesinde medeni hukuk "yasak" derken,aşiret hukuku "normal" der. Şeriat'ın ne söylediği ise pek belli değildir. Bu noktada hangi hukukun esas alınacağı meselesi önemli.

Fikret argues that capitalism changed the feudal system, tribes and *töre*s as other things and thinks that this is normal. However, he says that there are interventions of the Turkish state from outside. Fikret emphasizes a different dimension of this crisis. For him, there is a tension based on the ethnical differences. I asked him whether there would be the same crisis faced by, if tribes were under the sovereignty of a Kurdish state. He commented as such:

> If we were within a Kurdish state, we could also feel the same contradictions, however they could be tolerated. For example, monogamous relationship law is within the civil law in the South Kurdistan. In other words, men are let to marry two women. This is objected by especially the women organizations in the region. And there are discussions about the issue. Most probably the law will be repealed but the development level of the society is as such, so there is a need for respect to the internal system of the society.[161]

Again, for Fikret, language is an important problem. During the legal problems, the same language used by both the citizen and the judge contributes to a better understanding of each other. For Fikret, it is important of a citizen to find a Kurdish speaking judge. In this way, the citizen can explain his/her problems better. He/she can express him/herself better in his/her mother tongue. For Fikret, people in the Northern Iraq can search for their rights more easily compared to Turkey.

Hakan also touched upon the issue of the new political and legal structure in the Northern Iraq. At one point during our interview, he stated that some of the Kurdish intellectuals living in Europe observed the courts in the Northern Iraq and tried to find out the reaction of the society towards the laws. According to him, these intellectuals enter the court cases as an ordinary citizen without explaining

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Son yıllara kadar toplum kendi hukukunu esas alıyordu. Ancak bu değişmeye başladı. Artık toplum kendi hukukunu oluşturamıyor

[161] Kürt devleti içerisinde olsak bu tür çelişkiler yine hissedilebilirdi ama tolere edilebilirdi. Örneğin, şu anda Güney Kürdistan'da medeni kanuna çok eşlilik yasası eklenmiş. Yani bir erkeğe iki kadınla resmi nikah yapma hakkı veriliyor. Buna o bölgedeki özellikle kadın örgütleri karşı çıkıyor. Ve yasa hakkında tartışmalar yaşanıyor. Muhtemelen bu yasa kaldırılacak ancak toplumun gelişmişlik düzeyi bu, o nedenle de toplumun içsel sistemine saygı gösterilmesi gerekiyor

their identities and follow the dialogues between the judges, prosecutors, defendants and complainants. Afterwards, they submit the results to the regional administration as reports. In this way, they try to synthesize the modern law and courts with tribal laws.

It can be argued that the state faces with two compulsory options as a result of the crisis we mentioned about. The first is (as expected from each modern state) that it imposes its legal structure and laws forcefully upon the tribes and does not compromise from the sovereignty principle. But this policy is not functional and applicable. This has so many reasons. The tribal social structure is highly powerful in the region and it is decisive in the application of its internal rules. In addition, the region of the Kurdish tribes is highly wide and is not easy to control. Moreover, the power vacuum created by the conflicts between the PKK and the state made it difficult to establish an order and legal control. For this reason, it is not possible for the state to impose its laws practically. The second option for the state in the resolution of the crisis is the case which is objected by Gökalp. Namely, states, instead of imposing the legal structure, have to open a space for the problem-solving mechanisms of the tribes in some of the cases. Through its local administrators and law-people, sometimes it has to decrease its weight and even to leave the space and let the tribal *töre* to be applied. This situation, although it seems like a hegemony-sharing, happens to be important for the maintenance of the system. So tribes, contrary to what Gökalp argued, are articulated to the legal system even with weak ties.

We can see that the state uses the second option in Kızıltepe region. This is realized with so many different methods. I heard so many examples during my field research. For example, the gendarmerie informs the tribe leader first in some case to maintain a specific balance in its relations with the tribes. Adil agha states as follows:

> Gerdarmerie has all the information here. There is nothing it does not know. Upon any case, they first talk to the prominents of the tribe. ıf they plan to arrest someone from the village they first call us. We say, "ok, we will send to you". And we go and surrender to the gendarmerie. If needed, gendarmerie also goes and arrests, but they first ask us.[162]

Normally, the gendarmerie is supposed to intervene the case without asking anybody else and arrest the criminals. But as it is seen in this example, gendarmerie does not arrest a criminal without informing the tribe leaders. Even the tribe surrenders the criminal. This refers to the fact that tribe protects its hegemonic space. But on the other hand, we can understand that this hegemony is realized through the negotiations with the state.

In addition to this, sometimes, to prevent a conflict between tribes to turn into a blood feud, prosecutors and the judges breache the law. Bahtiyar agha tells how he collaborated with the state officials during a dispute and a conflict afterwards for which he was the intermediator as follows:

> For instance, I intervened this case. I did not let anyone to be sued in front of the court by contacting the governor of Mardin, the brigadier and the public prosecutor. And I made them end in peace. I am so much happy in this. In other words, they stayed in prison with a short penalty. We showed it as if it was a village fight.[163]

Before entering the part he tell how he collaborated with the state officials, we have to focus on what it means to show the conflict as a "village fight". Indeed, this is to exploit a legal vacuum. There were some deaths due to the case and there are some kinds of penalties within the Turkish Penal Code for that. The paragraph "i" of the Article 82 of the Turkish Penal Code which is about the crime of felonious homicide offers aggravated life sentence for the blood feud-based

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[162] Jandarmanın burada her şeyden haberi olur. Haberinin olmadığı bir şey olmaz. Bir sorun çıktığında önce aşiretin ileri gelenleri ile konuşuyorlar. Köyden birisi alınacaksa önce bizi ararlar. Biz deriz ki, "tamam biz size göndereceğiz". Ve biz götürür jandarmaya teslim ederiz. Eğer gerekirse jandarma da gider alır ama ilk bize sorarlar.

[163] Mesela ben o olaya müdahale ettim. 1 ay, 1,5 ay hiç kimseyi mahkemeye çıkartmadım. Mardin valisiyle, Tugay komutanıyla, savcılıkla [public prosecutor] irtibata girerek. Ve onları barıştırdım. Orada çok mutluyum. Yani o olayda da az ceza ile cezaevinde kaldılar. Köy kavgası gibi gösterdik

killing. This is the highest penalty that can be given to a person in the Turkish Penal Code. Therefore, it is required to be judged with these penalties after the deaths as a result of the inter-tribe conflicts. To prevent this, prominents of the tribes contacts prosecutors and demand them to carry out the judgment with another alleged crime so that they make criminals to get less punishment. In reality, this is not a legal vacuum. The quality of the crimes and the punishments for them are clear in the Turkish Penal Code. Because of this reason, this situation emerges with the alternative interpretation of the prosecutors of the concrete realities.

Bahtiyar agha explains the reasons of this and the quality of the negotiations with the state officials as such:

> Now, we go to the governor. "The region has experiences this conflict process for years, people should be together in peace for the economy, peace and welfare and the happiness of the region. Now ... the families from the village are in conflict, this happened. If these conflicts continue..." These are my words I use now. We act according to the climate of the period ad the process. One side relies on the terorsit organization, the other side does whatever, damages the peace and security in the region. So, we persuade them with these statements, you know? Afterwards, the governor calls the troops commander and we go to the prosecutor's office. "Dear Mr. Prosecutor, we try to make a peace among them. Please do help us", we say.[164]

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[164] Yani şimdi biz sayın valiye gideriz. "Bölge yıllardan beri bu çatışma sürecini yaşıyor; bölgenin ekonomisi, bölgenin huzuru ve refahı için, mutluluğu için, insanların barışık şekilde bir arada olması gerekir. İşte ... Köyünde iki tane aile birbirlerine girmişler, böyle bir olay oldu. Eğer bu çatışmalar devam ederse...". Bunlar şu andaki laflardır yani. Biz de dönemin, sürecin havasına göre gideriz. İşte bir tarafı terör örgütüne yaslanır, diğer tarafı bilmem ne yapar, bölgede huzur ve asayişi bozar. Yani bu gibi laflarla onları ikna ederiz, biliyor musun? Ondan sonra vali zaten alay komutanlığını arar ve o şekilde biz savcılığa da gideriz. İşte "Sayın savcımız biz bunları barıştırıyoruz. Siz de yardımcı olun" diyoruz.

Yani ifadeler veriliyor. İşte köy kavgasıdır, "silahların nerede patladığını bilmiyorum, ateş edeni bilmiyorum, tanımıyorum" [deniyor]. Eğer ama o anda o evde yakalanan bir silah varsa, kamu cezası vardır. Ama soruşturma tahkikatının üzerinde durmuyor yani.

Savcılar çok üstüne gitmiyor, araştırmıyor, takipsizlik kararı veriyor, keşiflerde [estimatings] göz yumuyor. Bu gibi şeyler vardır yani. Her şey oluyor yani. Hakim savcılar da aynı şekilde. Hakim savcılar çok yardımcı oluyorlar o konuda. Avukatlar da karşılıklı olarak birbirlerine ifade vermeyince o da bitiyor yani. Çoğu yerde de öyle oluyor.

Namely, answers to the officials' questions are given. Like, it is a village fight, "I do not know where the gunshot happened, I do not know the person who shot" are said. But if there is a gun caught at this house, there is a public punishment for this. But an investigation does not happen.

Prosecutors do not investigate, research so much and rule the dismissal of proceedings and overlook at the estimatings. There are cases like that. Everything happens, I mean. The judge prosecutors are the same. They help a lot in these cases. When the lawyers also do not give explanations, this ends. This happens everywhere.

The statements of Bahtiyar agha are important, first of all, since they show that lawmen and bureaucrats by-passes the law for several reasons. Even though these "reasons" vary according to the necessities of the era, they are mostly about the issues of the state order. The continuation of the conflicts between tribes creates a power vacuum. This situation causes a loss of order and also may result in the approach of tribes to PKK. For this reason, the state tries to suppress these disputes immediately.

But for me, there are more important two reasons than those which are mentioned about. The first of these is the power struggles of the state and the tribes over a power space. All of the requests, negotiations, deals and compromises are realized to have an extended say over the same power space. The state wants to increase its existence in the region where it could not establish its sovereignty fully with these negotiations. On the other hand, tribes want to follow an autonomous position.

The second important problem is the emergence of the discord between the legal system of the state and the *töre* of tribes within this discourse. As it can be observed within Bahtiyar *agha's* statements, those who end the conflicts and the discords are prominents of tribes rather than the state officials. In other words, the conflicting parties do not want the decisions and the justice of the state even though they might be harmed. Instead of this, they choose to behave according to their *töre* because the justice understandings of both social and political systems are different than each other. The decision of the state does not satisfy members of

tribes and also these members do not approve the attempts to find the solutions of problems outside their tribes.

Seyit agha also says similar things on this law crisis:

> The decision of the state does not satisfy members of tribes and also these members do not approve the attempts to find the solutions of problems outside their tribes. Seyit agha also says similar things on this law crisis: "the reasons of the disharmony of the East and Southeast with the central system mostly increase the elasticity of the law. Sometimes these things happen. In other words, I know the judges who did not give high punishments to murders, intra-tribal fights, *töre* murders. Tribes make peace through one or two of people they know. "Come on and forgo about this issue" is said. There, the law is breached. When tribes make peace, governors, lieutenant colonels, troop's commanders enter into the scene and "these made pace, so you also do something accordingly" is said to the judge. When the judges consider the conjunctural situation of the society, the law books are shelved. This is it. But, besides this, it is possible to see law people who try to realize the deterrent features of the law and sometimes resist. This is and will continue like that!![165]

On the other hand, it is impossible to argue that tribe members do not apply to the courts. Sometimes, about some of the disputes, some tribe members apply to the state courts. As far as what I observed during my filed research, people apply to the state courts mostly about land issues in Kızıltepe. We can mention about two important factors which cases this situation. The first of these is that the agricultural capitalist ownership relations started to develop in Kızıltepe region. Even though the prominents of the tribes traditionally have big lands, villagers also have sufficient lands for themselves. They try to sell the land products in bazaars. The biggest means of existence in the region is the agricultural production. Land

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[165] Doğu ve Güneydoğu'nun merkezi yönetim ile uyum sağlayamamasının altında yatan nedenler ister istemez çoğu kez bu hukukun elastikiyetini fazlalaştırma etkinliği olabilir. Bazen öyle şeyler oluyor. Yani ben eskiden bu öldürülme, aşiret içi kavgalarda, *töre* cinayetlerinde fazla ceza yazmayan hakimleri de biliyorum. Bir iki tanıdık vasıtasıyla aşiretler barışıyor. "Gelin bu işte vazgeçin" deniyor. Orada hukuk ayaklar altına alınıyor. Aşiretler barıştığında Vali giriyor, kaymakam giriyor, alay komutanı giriyor araya; "ya işte bunlar barıştı, siz de bişeyler yapın hakim bey" deniyor. Hakim de ister istemez toplumun o günkü durumunu konjonktürel olarak göz önüne aldığında hukuk kitapları rafa kaldırılıyor. Bu böyle. Ama bunun yanında işte hukukun caydırıcı özelliğini hayata geçirmeye çalışan, bazen dik duruş sergileyen, hukuk insanlarına rastlamak da mümkün. Bu iş böyledir, böyle gidecek.

has an importance in this sense. Another element behind the applications to the state courts is that the land registry has never been completed since the establishment of the republic and so the intersection of these lands with other people's lands. Generally it is impossible to assign a line between these lands because the total lands of a villager are mostly divided into several parts. Because of this reason, it is difficult to use these lands and the disputes increase. Some of these land conflicts are experienced between the state and villagers. Because of this reason, the courts increase on this issue. Moreover, registered lands have importance in this sense. For these reasons, land conflicts are brought to the state courts increasingly.

But it can be argued that even applying to the state courts may require some conditions. Doğan states as follows on this issue:

> If both parties are powerful, they solve it among each other, without reflecting it to the state or bringing it to the prosecutor's office. But if one party is powerful and the other is weak, the weaker one will be obliged to shelter to the state. The weak applies to police stations, to gendarmerie saying "this caused this, I have witnesses". But mostly they solve the issue among each other. Even in murder cases. Even though it is intervened by state, it is solved in some way. There happens to be no complainant, the opposite party gives money or tribes intervene. For example, a party stays in prison for 3-5 months and says I am not complaining.[166]

What we understand from Doğan's statements is that as long as the tribe members solve problems in a just way, they do not apply to the state courts. But as it was mentioned about before, the *töre* rules themselves are even not free from power relationships. When they enter into the power relationships space, *töre* rules may also be manipulated or modified. For this reason, those who are powerful may use

[166] Şimdi eğer iki taraf da güçlüyse çoğu zaman aralarında hallediyor; devlete yansıtmadan, savcılığa intikal etmeden. Ama bir taraf güçlü bir taraf güçsüz ise güçsüz olan nereye sığınacak, devlete sığınacak mecburen. Karakola jandarmaya gidiyor: "bu bana böyle böyle yaptı, şahitlerim var" diyor. Ama kendi aralarında çoğu zaman hallediyorlar. Ölümcül vakalarda bile... Devlete intikal edilse dahi bir şekilde hallediliyor. Davacı olmuyor, karşı taraf para veriyor, aşiretler araya giriyor. Mesela 3-5 ay yatıp çıkıyor; davacı değilim diyor bu insanlar. Ufak bir şeyle kurtuluyor

their power to solve the problems in the favor of themselves. Therefore, a tribe member who believes that the problem is not solved in a just way applies to the state court and expects a just solution. In other words, state courts intervene when tribal laws are insufficient and imposes its justice understanding to the problem.

But as we observed in Doğan's statements, some strategies and mechanisms can be used even in cases which are brought to the state courts. Doğan mentions about one of these, namely the provision of money above. But it is possible to mention about several similar dispute resolution strategies and techniques and the main theme of the next section is these strategies and techniques.

CHAPTER V

TÖRE IN PRACTICE: DAILY DISPUTES AND STRATEGIES FOR RESOLUTIONS

As it has been stated in the previous chapter of this study, *töre*, as being the habitual social practices (ethos) and the customary law of tribal life (nomos), has a double meaning. Tribe members internalize tribal practices without a need for any regulative legislation or a command or the coercion of a leader. The norms of the social structure are the part of their tribal identity at the same time. What characterize tribal way of life are these social practices, namely *töre*. Therefore every member of the tribe knows what is prohibited/restricted and what should not be done in daily social life. They do not need to look at a law book in order to regulate their behaviour. However by this, it is not intended to mean that this is a conscious process for individuals. Yet, every individual internalize these practices during their socialization process. So, considering *töre* as a legislative activity that judges tribe members who transgress tribal principles is merely an irrelevant tendency.

However, this approach should not exclude the conflict resolution capacity of tribal social structure. As Virginia Martin emphasized in relation to *adat* rules and procedures of Middle Horde Kazakh nomads, Kurdish tribes, too "resolve disputes, confirm family and kinship obligations, compensate victims of

wrongdoing and punish violent acts within the community"[167], as well. By the help of some principles and rules they try to solve disputes associated with land, inheritance, blood feud and eloping or abduction events. According to their social patterns, practices and relations, they develop various types of strategies to solve these everyday disputes. Therefore the things I will try to show in this chapter are these techniques and strategies of tribal structure. What kinds of strategies that the tribal organization makes available for its members when they try to solve disputes? For which disputes tribal members apply to the state's courts and for which disputes they tend to solve them through intra-tribal mechanisms. What are the main parameters to decide these tendencies? According to what are these mentioned strategies determined and with which factors are the applied rules manipulated?

In connection with these questions, I will try to explore two main issues in this chapter. First, I will show diverse appearances and the embodiments of dispute resolution strategies and techniques of tribal structure in Kızıltepe region. Beyond these strategies, I will try to reveal the motives of intentions for finding solutions to these disputes and conflicts. For this reason I will give some examples together my findings from field research.

5.1. Strategies for the Resolution of Daily Disputes

5.1.1. Order and Balance

During my field research I have observed that there are two main reasons for tribal social structure to settle daily disputes in tribal life. First reason is to establish an "order" among various actors in the region; including tribes, businessmen, the state and the people. After twenty five-years of conflict between PKK and the Turkish state almost all sides demand ceasefire and reconciliation for the sake of all settled people of region. According to my interviewees the most crucial thing for the

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[167] Martin, Virginia, (2001), **Law and Custom in the Steppe: The Kazakhs of the Middle Horde and Russian Colonialism in the Nineteenth Century,** Curzon Press: Great Britain.

region is "peace" in order to establish this "order". However, sometimes this desire for order carries some political expectations as well. These political expectations implies the wider meaning of "politics" such as the relations between the state and Kurdish society rather than the everyday political concerns, like voting for a political party. I have some comments on this issue during my interviews.

Dursun, who is one of my interviewees, is the middle-aged son of a tribal leader in the region. His father is still the head of the tribe despite his far gone age but the one who carries out the works is Dursun himself. During the short interview we had at their workplace, Dursun's father was with us but he never spoke. According to what Dursun told, his father was shot and became disabled because of an inter-tribal dispute and a fight after that. But, still, so many people come to get help from Dursun and his father because of the disputes they experience. According to the businesscard Dursin provided me with and the things he told me, he is the head of Mardin Region Distributer of a company. At their office, even though he did not say that to me, I felt like they have been acting like a negotiator to compromise those who have disputes against each other. Dursun's views regarding the solutions for the disputes between the tribes were interesting. As it can be understood from Dursun's expressions, he has sympathy to the Kurdish movement and approaches to the policies of the state in suspicion. In that sense, we can see that Dursun attaches political meanings to the negotiations and dispute resolutions in the region. Dursun says that:

> PKK wanted to dissolve the tribes, and it achieved to do so. However, the state is instigating the conflicts in this region. We try to make peace between the tribes right away when they have tensions, so that there won't be any friction, so that the unity and solidarity will not be disturbed. The state is trying to break the unity and assimilate the Kurds. That's what we stand against. For example, the state had tried to establish population planning here by sending in doctors and medical personnel. They distributed condoms and birth control pills to everyone. Here, the aim of the state was to reduce the

Kurdish population. What did we do? We did not use those and we procreated even more. We made babies against assimilation by the state[168].

Dursun's discourse on these issues is instructive in some senses. First of all, it will be useful to trace the contradictions in the first sentences of Dursun for our analysis. While Dursun argues, in his first sentence, that PKK tries to purge the tribes and did so, in his third sentence he expresses that the tensions between these tribes are tried to settled down for the sake of unity among them. Another contradiction related with this and a crucial point that should be analyzed is that so called purged tribes, in Dursun's expressions, are in "unity and cooperation" and this unity is being tried to maintain against the state.

It can be argued that PKK which had the aim of establishing an independent Kurdistan in its first years, was in an effort to create a "free individual" who is free of "congregational" and "traditional" ties like tribes, of sexual inequalities between men and women and who decides upon his/her decisions. In that context, it can be argued that PKK is a modernist movement, at least in discursive level. It is a well-known fact that PKK targeted some prominent people within tribes to realize its aims. But this situation is far away to demonstrate that PKK demands to eliminate all tribes. On the contrary, PKK, while targeting some of the tribes in its fight with the state, it established close relations with some others. So, while some tribes fighted PKK through village guardianship institution by taking side with the state, some supported PKK. Dursun's statements which seem to be in contradiction in reality refer this situation. Indeed, some tribes lost their powers and authorities within this process. But, tribe relationships continue despite this fact. And even, it can be argued that people who found themselves amid the conflict between the state and PKK tied themselves to their tribes in a stronger way.

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[168] PKK aşiretleri tasfiye etmek istemiştir; etmiştir de. Ancak bu yöredeki çatışmaları ise devlet körüklüyor. Biz de aşiretler arasında bir gerilim yaşandığı zaman hemen onları barıştırmaya çalışıyoruz ki arada bölünme olmasın, birlik beraberlik bozulmasın. Devlet bu birliği bütünlüğü bozmaya ve Kürtleri asimile etmeye çalışıyor. Biz de buna karşı koyuyoruz. Mesela bir ara devlet buraya doktorları, sağlıkçıları yollayarak nüfus planlamasını getirmeye çalıştı. Herkese prezervatif ve doğum kontrol hapı dağıttı. Devletin buradaki amacı Kürt nüfusunu azaltmaktı. Biz ne yaptık? Bunları kullanmadık ve daha çok çoğaldık. Devletin asimilasyonuna karşı biz de çocuk yaptık

> Because tribe ties and values promised them to be protected and be free of loneliness. Being a member of a tribe meant a power to which they could rely on when they face a threat, a negotiator in the case of a problem at a state office, a tie with which they could form solidarity and an ownership of a house in which they could maintain their values, traditions and *töre*. War and poverty, ossified these ties, values and togetherness. Because of that, the efforts of neither PKK nor the state could eliminate the tribal structure of the society. On the contrary, it strenghtened it. [169]

In that sense, neither the state nor PKK could ignore the existence of tribes. Both the state and PKK was bound to recognize the existence of tribes both in theoretically and in reality. Because, tribes maintain their existence not just in a formal sense but also in terms of the relations. The conflict between PKK and the state extended the lives of the tribes instead of eliminating them. So, any power holder in the region should consider the tribal relationships. This is the point where Dursun's statements refer.

Another important point that Dursun's discource of maintenance of "unity and integrity" between tribes is the effort of this discourse to articulate tribes to the Kurdish movement or to transform them. The party which is supported by tribalism and tribes which outstand conflicts, can have a great advantage in the political arena. Tribes, due to their mentioned loyalty, continue to be the power focuses economically, politically and in terms of human resources. As it was pointed out in the previous chapters, tribes still have a significant level of voting potential. As it is seen from the example that "blood money" is collected equally from the families within the tribe, tribal relationships includes also an economic power. A structure which can gather its members against an attack, can be used as human resources if needed. So, tribes are still important for both the state and PKK which are the conflicting parties in the region. This is the main axis of Dursun's discourse. In other words, the clashes between tribes do not help the Kurdish movement but destroys it.

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[169] Önder Güneş, (2008), **Kürtler Esasen Neye Karar Verecek?**, Radikal İki, 30 November 2008, p.6.

Dursun's attitude towards the state's birth control efforts is striking as well. His expressions actally show that he is in a defence position against an attack. Dursun grounds his mentioned offence-defence position on the state's assimilation policies over the Kurds. Even though he has a justificability ratio, the thing that should be remembered is that assimilation is immanent within the logic of modern nation-state. It is a well-known fact that one of the main determinants of a nation-state is to assimilate the citizens of different ethnic groups and to melt them down at the same pot – regardless of what extend it can achieved this task. Therefore, Dursun's reaction against state's assimilationist function can be seen as normal. But, it can be thought that there is another struggle underneath of state's appointment of health personnel to the region and ofthe reaction of Dursun against the efforts of these health officers. Indeed, the aim of the state while spreading "population planning" techniques and means in the region is not assimilating the Kurdish ethnical identity but to spread modernity to the region. Population planning policy is state's effort to infuse modernity as a "lifestyle" to the region against traditionality represented by tribes. The struggle at that point is not between the state and the Kurds but between modernization and traditional values. Dursun here chiefly takes a position against modernity and the new value system represented by modernity. He positions "traditional values" in the context of securing solidarity networks at the opposite of state and modernity which he sees are responsible for the problems of isolation, individualization and value degredation that they have lived through 25 years of conflicts process. In this sense, they give birth to more children not just against state's but also against modernity's assimilation.

Lastly, Dursun's discourse of "unity-integration" can be read as the requirement of the protection of the "order" in the region. Despite the fact that it is thought that there is a disorder within the region in the context of the conflicts, it is obvious that there is an order which is persued by the settled population. In this sense, it is an obligation to find a quick and a permanent peace to the disputes. It is also possible to argue that there are also economic reasons much more important than the

political reasons under the urge for establishing an order. Any individual living in the region is primarily acting for defending their economic interests. The fact that the land disputes among the mentioned ones, even though they are subject to strict rules, are conveyed to the state courts shows how significant the economic interests are.

The second main reason to settle disputes among tribes is to keep the state of "balance" and "stabilize" all political, social and economic relations among all tribes and within the different families of a tribe. During the interview with Bahtiyar agha, while he was mentioning about his thoughts on how he settled down the blood feud between two tribes, he highlighted the same problem. The strategy he followed up to compromise the conflicting parties was tried to lie on the mentioned balance:

> Now we have to establish the balance. Balance needs to be maintained in terms of attitudes and behaviours. Today, if both sides are holding funerals, if I go to funerals of both sides, if I go to the hospitals of both sides and visit patients of both, if I protect the distance in the same way; then I'm valued by both sides. But if I lean towards only one side, pay more interest in its funeral, condolence and not go to the other side, they will say "No, Bahtiyar is holding sides" when I intervene in the peace process. See, during the fight, we have leaned our weight towards the other side. This is very significant[170].

As it can be understood from Bahtiyar agha's words, it is an important action to set a balance during the solution of the dispute. In other words, while on the one hand "setting a balance" is one of the main reasons of ending the daily disputes, on the other hand, it is being transformed in to the main means of a solution strategy. Bahtiyar agha highlights the various ways he followed up based on his balance strategy with these words. He shows to us how he should behave as an

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[170] Şimdi dengeyi kurmak lazım hocam. Yani hal ve hareketleri içerisinde kendi dengelerini korumak lazımdır. Yani ben bugün bu iki tarafın cenazesi kalkıyorsa, iki tarafın cenazesine gidiyorsam, iki tarafın hastanesine gitsem, iki tarafın hastasını aynı şekilde ziyaret edersem, mesafeyi aynı şekilde korursam benim iki tarafta da değerim olur. Ama ben tek bir tarafa yönelirsem, onun cenazesine taziyesine daha fazla ilgi gösterirsem, karşı tarafa gitmezsem ve barışma süreci içerisinde araya girersem "Yok, Bahtiyar taraftır" [derler]. İşte biz kavga esnasında genelde ağırlığımızı diğer taraftan yana koyduk. Bu çok mühim bir olay.

intermediator and what kinds of behaviour forms he followed up while providing this position with himself. The forms like "attending a funeral", "visiting hospital", "offering a condolence" are behaviours expected from everyone who claims to be a "friend" in the region. But these are obligations for an intermediator. Bahtiyar agha states that an outside person's intermediacy or arbitration can only be realized by his distance to both parties. Mediatorship is a position which can be earned. In other words, if there is a dispute between two tribes, these tribes do not appoint someone to be the mediator. Even though this is also one of the methods, the important thing is to deserve the mediator position and to wait for others to demand you to carry this mission out. A person who gains this position should realize the mentioned necessities and should stay at an equal distance to the parties. In that way, he can realize "impartiality" which is the most necessary thing to solve the problem. Bahtiyar agha continued his words as follows:

> You also have to watch your words in these condolences. Now if you go to the community... Let's say [tribe] A and [tribe] B started fighting each other and fired their guns. If you go to one of these tribes and say [about the other tribe]: "The others are unfair my friend, they've become monsters, they are villains, how can one raid villages", and if they hear this, they will say: "we are killing each other but why is Bahtiyar saying this?" These are words that will make you look like you're taking sides, you know? Now, in order to keep the balance, you must speak very carefully, you must watch you words. You must keep the balance in a very serious manner[171].

While in the previous quotation Bahtiyar agha highlighted the necessary behavior forms to be able to carry out mediatorship between the parties, now he states the oral forms of the intermediator. The possible intermediator now whows his goodwill with his words while he did it with his behaviors before. Carefully stated words are also important to establish the balance. Any "emotional" reaction to

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[171] Bir de bu taziyelerde lafına da çok dikkat edeceksin. Yani şimdi cemaate gidersen... Mesela, A [aşireti] ile B [aşireti] birbirlerine girdiler, silah sıktılar. Bu aşiretlerden birine gidersen [ve diğeri hakkında]: "Ya bunlar haksızdır arkadaş, bunlar canavarlaşmış, bunlar canidir, köye baskın yapılır mı" dediğin zaman, onlar işitirse "biz birbirimizi öldürelim; Bahtiyar niye bunu söylüyor" [derler]. Bunlar taraf gibi gözüken laflardır biliyor musun? Şimdi bu gibi olaylarda dengeyi sağlayabilmen için, çok dikkatli konuşacaksın, konuşmalarına dikkat edeceksin. Dengeyi çok ciddi bir şekilde sağlayacaksın

defame one of the parties, disturbs both of them. Because these kinds of emotional reactions will result in the continuation of the conflict and the animosity towards each other. Even though the conflicting tribes shot each other or killed some people from the other party, they do not respect what the third party says about the opposite party.

Again, after another question of mine Bahtiyar agha counted the basic conditions behind establishing this balance;

> You keep the same distance and proximity to both sides. You speak for peace and ease even on the first day, as well. You will assert yourself. Now, I have a personality. I know this balance. But you will ask: "Bahtiyar, how do you know?". I have been engaging with the judges and prosecutors of the region for years, I know the region, I understand a person's psychology, I understand how to reach someone, frankly speaking we have become judges of character. Obviously, this is very important. We address everyone in his own language.[172]

These statements are highly important in the sense that Bahtiyar agha touches on the relations with state officers and especially with the judicial authorities. It is difficult for us to know on what level these state ties are. But, it is obvious that it has continued for a long time. From this perspective, it is a possibility that Bahtiyar agha gathered support from the state while solving the problems between tribes. Here, with his sentence of "it is my personality", emphasis becomes more obvious. These relationships, beyond the speculations, on the one hand provide him with the information of what kinds of methods he should use, on the other hand helps him to know people closely. While Bahtiyar agha has the role of problem solver, he is gaining the deep knowledge of how to behave to whom. Moreover, he highlights what kinds of features a person who is a candidate to settle down the disputes between and in the tribes should have.

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[172] İki tarafa da aynı yakınlıkta ve uzaklıkta olacaksınız. İlk günde de, barış ve huzur için konuşacaksın. Kendini göstereceksin. Şimdi benim şahsım var. Ben bu dengeyi biliyorum. Ama diyeceksin ki "Bahtiyar nasıl biliyorsun?". Ben yıllardır bölgenin hakim ve savcılarıyla kalkıp oturmuşum, bölgeyi tanıyorum, bir insanın psikolojisini anlıyorum, hangi damardan girebileceğimi anlıyorum, yani bir insan sarrafı olmuşuz açıkçası. Bu çok mühimdir yani. Ve her insana kendi diliyle hitap ediyoruz.

Bahtiyar agha uses the same concept for his economic relationships with other tribes. Especially in high level commercial relationships like establishing a partnership with different tribes, he focuses on the balance factor with mentioned tribes.

> There is no harm in doing trade together [with the other tribes]. There is no harm in becoming partners, it does not pose any obstacle. You become selective when you do it alone as well. You become as selective here, as when you are with an ordinary person. Which means, can I keep the balance in future problems or not? For example, there are some shameless tribes, villain tribes. No bussiness can be done with the members of those tribes. He can trick you tomorrow, when he tricks you, you put your tribe in danger, and you put yourself in danger. People come up and ask you "why did you do bussiness with so-and-so tribe?" or "why did you do it with so-and-so family of so-and-so tribe?". That family is known. Which means that the element of selectivity focuses there; not only on bankruptcy or sinking of bussiness. It is also related to the strength of that tribe. You will not do trade with a family that is much more stronger than you are. I mean, checks and bonds are not very binding around here. It is one's word that count in transactions. This is valid for both trade and feudal system. For example, there are a couple of tribes with which no one wants to do bussiness. They are shameless people.[173]

During the interview we had with Bahtiyar agha, the business he carries out in private and the words he said on the character of commerce in general, was in the direction of that he knew that he is acting a rational action. In other words, his statements showed that he had a worklife within the framework of the inner rules of liberal economy and free trade. But the above quotations are important in demonstrating that a rational action like economy and its rules can be manipulated

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[173] Yani [diğer aşiretlerle] birlikte ticaret yapmanın hiçbir zararı yok. Ortak olmanın hiçbir zararı yok, hiçbir engel teşkil etmiyor. Yalnız yaparken de seçici oluyorsun yani. Normalde bir insanla nasıl seçici oluyorsan, burada da seçici oluyorsun. Yani yaşanacak problemlerde dengeyi sağlayabilir miyim, sağlayamaz mıyım? Mesela bazı arsız aşiretler vardır, cani aşiretler vardır. Bazı o aşiretlerin mensuplarıyla iş yapılmaz. Yarın sana çalım atabilir, çalım attığı zaman aşiretini tehlikeye atarsın, kendini tehlikeye atarsın. Birileri de kalkar "ya sen filan aşiretle niye iş yaptın?" veya "filan aşiretin filan ailesi ile niye yaptın?" diye sorar. O aile bellidir. Yani seçicilik unsuru orada odaklanıyor. Yani sadece ticaretin, paranın batışında falan değildir. O aşiretin güçlülüğüne de bağlıdır. Senden çok güçlü bir aile ile yapmayacaksın ticaret. Yani bizim buralarda çek, senet pek fazla muteber değildir. Alınan verilen paranın üzerinde, söz üzerinde yapılıyor yani. Bu ticareti de etkiliyor, feodal sistemi de etkiliyor. Yani bir kaç tane aşiret vardır mesela, kimse de kolay kolay onlarla iş yapmak istemiyor. Arsız insanlardır.

within the farmework of specific conditions. Therefore, an analysis on the content of the words in this quotation can make us ask different questions.

First of all, Bahtiyar agha does not object to the commercial relationships of partnerships with individuals from other tribes. It can even be argued that he supports these relationships. But, on the other hand, he mentions about being "selective" in these partnerships or commercials. Actually, being selective in commercial relationships is usual, but when we consider what Bahtyar agha proposed as reasons, we face with a different picture.

First of all, Bahtiyar agha mentions about some tribes which he argues are known by almost everyone and he strongly suggests that a person should keep himself away from a commercial relationship with these tribes. But he does not suggest the economic insufficiencies or commercial ineptitudes of these tribes as reasons. Namely, other than the expectations of a sphere which is thought to be rational like economy, he argues that a person should himself away from these tribes which have the features of "villainness" and "shamelesness". As a reason for their being "villain" and/or "shameless" he proposes that these tribes can "trick" people. In other words, Bahtiyar agha hesitates of being deceived by these tribes in commerce. Indeed, this hesitation can be seen rational in terms of a commercial activity. But his later statements show that this hesitation is not limited with a commercial relationship. For him, having a commercial relationship with these people on the one hand means throwing himself into trouble, on the other hand it means throwing his "tribe" into trouble. And even he adds, "the element of selectivity focuses there; not only on bankruptcy or sinking of bussiness." This is the main problem which should be focused on. Other than a commercial loss, agha has some other worries. If these commercial relationships ends up with a dispute, these "villain" and "shameless" tribes can come a position of hurting the other tribe. In other words, a consequence of a commercial disagreement has the potential of resulting in an inter-tribal conflict. Therefore, it can be easly argued that the commercial relationship here is not between two companies but between

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two tribes. It is not the economic talents of two companies that unite, but the powers of two tribes. Because of this reason, the disputes do not emerge between two companies but between two tribes.

Upon what Bahtiyar agha says, these commercial relationships are not established by a formal and valid "contract" but by promises that each party gives to the other one. In that way, parties tie themselves with non-written action, meaning an oral promise. This on the one hand shows a trust relationship and on the other hand represents a sphere which is outside the capitalist rationality. But a relationship which is established with a promise can also be relied upon a kind of balance between parties. In the case of disputes based on the fact that one of the parties is much more powerful than the other, the protection of the less powerful party can be realized with this balance. Therefore, Bahtiyar agha acts considering how much he can realize this balance on the same issue.

I have heard the word of "balance" from Bahtiyar agha during my interview with him. As a matter of tribal leadership within his tribe, he chooses the people to make them work for him from different families considering a balance. In reality, all balances in the region are being established everyday over and over based on political and economic processes. While some tribes get stronger, some lose power. But, what is mentioned here is that this change happens within the framework of region's own rules. In other words, actors in the region have the tendency of letting this change happen based on the principles of their *töre*. For example, the reaction of the elders and nobles of the tribe against the "newly rich" group in Kızıltepe after the opening of the Habur border gate results because of this. Habur border gate, especially when it was first opened, highly destroyed the economic balance. Newly rich people transformed power relations and - therefore - the societal practices, and this made it difficult to practice *töre*. But due to the fact that the main parameters are being shaped over "balance" and, connected to that, over "order", relations have the tendency to enter into a new order gradually. Therefore, while the societal practices change, *töre* is also affected by this

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transformation and change. So, the thing which is getting more difficult is in reality the application of *töre* in its previous/usual form.

After explaining the main causes behind the solutions of the disputes, now we can start to explain some of the strategies which are used to solve problems within the framework of the information I gathered during my field research in Kızıltepe. I will put forward the mentioned strategies under sub-branches which will be opened for different dispute situations while conveying the example cases for that.

5.2. Blood Feud:

Blood feud, being a universal phenomenon, has been one of the most burning questions of Turkey for years. Although there is a remarkable decrease at the rates of blood feud incidents, the reasons behind this phenomenon still remain. Blood feud appears in various historical and cultural contexts and patterns in every society. Yet, there is a common root for all the conflicts that are called as blood feud.

According to Marc Bloch, the word *feud* has its root in Germanic word *faide* which means "the vengeance of kinsmen"[174]. This emphasis on the "kinsmen" denotes that the blood feud is related with the structure of "kinship". Within this context, it should not be wrong to say that blood feud reveals a sort of collective action in kinship based societies. Therefore we can define the term blood feud as "the act of retaliation or response against to an attack accepted just or unjust from a member of an external group"[175].

The primary component of blood feud without any doubt is vengeance. The desire for vengeance is the desire that someone suffer because of the harm that he has

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[174] Marc Bloch, (1965), **Feudal Society, Vol. 1, The Growth of Ties of Dependence,** trans. by L.A. Manyon, Routledge: London and Newyork, p.126

[175] Artun Ünsal, (2006), **Anadolu'da Kan Davası: Yaşamak İçin Öldürmek**, trans. by Niyazi Öktem and Emre Öktem, 3. Baskı, Yapı Kredi Yayınları:İstanbul, p.31

done to another. A person who seeks vengeance desires to inflict harm or suffering on another person[176]. The writings of Durkheim on the term vengeance are very useful to understand the content and the reflections of this concept onto the contemporary penal law. According to Durkheim, "vendetta is a very passionate and coarse reaction against an external threat and it helps to distinguish group members and aliens"[177]:

> Moreover, is not the aim of the very widespread punishment of talion to assuage the passion for vengeance? (...) It would indeed be mistaken to believe that vengeance is mere wanton cruelty. It may very possibly constitute by itself an automatic, purposeless reaction, an emotional and senseless impulse, and an unreasoned compulsion to destroy. But in fact what it tends to destroy was a threat to us. Therefore in reality it constitutes a veritable act of defence, albeit instinctive and unreflecting. We wreak vengeance only upon what has done us harm, and what has done us harm is always dangerous. The instinct for revenge is, after all, merely a heightened instinct of self-preservation in the face of danger[178].

For Durkheim, there is not a significant distinction between punishment and vengeance. On the contrary, the very idea of punishment is, indeed, based on the desire for vengeance.

> Thus between the punishment of today and yesterday there is no great gulf, and consequently it had no need to change to accommodate itself to the role that it plays in our civilised societies. The whole difference lies in the fact that punishment now produces its effects with a greater awareness of what it is about. (...) We may therefore expect the essential elements of punishment to be the same as before. And indeed punishment has remained an act of vengeance, at least in part[179].

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[176] Stephen Nathanson, (2001), **An Eye For An Eye?: The Immorality by Punishing by Death**, Rowman and Littlefiled Publishers Inc., p.108.

[177] Jonas Grutzpalk, (2005), "Blood Feud and Modernity: Max Weber's and Émile Durkheim's Theories", in *Journal of Classical Sociology*, Vol.2 (2), p.115-134.

[178] Emile Durkheim, (1984), **The Division of Labor in Society**, trans. by W.D. Halls, The Free Press, p.44-45.

[179] Ibid., p.45-46

Durkheim objects to the views that vendetta (that is, blood feud) is the primitive form of punishment. According to him, penal law has a religious characteristic at the beginning. Because of that reason, it is faulty to argue that cherishing a vendetta is a punishment that belonged to "primitive" societies. Attaching the phenomenon of blood feud with "primitivity" prevents us to understand its current forms. The maintenance of blood fued today cannot be explained with the continuation of the remnants of a societal punishment practice. To think that blood feud emerged because of the reason that states, which are the modern political sovereigns, cannot establish authority within their territories would be insufficient, even faulty. Blood feud is neither a primitive remnant nor an authority lack. The phenomenon of blood feud, as it is implied in its etymological roots, is one of the problem solving practices of cognate groups. It is an extension of the justice perceptions of cognate groups. This is a kind of compensation or enforcement for compensation. Even though, "taking a soul in exchange for another soul" is within the roots of blood feud, the fundamental thing is the compensation itself. In other words, blood feud is a potential threat for the compensation of a cost where it is thought that it is not compensated before. Therefore, there is other types of solutions for any case which can come to the position of *lex talionis* (eye for eye, tooth for tooth). Blood feud is to pressurize one of the parties to these solution ways. "Blood money" which is the result of the phenomenon of blood feud is the best known solution mechanism. While blood money serves as a compensation for the disturbed party, it also serves as a way for the disturbing party not to be retaliated.

In that context, Paul Stirling's observation does not reflect the reality:: "But quite apart from this historical conjecture, it remains a fact that at present Turkish village feuds know no formal indigenous procedure for compensation or peace-making, as far as I can discover"[180]. Even though Stirling argues as in the quotation within the limits of his field research, because of the reasons we

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[180] A.P. Stirling, (1960), "A Death and a Youth Club: Feuding in a Turkish Village", *Anthropological Quarterly*, 33, p.51-75.

explained above, there are solution ways for disputes or conflicts which may result in the problem of blood feud in its essence. The phenomenon of blood feud in reality prioritizes these several ways. This is one of the most important results I have acquired from my field research in Kızıltepe.

During the interview Bahtiyar agha told me about a blood feud between tribes that happened a few years ago and that he resolved.[181] The case started after an argument and the conflict afterwards between the youngsters of the tribes A and B. The problem starts after a young man from the tribe B passes from in front of the village with his car of the other tribe and this causes huge powder and the youngsters of the village molests him. The insulted guy after the molestation gathers a few gunmen from his tribe and raids this village. Therefore, an armed conflict starts between two parties and one person from each side dies while seven people are wounded. One of the murdered one is the youngster who was insulted. After the conflict, an era under tension starts between the tribes. Afterwards, even though no other armed conflict happens between the tribes, the tension never dies. Aghas or elders from different tribes try to resolve the problem between the tribes A and B but they could not succeed to create peace. After approximately two-three months, Bahtiyar agha (as the leader of another tribe which is friendly to other two tribes) takes the lead and succeeds in making peace between the parties. The peace dinner is organized in Bahtiyar agha's village. Some prominent bureaucrats also attend the dinner and peace is established without shedding blood. Bahtiyar agha continues as such:

> Now they began fighting each other. Other tribes of the area got involved as well. Now, it was such a big conflict and all tribes of the region interfered in it. No other tribe besides ours lay emphasis on it sincerely. I say it sincerely, I went to the funeral and condolence 2-3 times, and for 2-3 months every tribe attacked (pressured) saying "make peace, make peace". I was in Diyarbakır at that time, at the construction site of the sock factory. One day I asked myself "Why don't I work here?". I took two cousins with me and went to that village. I went back and forth for a month. I said: "My friend, if you

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[181] Names of tribes will be confidential; and will be labelled with letters.

don't go to each other's village, let's us cook at our village, shake hands, talk to each other and out end to this there". And the two sides accepted that. This also had a financial expense, which I do not want to mention here. But there was a cost for feeding 4000 people, putting up 8 tents... But I bought 2 tons of meat. Today, 2 tons of meat costs around 16 billion, when you look at it. There was also that much water and bread, there was a cost. It cost me 20-25 billion in total.[182].

As far as I learned from Bahtiyar agha, since one person from each tribe was killed, no "blood money" was taken. Following that, I asked how he might resolve the dispute if there would be just one death from just a tribe. In such a situation, he argued it could demand money for blood. This blood money can reach a high amount in Kızıltepe. For example, in another case, a tribe paid five hundred thousand TL for a death. This amount, in some case can decrease to three hundred thousand TL, while it may reach to six hundred thousand TL+a car+a great cattle in some cases. Here, I have to state that the demanded car is not an ordinary car, but it should be the same model of car of the murderer.

While determining the ratios, some criteria are being considered. The first criterion is that the amount of the money should be an amount that can deter a future case in the same character. This is the main reason lyning under the high amounts. The second criterion is that, the amount should be the one that may be taken as a measure of value between the conflicting parties within a case that may take part in the future. If noone can prevent cases with deaths, in other words if it is compulsory to pay the blood money, the parties may negotiate considering the previous amounts. The last criterion is about the feature of the family which

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[182] Yani şimdi bunlar birbirine girdiler. Bölgenin diğer aşiretleri de girdiler. Şimdi böyle büyük bir çatışmanın içerisinde ve bu bölgenin tüm aşiretleri araya girdi. Hiç kimse bizim aşiret gibi samimi olarak olayın üzerinde durmadı. Samimiyetimle söylüyorum, ben, 2-3 sefer cenazeye, taziyeye gittim tabi ve 2-3 ay her aşiret saldırı [baskı] yaptı "barışınız, barışınız" diye. Ben de o dönemde Diyarbakır'daydım, çorap fabrikasının inşaatındaydım. Bir gün geldim kendi kendime "ben neden burada çalışmıyorum" dedim. İki tane amca çocuğumu aldım ve o köye gittik. Bir ay aralarına gittim. Dedim ki: "Arkadaşım siz birbirinizin köyüne gitmiyorsanız, bizim köyde biz yemek yapalım, orada tokalaşın, öpüşün, konuşun, bitirin" dedim. Ve iki taraf da o şekilde kabul etti. Bir de bunun bir masraf olayı vardı, ben onu burada söylemek istemiyorum. Ama bir bedel vardı yani şimdi 4000 insana yemek yedir, 8 tane çadır kur... Ama 2 ton et aldım. Bugün 2 ton et nereden bakarsan 16 milyar paradır. O kadar da su gitti, ekmek gitti, masraf oldu. Toplam 20-25 milyar paraya bana mal oldu.

caused the trouble, namely the one that has to pay the amount. If this family is one of the prominents of the tribe, then the amount may rise. On the contrary, if the family is poor then the amount may decrease. These amounts are re-considered in each case according to the current conditions. In other words, there is no stable amount in this case.

Adil agha who is the leader of one of the largest and the most important tribes in Kızıltepe, upon my question on blood feud in Kızıltepe, replied "blood feud is over". His tribe also had been one of the parties of one of the blood feuds which lasted for years and because of that he lost his relatives and suffered a lot. During this blood feud, he took active part within the work and he was the leader of the tribe when the blood feud ended. As a person who knows the trajic results of blood feud, just after his answer "blood feud is over", he told a case which he prevented to turn into a blood feud and that he established the peace. In this case, only one of the parties is a tribe member. The other family is not from the region. But the family which is not from the region finds Adil agha and demands help from him to establish peace by preventing the tribe not to avenge them.

> For instance, I interfered in an affair a while ago, and reconciled the sides. This is how it happened: In Istanbul, a family from Bingöl and a family from Tokat started fighting each other because of a problem. While they were fighting, two young people who are members of a family from Kızıltepe interfered to separate them. But someone a member of the family from Tokat thought that one of the youngsters was from the other family and shor fire. One of the young people from Kızıltepe died and the other was injured. Some people from the family who shot them started looking for someone who can intervene and make peace. They found me through some acquaintances. They asked me if I knew that family from Kızıltepe. I said "yes". They told me about the incident, wanted me to interfere and reconcile. I accepted. I went to İstanbul right away. I spoke with the family. Because the incident happened by accident, the family from Kızıltepe sided with reconciliation, too. The family from Kızıltepe told me: "It will be whatever you say, however you say. Take money if you want, or don't take it if you don't want to. We will do however you want it." I went to the house the family from Tokat afterwards. I told them: "I will make peace between you but pay a compensation for the son of the family." They accepted it. They paid..... TL. [Adil Agha did not want me to write down

the amount.] Then a peace tent was put up. Governor, the District Governor and Mufti came. Recoinciliation was achieved. A public lawsuit was filed in court, but nothing came out of it since the family from Kızıltepe filed a complaint[183].

There are some interesting points in the case that Adil agha told. First of all, as it was pointed out above, this case did not happen between two tribes. While the family from Kızıltepe is from a tribe, the family from Tokat is not from a tribe. In that sense, the case stops to be a case that can be resolved through the rules of the tribes and between them. But we see that the family from Tokat pays effort to resolve the problem within the framework of *töre* rules as it happened between tribes to prevent the case turn into a blood feud. In other words, the family from Tokat looks for the ways to reach the other family directly instead of demanding help from the state. Therefore, it accepts the resolution of the problem through a way which will be determined by the tribe. Besides, when the problem is resolved, as it has been done, the rituals of peace tents and peace dinners are organized. We see that, *töre* rules and practices, instead of being limited with one region, impose themselves over other groups that do not live with these rules in their daily lives. This is instructive in terms of demonstrating the power of *töre*.

In addition to that, the acceptance of the family from Tokat of Adil agha's intermediator role without questions and even in a demanding way is another interesting point. Because of the reasons like that the case happened unintentionally, that the other party is regretful and tries to establish peace immediately and that Adil agha is the intermediator, the family from Kızıltepe

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[183] Mesela bir süre önce ben bir meselede araya girdim, tarafları barıştırdım. Olay şöyle oldu: İstanbul'da Bingöllü bir aile ile Tokatlı bir aile bir sebep yüzünden birbirine girdi. Onlar kavga ederlerken Kızıltepe'li bir aileden iki genç ise bunları ayırmak için araya girmiş. Ama Tokatlı aileden biri bu gençleri diğer aileden sanıp ateş açmış. Kızıltepeli gençlerden biri öldü diğeri de yaralandı. O gençleri vuran aileden birileri hemen araya girip barış yapabilecek birilerini arıyorlar. Bazı tanıdıkları vasıtasıyla beni buluyorlar. Bana o Kızıltepe'li aileyi tanıyıp tanımadığımı sordular. Ben de "evet" dedim. Olayı anlattılar, araya girip barıştırmamı istediler. Ben de kabul ettim. Hemen İstanbul'a gittim. Aile ile görüştüm. Olay yanlışlıkla olduğu için Kızıltepe'li aile de barışma yanlısı oldu. Kızıltepeli aile bana dedi ki: "Sen ne dersen, nasıl dersen öyle olsun. İstiyorsan para al, istemiyorsan alma. Nasıl istersen öyle yapacağız". Ben daha sonra Tokatlı ailenin evine gittim. Onlara dedim ki: "Sizi barıştıracam ama ailenin oğluna karşılık bir telafi ödeyin". Onlar da bunu kabul ettiler. .... TL para verdiler. [Adil agha bu miktarı yazmamı istemedi]. Sonra barış çadırı kuruldu. Vali, Kaymakam ve Müftü geldi. Böylece barış yapıldı. Mahkemede kamu davası açıldı ama Kızıltepeli aile davacı olmayınca mahkemeden bir şey çıkmadı

accepted the peace-making. But, even though there was no demand from him, he demanded a "compensation" from the family from Tokat. Therefore, a "blood money" was taken from the family from Tokat.

Another case regarding blood feud happened in a few months time when it was told to me. When I went to the region, it was not ended but there was a continuous effort to end it. Seyit agha was continuously meeting with these two families of which he also is a relative. He was always having meetings and negotiating with these families. I stated to Seyit agha that I also wanted to attend the meetings but because the process was under too much tension and it was not in the phase of having peace, this urge of mine had never been realized.

Since the case was so new, it was well-known by many people in the region. Because of that reason, I had the opportunity to listen about the case from two different persons. One of them was Kemal who is the relative of Bahtiyar agha and the other one was Hakan who is the nephew of Seyit agha and therefore the relative of both conflicting families. There was no contradiction in what these two persons told me and already they explained different dimensions of the case. While Kemal told me about how this case happened, Hakan on the other hand told me some of the developments after the case emerged between the two families from the same tribe.

The case happens as follows; a few months before I go to Kızıltepe, someone from Seyit agha's tribe (let's say P.) buys a car and makes the insurance for the car to a company. During the same period, T from the same tribe founds an insurance company and reproaches P as follows: "Are not we from the same tribe? You should have come to me first as a relative of mine. Why did you make another company to insure your car?" Since T insists and reproaches to P so much, P cannot stand that and cancels the insurance from the first company and does it at T's company. But, at that time T's company is in bankruptcy. Because of that reason, T pays the debts of the company with what P paid for insurance. In a

while, P goes to Northern Iraq on business. But his car is burned there because an unknown reason. Naturally, P demands the insurance money from T. But, they understand that there is neither a company nor money left. The trouble starts here. P demands his money from T however T argues that his company is in bankruptcy and he has no money. After a while, T gives some of the money of P to P's wife. But P is not aware of that at the beginning and after he gets annoyed since the money is not given to him but to his wife. Because of that reason, he gets his gun, stops T's car and shots him. While T is wounded a young person besides him is killed. Then, most probably because the young guy is one of his relatives and to be able to hide himself more easily he escapes to Iraq. Such a case starts to turn into a blood feud between two families. But Seyit agha and the elders of the tribe who gets the news prevent T's family to get revenge from P or from his family. At that point, P's family goes to T' family's condolence and says: "P is from our family. But although he was right, he went into wrong by causing the trouble even though T started to pay his debts. We will not forgive him without you forgiving him. "Therefore, P's family seems to reject P. At that time, P takes his wife and children to Iraq in some way. After that, they look for comprimise and peace ways through the tribe leaders. According to what Kemal says, after 1,5 month, the case is not that tense and everybody waits for T's family's attitude.

Before focusing on what Hakan told me, we can mention about the case a bit more. First of all, the case emerges with an intra-tribe characteristic. Actually, what lies underneath of P's approval of making his car's insurance through T's company, is the importance P gives to tribe ties and solidarity. Even though P has not done it this way, he would not face a sanction from the tribe. But thinking that while there is a person from his tribe, making insurance from a person outside the tribe would not be perceived as a proper thing, he contracts with T. According to what is told to me, it can be argued that T insisted on P without a bad intention at the beginning. But when his company started to be in bankruptcy, the case started to turn into a blood feud.

As it is seen from the development of the case, the leaders of the tribe immediately took active part and prevented the case to expand. Also, after P's family visited T's family with condolence, the tension cools down a bit. Here, it is interesting to see that P's family told T's family, "Unless you forgive P, we'll not forgive him." P's family, on the one hand rescues themselves from a possible avenge and on the other hand gives the message that they are a not in favour of a conflict to the rest of the tribe. If they did not behave in that way, they would challenge T's family and cause the case become extended. Through this attitude, they paved the way for the resolution of the dispute in other ways. Therefore, we see P's family's behaviour as a strategy that they had followed during the resolution of the case.

On the other hand, Hakan argues that some people from T's family because of an intra-tribe power struggle continuously exaggerated the case to this point both in the beginning and in the end of the process. Even when the negotiations started, these people made, by demanding P's family to deliver up the murderer to them, made it harder to have a resolution. Normally, the other elders of the tribe and P's family do not support this idea. To demand P's surrender – even though it is obvious that he was guilty -would mean the insulting of P's family. According to Hakan, those who demanded the surrender already knew that it would not be accepted, but their aim was to destroy the success of the peace initiative and they would pay effort to make their peace initiative succeed. Therefore, they would get prestige and would try to become the leaders of the tribe. Doing so, it is understood that they want to keep the negotiation hard for a possible future compromise. All these raising difficulties denote the examples of that *töre* as tribal principle is used for political concerns such as tribal leadership.

Hakan, in this process, gave two kalashnikovs and a thousand bullets as a preparation against a possible "avenge raid" to P's family without giving any information to his uncle Seyit agha. He pointed out that the main aim here was to realize the "balance" between the families within the tribe. Even though the family of the murdered is closer to them, as it was pointed out before, to realize the

"balance" is the most important for the tribe. If he told this to his uncle Seyit agha, he knew that his uncle would object to that. In other words, he provided the guns with his initiative.

In Hakan's words, the destruction of the peace initiative resulted in the prolongation of the efforts for peace such as for 3-4 months. While I was leaving the region, they still were having meetings to get peace but there was no result. Hakan summarized how peace can come as follows: the permission for the murdered's family to kill the murderer + some hundreds of thousand liras. However, the family itself will not deliver the murderer up. The message of "If you can find him in Iraq and are able to kill him, it is legitimate for you" will be given to the murdered's family. However, since it will not be that easy to kill a person in Iraq in a de facto way, we can argue that "permission for murder" is just an intelligent move. Hakan told me that if the case was between two different tribes, this kind of a message would never be given to the other tribe. Even if the action is an unlawful attempt, the tribe members would not accept the murder of the murderer if he is from the same tribe and if needed, the tribe might choose to get into a conflict.

Hakan's statement highlights an important problem. Hakan is not interested in whether the cause of a conflict between two tribes is legitimate or not in the situation of a conflict between two tribes. What is important for him is the protection of his tribe and he is ready for a conflict regardless of its causes. Therefore, it is not incorrect to argue that the idea of "justice" is not the basis of the logic of a societal structure like a tribe. In other words, a societal structure which is organized on kinship had not come together with the idea of realization of the just and right thing. It can be argued that the main idea is to protect the tribe against external factors and to realize a "balance" both inside and outside. However, this situation does not refer that a tribe is an "unjust" societal structure. Only, it shows that there is no pure understanding of justice at the basis of tribes and therefore *töre*.

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As it can be understood from this discourse, there is always a possibility that disputes can turn into blood feud. But, whether a conflict will emerge or not depends upon many other parameters. First of all, a conflict between tribes depends on power balances. In other words, if Hakan's tribe thinks that they can overcome the conflict, they can enter into the conflict. However, even being able to overcome the conflict does not preclude a peaceful solution.

The only blood feud that still continues in Kızıltepe region is between the tribe D and the tribe A. Even though high tension between two tribes is not evident nowadays, peace is not reached yet. In fact, the tribe D could not reach an agreement with only a part of the tribe A. The tribe A is a tribe which has members in different villages. One of these villages is the one in which they live with the tribe D. The tribe D and the relatives of the tribe A reached at peace years ago and they live together without any problems between each other. However they do not approach the idea of having peace with the members of the tribe A in other villages.

As I mentioned about in the previous chapter over a land dispute, tribe D is a village guard tribe. The only village guard tribe that I could do an interview is the tribe D. My interviewee Doğan was a young man who is in the midst of his thirties and the brother of the leader of the tribe. The thing that shaped the last 20 years of his life was the murder of his father and two elder brothers by PKK in front of their house. This created a huge break in his life and he devoted his later years to the conflict with PKK. From the very beginning of the institution of village guardianship which was founded in these years, namely since the beginning of his twenties, he joined the armed conflicts with PKK with his tribe and with his expression "they gave heads and took heads." To a question of mine on honour, he replied: "If I do not struggle against PKK, this is dishonourableness." He told that three months before of our interview he went to the mountains with the soldiers for an operation. He added that he felt old and tired even though he was young.

If it is aimed to summarize the 25 years of armed conflict process, probably this process can be written in many different ways. While some write this a "betrayal" process, some others may convey the process with "heroism" and "resistance" stories. So many political and sociological analyses are/can be conducted on the issue. But, according to my opinion, after my interview with Doğan, the process can be named as a "tragedy". This kind of a view can be perceived as too much "romantic". I am suspicious on how much space that kind of a "romanticism" can have within a master's thesis. However, I think understanding the feeling lying under these statements of Doğan is the mission of social sciences: "There are two most inferior nations in the world; one is Kurds and the second one is Arabs". A person's definition of people from his ethnic identity as being "inferior" shows the signs of a mind eclipse since this person speaks Kurdish in his daily life and does not reject his Kurdishness. In that sense, trying to understand Doğan, will not just help us to understand his personality but also the point that Kurdish issue has come to.

During our interview, a person who has fighted on the mountains for years, has killed so many people and has escaped death was sitting in front of me. The information about himself will easily make us portray him as a caricaturized murderer. But the reality did not fit into that. Outside of this caricature, despite the hate he carries within himself, a person who feels deep sorrow and who got tired of what have happened for years was sitting in front of me. Even though he perceives not getting into conflict as dishonourable, he sincerely asked "is there anything more beautiful than peace?" In other words, Doğan also got stuck in between "peace" and "war" as others in the region. Because of that reason, even though it is not directly linked to the content of this thesis, I find it necessary and meaningful to convey what Doğan said about the dramatic case he lived:

> PKK movement was just taking off in the mid-80s. It came our region in 1988-89. In those years, PKK was thinking "how can we raise a reaction, how can we put fear in people". Some dishonourabl people showed my father as a target. [They said] "C.G. is a big man, if you kill this man you will spread fear in everyone." Many of us had not

known about the PKK movement yet. It was 1988, we did not know it. I remember, I was little, around 13-14. They came, entered in. One of the man asked "Who is C.G.?". My father said "I am". They read me brothers' names. They were given the names, because people have said"You will get major reaction if you kill these men". My father asked "Who are you?". He said "Come, drink some tea, let's sit, become our guests." This man said: "We are from narcotics. We have information. We need to get your IDs and speak outside." They took them outside. We were all sitting. We were not suspicious at all. They came in civilian clothes. They took my father and three brothers. My father who is heading us now was among them. That brother was a soccer player for Mardinspor at that time. They looked and saw that he was around 17-18. They took them outside the village. We were waiting, thinking it is the state which took them, they should be back somehow. Suddenly shots were fired. Shots were fired maybe for half an hour. Everyone was scared, I went out with my uncle's son. We went there and saw that they were running away. We saw that me father and my two brothers were killed. One of those rascals perhaps knew our family; they have asked "which one of you is the youngest?", when my brother said "I am", they told him to leave. My brother ran for the gun and it was empty. They killed my father around that time. A couple of days later PKK sent a message saying "we have done the attack".[184]

After that case, the members of the tribe A who live in the same village with the tribe D have come to the condolences of the tribe D and so that pace has been reached. What caused the peace was probably the fear of the tribe A that they can be seen the perpetrators of the case. But, by visiting the condolence house of the tribe D. and by stating that they are with the tribe D, they rescued themselves from

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[184] PKK hareketi 80'li yılların ortalarında yeni başlıyordu. Bizim bölgeye de 1988-89 yıllarında geldi. PKK o yıllarda "nasıl bir yankı uyandırabiliriz, halka nasıl korku salabiliriz" diye düşünüyorlardı. Orada bazı şerefsizler babamı hedef gösterdi. "C.G. büyük bir adamdır, bu adamı öldürürseniz herkesin içine korku salarsınız" [dediler]. İlk olayı bizde yapacaklar yani. Babam da böyle bir şeyi bilmiyor. Daha PKK hareketini bilmiyorduk pek çoğumuz. Bilmiyorduk, sene 1988. Ben hatırlıyorum, küçüktüm, 13-14 yaşındaydım. Bunlar geldiler, içeri girdiler. Odamıza 4-5 tane silahlı adam girdi. O sırada 100 tane adam oturuyor aşiretten; babamın misafirleri. Adamlardan biri "C.G. kim?" diye sordu. Babam "benim" dedi. Aghabeylerimin ismini okudular. İsimler verilmiş. "Bu adamları öldürseniz büyük yankı olur" diye. Babam sordu "kimsiniz?" diye. "Gelin çay için, oturalım, misafir olun bize" falan. Bu adamlar: "Biz narkotik şubedeniz. Bir istihbarat var. Sizin kimliklerinizi almamız, dışarıda konuşmamız gerek" dediler. Velhasıl çıkarttılar dışarıya. Biz hepimiz oturuyoruz. Asla şüphelenmiyoruz. Sivil kıyafetlerle gelmişler. Babamı ve üç aghabeyimi götürüyorlar. Bunların arasında şu anda başımızda olan aghabeyim de var. O aghabeyim, o sıralar Mardinspor'da futbolcu. Bakıyorlar 17-18 yaşında. Bunları köyün dışına çıkartıyorlar. Biz bekliyoruz, "devlettir" diyoruz, nasılsa gelirler. Birden silahlar patladı. Yarım saat belki silah patladı. Herkes korktu, benle bir amcamın oğlu çıktık dışarı. Gittik, bunlar kaçıyorlardı. Baktık ki babam ve iki aghabeyim ölmüş. Herhalde o namussuzların biri bizim aileyi tanıyordu ki, "en küçüğünüz kim?" diye soruyor; aghabeyim "benim" diyince, ona "sen ayrıl" diyorlar. Aghabeyim silaha koşuyor ama bakıyor ki silah boş. O sırada da babamları öldürüyorlar. Bir iki gün sonra PKK haber gönderdi "eylemi biz yaptık" diye.

this accusation. Upon my question that whether A. has a role in PKK's action or not, Doğan implicitly answered "yes". Since I was having a voice record, he did not want to talk too much on this issue. But he implied that the people who gave the names of his father and elder brothers were from this tribe. However, since their relationships with their neighbours from the tribe A living in the same village, he did not want to focus on the issue anymore.

The first seeds of still existing blood feud between the two tribes were that his father was targeted as the suspect of the murder of a villager from the tribe A in their village. Even though his father proved that he was not in the village but in Mardin when the case happened, the tribe A continued to have hostility towards D because of the gossips and provocations. Another reason of the dispute, as far as I understood, relies on a power struggle. Doğan's father and relatives came to the region they live now approximately 60 years ago. In other words, compared to settled tribes of the region, they came relatively late. A Syrian friend of his father, since his economic situation was sufficiently well, sold a very large field to his father at a very cheap price. While selling it, he said "Instead of others forcibly obtaining my land, you get it and cultivate it as you want". I think that Doğan's father this rise probably made others in the region uncomfortable. In other words, the destruction of the "balance" that we mentioned about previously by a person who settled in the village lately, made the tribes in the village uncomfortable. Even though the lands had not been cultivated sufficiently due to the lack of irrigation in the sixties, the importance of the land is high since the only means of existence of the region is agriculture. The changeover of large lands destroyed the balance and changed the power relationships. In that sense, the discontent against the tribe D. had risen up. There is an obvious reason for the blood feud. Namely, all the underlying reasons had come out with a spark. After remembering it with difficulty, Doğan told about this spark as follows:

> It was actually a very ridiculous thing. A nomad had come to us. He brought his herd to my father. He was a friend of my father who came to use our pasture in the summer. Water was a problem back then, as well. These animals have drink water. The village

had a pond and all villagers made use of that pond. Some villagers started saying: "This man should leave, the water is not enough for us." However, there was enough, it was not a problem to that extent. The water was plenty, the pond was big and the fields got rain back then. It was not barren back then as it is now. Later the villagers beat up that shepherd near the pond. My father said: "He is our guest, why did you do this?". "I you have told me, I would have done what was necessary. Why did you beat up my guest? You have dishonoured my name." I quitened down a little there. Then there was a big fight in the village, near the pond, because of the shepherd. One or two people died in that fight. Actually, the incidents started from there. Hundreds of people hit each other with bats.[185]

The explicit reason of the case relies on a very simple problem as Doğan also pointed out. The incidents which started by the beating up of a nomad who was the guest of the tribe D. caused the spreading up the blood feud. As it can be seen from the other cases before, the visible reasons of the blood feud are generally simple problems. However, it can be argued that almost all of the underlying reasons emerge during the supposed reshuffling moments of the balances which had been established before. I especially use the word "supposed"; because the ground of the so-called balances is neither a written agreement nor another kind of a contract. The thing that should not be forgotten here is that "balance" is something which refers to the re-evaluation of a tribe of its or other tribes' powers everyday and to the re-positioning accordingly. Therefore, "balance" situation is highly relative.. Blood feud can be perceived as "wheel balance" of these disturbed balances in that context. In that sense, blood feuds are not simple avenge-takings. The conflict environment which emerges around blood feud is not the crisis of the societal structure which is based on kinship, but is a reaction to end the crisis that emerges because of the change of the balances. Even though it is conducted with violence, it is a struggle to re-establish the balance.

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[185] Aslında saçma sapan bir şeydi. Yanımıza bir göçer gelmişti. Hayvan sürüsünü getirmişti babamın yanına. Bu dağlardan gelen babamın bir dostu yazın meralarımızı kullanmak için bize geldi. Şimdi o zaman da su problemi çok vardı. Bu hayvanların su içmesi lazım. Köyün bir göleti vardı ve o göletten bütün köyler faydalanıyordu. Şimdi bazı köyler demeye başladılar ki: "Bu adam gitsin burdan, su bize yetmiyor". Halbuki vardı, öyle bir problem yoktu. Su çoktu, gölet büyüktü ve yağmur alıyordu o zaman araziler. O zaman şimdiki gibi kurak değildi yani. Sonra o çobanı dövmüşler göletin orada köylüler. Babam da "misafirimizdir, niye böyle yaptınız" dedi. "Bana söyleseydiniz ben gereğini yapardım. Niye dövdünüz benim misafirimi. Benim şerefimle oynadınız" dedi. Biraz olay dindi orada. Ondan sonra büyük bir kavga oldu köyde, o göletin orada, o çoban yüzünden. O kavgada bir iki kişi öldü onlardan. Aslında oradan başladı olaylar. Yüzlerce kişi sopalarla birbirini dövdü.

This is the exact motivation which underlies the blood feud that emerged between the tribes A. and D. Against the rise up of D. in terms of power and the changing balances, can only be re-established by each tribe's pushing their powers on each other and by the testing of each's power. There is a very interesting detail in what Doğan told about the case. After the beating up of the nomad, thick sticks were used instead of guns. It is meaningful that none of the sides used guns during the conflict. The usage of thick sticks instead of guns was not because the tribes did not have guns but because of the organization of the motivation to push one's power over other around the ritual of courage with the power of wrist. None of the tribes have the intention of elimination of their neighbours from the same village. On the contrary, both tribes have the aim of impairing the other in a limited way. This kind of harm does not rely on a bare violence urge, but just has the motivation of showing its power to the other and making the other accept this. This is the reason why hundreds of people clash but just two die. Therefore, the inter-tribal conflicts are both the results of the crisis moments and also an implicit resolution strategy to eliminate the crisis.

The cases we witnessed till now were the ones which had the potential of a high level of conflict and all emerged during high tension situations, and they were all fixed peacefully through the initiatives of the prominent members of the tribes. These problems actually demonstrate the compromises reached to prevent the conflicts and the strategies to reach these compromises. But, again during one of my interviews, one of the case I listened to was the most interesting example of how the "peace" discourse can be reversed. I have listened this case from a high-level bureaucrat from the region. The case was witnessed in another district this bureaucrat had served, not in Kızıltepe. But I find it all right to explain the case since I found it too striking.

The case starts with some little children's climbing on a fruit tree in the garden of a house without any permission. The young son of the house who sees that children give harm to the tree while eating the fruits on it, pulls the ears of the

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children and expels them from the garden. The fathers of these children who got the news come in front of this house with their guns. They knock the door and call the father of the house and with a threatening attitude and manner, they say, "your son made fun of our honour by beating our children. That's why we will "make peace" with you." There is no mistake in what I am writing; indeed they come with their guns but they say either "we will clash" or "we will fight", but on the contrary they say "we will make peace". The main implication of this "peace" is that if the opposite party does not want to get into conflict they have to give some money or something valuable in exchange of a possible conflict. They imply that they will solve the problem in a bloody way. Therefore, "we will make peace" means "we will negotiate and get something in exchange of what you did or we will fight". This kind of a discourse refers to a situation of a societal inversion in which war turns into peace and peace turns into war making us remember Orwell's 1984. "That's why" says the interviewee bureaucrat, "everybody looks for a case that will result in peace'".

My interviewee tries to explain this situation by giving an example from a phenomenon that he has always hear about but cannot believe in. According to what my interviewee said, some of the poor families throw their children in front of the cars of businessmen or the tribe leaders in Kızıltepe to get high amounts of money. Even though I do not have any statistics as for the traffic accidents in Kızıltepe, I remember that I had heard from my interviewees about the high amount of accidents in the region. This is not something sufficient to prove what my interviewee said, but the widespread statements on that is sufficiently meaningful for me.

This war-peace equation is highly striking. While on the one hand this equation is determined by power relationships, on the other hand we can see a class dimension. In the case of pulling the ear of the son of an agha, it cannot be thought that this agha would want a "peace" similar to the above example. In other words, the agha would not demand money. Already, nobody would have the

courage to pull the ear of the *agha's* son. Here, what the issue is both making the other accept the opposite's power and having an economic interest. In other words, it is not the money given for resolution of the dispute but for preventing a conflict to emerge. In that context, we see a modified abuse of *töre* in another form. This is the most extreme example of the transformation of power relationships of *töre*. In that sense, it is highly interesting.

5.3. Sexuality: Eloping and Abduction of Girls

As it was pointed out, while one of the reasons of the discussions on *töre* in Turkey is the Kurdish problem, the other one has been the violence against women under the label of *töre*. In this section, my intention is not to pursue a discussion on whether this violence exists, the level of it or the characteristic of the violence. In the context that violence against women is an international phenomenon, it is carried out in every part of Turkey. Therefore, without any hesitation, violence against women should not be perceived as a problem particular to the east part of Turkey.

Together with that, as it was focused on in the previous sections, violence in the name of *töre* is directed towards to actions which are perceived as the breaches of the norms of tribes which are societal structures organized on the basis of kinship. Even though violence against women becomes concrete within the framework of the concepts of honour and dignity, the main issue here is to protect the honour norm of the tribe. Therefore, violence can be directed to everyone who breaches this norm theoretically. The consubstantiation of the concept of *töre* continuously with the concept "murder" emerges with the assumption that any man and/or woman who breaches the norm is murdered to protect this norm. Here, I do not ignore the existence of violence types which result in deaths. Even, as it can be seen below, some of the interviewees approves the existence of these murders with their statements. In addition to that, even in cases which do not end with deaths,

tragic and sad violence practices are evident.[186] However, this action which is thought that it breached the honour norm especially in eloping does not always result in deaths. There are different strategies and ways that communities use to fix the problems like that. Although the content of this study is about murders of honour and *töre*, it does not focus on these murders. Therefore, first of all under this topic, I will try to highlight different views on the perception of the concept honour and then through various example cases, I will try to explain some of the strategies and ways which proved to be successful.

It cannot be argued that there is a consensus on the perception of honour, pre-marriage sexual relationships and what kind of an attitude is applied after abduction of girls. But, it can be argued that the concept of honour is perceived as a problem directly linked to women sexuality in general. For example, according to Hakan, pre-marriage sexual relationship constitutes a guilt which should be punished by death even though it results in marriage. In other words, both man and women should be killed by their relatives. Any situation on the contrary is "dishonourable" and "shameless". Hakan himself states that there is the idea of the control of women's sexuality under his support for death penalty. For Hakan, "honour" is a very important concept. A life without honour is impossible. If there is no punishment for women having pre-marriage sexual relationship, then every woman starts to practice this. But if women have the fear of death, they cannot attempt to do that. This is necessary for the protection of the tribe structure.

Doğan also shares the same thoughts. But, a difference in his thoughts can be felt. Doğan does not perceive the concept honour limited to women's body or sexuality.

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[186] I thought too much on whether I should write the example I give now or not. I thought to apply auto censor since it hurts people to much when it is heard. But on the other hand, I did not want to hide a reality which is/may be experienced both now and in the future. This, while on the one hand contradicted my claim of objectivity that I have tried to prove, on the other hand caused me to conflict with my conscience. In that sense, I decided to convey this case which is told me without giving names in Kızıltepe with a footnote.

One day, while a young girl has a sexual relationship with her lover in her house, her father comes and sees them. After that, father runs to get his gun. Meanwhile, her lover throws himself from the window and escapes. The father and the girl remains alone. Her father cannot kill the daughter who cries her father not to do anything to her. But he is so angry with her that he heats the iron and presses it on the girl's genital.

He can use the concepts honour and dignity in the context of different issues. Upon my question, he answered as such:

> It is a reason for death even for a girl to be walking around with a male friend here. Everything here is related to the concept of honour. Honour is very important here. The three terms 'honour', 'shame' and 'dignity' are very valuable. Not only for the woman. Your property, your relatives, your job, even being a decent human being is namus. Struggle against PKK is honour, as well. I become "dishonourable" if I stay put against them raking my brothers and my father with Kalashnikovs.[187]

For Doğan, fighting PKK and a continuous avenge struggle can also be considered within "honour". But the real problem here is his statements that any problem in the region can be linked to the concept honour. Honour is equated to the reason of life.

Fikret gave a very similar answer to what Hakan said before upon my question related to the class dimension of murder of women. According to Fikret, aghas do not ignore his daughter's or wife's "dishonourable" acts; do not consider the gossips of the third parties. Because of that reason, his punishment is death. Because this is a thing of power, maneuver. Agha kills since he has this power. People of lower classes prefer different ways instead of murdering. If a man suspects his wife, he either changes his home or region or sits and talks to his wife. He cannot kill his wife since having a new wife is something that depens on money!

During our visit and interview we did to Ömer agha's house, the oldest neice of agha and the one which will leadthe tribe in the future, made a very interesting statement as for these issues.

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[187] Burada bir kızın erkek arkadaşı ile gezmesi bile ölüm sebebidir. Buradaki her şey namus kavramı ile ilişkilidir. Namus burada çok önemlidir. Üç kavram "namus", "şeref" ve "haysiyet" çok değerlidir. Sadece kadın da değil. Senin malın da, akrabaların da, işin de, hatta düzgün insan olmak da namustur. PKK ile mücadele de namustur. Ağabeylerimi ve babamı keleşlerle [kalaşnikof] taramalarına karşılık ben bunu onların yanına bırakırsam namussuz olurum

> *Hocam*, if you pay attention, these kinds of murders [evaluating honour and *töre* killings together] take place in big cities like İstanbul, Ankara, İzmir more often. Here, it is less. People there, since they are not under the control of the tribe like ours, murder their wives right away in such a situation. Here, we [the prominent people of the tribe] intervene; we prevent it.[188]

A very important problem should be highlighted in this response. First of all, we do not have data on Kadir's claim, namely on where these kinds of murders are seen the most. In other words, there are no researches on whether these murders are seen more in big cities or not. But let's suppose that we have data and confirm that the ratio of the murder of women in three big cities is higher, does this case demonstrate us that Kadir is right in his evaluation? Partly, yes. But this data has to present all of these murders by eliminating the distinctions of honour-jealousy-*töre*, etc. because these distinctions are not statistical but sociological. Also, these data does not include "women suicide" and will remain lacking on that. Because of that, these data lose its "validity" claim from the very beginning. But, again, these data will make us think that Kadir has a legitimate part. What is the reality that underlies this feeling? It is that these kinds of murders are presented on the third pages of the newspapers everyday, namely their being visible. However, the opposite is also possible. In other words, every time the same news come from the east or the southeast, our feeling will be that these kinds of murders are more in these regions; the public in Turkey is oriented towards presenting news proving the "backwardness" of the opposite and the "development" of itself.

But apart from all of these data and the problem of feeling, what is important in Kadir's answer for us is the discourse he establishes on the function of his "*töre*", "tribe" and "prominent members of his tribe". A tribe, for him, surrounds every member, controls them permanently and prevent them to misbehave through the prominent members of the tribe. Besides, *töre* does not order to kill, but tries to

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[188] Hocam dikkat ederseniz bu tip cinayetler [namus ve *töre* cinayetlerini bir arada değerlendirerek] İstanbul, Ankara, İzmir gibi büyük kentlerde daha fazla olmakta. Burada ise daha azdır. Orada insanlar bizimki gibi bir aşiret denetimi altında olmadıklarından öyle bir durumda doğrudan karısını öldürüyor. Bizde ise bizler [aşiret ileri gelenleri] araya giriyoruz; buna engel oluyoruz

prevent murders. An individual who is free of the control of a tribe and who lives with his/her decisions has the potential of misbehavior more. For Kadir, in every case, the initiative of the prominent members of the tribe will fix the problems without blood. But, what is more interesting in this discourse is not his focus on "tribe control" but the questioning of modernity and suspicion against it. An individual who lives in the metropolitan cities is free of tribe ties which surrounds him/herself and is on the way of becoming a "free" individual of modernity. In that sense – even in discursive level – this independent individual who gives his/her own decisions and does not move according to an upper authority is located at the opposite of a tribal-societal structure.

Getting out of the traditional control and deciding freely is also open to making mistakes. According to Kadir, the tribal bonds stops these mistakes. In that sense, it can be argued that Kadir is in the position which represents traditional against modernity. During the interviews I conducted, from the people whom I asked their thoughts on these issues, I sometimes got parallel sometimes different answers. I mostly formulated my questions as "what do you think about the news named as '*töre* murder" which have a great part in media?". In that way, I hoped to obtain data on how they look at the problem over their comments on the news. Then, I asked new questions over this discourse of them. I think that this method works, because so many cases were explained like abduction of girls, unfaithfulness and their consequences during the interviews I conducted with or without voice recording. Sometimes, I faced interesting reactions. The question that was asked to me during the condolence visit that I did with Bahtiyar agha was highly interesting. Meanwhile, while we were sitting and drinking our tea, I was also having chance to make interviews with people. Bahtiyar agha introduced me and my study to everybody. Because of that reason, everybody was both asking questions about this study and explaining what they were thinking or the examples they knew. When the topic was "*töre* murders", one of those who had not participated in the discussions before in a reactionary way asked, "In the west, are not women unfaithful to their husbands?" I have to confess that I was surprised

and freezed for some time after that question. Bahtiyar agha immediately entered the discussion and tried to change the topic with other statements. But this question, or in other words the thoughts the question referred occupied my mind for a long time. This question carried two judgments in itself, both implicit and explicit on *töre* murders and the problem of honour. First of all, this person exhibits that he carried an open judgment on that women who are unfaithful to their husbands should be murdered. But, more importantly, the same thought actually puts an implicit limit between itself and the other possible situations that may emerge. In other words, for example, it paved the way to ask this question: "Does the sexual relationship of an unmarried woman also causes the same result?" During the interviews I conducted, I realized that questions asked with this kind of reasoning are suitable questions. Because the reaction of a tribe against the eloping of a girl who is unmarried with a youngster may be different.

We had the opportunity to talk about the abduction of girls during our interview with Adil agha. He, while not ignoring the existence of these kinds of murders, went on an interesting categorization between different situations:

> The *töre* used to be strict in the past. But the punishment would differ according to the situation. For example, a married woman has no chance whether she is kidnapped against her own will or runs away with her own will; she is murdered. Both the woman and the man who kidnaps her are murdered. But let's say that a single girl is kidnapped against her will, she is taken back and damage is done to the person who kidnapped her and his family, if possible. But if the girl has run away with her own will, then two sides reach an agreement. For example, a girl was kidnapped in Şenyurt recently. The girl was also willing. A consensus was reached somehow. The girl's family said: "The man is not come around here, he can go anywhere he wants". So the man was banished. Peace was made after a while. The girl's family allowed the girl and the man who kidnapped her to come back. They said: "They can be near Mardin, but they cannot come to Kızıltepe". Money was paid to the girl's family in return for peace.[189]

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[189] *Töre*ler eskiden katıydı. Ama cezalar duruma göre değişirdi. Mesela nikahlı kadın zorla kaçırılırsa da, kendi rızasıyla kaçsa da onun şansı yoktur; öldürülür. Hem kadın hem de onu kaçıran öldürülür. Fakat diyelim ki evli olmayan bir kız zorla kaçırılırsa kız geri alınır ve kaçırana, onun ailesine, yapılabiliyorsa zarar verilir.

From what Adil agha said, we can determine three different levels. At the first level, there is the situation of the eloping of a married woman with another person or her being unfaithful to her husband as the person in the village room who asked me a question implied. In that kind of a situation, Adil agha clearly states that this woman would be murdered. Not just the woman but also the person who commits the abduction also is subject to murder. In other words, being tied with marriage has a very important meaning. The person who destroys this tie is perceived as destroying the tribe ties and is murdered.

The second situation is about girls who are not married but abducted out of their consent. In such a situation, the family uses its power to get their daughters back. Without this limitation, they also use the way of harming the person who abducts the girl. But Adil agha uses an expression like "if it can be done". Actually Adil agha here refers to power relationships. Families or tribes can enter into a conflict or harm a person from the opposite party if their power is sufficient enough.

 Indeed, tribes do not choose the way to harm the opposite party as a result of a case which they think to be "just". The abduction of girls is an "unjust" action but the motivation underneath of harming is not "justness". The opposite party ignored the girl's family's power and abducted the girl. In other words, they gave the message of "we are powerful and if we want we can abduct this girl". Contrary to that, the family of the girl first of all wants to eliminate the situation by getting back their daughter and to rescue themselves from the position of "weakness" that they were pushed in by harming the other party. In other words, harming the other gives the message of "we have the power and nobody can take anything from us without our consent" both to the abducters and to those families and tribes who know the situation. Namely, harming exceeds them limit of simple charging.

Ama kız kendi isteğiyle kaçmışsa, o zaman bir biçimde anlaşmaya varılır. Mesela geçenlerde Şenyurt'ta bir kız kaçırıldı. Kızın da gönlü vardı. Sonra bir şekilde anlaşmaya varıldı. Kızın ailesi dedi ki: "Adam buralara gelmesin, nereye giderse gitsin". Böylece adam sürgün oldu. Bir süre sonra barış yapıldı. Kızın ailesi kızlarıyla onu kaçıran adamın dönmesine izin verdi. Ama "Mardin yakınlarında olsun fakat Kızıltepe'ye gelmesinler" dendi. Barış karşılığında kızın ailesine para verildi.

The third level in Adil agha's statements is related to the couples eloping. Agha states that negotiation is one of the ways that can be applied in such cases. Two conditions are evident in what agha gave example of. One of them is that the family of the girl gets money from the family of the boy upon an agreement. That is to say, a money of which is similar to the logic of "blood money" which we saw previously in blood feud situations. Even though there is a widespread judgment within the society that "dowry" is over, for me the money given in the abduction of the girls is indeed is the same with dowry. Although it is argued that the money is spent on the girl's dowry, this does not seem to be realistic for me.

The second condition is the "exile" punishment. The couple which elopes is exiled even though the families reach an agreement. That is to say they are not wanted to live in that region. Bahtiyar agha stated that murders regarding abduction of girls in the region are poor and even do not exist while the punishment of exile is given highly instead from the very beginning. To exile means to exclude those who do not obey the rules of the society in every society. The different part of the punishment of exile is that it reflects the belief that the societal norm cannot be fixed by the breachers again. In other words, living of the breachers within the same community is perceived as a threat to the existence of the community. Exclusion from the community has the aim of erasing all of the signs of the breach of the norm from the community. Namely, it is perceived as that the breach has never happened and it is urged to prevent future breaches to happen.

Especially within the Christian and Jewish theology, exile has an important place. Exile is the first punishment given to Adam and Eve, namely to the first humanity in all holy books. God did not eliminate Adam and Eve after they ate the forbidden apple, but just exiled them from the heaven. In other words, he took his gift away from them. He sent them from an indefinite life to a definite life, therefore to a life which has ambiguities, hardships and sorrows. The punishment that a tribe gives is a similar message to this message. The realization of an action which is obviously

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forbidden by the societal structure by individuals is perceived against the order and the breachers are excluded.

According to Bahtiyar agha, the punishment of exile was an effective punishment 30 years ago because of the usage of animals as transportation means. Because travelling over hundreds of kilometers by cars which are pulled by animals was a difficult task. Even though the exile punishment was sometimes limited to 5-7-10 years of time, persons who settled to another place and established a new life did not want to return. Another factor that made the exile punishment effective was that the exiled people are also excluded from the protection of their tribes. That is to say, exiled persons become subject to open to outside effects and are left to live alone. It can be thought that exile punishment is more effective than the death penalty in terms of that establishing a new life at a new place without any help from anybody requires courage.

A case which Bahtiyar agha told me and resolved was about a girl who had a pre-marriage sexual relationship and got pregnant. The mentioned case happened between two families within Bahtiyar agha's tribe 10 years ago. One day, a family from Bahtiyar agha's tribe called him and demanded him to come to their village. Since they did not tell the reason, Bahtiyar agha gathered his armed men and went to the village. When Bahtiyar agha came their house, the family stated that their daughter got pregnant because of a pre-marriage relationship and requested him to find a solution. When they asked the girl about with whom she had the sexual relationship, she gave the name of Şeref who is the son of another family within the tribe. Bahtiyar agha believed in what the girl said because she also approved that this happened with her consent. Agha after listening to the girl said that he would resolve the problem but he stated that first of all he had to go to Şeref's family to talk about the issue and he went there.

Thus, he went to the house of the other family. Şeref, his elder brother and his mother are at home at that time. Since Şeref's father died, Bahtiyar agha told the

case to his elder brother. When agha told about what the girl said to him Şeref looked at the floor and listened to him silently. By the way, it is important to point out that Şeref was in a 4 months of a marriage at that time. He was married with a *berdel* marriage[190]. The girl that he had a sexual relationship is single. Bahtiyar agha after telling about what the girl said, asked Şeref whether what she told was right or wrong. Şeref gave this complex answer: "I did not do that. But if you say I did it, then I accept this." After that, Bahtiyar agha had a talk with Şeref's brother in a separate room. Bahtiyar agha told me that Şeref's brother is a reliable and a good person. Şeref's elder brother told Bahtiyar agha as follows: "Most probably this is Şeref's job. Şeref had been meeting with this girl for a year. Even we had argued with Şeref to stop him meeting this girl and made Şeref marry another person. We also cut our relationship out with the girl's family. But if something happened like that, this is Şeref's job."

Later on the girl was taken to the doctor for a test and it was learned that she is pregnant for 7 months. Bahtiyar agha thought that the baby is most probably from Şeref. On that, Bahtiyar agha went to the girl's family and said: "If you want me to resolve the dispute, you have two choices. First of all, forget about harming the girl. You know if you want to kill her but I will not be apart of that. But apart from that, you have the options; either Şeref will abduct the girl or we will show it like that and you will take her as a fellow wife. She will give birth to the baby in your house. Or you will send this girl to one of your far relatives. When will give birth there and will not turn back here again, she will live there."

At that point, Bahtiyar agha told me: "I am the prominent member of the tribe but it was not possible for me to resolve issue alone. We gathered the elders of the tribe to consult." In the end, it was decided that Şeref would act as if he abducted the girl and would take her as a second wife. At that point, I asked whether anyone from the prominent members of the tribe argued "she should be murdered". He

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[190] *Berdel* marriage is the barter of women between families to avoid paying dowries and other marriage expenses.

answered as follows: "Yes, there were some. But this decision cannot be taken like that. My word is respected there and I put my effect. But there were some who did not think like that. There were some who thought it might be better to abduct the girl now. In that way, we gave a decision by putting pressure".

After that decision, two cars were prepared according to what Bahtiyar agha said. The girl was taken by approximately 10 men and she was handled to Şeref's family. The girl started to stay there as the second wife. After this abduction, some money was given to the girl's family. Even though Bahtiyar agha did not tell me the exact amount, it was obvious that it was around 10-15 thousand liras. But after that case, Şeref was obliged to take his family and move to another village. According to Bahtiyar agha, it was not possible for them to live in the same village because even though the problem seemed to be solved, people perceived it as a married man's abduction of a girl and this might attract reaction. This family for years continued their lives like that. Although there was no enemiosity between Şeref's family and the girl's family, they had never met again.

In the case Bahtiyar agha explained, it is seen that so many problems are intersected. It will be useful to focus on these issues one by one. First of all, it is important that Bahtiyar agha is called and invited to resolve the issue by people from his tribe. In other words, this family could learn with whom their daughter had a relationship and they could choose a way to go and talk to that family by themselves to fix the problem. Or they could hide the issue by sending the girl to one of their relatives immediately without making anyone hear about the case. But the family did not choose any of these options and especially called Bahtiyar agha for help. We have to think on why they did prefer this. First of all, the family thought that the case would be heard by others in some way and that would become an insulting situation. Even if they sent the girl to their relatives, that would attract suspicion and people would look for different reasons for that. Because of that they thought that the problem should be fixed. But that kind of a case was really important for them which they could not solve alone. Because the

problem is actually the breach of a very serious societal norm and therefore it should be solved through the testimony of the prominent members of the community. This is the importance of the existence of Bahtiyar agha. What is expected from him is to give testimony before solving the problem, therefore the legitimacy he would provide into the solution. For this family, the correction of the bad situation the girl had been in is alone the problem apart from her pregnancy. In that sense, there is a need for the existence and the legitimacy of the prominent members of the tribe. The family expected that the solution way of the problem was recognized in a legitimate way as for the solution itself. The legitimacy expectation is highly understandable because there is a possibility for the family to be labeled as "dishonourable" by other people. This was why Bahtiyar agha was invited. Besides, this is what makes a tribe exist and this is what is expected from an agha; namely providing a solution to an existing problem. The family thought that it has the right to expect that as a part of the tribe. Because of that reason, instead of visiting the agha, they found it all right to invite him to their village.

Another problem which should be focused on is the complex answer (or the message) of Şeref who was asked whether he went into a sexual relationship with the girl or not. As it can be remembered, even though his body language approves the relationship, Şeref rejected the case with his answer but he said he would accept it if Bahtiyar agha says "you did it". Here, Şeref implies with his statements: "Even though what are said are true, I have to reject them to protect my family's honour. But if Bahtiyar agha leaves the case on me and demands my family to solve the problem, I respect what he says and accept what is said". That is to say, Şeref as a married person thought that he would give a harm to his family's honour by confessing about the relationship. In that sense, he acts as rejecting it but actually he accepted the existence of the case.

The attitude and the conditions that Bahtiyar agha proposed are also interesting. His first condition is that the family should not give harm to the girl. *Agha*, with

his condition, represents a consciential stand. However, he does not want a problem he ran into with the claim "I will solve it" to result in a bad and unsuccessful way. In that sense, he did not want the girl to face with a harm. This is the underlying reason for him when he said "if you do harm, I am not a part of that". After that, agha proposed two options in front of the family. But the second proposal he provided the family with, - because of the reasons we counted above – is not a kind of solution the family of the girl would prefer. From the very beginning of the case, the family wanted the person who had a sexual relationship with her to take her as a wife. So, there was only one option left, which was to act as if the girl was abducted. Because it was not acceptable to demand a new marriage for Şeref who newly was married. At the same time, it was not normal to demand a break with his was either. Because, it is an unacceptable behaviour in the region to attempt to break up his wife just to marry another girl. Therefore, the pregnant girl is shown as if she was abducted.

Another important point here is that agha did not give his decision alone but consulted the prominent members of the tribe. Actually this is both a consultation and a "notice". *Agha*, by noticing the prominent members of the tribe, both lightened the responsibility on him and wanted to show that he respects their thoughts. But as it can be understood from what agha said, this meeting with the prominent members of the tribe was a serious struggle area. Serious discussions over the pregnant girl took place. The decision that would be taken turns into a problem of whose word would be respected more and who had more power. Therefore, "family council" as it is known in the public opinion, should be seen as the conflict area of different powers. It is an area in which thoughts are discussed but those who have more power has the last say. Therefore, instead of seeing "family council" as a monolithic structure, it will be more realistic to perceive it as a space where different ideas clash.

The last thing that can be said about this case is that Şeref was obliged to leave the region even though the dispute was solved. In short, he was exiled. In fact, it will

be right to see this exile as a condition for the solution. The necessary conditions were that Şeref should take the girl and the payment made to the girl's family, but they were not sufficient. As it was stated before, even though it was shown as Şeref abducted the girl, it was not acceptable for Şeref who is married to marry another woman in the region. In that sense, keeping away from the region was pretending that the case had never lived and happened symbolically. Namely, this was an intervention both to individual and societal memory. In that way, the society is expected to forget this case and the breach of the norms.

Again, Bahtiyar agha told me a case in which he was involved in some way. This case happened long years ago. One day two youngsters elope from his family. But they took Bahtiyar agha's house as shelter since both they did not know what to do, where to go and they were afraid of their families' reactions. Bahtiyar agha accepted these youngsters to his house and listened to their problems. During their conversation, agha understood that the boy was not from the village and even from the region. When he asked the boy from which village he was, boy answered that he was from the same village as the girl lived in but when agha insisted on asking the same the question, he confessed. The boy was the son of one of their relatives who lived in the village however he was living abroad. It is obvious that the idea of getting help from Bahtiyar agha was proposed by the girl and the boy helplessly accepted that.

Bahtiyar agha after listening to these youngsters immediately called an imam and two witnesses and made them marry in a religious way. He gave them a room and told them that they could stay in his house for a while and in this time period he would try to persuade the girl's family. Exactly in one of those days, Bahtiyar agha came across with somebody from the girl's village and in their conversation tried to learn what was the last situation about the case in their village. This person, at the beginning, argued that there was nothing important in the village. But when agha insisted on asking, he understood that Bahtiyar agha knew the situation. Agha in that way learned the reaction of the girl's family to the situation. Bahtiyar agha

stated that the girl and the boy are in his house but clearly expressed that he did not want another person to know the situation until the solution of the problem.

After a few days, Bahtiyar agha went to the girl's family with some of his relatives. The father of the girl greeted Bahtiyar agha and those with him in hospitality. When the father saw Bahtiyar agha in front of him, he understood what was going on. But they did not directly talk about the case, they firstly chat. Then the father of the girl ordered the preparation of various meals for Bahtiyar agha and invited everybody to the table. After being invited to the table, Bahtiyar agha said to the father of the girl: "We came here for a problem. If you solve this problem, we continue eating. If you do not, we leave this place". The father of the girl persistently invited his guests to the table and he stated that they could talk about that after the dinner. On the contrary, Bahtiyar agha did not attend the dinner and stipulated the solution of the problems for the dinner. In the end, the father of the girl said: "First of all, come and have your dinner, after that, whatever you say, however you find is suitable I will decide accordingly". In other words, he implicitly states that he would obey the decision that Bahtiyar agha would give. On the promise, Bahtiyar agha and those with him started to have the dinner. After having the dinner, they opened up the issue. Bahtiyar agha told what happened to the father of the girl and said: "The girl is your daughter. The boy is you relative, and can be perceived as your son. Let's keep things pleasant". The father also approved the marriage of the son and the girl. But since this is a case of abduction, he demanded money. Approximately 10-15 thousand of liras was given to the father of the girl. After that, the girl and the boy had not been seen for one-two years in the region. They waited for the calm down. In that way, the problem was solved. After some year, they returned and made a peace with their families.

This case is an important indicator for us in terms of how similar problems can be solved around what kinds of strategies. First of all, the girl's attitude of demanding help from Bahtiyar agha shows us that Bahtiyar agha has acted as an intermediator before and that she knew the situation. In other words, a girl who eloped with her

lover, did not hesitate to come to Bahtiyar agha since she thought that he would help them. Bahtiyar agha accepted the youngsters to solve the problem before it got more widespread. The first step of agha is interesting; he made the youngsters get married with imam marriage. *Agha* in that way did not want to get the burden of the responsibility of hosting the youngsters without making them get married and on the other hand chose the way to solve the problem in a de facto way. Nobody would try to separate the couple even though they were married with imam marriage, instead they would find a solution in some way. While the formal marriage is realized by almost every couple in the region, imam marriage is practiced in both religious and traditional senses. The reason why agha chose imam marriage instead of civil marriage is most possibly is that civil marriage requires some time. Imam marriage can be realized immediately.[191]

There is a symbolic and ritualistic meaning in agha' rejection of sitting on the table for the dinner without finding a solution to the problem. Dinner, as it is in many cultures, has a very significant meaning in Kızıltepe. Only those parties who concluded the disputes between each other could sit for the dinner together. Large feast dinners which are organized after the end of the disputes between the tribes is one of the indicators of that. Sitting on the same table together has the meaning that the disputes are over and the agreement is made. Therefore, the end of the disputes in the region is realized through specific rituals. The societal practices of the region envisage this.

Lastly, as we observed during the solutions of other disputes, here also the family of the girl takes some money from the opposite side. The money which is taken for the abduction of the girls is determined with the criteria that the blood money is also determined. That is to say, it is determined as the amount that can be paid by the families if a similar case is experienced in the future. Besides, again in this

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[191] Even though I did not ask the agha, imam nikahı might be chosen instead of civil marriage because of a problem with the young age of the girl.

case the eloped couple was exiled, but after a certain time period, they were accepted by their families.

The case that I will tell in a while is highly important in terms of that it shows the societal exclusion which happens upon the non-resolution of the disputes especially which emerge around honour problem or because of that these disputes are attempted to be solved by ignoring the expectations of the society. Even though the case which I learned from Hakan is not complex, in order for us to follow the path of the case more easily I found it necessary to encode the parties in the case with letters. We can encode the persons as such;

X and Y are two men in their middle ages living in the same village. X has a daughter named "xf" and a son named "xm". Y has a brother named "yb" and a daughter named "yf". There is a relationship between xf and yb.[192]

The case emerged with the start of the relationship between xf and yb. These youngsters who love each other experienced a pre-marriage sexual relationship. X who is the father of xf learned the situation in some way and wanted to marry his daughter xf with yb. Thinking that the widespread information about the case would not give good results for himself and for his family in the region, he insisted on Y for the marriage. But Y did not approach the marriage in a good manner. In brief, Y approaches as follows: "a girl who commits a pre-marriage sexual relationship, who knows whom she may take to her house in the future!". Despite its full insistence, X could not persuade Y for this marriage and started to look for other ways. He wanted to force Y to make him consent for the marriage. X's son xm, abducts Y's daughter yf ou of her consent for that aim. But in addition to that, Y was obliged to give his daughter yf to xm even though she did not want. That is to say a kind of *berdel* marriage happened between the youngsters of two families who did not want it. On the other hand, Y felt regret and sorrow for being obliged to make her daughter marry but could not stop the developments.

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[192]While giving letters, I used f for female, m for male and b for brother.

Here, we have to state that other people in the village learned this case after everything happened as a normal *berdel* marriage. When they first heard of that, it was reacted happily as if it was a normal marriage. However, when the past of the case was learned by the villagers, everything changed immediately. After they learned the case, a huge reaction emerged against X. Nobody had done business with him. Even nobody had greeted him. In brief he was excluded from the society. Even, while I was doing my field research, I witnessed this exclusion against X myself. Hakan told this case to me at a wedding while having a conversation at a corner. At that time, X also came to the wedding for celebration. X when he came to the wedding tent, he was shown a place in the entrance of the tent. As we stated before, everybody sits according to a certain hierarchy within the condolence or wedding tents. Everybody has to obey this hierarchy. According to this hierarchy, people of the lowest status sit in the entrance of the tent, namely on the feet side. The place for the people of the highest status is the end of the tent, namely the head side. Therefore, X was sitting in the lowest level of this hierarchy in the wedding tent.

Hakan said to me showing this situation: "after that case, his place is there from now on. If you pay attention, not many people talk to him. He is not served that much either. If he did not took his attitude in the mentioned case, he would sit on the higher places within the tent and everybody would pay attention to him." On that situation, X did not stay at the wedding and left the place silently.

According to what Hakan said, X could not survive in the region because of this exclusion and he was attempting to leave the place. He put all of his lands, goods and estates up for sale. Hakan wanted to buy X's tractor but even for that he did not go down for talking to X. Because of that he sent another person to X. Hakan used such an expression while telling me all of these: "X has to leave here, because no one would take not just his daughter but even also his granddaughter!"

I think that this case is highly striking in many senses. First of all, even though this case seemed to be resolved, it is tragic in terms of its consequences. The solutions both sides applied (or forced to apply) were never accepted by the people in the region. There are various underlying reasons for this unacceptance. First of all, the attitude of abducting a girl to force Y to an agreement and villagers' learning of the case so lately created a huge reaction. The attitude of X was perceived as immoral and the solution he imposed upon Y was seen as unjust.

The underlying factor for the rejection of the solution of both sides indeed is their abstention of X and Y for not taking the approval of the people of the region. What lies behind the exclusion of X after the recognition of the background of the case is this kind of an approval expectation. Neither X nor Y demanded the approval and mediatorship of their tribes. Their ignored them and chose the way to solve the problem between each other. However, we witnessed that every time a blood feud or an abduction of girl case is experienced, an agha or the prominent members of a tribe acted as the mediator. The mediatorship of *aghas* or the prominent members of the tribes is not limited with gathering both sides together and making them negotiate in a peaceful environment. *Agha*, while solving the problems, actually uses the authorization his tribe gives him. This kind of an authorization holds the legitimate ground of a solution which is perceived as being "acceptable" by the society within itself. *Agha* knows this legitimate ground (or he is supposed to know) and presents the solution proposals accordingly. Therefore, *agha's* inclusion within the solution process at the same time refers that both disputing parties accept a possible solution within the framework of this legitimate ground. So that the approval of the society is practiced through *agha's* mediatorship. None of the compromises which are done out of this legitimate ground are accepted by the society and as it is seen in this example, a person can be faced by heavy results such as social exclusion.

The last case I will tell under this topic is again a problem of an abduction of a girl which was in the process of finding a solution during my field research. The case

had never ended up with a solution and there was always a tension when I was there. The reason why the case had not concluded with a solution was that the girl was engaged with another person. Even though Bahtiyar agha tried to intervene in the case, he was not successful. I remember that even once he got really angry with the family which rejected an agreement.

The case emerged with a girl's eloping with another young boy even though she was engaged in with some other person without her consent. The tribes of the fiancé of the girl and the boy he eloped with are different but because of the complex kinship ties, the families of both young men are both relatives and live in neighbouring villages. After the eloping of the couple, the prominent members of the tribe attempted to intervene in the situation immediately. Any kind of conflict was not experienced between the families. But the girl's situation of being engaged made it harder to solve the problem. When the prominent members of the tribe intervened they forced the party which had not come into a compromise by proposing that the girl was engaged without her consent was taken but they were unsuccessful. The family of the boy with whom the girl was engaged, was demanding the leftover of the girl to them. But if they got the girl back, it was certain that they would give harm to her. Because of that reason, the abducting side and the prominent members of the tribe did not give approval for that. In that case, actually the situation got more tense and this situation, namely the silent expectancy might not continue for a long time. In other words, there was a possibility for an armed conflict. But this point was not witnessed – at least during the time period in which I was there. The family of the boy who abducted the girl offered money to other family, but their family while feeling themselves deceived, did not want people to say "the sold an engaged girl for money". So, the solution ways seemed to be exhausted.

But according to me, the family of the girl's fiancé did not want the girl back. Because if they took the girl back, that would mean that they would harm the girl; of which I am not sure whether they are courageous enough to do that. The family

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and the tribe of the boy who abducted the girl was really a strong family in the region who could get into any conflict and who experienced many blood feud before. In that sense, the conflict of the both sides would give harm to the family of the girl's fiancé. Because of that reason, under the insistent and negative manner of the family of the girl's fiancée, the attempt of securing their honour by not compromising quickly with the other side and on the other hand, the concern of rising the bargaining level in a compromise.

CHAPTER VI

CONCLUSION

Even though the theme and the problematic of this study is to define the fact *töre*, to understand what it is and to explain it, the study focuses on something different from the beginning to the end. This is the tensions between social, political, cultural and legal systems and the problems they pose. Even though it will be problematic to show these systems in total conflict with each other theoretically and methodologically, this situation should not be a barrier for us to ignore the tension areas which are concreted with the examples emerged during my field research and with the theoretical findings of the study. On the other hand, it should be questioned to what these tensions refer also in what ratio. All social, political, legal and cultural systems marks a rupture on the one hand from the pre-existing systems before them and also they establish a continuation with them on the other hand. Therefore, we have to keep in mind that there are grey areas within the rupture and continuation moments of different systems we read based on antagonisms. Indeed, this is the main reason why we call the thing which exists between different systems as "tension". Systems and institutions have to make infinite choices between these continuations and rupture moments while establishing bonds between the past and today. Thus, every choosing action tenses up the tendons that emerge between today and the past in the strictest sense of the word. The things we call as social problems are in fact just the reflections of the tensions between these systems and institutions and their creation of crisis areas. If we make a choice every time and if every choosing action refers to a tension, then problems in social areas should be read over a specific continuation. The change

and the transformation of the society is the change and the transformation of these tensions.

This study is a social sciences thesis in the sense that it focuses on these tensions. The study, even though it is written under the sociology department formally, it is not just a "sociology" thesis since its problematic intensifies on the problem which intersects with many areas and different grounds of these areas. Thus, the "theses" which were produced by this study should be read as a trip to the limits of different disciplines and the lowly effort to open a way among these limits. The author of the study is aware of the "restraints" of this area which he tries to open a way in. He hopes that the handicaps created by the limit breaches he did sometimes through the study are going to be interpreted as "acceptable" results of writing a masters thesis and therefore being in the very beginning of the academic knowledge production process. But on the other hand, he thinks that the limits of knowledge enlarge by trying to exceed these limits. For this reason, this study did not hesitate to overstep the lines. Therefore, this study is anthropological in the sense that it follows the established relationship between the past and today by the institutions and the individuals; political scientific in the sense that it analyzes the power relationships between different political organizations; and sociological in the sense that it searches for the reasons of the problems which emerge in the social realm.

This thesis does not try to present political suggestions for the resolution of the problems it analyses. The main aim of this study is to try to understand and explain the basic problems through the theoretical and empirical data. This problems takes us to our first problematic. In other words, we have to take the concept *töre*, which is presented as the outdated traditions of "underdeveloped societies" in the media and the public opinion, off this intervention discourse. This modernist discourse will be unsuccessful in terms of highlighting its different relations with tribal societies and internal mechanisms as long as it identifies *töre* with women murders. The modernity discourse establishes an antagonism with structures,

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systems and practices which stay out of the "traditional" and modernist organizations essentially. Modern state organization, in this sense, imposes its law on all other political and social organizations within its sovereign territories and expects them to obey this legal system. The ideological discourse behind the legal system of the modern state is the "human rights" discourse. This discourse argues that the most basic and indispensible right of human beings is the "right to life". But the usage of this right may be stopped by the state which has the legitimate power monopoly; modern state is both the guarantee and the exception of this modern principle. As Schmidt argues: "Sovereign is he who decides on the exception".[193] In other words, the state holds this state of exception as the only sovereign and does not share the authority to give the decision of death with another organization. Therefore, even though it is different from the modern state, state will not let the tribe, which created a sovereignty realm in itself, to decide upon killings based on its internal mechanisms.

The phenomenon which is called as "custom based killings" (*töre* cinayetleri) is one of the most important areas in which the tension between the state and the tribe in terms of sovereignty is crystallized. To decide upon to kill someone on behalf of *töre* and to apply this decision is to turn state sovereignty upside down. Contrary to this, state establishes the position of defense against the tribe which emerges as another sovereign. He introduces a tribe as an organization which comes before itself in the evolutionary organization scheme and of which development level is lower than itself with an evolutionist approach. So that he codes tribes as "underdeveloped" and the tribal *töre* as "outdated". He strenghtens this codification on the ideological level with the applications on the social and political grounds. In short, tribes and *töre* are reduced to an un-ending antagonism with the state as long as they try to join the state sovereignty. The *töre* discourse of modernity is the most important means that the state uses in this antagonism. For this reason, a study which will be done on *töre* should be realized by taking it off

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[193] Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty*, translated by George Schwab, The MIT Press, Cambridge, Massachusetts, and London, England, p.5

from this discourse. If not, this study also will be one of the means of the state in this sovereignty struggle.

At the opposite polar of this modern discourse, cultural relativism appears.the cultural relativism theory which emerged from the anthropological researches proposes that states should be respectful to stateless organizations like tribes which are also the opponents of the state, in their social practices (or cultures). Cultural relativism argues that the lifestyle which modernity imposes is not the most "correct" style, and this "most correct" style is the product of the western etnocentricism and also that the social structures (and their social practices) apart from them should be protected. Thus, cultural relativism is perceived as the limitation attempt to the elimination of other cultures by the Enlightenment era with its emphasis on differences.the cultural relativism principle which emerged in the West represents the "tolerant" face of the West which respects the differences. While cultural relativism seems to object the hegemony of the dominant modernist type, implicitly refers to the West as the references point of being "tolerant". In other words, differences will be protected "thanks to the West" rather than "in spite of the West".

The same cultural relativism principle experiences an internal crisis when it is faced by an issue like women's circumcision. While on the one hand it is faced by a serious problem which threatens women's body unity, on the other hand it approaches women's circumcision with tolerance as a "difference apart from the dominant cultural type"[194]. Therefore, it is indispensible for the same cultural relativism principle to experience the same crisis in terms of the "customs based killings" (*töre* cinayetleri). It is possible to see the cultural relativism principle to stay mute in terms of the cases of murders against young women in the name of code of honor or young men in the name of blood feud.

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[194] This discussion reminds another crisis within the political realm. This crisis emerged when the US declared war against Iraq with the intention of "bringing democracy". The academy which got stuck between a war for "democracy" and "freedom" and "saddam" mostly wielded to one of the poles of the discussion.

This thesis tries to refer to the necessity of not getting stuck between the "intervention" discourse proposed by the modernity and the "tolerance" discourse proposed by the cultural relativism. The discussions on *töre* should be kept away from these two discourses. The first mission of this thesis is trying to understand the social practices if the tribal social structure and the *töre* as its internal justice mechanism (namely *ethos* and *nomos*). But it should be added that we can produce the third attitude apart from the political discourses proposed by the modernist and cultural relativist discourses. This attitude is a political position against the phenomenon of "violence"; regardless of the party it comes from, state or tribe, Bush or Saddam, etc. I think that this kind of a position is the only political position which would save us from the influence of the discourses those which we do not want to fall into trap.

As I discussed from the very beginning, this study aims to denote that what the concept of *töre* is and how it functions in tribal societies. Being all social practices (*ethos*) and inner justice mechanism (*nomos*) of tribe, *töre* rules are immanent to all daily lives of tribal society. *Töre* regularizes everyday life of tribal societies and tries to put it in an order with solving the problems such as inheritance, land, marriage and blood feud. They are the dominant mechanisms in the solution of everyday problems of the tribe members. Therefore it can be argued that tribal society, consciously or unconsciously, acts according to these principles.

Although *töre* rules are seen as the "just" way of solving disputes by the tribe members, it should be a fault to think that they are the pure implementations of "justice". Basically these rules are practical ones and they apply to every case within the framework of its own specific condition. These principles can be adjusted (or manipulated) in every particular case. But there is always a general principle that "says" how to solve that specific dispute within a "just" way. I especially put the word "say" into quotation marks because these rules are not the creation of specific persons such as tribal chieftains (agha), village headmen (muhtar) or shaiks. *Töre* rules came into being somehow in an uncertain time and

place and for our study these roots are not very important. As Bruinessen's terminology, the "strong men" of tribe do not "tell" what is just or not; they are, let's say, only the "executers" of the rules and "mediators" of different parties. I do not intend to mean that all these "strong men" are "fair" people that enforce these principles "fairly". However, it is for sure that they do not put the rules like a legislator. Every person who is living in tribal order knows these general principles. Yet, as I touched upon before, since these rules are practical ones they are open to the power relations. One of the most fundamental concepts of modern law "equality before the law" principle addresses to an ideal of "justice" that assumed free from power relations – regardless of how much it achieves this ideal. However, in tribal structure, society does not conform to this modern principle as it is. Therefore it can be easily said that *töre* principles are open to power relations from the beginning. Indeed, in the same cases the principles in which solving the disputes can be manipulated. Thus there often occur tensions between the power relations within and between tribes and the conflict-resolution side of *töre*. Therefore, it should be argued that, *töre* rules cut tribal social life both horizontally in the context of maintaining traditions and solving everyday disputes and vertically through power relations.

Another issue that I tried to trace for during this study was to what extent the tribal social structure in which *töre* is shaped exist in Turkey. The unraveling of the tribes within the modernity and the capitalist economic relations and the discourse of the weakening of the tribal bonds was an issue I have thought on. Even, the statement "there is no more tribes now" reminded me that I should keep focusing on this issue more. Besides, to understand *töre*, I should first understand the tribes. Therefore, thinking on tribes was vital for this thesis.

In chapter 2, I tried to the answers to the question "what is a tribe?" both on theoretical and empirical grounds. To reiterate it briefly, a tribe can be defined as a political organization which relies on a specific kinship ideology, of which members believe that they descent from the common ancestor and which owns a

non-institutionalized political power. But it is needed to note that even though it relies on a kinship ideology, this ideology is not a sufficient factor to keep a tribe together. Besides the fact that some tribes believe in a common ancestor myth, families from different lineages which do not have a blood tie between exist in almost every tribe. It is observed sometimes that "tats" which do not have tribes define themselves within a specific tribe and even some lineages enter other tribes. In some of the examples, it is observed that people from different ethnicities keep themselves within the Kurdish tribes. Thus, the kinship ideology remains as a weak involvement ideology.

The most important question that we are faced by here is what is the thing which keeps these people together not having a kinship bond under a tribe and what are the factors that determine this. The answers that we will give to these questions will highlight our question of to what extent tribes exist today. The shortest answer I give to the question of what keeps the tribe together is the protection expectations of the tribe members (as it is in Lindner's tribe definition) of their shared interests. Being a member of a tribe is not something imposed upon people. Moreover, it does not include a membership which is formal as in the case of a membership to an association. Being a member to a tribe is a matter of degree and it continues as long as a person is in solidarity with other members of the tribe. In other words, there is a mutual relationship between the members. The key figure in this structure is the tribe leader. Rather than being a charismatic figure, agha has the potential to keep the tribe together with what he does for the tribe. Keeping the title of agha depends on this criterion. One of the basic missions of an agha is to help in person or to organize other members of the tribe to help in the case of a problem of a tribe member. So every tribe member finds other members of the tribe besides and feels to be in a solidarity network. This makes a member to be tied to the tribe more and enables the tribe membership identity of a person to be the indispensable part.

Another basic function of the tribe leader is to solve the disputes that tribe member experience in their daily lives. Through the dispute resolving strategies and techniques that we explained in chapter 5, the tribe leader solves the problems and so keeps the tribe in a specific order and balance. This is a balance which is established with other tribes at the same time. The solidarity and problem solving mechanisms are the things that keep tribes strong and enable them to survive today. Tribes will survive as long as these mechanisms exist. This is the reason why even in Kızıltepe where the capitalist relations and modernity tribes exist. Therefore, even though they lost power as time passed, it is not possible to argue that tribes are unraveled and ended. The 25 years of internal conflicts of Turkey also contributed to the survival of tribes. Even though both the state and PKK state that they are against tribalism in a discursive manner, they most made use of the tribes in 25 years of conflicts period. In this sense, tribes got stronger.

Lastly, another issue I focused on through this study is the relations of tribes with the state. The essential tension between the state and the tribes that we wanted to highlight on theoretical grounds is especially crystallized in the legal sphere. While posing their political and legal acts, both the state and the tribes have the same bid: order. In other words, they want to apply their rules within their sovereignty areas. But the statement of Bauman is highly relevant in point:

> Any order is, after all, a desperate attempt to impose uniformity, regularity and predictability on the human world, the kind of world which is endemically diversified, erratic and unpredictable. (…) Being human means constant choice. The longing for order is conceivable only thanks to that quality of being: any model of order is choice – although it is a kind of choice which wants to supersede all other choices and put an end to all further choosing.[195]

Therefore, the attempts of both the state law and the tribal *töre* in this direction are void in general. But the state is obliged to keep its law above all other legal

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[195] Zygmunt Bauman, (2000), "Social Uses of Law and Order", in **Criminology and Social Theory**, eds. David Garland and Richard Sparks, Oxford University Press: New York., pp.23-24.

systems. Thus, the state law is imposed upon the tribe member too. But the tendency of tribe members of solving their daily problems mostly by intra-tribal resolution mechanisms creates a tension between tribes and the state. Tribes gather and solve the problems themselves in cases like the abduction of girls or blood feud. This situation means the dislocation of the state law in the region. But on the other hand, the attitude of the state officials in these cases shows that the case is not simple. The state bureaucrats and the law people especially hesitate to intervene in the inter-tribe or intra-tribe conflicts. They make interventions to the case processes with several methods thanks to the requests of tribe prominents. For example, they do not immediately intervene in the cases that may turn into blood feud and wait for the tribe prominents to take part first. They see that their interventions will be insufficient to solve the problems so they let intra-tribe mechanisms. This situation can be read over the dislocation of the state law on the one hand, and on the other hand it can be read as the articulation of tribal *töre* within the state legal system. Thus, it is possible to argue that the antagonism between the state and the tribes actually gets blurred and turns into a mutual relationship.

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