

THE ALEVI ADR PRACTICES IN TÜRKİYE

ALPEREN KILINÇER*

Abstract

Despite the declining influence of religion on individuals in the modern world, faith-based alternative dispute resolution (ADR) practices are still many people's first preference. Correspondingly, a religious group, Alevi people or *Alevi*s have sought legal solutions based on specific religious norms founded in their interpretation of Islam. The Alevi ADR, also known as *Alevi Courts*, are established by its community members as a substitute for the official state courts. However, the courts have not caught much attention of the Academia, let alone the fact that it is not known at all by many Alevi's. This article not only introduces a dispute resolution tradition of Alevi's in a well-descriptive way but also evaluates it through socio-legal lenses. Making use of a literature study combined with qualitative interviews with community members, the article attempts to answer the question "to what extent are Alevi Courts viable ADR practices in the legal pluralist context of Turkey?" Then, revealing insights into the Alevi law, the article also illuminates how these courts have been structured and functioning, what impact the courts leave on the daily life of an Alevi and what the historical and modern challenges affect this impact as well.

Keywords: Alevi people, Alevism, Legal pluralism, Law and religion, Alternative dispute resolution (adr), Semi-autonomous social fields, Legal sociology

* Attorney at Law under Istanbul Bar Association, Turkey, Graduate master's student at Erasmus University Rotterdam School of Law, The NL

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Introduction

In certain parts of the world, religion is slowly receding. Recent surveys of the Anglo-Saxon world are telling: the percentage of Christians in the United States of America (USA) dropped from 78.4 percent to 70.6 percent between 2007 and 2014;¹ the portion of non-religious in the United Kingdom (UK) rose from 31 percent in 1983 to 50 percent in 2010;² and New Zealanders who report no religion increased from 34.6 percent in 2006 to 48.2 percent in 2018.³ A similar trend is present in continental Europe, e.g., a study focusing on young generations from 22 European countries shows that the vast majority of them are not religious.⁴ As for the rest of the world, one study indicates an increase of non-believers in Latin America over thirty years,⁵ and more particularly, while a report based on data from 2005-2012 shows a drop in religiosity in Vietnam by 23 percent and Ecuador by 15 percent.⁶ Those numbers comply with Inglehart's general claim that there is a global decline of religion.⁷

¹ "America's Changing Landscape," Pew Research Center, accessed August 18, 2021, <https://www.pewforum.org/2015/05/12/americas-changing-religious-landscape/>.

² Lucy Lee, "Losing Faith?," *British Social Attitudes* 28, no. 1 (2010): 173–84.

³ "Losing our religion," Stats NZ, accessed August 18, 2021, <https://www.stats.govt.nz/news/losing-our-religion>.

⁴ Stephen Bullivant, "Europe's Young Adults and Religion: Findings from the European Social Survey (2014-2016) to Inform the 2018 Synod of Bishops" (London: St Mary's University Benedict XVI Centre for Religion and Society, 2018), <https://www.stmarys.ac.uk/research/centres/benedict-xvi/docs/2018-mar-europe-young-people-report-eng.pdf>.

⁵ Jose Dario Rodriguez Cuadros, "The Religious Shift in Latin America," *Hérodote* 171, no. 4 (2018): 119–34, <https://doi.org/10.3917/her.171.0119>.

⁶ WIN-Gallup International, "GLOBAL INDEX OF RELIGIOSITY AND ATHEISM" (WIN-Gallup International, 2012), <https://www.scribd.com/document/136318147/Win-gallup-International-Global-Index-of-Religiosity-and-Atheism-2012#:~:text=Report%20this%20Document-Description%3A,shifts%20in%20attitudes%20since%202005>.

⁷ Inglehart, Ronald F, "Giving Up on God The Global Decline of Religion," *Foreign Affairs*, accessed August 18, 2021,

Despite the declining influence of religion on individuals, people continue to refer to faith-based alternative dispute resolution (ADR) practices.⁸ Jewish populations in the UK and the USA, for example, resolve disputes among community members according to Jewish law before a court of arbitration called *Beth Din* whereas the Muslim Arbitration Tribunal “provides a viable alternative for the Muslim community seeking to resolve disputes in accordance with Islamic Sacred Law.”⁹ Historically, states have been intolerant towards a parallel legal system that exists on their territory. Secular nation-states do not typically share legal authority on matters of public concern such as criminal law.¹⁰ Therefore, with regards to community-based law practices, as with the arbitrations, it is not surprising that the disputes are largely limited to relatively trivial ones such as divorce, inheritance or breach of contract.¹¹

However, for the first time, Wibo van Rossum has proven that there is an ADR tradition of a Turkish religious community that deals with ‘serious’ cases, including criminal ones, such as murder.¹² Indeed, for centuries, Alevi people or *Alevis* have sought legal solutions if any

https://www.foreignaffairs.com/articles/world/2020-08-11/religion-giving-god?utm_medium=promo_email&utm_source=lo_flows&utm_campaign=registered_user_welcome&utm_term=email_1&utm_content=20210818.

⁸ R. Seth Shippee, “Blessed Are The Peacemakers: Faith-Based Approaches to Dispute Resolution,” *Journal of International & Comparative Law* 9, no. 1 (2002): 237-238, <https://nsuworks.nova.edu/ilsajournal/vol9/iss1/9/>.

⁹ For Beth Din in the UK see: <https://www.theus.org.uk/category/london-beth-din>, while in the US see: <https://bethdin.org/>. For the Muslim Arbitration Tribunal, see: <http://www.matribunal.com/>

¹⁰ W.M. van Rossum, “Religious Courts Alongside Secular State Courts: The Case of the Turkish Alevi,” *Law, Social Justice & Global Development Journal* 12, no. 2 (2008): 7, https://www.researchgate.net/publication/269988596_Rossum_-_Religious_Courts_Alongside_Secular_State_Courts_-_The_Case_of_the_Turkish_Alevi_-_2008.

¹¹ For inheritance disputes, see: <http://www.matribunal.com/inheritance-disputes.php>; while for divorce, see: <https://bethdin.org/gittin/>, or: <https://www.theus.org.uk/article/divorce-0>.

¹² van Rossum, “Religious Courts Alongside Secular State Courts: The Case of the Turkish Alevi,” 10.

dispute arises, based on specific religious norms founded in their interpretation of Islam. Van Rossum refers to this Alevi ADR as *Alevi Courts* that are established by community members in various places in the world.

Perhaps unsurprisingly, academic studies on Alevi Courts are overall lacking. First, the literature is mostly outdated. It is difficult, if not impossible, to find a study today that was published within the last decade. Focusing chiefly on Alevi ADR in the Ottoman Era, the literature does not comprehensively describe Alevi Courts – such that almost nothing has been said about the modern structure, function, or social impact of Alevi courts. Even in van Rossum's article, the main concern was not to provide such a description but to present valuable comparisons of the approaches of the Alevi communities in the Netherlands and Turkey.

Second, the current literature is deprived of two essential perspectives. The first is the perspective of a researcher who is external to the Alevi community. This makes it hard to approach the phenomenon critically, especially to evaluate the judgement and social impact of the courts. The second missing perspective is that of a researcher who has a legal background and would help shed light on various aspects of the courts. For example, there is still no consensus either inside or outside academia even on the name of these Alevi dispute resolution processes. Indeed, although van Rossum is the first to call them *Alevi Courts*, others refer to them as *Dede Courts*¹³ or *People's Courts of Alevi*.¹⁴ Moreover, there is also no consensus on the description of the process as mediation, arbitration or some sort of unofficial litigation. When this

¹³ Russell Powell, *Shari'a in the Secular State: Evolving Meanings of Islamic Jurisprudence*, 1st ed. (Routledge, 2016), 35.

¹⁴ See for example: Dursun Güzel, *Alevi Halk Mahkemeleri* (ÜBL Yayinlari, 2004), or Ismail Metin, *Alevilerde Halk Mahkemeleri*, vol. 1, 2 vols. (Alev Yayinlari, 1995).

is the case, it is not astonishing to see that even many Alevi people, from secular to religious, are not aware of this phenomenon today.¹⁵

Taking all these gaps into account, this research not only introduces Alevi Courts in a well-descriptive way but also evaluates it through normative, socio-legal lenses from an external perspective. This is the main contribution of this work to existing literature. In this thesis, as a Turkish lawyer who was not aware of the courts and inspired by van Rossum's study, I carry out legal-anthropological research into Alevi Courts by limiting the scope to the setting of Turkey, putting forward my main research question:

“To what extent are Alevi Courts viable ADR practices in the legal pluralist context of Turkey?”

Noticeably, the question implies a premise that Alevi ADR constitutes a sort of legal system that makes the context legally pluralist. Therefore, the first sub-question asks: “what is Alevi law and how does it create legal pluralism in Turkey?” In answering this question, I inevitably agree with the challenge to the general perception that law is state monopoly.¹⁶ Along these lines, this thesis contributes to academic and scholarly discussion by adding to the view that the law is not confined to state institutions.¹⁷

In order to prepare the ground for a better description of Alevi Courts, the second sub-question asks: “how do Alevi Courts settle disputes?” The answer to this sub-question necessarily includes descriptive answers on who can apply to them, when and how they are established, how decisions are made, etc.

The other sub-questions derived from the main question deal with the relationship between Alevi people and the courts. The third sub-question thus asks: “what are the motivations of Alevi people to refer

¹⁵ In my personal experiences as an individual who was born and raised in Turkey and who has many Alevi friends, I can unhesitatingly claim that Alevi courts are a moribund tradition.

¹⁶ Brian Z. Tamanaha, “Understanding Legal Pluralism: Past to Present, Local to Global,” *Sydney Law Review*, St. John's University School of Law Legal Studies Research Paper Series, 29, no. 1 (2007): 7, <https://ssrn.com/abstract=1010105>.

¹⁷ Ibid, 27.

to Alevi Courts?” Finally, my fourth sub-question asks: “what is the impact of Alevi Courts on Alevi people in Turkey today?”

After introducing the methodology and the theoretical framework adopted, Chapter 4 begins mapping the field through an explanation of Alevism in general, including Alevi identity, its norm-belief system and social structure of the community, along with the social context in which it is located. By doing so, I not only present the community-specific terms in advance but also explain how these elements constitute the Alevi law that the courts’ judgement depends on, thus forming a semi-autonomous legal system indicative of legal pluralism in Turkey. In Chapter 5, I examine Alevi Courts from past to present discussing some internal-external factors that might have affected their viability.

2. Methodology

To provide proper answers to the main research question, “to what extent are Alevi Courts viable ADR practices in the legal pluralist context of Turkey?”, I combine a literature study with qualitative interviews.

A. Literature study

The literature study chiefly structures the theoretical framework of the paper. In that sense, various works present different views of the concept of law and a particularly relevant model by Moore of semi-autonomous social fields was analyzed. Moreover, several previous studies on distinct communities in legal pluralist contexts revealed promising insights about the paradigm of ADR and, as such, were examined for broader, comparative analyses of Alevi Courts. Additionally, some memoirs pertaining to Alevi Courts containing noteworthy information on the structure, function, judgement, and social impact of the courts were scrutinized.

B. Qualitative interviews

However, when it comes to *underlying perceptions* about the courts, i.e., community members' inclinations, feelings, commitments, thoughts, even expectations, the literature is spotty. Thus, it was necessary to collect detailed data based on the lived experiences of those directly involved, the Alevi community members.

Therefore, 12 qualitative, in-depth, semi-structured interviews were conducted with experienced *dedes*¹⁸ and disputants across Turkey who have been the direct subjects or witnesses of these courts and who had genuine experiences to share. To reach some of the interviewees, I called and visited *cemhouses*.¹⁹ Other interviewees were reached directly via their social media accounts. Otherwise, the snowballing method was applied. The interviews generally took between forty-five minutes and one and half hours and were held either in *cemhouses* or the houses of the interviewees except four interviews held online due to COVID-19 restrictions. With the consent of the interviewees, the conversations were tape-recorded, and their anonymity was guaranteed. The interviewees consist of three ordinary community members who witnessed the Alevi judgement and nine *dedes* who delivered a judgement. They were selected from different geographical regions of Turkey (Aydın, Istanbul, Bolu, Ankara) to determine if the practice varied contextually. Moreover, to see whether variation of the practice occurred throughout history, the age range of the interviewees was kept wide (from 45 to 90 years old). The lifestyles, socio-economic status and world views of the interviewees were also kept diverse from conservatives to modernists to professors to unschooled ones.

In accordance with the flexible nature of semi-structured interviewing, the interviews were directed from formal meetings to daily conversations so that the rapport-building process with the respondents could be successful. In that sense, a prepared topic list that included only relevant themes to address was followed rather than fixed, pre-

¹⁸ As explained later, they are leaders of Alevi communities.

¹⁹ The meeting places of Alevi.

determined questions. In total, ten to twenty questions were asked, constantly adjusted to the atmosphere of the venue, the course of the conversation and the personality of the interviewees.

This way, I aimed to eliminate any suspicion regarding my person as a foreign researcher outside the community and make the respondent feel comfortable enough to disclose their “secret” experiences and views both in a political and criminal sense that might not be tolerated by the Turkish state.

For the sake of rapport building, I must lastly point out that many interviews went even further than a normal researcher and respondent relationship and challenged the boundaries of intimacy as one could also argue as compromising professionalism.²⁰ ²¹ On several occasions, I was offered tea, coffee, and halva,²² as a gift during the interviews or was offered accommodation at the interviewee’s home.

Considering the cultural values of the context I was present, I realised that it was essential to gain the trust of the community members to establish this sort of relationship that is more of a friendship. Hence, I regard my interviews in Alvesson’s terms as ‘romantic’; human encounters in which the interviewee and the interviewer are close and in equal positions aiming to establish in-depth, empathetic understanding.²³ I believe conducting interviews of this kind best fit my research goal: exploring the social viability of Alevi Courts through the sincere thoughts, feelings and inclinations of its participants.

²⁰ American Anthropological Association, “Principles of Professional Responsibility,” AAA Statement on Ethics, Article 7, accessed February 25, 2021, <https://www.americananthro.org/LearnAndTeach/Content.aspx?ItemNumber=22869#respectfulrelationships>.

²¹ Sandy Q. Qu and John Dumay, “The Qualitative Research Interview,” *Qualitative Research in Accounting and Management* 8, no. 3 (2011): 253, <https://ssrn-com.eur.idm.oclc.org/abstract=2058515>.

²² A middle-eastern dessert.

²³ Mats Alvesson, “Beyond Neopositivists, Romantics, and Localists: A Reflexive Approach to Interviews in Organizational Research,” *The Academy of Management Review* 28, no. 1 (January 2003): 27-28, <https://doi.org/10.2307/30040687>.

3. Theoretical framework

When it comes to researching a sociological phenomenon, the theory is an inseparable part of the empirical process, being the “integrated body of propositions” that lead to the explanation of the phenomena.²⁴ As for Alevism which is indeed a sociological phenomenon considering its complex structure, norms, and dispute resolution system, it is essential to be matched with prior theoretical knowledge drawing on legal sociology.

To test whether Alevism constitutes a sort of legal framework and/or if it leads to legal pluralism in the context, a general framework will be operated on the concept of law first. Then, the paradigm of the semi-autonomous social field will be presented as an example of the insights gained in the first part. The paradigm will be also useful in explaining the relationship between Alevism and the Turkish state later. Both operations will be held in an eclectic way depending on a literature study and focusing on the most relevant aspects.

C. 3.1. On the concept of law

The long-standing academic view has been that law is essentially the law of the nation-state.²⁵ Law was studied as doctrine by lawyers and jurists, who looked at legislated norms, rules, principles, conceptions, and the ways in which they were interpreted and validated.²⁶ In contrast though, social scientists, especially anthropologists and sociologists, argue that law is not restricted to formal-state legal entities, but can be found in the organization of all sorts of social groups.²⁷

²⁴ N. K. Denzin, *The Research Act: A Theoretical Introduction to Sociological Methods* (New York: McGraw-Hill, 1978), 5.

²⁵ R. Cotterrell, *Law, Culture and Society Legal Ideas in the Mirror of Social Theory* (London: Routledge, 2006), 65; A.J. Arnaud, “Legal Pluralism and the Building of Europe,” in *Legal Polycentricity: Consequences of Pluralism in Law*, ed. Hanne Petersen and H. Zahle (Aldershot: Dartmouth Pub. Co., 1995).

²⁶ Cotterrell, *Law, Culture and Society Legal Ideas in the Mirror of Social Theory*, 45.

²⁷ Tamanaha, “Understanding Legal Pluralism: Past to Present, Local to Global,” 27.

In this aspect, Malinowski's prominent study "Crime and Custom in Savage Society" is rather enlightening. In that study, Malinowski examines the social order established by the Trobriand Indians, a tribe living in Melanesia. For him, the forces of law among the Trobriand Indians, "in terms of central authority, codes, courts, and constables need no enforcement"²⁸ since law is found "in the concatenation of the obligations, in the fact that they are arranged into chains of mutual services, a give and take extending over long periods and covering wide aspects of interest and activity."²⁹ Instead of trying to explain the compliance to the rules in primitive communities based on a habit and our comfort, he mainly argues that the social norms of the Trobriands have great diversity and in this respect, they do not differ much from modern state laws.

Malinowski's novel study was echoed by other scholars. Griffiths, for example, rejecting the distinction between legal and non-legal forms of social control, claimed that "all social control is more or less 'legal'."³⁰ Likewise, van Rossum highlighted that, "law exists whenever people's behaviour, arguments and discussions suggest that they see rules and principles as law."³¹

Therefore, due to the scholars such as those who adopted the sociological perspective, the concept of law was freed from the limited realm of the traditional legal doctrine and gained multiple dimensions. Indeed, it is true that it is not merely states that regulate social behaviour. However, the common drawback of these viewpoints is that social interactions are so over-emphasised that marking the distinction between law and non-law becomes difficult in examining behaviours of

²⁸ Bronislaw Malinowski, *Crime and Custom in Savage Society*, 1st ed. (New York: Routledge, 2013), <https://doi.org/10.4324/9780203794449>, 37.

²⁹ Ibid, 90.

³⁰ John Griffiths, "What Is Legal Pluralism?," *The Journal of Legal Pluralism and Unofficial Law* 18, no. 24 (1986): 39, <https://doi.org/10.1080/07329113.1986.10756387>.

³¹ van Rossum, "Religious Courts Alongside Secular State Courts: The Case of the Turkish Alevi," 7.

a group of people. Once such a broad conception of law is admitted, any social behaviour or norm becomes subject to be law.

Bermann, for example, was right when he claimed that “law is found not only in the formal decisions of judges, legislators, and administrators”,³² but he was rather ambitious when he expanded law to: “day-to-day human encounters such as interacting with strangers on a public street, waiting in lines and communicating with subordinates or superiors”.³³

To provide a limitation on the conception, some scholars emphasized the importance of enforcement mechanisms to distinguish law from social norm or behaviour. In the Austinian account, a rule must be enforceable to be a legal rule.³⁴ This enforcement, according to Akers, is mainly predicated by externally applied, negative sanctions when a deviant social behaviour occurs.³⁵ Clarifying this external nature, Hoebel argued that these sanctions are imposed by socially authorised third persons or bodies.³⁶

It could be argued that due to the contributions of the latter scholars, the conception of law is relatively balanced. In examining the normative world of Alevism, I adopt this balanced approach to the issue in that I do not reduce the norms of the community to merely social, and therefore non-legal, behaviour using state-centric views, but I meticulously seek for the enforcement mechanism while evaluating these norms too.

³² Paul Schiff Berman, “The Globalization of Jurisdiction,” *University of Pennsylvania Law Review* 151 (December 2002): 505, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=304621.

³³ Ibid.

³⁴ F.S. McNeilly, “The Enforceability of Law,” *Noûs* 2, no. 1 (February 1968): 47, <https://doi.org/10.2307/2214413>.

³⁵ Ronald L. Akers, “Toward a Comparative Definition of Law,” *Journal of Criminal Law and Criminology* 56, no. 3 (September 1965): 302.

³⁶ E.A. Hoebel, *The Law of Primitive Man: A Study in Comparative Legal Dynamics* (Cambridge: Harvard University Press, 1954), 28.

First, “semi-autonomous social fields” in which the sociological conception of the law and the sanction-based enforcement mechanism are modelled are presented below.

D. 3.2. Semi-Autonomous social fields

As a result of the expansion of the definition of law, the structural and behavioural aspects of social groups started to draw more attention among scholars. Sally Falk Moore, claiming that “law and social context in which it operates must be inspected together” in her pioneering study,³⁷ presented the paradigm of the semi-autonomous social field (SASF) in which she examined the garment industry in the USA and Chagga people of Tanzania.

SASFs, she asserted, are not identified by their social organisation but by a “processual characteristic that can generate rules and coerce or induce compliance to them.”³⁸ Another distinctive feature of these social fields is embedded in their vulnerability to “the larger social matrix which affects and invades them”, and therefore, keeps them semi, not fully autonomous.³⁹

Thus, for a setting to be considered a SASF, three conditions must be met:

- i) it should be able to generate rules
- ii) it should have means to ensure compliance with those rules
- iii) it should be surrounded by a larger setting which restricts its autonomy

In her example of the USA garment industry, the well-functioning of the entire business depends on the internally generated rules in the form of customary law which are shaped by the commercial dynamics of the setting. Here, compliance with those rules is ensured through what Moore calls extra-legal sanctions which may result in the exclusion of

³⁷ Sally Falk Moore, “Law and Social Change: The Semi-Autonomous Social Field as an Appropriate Subject of Study,” *Law & Society Review* 7, no. 4 (Summer 1973): 719, <https://doi.org/10.2307/3052967>.

³⁸ Ibid, 722.

³⁹ Ibid, 720.

the business owners from the industry.⁴⁰ To play by the rules of the game, contractors, for example, usually bribe union business agents to overlook the violations of the legally-binding terms of union contracts or perform some favours with production men to get business done properly; otherwise making profit becomes impossible.⁴¹ In this setting, it is not only the labour law of the state that regulates the industry, but also internal figures (jobbers, contractors, retailers) and their mutually dependent relationships which give a self-regulating and self-enforcing character to the setting.⁴²

She also makes use of the Chagga as another model of SASF in that the tribe persists in maintaining its conventional way of life to some extent (for ex. by protecting aspects of chiefship or getting around the laws of the land reform) despite fundamental changes in the external context (such as the laws of the government of Tanzania) which surrounds it.⁴³ Both examples seem to suggest that the autonomy of a social context along with its own rules and enforcement mechanisms is threatened, if not restricted, by a larger context which is usually the state, mainly through the means of legislation.

Because the focus is on the interrelation between state law and non-state law, the paradigm of SASF is described as “a new anthropology of law.”⁴⁴ Some scholars further described it as “an attempt to challenge the dominance of state law”,⁴⁵ whereas others emphasised its connection with legal pluralism, implying that SASFs lead to legal

⁴⁰ Ibid, 726.

⁴¹ Ibid, 725-726.

⁴² Ibid, 728.

⁴³ Ibid, 741-742.

⁴⁴ Keebet von Benda-Beckmann and Bertram Turner, “Legal Pluralism, Social Theory, and the State,” *The Journal of Legal Pluralism and Unofficial Law* 50, no. 3 (2018): 259, <https://doi.org/10.1080/07329113.2018.1532674>.

⁴⁵ Samia Bano, “Islamic Family Arbitration, Justice and Human Rights in Britain,” *Law, Social Justice & Global Development Journal*, no. 10 (2007): 8, https://warwick.ac.uk/fac/soc/law/elj/lgd/2007_1/bano/.

pluralism,⁴⁶ or claimed that “legal pluralism is an amalgam of SASFs.”⁴⁷

Scholars also drew on the paradigm of SASF as a framework to analyse various legal and social contexts. Santanilla and Cecilia, for instance, introduced the profession of street sweeping in Bogota as a SASF,⁴⁸ whereas Jean-Bouchard examined the situation of the North Kivu woman interacting among a multiplicity of SASFs (state, community, family),⁴⁹ and Jacob posited the position of religion in disputes among the local people of Gorongosa as a SASF.⁵⁰

Perhaps the paradigm fits better contexts I refer to as inherently legal pluralist where internal rules are entrenched and well-known and where these rules are enforced by an established institution. These contexts not only render more recognisable the state of semi-autonomy but also external pressure by the larger context. These are the contexts that mainly come up with courts, tribunals or other dispute-resolution institutions of a local community that challenge and also suffer from the legal authority of the state. Bano’s study in which he described Shariah Council in the UK as a SASF,⁵¹ or Westermarck’s on the semi-autonomous character of the indigenous law-oriented village courts in Papa New Guinea are good examples of these sorts of contexts.⁵²

⁴⁶ C. Jacobs, *Plurality of Religion, Plurality of Justice: Exploring the Role of Religion in Disputing Processes in Gorongosa, Central Mozambique*, African Studies Collection (Leiden: African Studies Centre, 2010), 15.

⁴⁷ E. Jean-Bouchard, “The (in)Visible Subject: Women’s Normative Strategies in Eastern Congo,” *The Journal of Legal Pluralism and Unofficial Law* 46, no. 3 (2014): 357, <https://doi.org/10.1080/07329113.2014.986947>.

⁴⁸ Laura Cecilia Porras Santanilla, “‘Viviendo Del Rebusque:’ A Study of How Law Affects Street Rebuscadores in Bogotá” (Doctoral Thesis, Ottawa, University of Ottawa, 2018), <http://dx.doi.org/10.20381/ruor-21577>.

⁴⁹ Jean-Bouchard, “The (in)Visible Subject: Women’s Normative Strategies in Eastern Congo.”

⁵⁰ Jacobs, *Plurality of Religion, Plurality of Justice: Exploring the Role of Religion in Disputing Processes in Gorongosa, Central Mozambique*.

⁵¹ Bano, “Islamic Family Arbitration, Justice and Human Rights in Britain.”

⁵² George D. Westermarck, “Court Is an Arrow: Legal Pluralism in Papua New Guinea,” *Ethnology* 25, no. 2 (April 1986): 131–49, <https://doi.org/10.2307/3773665>.

In short, the SASF promises to scrutinise legal pluralist contexts of all kinds, from ones located in rural settings with tribes to urbanised ones with complex societies. It is relevant in the case of Alevism for two reasons. First, Alevism as a belief system portrays the inherent legal pluralism in Turkey considering its deep-rooted norms and authentic courts. Second, as Alevism as a movement has spread to both rural and urban areas, the model provides an opportunity to examine its possible changes throughout history.

In the following chapter, adopting the broader definitions of law, Alevism is examined in relation to the SASF.

4. Describing Alevism as a SASF

Alevism is a rather contextual social phenomenon that comes up with unique terminology and other culture-dependent elements that all together require specific consideration to analyse. Hence, it would be very ambitious, if not impossible, to operate an inquiry into Alevi Courts without describing Alevism itself adequately. Alevism is also a complex subject with controversial details that a researcher can easily get lost in. Thus, my focus will be on the legal aspects of Alevism to test it in the light of the SASF paradigm. This chapter is devoted to ‘mapping the field’, depending mostly on the literature and occasionally the interviews conducted.

In the first sub-chapter, I define Alevism in a nutshell. Then, I focus on Alevi people and the way they organise. In the third sub-chapter, I present some insights into the context in which Alevism is located and explain its relationship with the Turkish state.

E. 4. 1. Alevism as a tradition

1. The term “Alevi”

First, it is not easy to provide a concise yet comprehensive description of Alevism. Although there are common figures, symbols, norms, and traditions that most Alevi people share and which constitute the fundamentals of Alevism, they are still multiple and complex in such a

way that there are many competing definitions that can and have been made by emphasizing different aspects of the concept.⁵³

Even the term Alevi which is a word of Arabic origin has been often used in a wide variety of cultural, political and religious respects through time.⁵⁴ In the Islamic world, for example, the term may be used to refer to the sects of *Nusayri* in Syria, *Ismaili* in Pakistan, *Caferi* in Iran, *Zaydi* in Egypt and Yemen and *Druze* in Lebanon.⁵⁵ In Anatolia, various groups of people such as “Abdal”, “Barak”, “Yoruk”, “Avshar”, “Tahtaci”, “Nalji”, “Chepni”, “Sirach”, “Amucali”, “Bedreddini”, “Terekeme”, and “Bektashi” are labelled as Alevi groups that are all in a similar vein, despite minor differences resulting from regional practices.⁵⁶ The ancient term *Kizilbash* (redhead) is noteworthy in that it was used pejoratively by the authorities of the Ottoman Empire to stigmatise Alevi populations with political motivations as being disloyal to the State, non-Sunni, non-Muslim or even heretical and immoral.⁵⁷

Thus, the word Alevi is actually an umbrella concept, and it is necessary to provide here a more discrete definition beforehand for the sake of avoiding perplexities. Yet, the needed clarification is already embedded in the lexical meaning of the concept. In an etymological sense, there is a consensus that “Alevi” amounts to “of or pertaining to Ali”.⁵⁸ Ali Ibn

⁵³ Bedriye Poyraz, “EU Minority Perspective and the Case of Alevilik in Turkey,” in *Product of Workshop No. 14*, 2006/24 EUI RSCAS, 2006, 1.

⁵⁴ Ali Yaman and Aykan Erdemir, *Alevism-Bektashism: A Brief Introduction* (London: England Alevi Cultural Centre and Cemevi, 2006), 15.

⁵⁵ Ibid, 16.

⁵⁶ Peter A. Andrews and R. Benninghaus, *Ethnic Groups in the Republic of Turkey*, Nr. 60, Beihefte zum Tübinger Atlas des Vorderen Orients (Wiesbaden: L. Reichert, 1989), 9.

⁵⁷ Markus Dressler, *Writing Religion: The Making of Turkish Alevi Islam* (Oxford: Oxford University Press, 2013), 2, <https://oxford.universitypressscholarship.com/view/10.1093/acprof:oso/9780199969401.001.0001/acprof-9780199969401>.

⁵⁸ J. Gordon Melton and Martin Baumann, eds., *Religions of the World: A Comprehensive Encyclopedia of Beliefs and Practices*, vol. 1, 6 vols. (ABC-CLIO, 2002), 33.

Abu Talib (598-561) was the fourth caliph of Islam and Muhammed's cousin and son-in-law through marriage to Muhammed's daughter Fatma. This family line was continued through Ali's sons Hasan ibn Ali and Husayn ibn Ali and their successors.⁵⁹

2. The faith

Like Shi'ism and unlike Sunni Islam, it is argued in Alevism that the caliphate should be passed through hereditary. In other words, it belongs to Ali and his descendants forever. In this regard alone would it be fair to claim that Alevism is a form of Shi'ism. Alevism, however, does not only contrast with Sunni Islam but also with orthodox Shi'ism.⁶⁰ This signals a sort of heterodoxy within the Alevi belief system that is mainly derived from its syncretic nature in a way that various elements from other religions such as Islam, Mysticism, Shamanism and Christianity are also found in Alevism.^{61 62} This heterodoxy is perhaps more evident in different religious rituals than that of orthodox Islam. For instance, many Alevis refuse to go to a mosque to pray because Ali was killed in a mosque, they do not fast in the month of Ramadan, but they do so in the month of Muharrem, they do not go to Hajj (the pilgrimage), etc. Nonetheless, it is still an Islamic tradition that was fundamentally constituted by the teachings of the Islamic philosopher Haji Bektash

⁵⁹ Ali M. Sallabi, *Ali Ibn Abi Talib*, vol. 1, 2 vols. (International Islamic Publishing House, 2008), 51-52.

⁶⁰ Poyraz, "EU Minority Perspective and the Case of Alevikik in Turkey," 1.

⁶¹ van Rossum, "Religious Courts Alongside Secular State Courts: The Case of the Turkish Alevis," 4.

⁶² For example, Poyraz claims that there is a trinity of Allah-Muhammed-Ali in Alevism, just like Christianity. See: Poyraz, "EU Minority Perspective and the Case of Alevikik in Turkey," 1.

Veli who was also descended from Muhammed's ancestry⁶³ and who was highly influential over the local population in Anatolia.⁶⁴

Alevism, therefore, will be pragmatically considered in this thesis as an Islamic-Anatolian tradition in which primarily Ali, then his "Twelve Imam" descendants,⁶⁵ are respected and elevated considering Haji Bektash Veli's teachings. Henceforth, when saying "Alevism", the tradition in the context of Turkey is meant whilst saying "Alevi people", the followers of this tradition in the same context is implied.

3. The population

Alevi throughout Turkey have many ethnic backgrounds, speaking mainly Turkish, Kurdish and Zazaish. According to a series of studies conducted more than 15 years ago, the Alevi population in Turkey was estimated between 14 and 21 million which make up 20-30 per cent of the total population.⁶⁶ However, more recent research contradicts those numbers. Bozbuğa's research in 2013, for example, estimates that Alevi in Turkey are between only 6 and 8 per cent,⁶⁷ and likewise, the research of a non-governmental organisation released in 2019 indicates that merely 5 per cent of the population is Alevi.⁶⁸

⁶³ From Ali to Muhammed Mehdi, the twelve successors of Muhammed's family tree are called the Twelve Imams and Haji Bektash was the son of the 7th Imam Musa Kazim.

⁶⁴ A.G.K. Savvidēs, *Byzantium in the Near East: Its Relations with the Seljuk Sultanate of Rum in Asia Minor, the Armenians of Cilicia and the Mongols, A.D. c. 1192-1237* (Thessalonika: Kentron Vyzantinōn Ereunōn, 1981), 116.

⁶⁵ Yaman and Erdemir, *Alevism-Bektashism: A Brief Introduction*, *supra* note 55.

⁶⁶ See: an estimation of 14-21 million in Ö. Göner, "The Transformation of the Alevi Collective Identity," *Cultural Dynamics* 14, no. 2 (July 2005): 109, <https://doi.org/10.1177/0921374005058582>; and 15-20 million in E. Özalay, "Cultural Minorities in Turkey: The Identity of the Alevi in Accordance with the EU Legislation," IP Student Papers (Spain: San Sebastian, 2006), 12.

⁶⁷ R. Bozbuğa, "Türkiye'de Alevi Ve Caferi Nüfusu," accessed June 16, 2021, <https://sahipkiran.org/2013/08/19/turkiyede-alevi-nufusu/>.

⁶⁸ KONDA Interactive, "If Turkey Had 100 People," accessed June 16, 2021, <https://sahipkiran.org/2013/08/19/turkiyede-alevi-nufusu/>.

One of the respondent *dedes* verified the accuracy of later research: “We are also aware that those numbers [the older ones] were enthusiastically exaggerated.” [Hasan, 55 years old, dede under Dedegarkın Ocak].

Alevis spread outside Turkey as well. Depending on a literature study, van Rossum calculated the approximate numbers of Alevis in the Netherlands as between 36.000 and 147.000, constituting %10-%40 of the total Turkish population, whereas between 170.000 and 680.000 Alevis live in Germany.⁶⁹

Given these numbers, I turn to an explanation of how such a faith has survived until today.

F. 4.2. The social organisation of Alevism

The Alevi community of Turkey has formed a profound social structure. Within this structure, I have selected some elements, largely based on interview responses, that I consider critical to understanding Alevi courts.

1. Talip

The talip can be simply defined as the ordinary Alevi person who is committed to Alevism. Here, the emphasis on the “ordinariness” is important as it refers to holding the lowest position of the internal hierarchy within the community. In other words, the talip is the *lay member* of the community who is not a *dede* or *rehber*.⁷⁰

The second emphasis that emerges from this definition is the “commitment”. As a prerequisite to be a member of the community including *dedes*, talips are supposed to have set their hearts on Alevism. Speaking of a “candidate talip”, this intangible commitment is expected to be embodied through speech acts by the candidate in an event in which the dede witnesses, preferably in with members of the community in witness, his/her talip-ness.

⁶⁹ van Rossum, “Religious Courts Alongside Secular State Courts: The Case of the Turkish Alevis,” 5-6.

⁷⁰ David Zeidan, “The Alevi of Anatolia,” *Middle East Review of International Affairs* 3, no. 4 (December 1999): 79.

One may claim that the term talip is nothing but just a synonym of the word “Alevi” in the community in a way that every Alevi can be proclaimed a talip.⁷¹ Accordingly, the Turkish word with Arabic origin talip evokes the meaning of “the person who demands” a cause, principle or ideal.

However, a *dede* interviewed for this study interprets the meaning in a slightly different way, telling a relevant story that:

“at the call of the talips, I know a dede who was injured in an accident on the road to an Alevi village while he was going to help with the construction of a bridge himself. Herein gives a clue about the actual meaning of the word talip: the one who demands the help or guidance from the dede.” [Hüseyin, 50 years old, dede at Istanbul-Sarıgazi Cemevi]

This redefinition brings us to what van Rossum called the distinction between *active* and *inactive Alevi*s.⁷² For him, active Alevi are merely the minority group in the community who have joined an Alevi association and participate in the meetings, at least occasionally, whereas inactive ones are just the other way around.⁷³

Hasan clarifies that:

“calling oneself as an Alevi has come into fashion. When someone claims to my face that he is an Alevi, I ask him the ocak he belongs to first, then, the dede he is bond with. If he has no answer, I understand that he might be an Alevi but not a talip” [Hasan, 55 years old, dede under Dedegarkın Ocak].

Indeed, it would be fair to describe talips as lay but active members who show up at meetings so that they maintain a dede-talip relationship.

⁷¹ M. Sökefeld, “Religion or Culture? Concepts of Identity in the Alevi Diaspora,” in *Diaspora, Identity and Religion: New Directions in Theory and Research*, ed. Carolin Alfonso, Waltraud Kokot, and Khachig Tölölyan (London: Routledge, 2004), 135, <https://www.taylorfrancis.com/chapters/edit/10.4324/9780203401057-13/religion-culture-concepts-identity-alevi-diaspora-rt-s%C3%B6kefeld-martin-s%C3%B6kefeld>.

⁷² van Rossum, “Religious Courts Alongside Secular State Courts: The Case of the Turkish Alevi,” 6.

⁷³ Ibid.

They are the nuclear unit of Alevism and constitute the fundamental element of the community.

2. Dede

The other vital element in Alevism is the *dede* (means “grandfather” in Turkish) – the religious leader of the community, holding some authority over other members. *Dedes* are allegedly *sayyids*, the descendants of Ali and ultimately of the prophet Muhammed.⁷⁴ Since this holy lineage is thought to be continued with men, only male persons from this family tree can become a *dede*. *Dedes* have maintained this system in a way that they are genealogically organised as patrilineal clans called *ocak*⁷⁵ and still maintain this affiliation in various cities of Turkey.⁷⁶

Although the election of *dedes* is largely based on ancestry, Şahin [40 years old dede at Istanbul-Şahkulu Cemevi] emphasised that merit-based elections also occur in specific regions of Turkey such as the Aegean region.

Hasan reveals interesting information about the number of *ocaks* today, saying that:

“Just as there are incorrect numbers about the Alevi population, there is also misinformation circulating about ocaks which I call “ocak inflation”. Today, there are only five entities that should be counted as ocaks that are: Avuçhan, Baba Mansur, Dede Garkın, Hacıbektaş and Sultan Şahab.” [Hasan, 55 years old, dede under Dedegarkın Ocak].

As a matter of fact, talips are mainly agglomerated under these five leading *ocaks* today in which every *dede* is deemed responsible for a

⁷⁴ M. Sökefeld, “Alevi Dedes in the German Diaspora: The Transformation of a Religious Institution,” *Zeitschrift Für Ethnologie (ZfE) / Journal of Social and Cultural Anthropology (JSCA)* 127, no. 2 (2002): 165, <https://www.jstor.org/stable/25842864>.

⁷⁵ Ibid.

⁷⁶ Yaman and Erdemir, *Alevism-Bektashism: A Brief Introduction*, 80.

determined geographical area where they can serve their talip networks.⁷⁷

Indeed, *dedes* provide various services and duties to their talips.

Responsibilities of a *dede* include but are not limited to:

- i) serving the community as a moral model with their lifestyle
- ii) informing the community about the Alevi faith
- iii) maintaining Alevi customs and rituals
- iv) leading religious ceremonies
- v) ensuring unity and solidarity among community members
- vi) helping people for their moral, health, or financial problems

etc.⁷⁸

Although some *dedes* have bolstered their position as a career job under Alevi associations that are funded by community members, they carry out the above services on a voluntary basis. Many *dedes* are engaged in other professions. Among those I interviewed, for instance, there were academics, accountants and teachers.

Due to holding the title of a religious leader, some authors portray *dedes* as *priests*⁷⁹ who are hereditarily at the top of the caste or *saintly teachers*⁸⁰ who instruct Alevi teachings to their pupil talips, or as *masters*⁸¹ who discipline their lay community by a spiritual guide. Kleinhoff further claims that they are more a continuation of Turkish shamans of pre-Islamic ages who were essentially patriarchs with mystical powers.⁸²

Accordingly, I once experienced that one of my interviews was repeatedly interrupted by several talips who insistently demanded the *dede* pray for them. Some of them asked for a prayer to bring them

⁷⁷ Sökefeld, "Religion or Culture? Concepts of Identity in the Alevi Diaspora," 135.

⁷⁸ Yaman and Erdemir, *Alevism-Bektashism: A Brief Introduction*, 81.

⁷⁹ Poyraz, "EU Minority Perspective and the Case of Alevikik in Turkey," 2.

⁸⁰ Sökefeld, "Religion or Culture? Concepts of Identity in the Alevi Diaspora," 135.

⁸¹ Zeidan, "The Alevi of Anatolia," 80.

⁸² Markus Dressler, "The Modern Dede: Changing Parameters for Religious Authority in Contemporary Turkish Alevism," in *Speaking for Islam* (Leiden: Brill, 2014), 272, https://doi.org/10.1163/9789047408864_012.

wealth and happiness, others for their children's school success. A middle-aged man among them claimed that his mother had a successful surgery because the *dede* had prayed for her in his last visit. He asserted that the *dede* is a “*healer*”. I checked the *dede*’s face after the man told this interesting story and he confirmed it nodding his head.

Therefore, notwithstanding the accuracy of the prior depictions, it is true that *dedes* are religious leaders who hold spiritual influence over their communities. However, *dedes* are distinguished from other religious leaders through their special relationships with members of the community. The *dede*-talip connection is more of a natural, immutable family bond where marriage between them is strongly forbidden.⁸³ Finally, *dedes* also differ in their capacity to mediate. Depending on their authority, they solve the disputes among community members in and outside *cem* rituals. Acting as a judge, sometimes they reconcile the issue and sometimes they proclaim punishment on a “wrongdoer” Alevi.

As Hüseyin mentioned:

“unlike imams, priests and rabbis, dedes have never been merely leaders that make people worship or fulfil the other religious duties. Throughout history, they have always been reliable authorities that people refer to for solving their conflicts.” [Hüseyin, 50 years old, dede at Istanbul-Sarıgazi Cemevi].

As this very feature of *dedes* is the main focus of this paper, it will be detailed in the next chapter.

3. Musahiplik

Another fundamental element in Alevism is “*musahiplik*” which can be translated as a kind of brotherhood. It is a fictive, irrevocable kinship relationship established by the *dede* between two unrelated male talip (and their wives if they have) who enter into lifetime solidarity in which

⁸³ Sökefeld, “Alevi Dedes in the German Diaspora: The Transformation of a Religious Institution,” 166.

they walk the Alevi path with mutual support and exhortation, sharing all property and having responsibility for all debts.⁸⁴

It is not surprising that marriage is forbidden within this relationship as it is claimed that the bonds between *musahips* are stronger than those between blood relatives.⁸⁵ Each Alevi is supposed to have a *musahip* and they should join all the rituals and ceremonies together.⁸⁶

By forming such relationships, it is mainly aimed to increase solidarity and unity among community members. Apart from that, *musaiplik* as an institution also functions as an internal control mechanism that makes *musahips* have a right to supervise, or even right to intervene in the lifestyle of each other. As I elaborate on this further in the third chapter, suffice it to say for the present that each *musahip* is subjected to be held responsible due to any wrongdoing of his/her fellow *musahip* before the *dede*.

4. Cem

Cem (in Arabic: ‘‘meeting’’), the essential Alevi ritual, is a congregational or assembly meeting led by the *dede* in which community members of an Alevi region come together to worship.⁸⁷ *Cem* rituals are traditionally held on every Thursday evening in big houses called *cemhouses* (*cemevi*) where poems praising Alevi elders are read, martyrs of the Battle of Kerbela are commemorated, a traditional dance called *semah* is performed, and the food brought by the community members (*lokma*) is distributed.⁸⁸

It is worth mentioning that, during a *cem*, community members take interesting roles that reflect the political pressure that Alevi people face. For example, *kapıcıs* (doorkeepers) are responsible for the security of

⁸⁴ Zeidan, ‘‘The Alevi of Anatolia,’’ 80.

⁸⁵ Yaman and Erdemir, *Alevism-Bektashism: A Brief Introduction*, 82.

⁸⁶ Ibid.

⁸⁷ John Schindeldecker, *Turkish Alevis Today* (Şahkulu Sultan Külliyesi Vakfi, 1998), 9.

⁸⁸ Yaman and Erdemir, *Alevism-Bektashism: A Brief Introduction*, 76.

the cem, waiting ready at the door, keeping watch in case any threats arise.⁸⁹

Cem rituals have never merely functioned as worship meetings. During cems, community members also share their social problems and psychological and economic assistance is provided by the community when necessary.

When talking about the *cemevi* he works for, a *dede* explained that: “We have been carrying out a social function in the society for centuries by providing the poor with food, shelter, and educational books for free.” [Şahin, 40 years old, dede at Istanbul-Sahkulu Cemevi] Cemal who works under another *cemevi* said that: “We serve as an educational institution. We teach Alevism and virtuousness through cem.” [Cemal, 65 years old, dede at Istanbul-Kartal Cemevi]

What is more, cems are the events that a specific dispute resolution process (what I call Alevi Courts) takes place. This process is also an example of the non-worshipping function of cem rituals since it is aimed at preserving peace in the community by enforcing the Alevi normative system. That is why van Rossum claims that “Alevi law comes to life at cem.”⁹⁰ Overall, the *cemevi* is the fundamental institution that keeps both religious and community bonds strong.

G. 4. 3. Alevism in the context of Turkey

1. The state-community relationships

In an interesting twist, there are no written sources of Alevi law. Although there are some manuscript documents written by *dedes* called ‘*buyruk*’ (orders) exist, they have no binding effect. For instance, one

⁸⁹ Ibid.

⁹⁰ van Rossum, “Religious Courts Alongside Secular State Courts: The Case of the Turkish Alevi,” 7.

of the most influential *buyruks* written by Cafer-i Sadik dates back to the 8th century.^{91 92}

In our interview, Şahin, who is known for his modernist position, explained:

“Today it is impossible to pay regard to buyruks as they are full of old-fashioned moral pieces of advice which are not relevant today. They should not be applied in a parrot fashion but be adjusted according to the necessities of the modern life.” [Şahin, 40 years old dede at Istanbul-Şahkulu Cemevi]

Moreover, some strands of contemporary Alevi thought even suggest that the Qur'an is not an essential source as some believe that it was changed for political reasons after Muhammed.⁹³ Consistent with this, Ergün claimed in our interview that:

“The Umayyad Caliphate removed the parts about Ali and adjusted it according to their political agenda. For example, they made the worship salah (prayer) 5 times a day so that Muslims will be busy all day long and turn into obedient subjects of their empire.” [Ergün 60 years old, inactive dede from Istanbul].

Explaining the reason why the Alevi law lacks a written source, Şahin highlights:

“Even we attempted to textualize our norms, then, they were either criminalized or taken from us by force. Especially during the repression times (meaning the Ottoman period and military coups), we had to bury or destroy our books.” [Şahin, 40 years old, dede at Istanbul-Şahkulu Cemevi].

⁹¹ Tord Olsson, Elisabeth Özdalga, and Catharina Raudvere, eds., *Alevi Identity: Cultural, Religious and Social Perspectives* (Istanbul: Swedish Research Institute in Istanbul, 1998), 36, <https://www.routledge.com/Alevi-Identity-Cultural-Religious-and-Social-Perspectives/Olsson-Ozdalga-Raudvere/p/book/9780700710881>.

⁹² Ayfer Karakaya-Stump, “Documents and Buyruk Manuscripts in the Private Archives of Alevi Dede Families: An Overview,” *British Journal of Middle Eastern Studies* 37, no. 3 (2010): 277-278, <https://doi.org/10.1080/13530194.2010.524437>.

⁹³ van Rossum, “Religious Courts Alongside Secular State Courts: The Case of the Turkish Alevi,” 4. This is consistent with my interview with Erdem (dede).

In the context of Turkey, this political repression dates back to 600 years ago and started in 1514 with the Battle of Chaldiran in which tens of thousands of Alevi-Kizilbash people in the area were massacred for supporting the Shi'i Safavid Empire instead of the Sunni Ottoman Empire.⁹⁴ In 1826, around 750 Alevi-Bektashi *dergah* (Islamic monastery) were abolished whilst hundreds of *dedes* were either exiled or executed on orders from Mahmud II for the sake of modernisation.⁹⁵

Systematic repression continued after the foundation of the Republic. In 1978, orthodox pogroms were executed towards Alevis which resulted in dozens of deaths and injuries in the cities of Malatya, Sivas and Maraş, together with the Çorum massacre in 1980 and the Madımak in 1993.⁹⁶ In all incidents, the failure of protective measures by Turkish officials was noticeable and it is often argued that radical, pro-Sunni militant groups were either triggered, encouraged or directly organised by the State officials.⁹⁷

Still today, the Directorate of Religious Affairs (*Diyanet*) does not have an office for Alevi representation, whereas *cemhouses* are not officially recognised as worship places like mosques and, as a result, are not funded by the state.⁹⁸ Alevism is also discriminated against through compulsory religious classes at primary and high school as such classes

⁹⁴ Mehrdad Kia, ed., *The Ottoman Empire: A Historical Encyclopedia*, vol. 1, 2 vols. (ABC_CLIO, 2017), 15.

⁹⁵ Cemal Şener, *Idamla Yargılanan Bir Alevi Dedesinin Savunması* (İstanbul: Etik Yayınları, 2010), 9.

⁹⁶ Uzay Bulut, "Alevis in Turkey: A History of Persecution," Special Reports, The Armenian Weekly, accessed June 29, 2021, <https://armenianweekly.com/2016/11/21/alevis-in-turkey-a-history-of-persecution>.

⁹⁷ For the details about the Turkish state's affiliation see: Nil Mutluer, "The Looming Shadow of Violence and Loss: Alevi Responses to Persecution and Discrimination," *Journal of Balkan and Near Eastern Studies* 18, no. 2 (2016): 145–56, <https://doi.org/10.1080/19448953.2016.1141583>.

⁹⁸ van Rossum, "Religious Courts Alongside Secular State Courts: The Case of the Turkish Alevis," 10.

are largely about Sunni Hanafi Islam. Tellingly, while Christian or Jewish students are excluded from these classes, Alevi students are not.⁹⁹

2. The oral tradition becomes law

As a result of long-established political oppression, Alevi communities have been forced to live in isolated rural areas, leading closed social lives in which they maintained their tradition in strict confidence for centuries.¹⁰⁰ With this historical progression in mind, it is not surprising that Alevi teachings have mainly been passed down by community members to younger generations in the form of an oral tradition.¹⁰¹

In this oral tradition, folk poems (*deyiş* or *nefes*), mythical stories (*hikaye*), and songs are significant in terms of reflecting the Alevi normative system.¹⁰² For example, Pir Sultan Abdal, one of the seven great bards (*yedi ulu ozan*) of Alevi lyric tradition as well as an influential figure in Turkish folk literature, opposes the Ottoman jurisdiction system based on the norms of orthodox Sunni Islam in his *deyiş* as such:^{103 104}

*The fat-headed old judge
Do you have no convictions?
He eats the lawful and forbidden
Do you have no convictions?*

He gives judgements falsely and such

⁹⁹ Minority Rights Group International, "Alevis," World Directory of Minorities and Indigenous Peoples, accessed June 29, 2021, <https://minorityrights.org/minorities/alevis>.

¹⁰⁰ Yaman and Erdemir, *Alevism-Bektashism: A Brief Introduction*, 17-18.

¹⁰¹ Ibid, 18-19.

¹⁰² Ibid, 89-92.

¹⁰³ Koerbin, Paul V. "Pir Sultan Abdal: Encounters with Persona in Alevi Lyric Song." (Oral Tradition 26, no. 1 2011), <https://muse.jhu.edu/article/461705>, 191-192.

¹⁰⁴ Koerbin, Paul V. "I Am Pir Sultan Abdal: A Hermeneutical Study of the Self-Naming Tradition (mahlas) in Turkish Alevi Lyric Song (Deyiş)". University of Western Sydney, 2011. 356.

*Like a pig and its swelling mound
I'll put the saddle-pack on his back
Is there such an animal as you?*

*He doesn't do the deeds of conviction
He is not fit for God's command
Judges can't lie straight in the bed¹⁰⁵
Has there ever been such a blind devil?*

*I am Pir Sultan, these are our affairs¹⁰⁶
Our reputation is the real deal
Our dogs never eat forbidden food
Is there any issue with these words of mine?*

Nevertheless, the fundamental Alevi moral norm that manifests itself in almost all products of this oral tradition can be summarised as, “master your hand, loins, and tongue,” (*eline, beline, diline sahip ol*) which is a quote often associated with Hacı Bektash Veli.^{107 108}

At first glance, it seems like very short advice to be an all-inclusive, core norm of a community. However, it implies several ethical rules in its traditional interpretation.¹⁰⁹ By pronouncing control of the “hand”, wrongdoings of the “hand” such as theft or murder are prevented. Following the same logic, when it is advised to control the “tongue”, wrongdoings stemming from speech acts, such as lying, gossip, slander or swearing are prevented. Finally, with controlling the “loins”, sexual offences, including adultery, are hinted at. These three components are

¹⁰⁵ “To lie straight in the bed,” is a Turkish idiom means the state of having a clear conscience.

¹⁰⁶ He implies the followers of Alevism.

¹⁰⁷ Poyraz, “EU Minority Perspective and the Case of Alevikik in Turkey,” 1.

¹⁰⁸ Remzi Kaptan, *Alevi Teaching* (Stuttgart: Alevi Toplumu Community, n.d.), 33, www.alevitentum.de/Alevi_Teaching_English.pdf.

¹⁰⁹ Ibid, 65-66.

the sources of wrongful acts in Alevism and are thus prevented in the community.

Another distinguishing Alevi norm is gender equality between men and women. As opposed to Sunni Islam, women have equal access to venues where males are present, including education, public life, and religious rituals.¹¹⁰

In fact, Alevi norms which may appear in a community ritual, in a folk poem, or in the form of a piece of advice by a prominent leader from centuries ago, are more than mere cultural elements that reflect the world views of a religious group of Anatolian people or their interpretation of Islam. Instead, they constitute an array of unwritten rules and principles with remarkable impact and have directed and regulated the Alevi community by creating a moral guideline that an inspired Alevi individual can embrace and ultimately conduct his/her lifestyle in accordance with.

H. 4.4. Sub-conclusion

To sum up, I have concluded that Alevism has generated rules that are embodied in a main principle that is “master your hand, loins, and tongue.” Altogether, we can consider these rules and guidelines as constituting a broader Alevi socio-legal perspective since they have been considered as law by Alevi adherents and community members and maintained for centuries. Given the argument that this Alevi legal framework is law of its own, it follows logically that the legal context of Turkey is pluralist insofar as this parallel order exists.

Then, we concluded that there are key actors (dede and talip) in Alevism, along with their horizontal (musahiplik) and vertical (dede-talip) relationships which play a vital role in maintaining the faith. Just like jobbers or contractors for the USA garment industry or chiefs of the Chagga, talips and dedes contribute to the self-regulative nature of Alevism.

¹¹⁰ van Rossum, “Religious Courts Alongside Secular State Courts: The Case of the Turkish Alevis,” 4.

An additional conclusion is that the Turkish state (encompassing both the Ottoman Empire and the Turkish Republic) and Alevis have been in conflict for centuries which has often resulted in the political oppression of Alevism in various ways: from banning *ocaks* to slaughtering community members, to ignoring it at the ministerial level.¹¹¹ In line with the outcomes in the Tanzania case in which new socialist laws were imposed on the chiefs or in the case of the USA garment industry in which labour law obligations were introduced, in the case of Alevism too, the state is attempting to restrict a social area. The only difference is that the restriction is applied by means of legislation in the first two whereas it is executed mainly by means of state policy (and in a more severe way) in the Alevi case.

Taking these aspects into account, Alevism in Turkey meets the SASF requirements of rule-making capacity and being restricted by a superior authority. However, I have not yet demonstrated how Alevism has a means of compliance to guarantee its rules. As I explain in detail in the following chapters, this condition is met in Alevism too, mainly by the conventional dispute resolution method of the community, which I call “Alevi Courts”, along with diverse sanction mechanisms they provide. For two reasons, Alevi Courts belong in their separate chapter. First, it is not quite possible to explain such a complex, profound structure in a sub-chapter. Second and more importantly, the details about the courts not only underline the semi-autonomy of the community but also provide useful data to answer the question as to whether they are a viable ADR practice for community members – answering the main question of this thesis. Thus, the next chapter is devoted to elaborating on Alevi Courts.

5. The everyday making of Alevi law: Alevi Courts

As explained above, the Alevis of Turkey have had to maintain their rituals behind a veil of secrecy which made them turn into a “closed community” under constant oppression. This being the case, it is worth

¹¹¹ See the explanations under Chapter 4.3.

mentioning that obtaining inside information on the dispute resolution ritual of the community is unavoidably a mysterious discovery of the unknown. In addition, given that the practices of Alevi Courts have varied from region to region and from time to time, one cannot simply argue they are homogenous, consistent institutions throughout history. Nevertheless, there are certain aspects of Alevi Courts that can be found in all settings, from past to present. Therefore, in this chapter, I paint a general picture of Alevi Courts by presenting their identifying characteristics. These aspects include the history of the courts as to when and under what conditions they emerge (5.1), the formal structure of the courts as to how they are established and what trials look like (5.2), the specific acts that community consensus considers ‘crimes’ or ‘wrongdoings’, as well as sanctions (5.3), the fundamental characteristics of the judgement delivered by the courts in comparison with a relevant study (5.4), the current problem of the courts stemming from their oral-traditional nature (5.5) and lastly, the conditions that have affected the preferability of the courts today (5.6).

İ. 5. 1. Historical background

Although it is not known when and where Alevi Courts were first established, it is assumed that they have inevitably emerged in history because of 1400 years of opposition to practices of Orthodox Islam in Anatolia.¹¹² In other words, Alevi Courts were a rejection of the Sunni Islam-based Sharia law applied by the Ottoman Empire for centuries.¹¹³ The competition of the two legal systems fiercely asserts itself in the last words of a *dede* who was put on trial in Sharia Courts and was to be sentenced to death for denying the authority of Sharia law in 1826:

“Let it be heard and known that great worship is to curse the cruel state¹¹⁴ that does not pity the oppressed, arbitrarily

¹¹² Güzel, *Alevi Halk Mahkemeleri*, 260.

¹¹³ Ibid.

¹¹⁴ He implied the Ottoman Empire.

*murders and closes our monasteries.”*¹¹⁵ [Hamdullah Çelebi, 1767-1836]

Indeed, considering some practices of Sharia law, this rejection makes sense because they were in stark contrast with the Alevi law. For instance, in Sharia law, men were able to get more share than women in the inheritance whilst the testimony of two women is equivalent to that of a man.¹¹⁶ These practices contradicted tenets of Alevi law such as the equality of men and women as a fundamental norm.¹¹⁷

Concordantly, Hüseyin, finding the name “People Courts’ of Alevis” more appropriate, explains: “Alevi people have never opted for the qadi¹¹⁸, but they have always selected *dedes*” [Hüseyin, 50 years old, *dede* at Istanbul-Sarıgazi Cemevi].

Veli points out another dimension of the situation:

“The reason why Alevi Courts were the only option in the past was that Ottoman Empire had not provided legal institutions to the people in Anatolia. Therefore, Alevi Courts emerged out of this necessity. Dedes had to become the prosecutors, judges, lawyers of the villages they lived in” [Veli, 80 years old, *murshid* at Ankara-Serçeşme Cemevi].

As a result, in the context where there is a lack of legal authority or where the only official legal authority is the “unjust”¹¹⁹ law of the qadi, masses of Alevis turned to establish their own courts, based on their own normative system. In this regard, Van Rossum’s article is remarkable in showing that the distrust of Alevis in the Turkish’s state institutions including courts still exists today¹²⁰ and that explains why disputes are resolved within the community even now.

¹¹⁵ Şener, *Idamlı Yargılanan Bir Alevi Dedesinin Savunması*, 68-69.

¹¹⁶ Metin, *Alevilerde Halk Mahkemeleri*, 55-56.

¹¹⁷ With reference to page 121.

¹¹⁸ Judges of the Sharia Courts of the Ottoman Empire. They were also authorised with other administrative duties.

¹¹⁹ Güzel, *Alevi Halk Mahkemeleri*, 260.

¹²⁰ van Rossum, “Religious Courts Alongside Secular State Courts: The Case of the Turkish Alevis,” 12.

J. 5. 2. The structure and process

Overall, it is possible to divide Alevi Courts into two main categories according to the way they are organized as they are either established *regularly* or *spontaneously*.

What I call “*regular Alevi judgement*” is a usual, routinised dispute resolution method as it is delivered within *cem* meetings. In the weekly *cem* meetings, for example, the *dede*, leading the ritual, gathers members of the community around him while he sits on a throne called *post*.¹²¹ Before starting the ceremony, he calls out to the community: “If anyone has a complaint about each other, come forward.” Then, any disputants come to the *meydan*, a position in front of the *dede* and entire community to discuss and reconcile their conflicts while standing in a special position called *dar* in which the right big toe is on the left big toe and the hands are on the chest with the left hand on the bottom and the right hand on the top to show respect to the judgement¹²² (see figure-I).



¹²¹ *Post* is important in identifying the person sitting on it as “the authorised/leader dede”, especially when more than one dede participates in the *cem*.

¹²² Fevzi Rençber, “Anadolu Aleviliğinde Görgü Cemi: Adıyaman Örneği,” *Ondokuz Mayıs Üniversitesi İlahiyat Fakültesi Dergisi*, no. 34 (2013): 209, https://www.academia.edu/4433599/ANADOLU_ALEV%C4%B0L%C4%B0%C4%9E%C4%B0NDE_G%C3%96RG%C3%9C_CEM%C4%B0_ADIYAMAN_%C3%96RNE%C4%9E%C4%B0.

(figure-I)

Cemal gives detail:

‘‘In these types of cems, only petty disputes are resolved. The typical examples of disputes are quarrels and debt settlements. As soon as the conflict is revealed by other members or expressed by the disputants themselves, the disputants are called before the dede and the dispute is sought to be reconciled immediately’’ [Cemal, 65 years old, dede at Istanbul-Kartal Cemevi].

The disputes that could not be resolved or cannot be resolved immediately due to the unwillingness of the parties, the significance or the complexity of the case are left to another regular *cem* meeting called *görgü* which is held once a year.

Cemal explains:

‘‘Although it occurs more commonly in the cities of Tokat, Çorum and Sivas, more serious disputes, namely criminal cases are held in these cems... the 2nd-degree crimes such as theft and damaging the property... when it comes to 1st-degree crimes, they are murder or abduction of a wife of another Alevi...’’ [Cemal, 65 years old, dede at Istanbul-Kartal Cemevi].

Apart from the weekly *cems*, every talip has to give an account before the *dede* for their conduct in *görgü cems* on a regular basis whether or not he has a complaint about another talip. In this respect, these judgements serve as a collective hearing in which every talip is the defendant, rather than a judicial mechanism activated for individual conflicts.

Moreover, in *görgü cems*, *dedes* are also subject to a sort of investigation by prestigiously higher other *dedes* called *murshids*. Veli, who is also a *murshid* explains:

‘‘Dedes annually give an account to us of their conducts in their personal lives and their jobs as dedes. If a dede is found guilty, his punishment is severe; twice that of a normal Alevi. A common ‘‘crime’’ that dedes commit is marrying with a talip in their community. This is forbidden in our path because, in

Alevism, we (murshids) have to make sure to establish a certain way of an appropriate relationship between dedes and their talips. Since our all authority (as dedes and mursids) is coming from love and respect from our talips. If we once lose it, we can no longer maintain dedeship'' [Veli, 80 years old, murshid at Ankara-Serçeşme Cemevi].

In addition to being the “supreme court” of the community, murshids also act as a consultative institution. As luck would have it, I witnessed during my interview with Veli a brief conversation where an inferior *dede* called him and asked his opinion on a marriage issue between a Sunni and an Alevi. He advised him by saying that: “let them marry.” Taking these aspects of the judgement in *görgü cems* into account, it is fair to claim that this type of regular judgement is hierarchically superior.

Regardless of the type of *cem*, however, the same procedure for reconciliation is followed in mandatory fashion because the starting condition of the *cem* is that the community members participate in peace with each other. Cemal describes this as a necessary “purification”. Otherwise, the ceremony does not continue until the parties reach an agreement or they are forced to leave the *cem* which happens seldom as it means shame and religious disgrace.¹²³

There is also *spontaneous Alevi judgement*. By my definition, they are extraordinary judgements in which people directly resort to *dedes* instead of waiting for the *cem* to be organised. Even in remote settings where the *dede* is not able to contact his talips, he appoints a person called *rehber* to inform and call him if necessary to solve the problems of the people.

Veli, emphasising the importance of *dedes* to be public figures who are easily accessible when the people around need them, adds that:

‘‘Although the main principle is that the courts are operated in front of the public, there may be some cases that need to be close

¹²³ van Rossum, “Religious Courts Alongside Secular State Courts: The Case of the Turkish Alevi,” 8.

to the public such as sex offences to secure privacy” [Veli, 80 years old, murshid at Ankara-Serçeşme Cemevi].

He further claims that this dispute resolution made outside of *cem* has been most beneficial for non-community individuals. He says: “since it is principally forbidden for non-Alevi people to enter *cem*, it is known that many Sunnis and Armenians had to resort to *dedes* outside *cem*.” [Veli, 80 years old, murshid at Ankara-Serçeşme Cemevi].

Consistent with this, in their studies, Dursun Güzel and İsmail Metin share second-hand stories about 12 Armenian families in Tunceli, a German woman in Ankara and an Armenian man in Malatya who all sought justice from *dedes* for various reasons.¹²⁴ Their work reveals the fact that non-Alevi individuals, including non-Muslims, have applied to *dedes* for their disputes to be solved in this spontaneous manner.

K. 5.3. The wrongdoings and sanctions

It has been noted prior that Alevism does not include a written source of law, and that the adopted fundamental principle transmitted by oral tradition is “mastering one’s hand, loins, and tongue.”¹²⁵ To punish those who breach this rule, Alevi people have developed various punitive measures, though not without some disparities in practice. I have outlined several typical sanctions, from light to harsh, below.

a) Monetary sanctions

These are the lightest punishments, often imposed in response to any materially reparable wrongdoing. They are mainly awarded as compensation for damages to property or for causing mental distress. Metin, for instance, underlined that a person who stole a sheep was ordered to pay milk money for a certain period or that some individuals were made to pay the medical treatment costs of the person they had physically attacked.¹²⁶

¹²⁴ Güzel, *Alevi Halk Mahkemeleri*, 277-279; Metin, *Alevilerde Halk Mahkemeleri*, 177.

¹²⁵ With reference to pages 117-118.

¹²⁶ Güzel, *Alevi Halk Mahkemeleri*, 121.

Especially for immaterial damages, Cemal asserts that it is also frequent among *dedes* to order the wrongdoer to sacrifice an animal for God. The meat of the slaughtered animal is then distributed to the community members as a meal. This way, the bonds between the community members are strengthened by means of punishment.

Ahmet [53 years old, inactive *dede* from Bolu] states that he witnessed some rich people even wilfully commit trivial wrongdoings such as taking food from *dedes'* table to get punished by a monetary penalty which would then be distributed to and help the community.

b) **Humiliating punishments**

In cases where material compensation for the damage will be insufficient, *dedes* order what I call *humiliating punishments*. According to the sentiment from my interviews, these penalties seem to have fallen out of use as they are incompatible with human dignity, only aiming to deter the wrongdoer by insulting them in front of the public. Cemal verifies:

‘‘In these punishments, physical pain or embarrassment is aimed. I have seen many offenders that were made hang a plaque on his neck with insulting words written on it, by the courts’ decision. These sort of penalties were applied until the recent times’’ [Cemal, 65 years old, *dede* at Istanbul-Kartal Cemevi].

One devoted talip, Zeynep, told me that when she was a child, she witnessed a talip was made to stand on a sheet of iron in flames barefooted for committing adultery. She adds: “he was so devoted to the Path that he said that he did not feel the pain. God helped him.” [85 years old, talip from Ankara]

Şahin who strongly opposes this sort of punishment, says that:

‘‘Offenders used to be brought to the courts by being crawled with a rope around their neck while their noses were rubbing on the ground. But can we still maintain this? -No!. That’s what I am saying... Applications must be modernized. [Şahin, 40 years old, dede at Istanbul-Şahkulu Cemevi].

c) **Shunning (düşkünlük)**

The most severe punishment of Alevi Courts is *düşkünlük* which means divergence from the Path and brings about total isolation of individual's life from the community. It is only imposed for the most serious wrongdoings such as murder or abduction of an Alevi's wife or not obeying the court's decision. A person who is denounced as *düşkün* (shunned) is barred from communication with other community members, including their family, and may even be exiled until the status is revoked by the authorised court. In this respect, it brings to mind Christian excommunication or the *reubication* (relocation) penalty imposed during the Cuban Tribunals in which the offender is separated from or confined to their habitual place¹²⁷.

Hüseyin underlines how community members obey the decision once it is declared before the courts; he mentions two brothers who were present in the same place far enough from any prying eyes and how: *"even when they worked in that remote field together, they did not say a word to each other for years as one of them was declared as düşkün,"* and he continues:

"It should be always the last remedy for us (dedes) to resort to. Until reaching that 'extreme point', there are steps to take. If the loss of the victim is repairable and the wrongdoer is willing to compensate that loss, we must find a way to reconcile them, rather than punishing the one." [Hüseyin, 50 years old, dede at Istanbul-Sarıgazi Cemevi].

Viewed through our modern, urbanised lenses, *düşkünlük* may appear as a tolerable stigma rather than a social prison. However, considering the social conditions of the rural areas of Turkey in which Alevi people mostly lived, it is unimaginable to settle elsewhere due to transporting and economic difficulties. Moreover, the punishment has mental and psychological impacts by way of the imposed restriction on community ties.

¹²⁷ Jesse Berman, "The Cuban Popular Tribunals," *Columbia Law Review* 69, no. 8 (December 1969): 1331, <https://doi.org/10.2307/1121395>.

The effects of this punishment on human mentality are salient in Metin's and Güzel's aforementioned studies. Metin reveals several stories: a man who became insane as a result of the depression he suffered during the years of his *düşkünlük*,¹²⁸ a young man who took it as a matter of pride and committed suicide,¹²⁹ and the suicide of a woman who had just given birth.¹³⁰ In turn, Güzel references a *düşkün* person excommunicated for murder whose wife offered to sacrifice one of their children in return for the dead person to remove her husband's punishment.¹³¹

Hence, *düşkünlük* not only brings about shame, distress, madness and desperation for the wrongdoer but also their close circle. Here, the function of talips is worth reminding as their duty is "keeping each other on the Path" which essentially means preventing any wrongdoing of their partners that would lead to *düşkünlük*.

5. 4. The nature of the judgement

To describe the nature of the Alevi judgement, Sally Engle Merry's study of the dispute resolution methods of non-industrial, small-scale societies¹³² promises useful insights for comparison. She sketches the common characteristics of informal community mediations based on data from the tribes or indigenous people in Ethiopia, Sudan, the Philippines, Afghanistan and Mexico.

First of all, in community mediations, there are general community norms that are adopted, instead of narrow, written legal rules like those of the state.¹³³ Here, it is the abstract but entrenched moral principles

¹²⁸ Metin, *Alevilerde Halk Mahkemeleri*, 182.

¹²⁹ Ibid, 188.

¹³⁰ Ibid, 189.

¹³¹ Güzel, *Alevi Halk Mahkemeleri*, 283.

¹³² Sally Merry, "The Social Organization of Mediation in Non-Industrial Societies: Implications for Informal Community Justice in America," in *The Politics of Informal Justice: Comparative Studies*, ed. Richard Abel, vol. 2 (New York: Academic Press, 1982).

¹³³ Ibid, 18.

that matter in community mediations, instead of formal, and therefore certain rules which often gives little or no flexibility in the application. Second, there is *shared responsibility* rather than individuality of wrongdoings.¹³⁴ This means, regardless of the wrongdoer and the wrongdoing that happened, it is society that is primarily responsible for that act. There is an emphasis on the societal character of the wrongdoing – sometimes a relative of the wrongdoer or even the whole community may be deemed responsible – and judgment seeks to remedy the deviant behaviour collectively. Third, reaching *mutual peace* is the goal rather than win or lose outcomes.¹³⁵ This means that the principal task of the mediator is to find a middle way between disputants by enabling them to make concessions to each other, in the process reintroducing them to society, rather than determining a winner or loser which may lead to exacerbation of the hostility. The fourth characteristic of community mediations is the ability of *social (group) pressure* instead of formal imprisonment.¹³⁶ Merry explains that: “a member must choose between bowing to group pressure or escaping from the local community and sacrificing much of his personal and political life and often his economic livelihood.”¹³⁷

Turning back to Alevi Courts, the general Alevi norm, “master your hand, loins, and tongue,” undoubtedly complies with the first criterion of the generality of norms since it brings a wide leeway for further interpretations as explained prior.¹³⁸ Regarding the second criterion, Cemal explains how shared responsibility exists in Alevi Courts: “There are times where the entire community takes charge of paying the debts of the wrongdoer debtor.” [Cemal, 65 years old *dede* at Istanbul-Kartal Cemevi] In parallel, Metin claims that the modern legal principle of individual criminal responsibility is not applied in Alevi Courts especially in the case of *taliphood* in which an offender Alevi is

¹³⁴ Ibid.

¹³⁵ Ibid.

¹³⁶ Ibid.

¹³⁷ Ibid, 20.

¹³⁸ With reference to pages 120-121..

always tried and punished together with their partner talip.¹³⁹ The intention here is to build a control mechanism where each Alevi monitors the other.

The third criterion of “aiming mutual peace” is also found in Alevi Courts. Asserting that “the aim of Alevi Courts is not to punish a community member, but to gain them,” an *ex-dede* explains how this is ensured in Alevi Courts:

“For example, the essential principle in our courts is hearing both parties. A judgement without hearing is null. Because we (dedes) make sure the judgement is convincing enough that the disputants, as well as the entire community, are always content” [Erdem, 65 years old, inactive *dede* from Aydın-Didim].

The fourth criterion of the ability of social/group pressure is similarly present in Alevi judgement. It is truly what the Alevi institution of *düşkünlük* constitutes and leads to. The person declared as *düşkün* faces a punishment where they encounter compelling social pressure by the community. Drawing an analogy with the enforcement power of the state, Cemal describes how the institution of *düşkünlük* functions as a social coercing power: “I always say this: our courts and the state courts are not that different. The only difference is that they have the police, we have ‘*düşkünlük*’” [Cemal, 65 years old, *dede* at Istanbul-Kartal Cemevi].

Moreover, the element of social pressure is also noticeable during the judgement process. Due to the inability to collect evidence with modern techniques, as formal courts do, *dedes* frequently attempt to make the offender confess their wrongdoing. Cemal gives details: “making the disputants swear is also a common method to find out the truth as no Alevi can lie before the *dede*. The man who could lie would not be there anyway.” [Cemal, 65 years old *dede* at Istanbul-Kartal Cemevi]. The psychological pressure of the community surrounding the *meydan* is

¹³⁹ Metin, *Alevilerde Halk Mahkemeleri*, 76.

one of the most compelling reasons for confession and many have witnessed how issues are resolved this way.

Veli tells:

‘I remember once that the dede prayed in very influential rhetoric during a görgü cem trial. Then he asked his usual question: “if there is anyone who has a suffering heart, he shall come forward.” After a minute a man came to the meydan and he confessed with tearful eyes that he had murdered someone a few years ago, in front of all the community. No one pushed him to confess that but somehow he felt that he had to do so’ [Veli, 80 years old, murshid at Ankara-Serçeşme Cemevi].

Correspondingly, Hüseyin recalls: “A few years ago I witnessed during a cem that a man after the dede’s prayer confess that he had stolen a sack of wheat.” [Hüseyin, 50 years old, dede at Istanbul-Sarıgazi Cemevi] Strikingly, it is witnessed that some Alevis are so affected in cem trials that they lose consciousness by falling into a trance or faint with foaming at the mouth.¹⁴⁰

Hence, effective social pressure does exist in the spiritual atmosphere of Alevi Courts whether or not it is exerted directly by the dede or by other actors. It facilitates the direction of the judgement by psychologically urging the wrongdoer’s conscience to reveal their wrongdoings.

So far, Alevi Courts seem to have fulfilled the criteria to be a community mediation. As well, dedes’ role in dispute resolution is much like Merry’s mediators in that both dedes and the mediators of small-scale societies have the authority to arrange the payment of damages.^{141 142} The distinctive sign of those mediators, however, is imposing sanctions by threatening with spiritual powers. Merry describes the first type (payments) of sanctions as secular and the latter

¹⁴⁰ Ibid, 185.

¹⁴¹ Ibid.

¹⁴² With reference to page 129.

(spiritual repercussions) as supernatural.¹⁴³ I argue that *dedes* of Alevi societies are employed in imposing supernatural sanctions as well. The institution of *düşkünlük* is the very picture of this claim and is, in essence, a religious condemnation. A religious leader (the *dede*) with spiritual powers,¹⁴⁴ descended from the prophet Muhammed's lineage, pronouncing a judgement of *düşkün* is equivalent to declaring the offender a heretic, deviant from the proper religious path. Zeynep, for example, indicates that, "for [her], *düşkünlük* is the same thing with being a big sinner." [Zeynep, 85 years old, talip from Ankara] The supernatural character of *dedes*' decisions is also evident when a party does not comply with the decision. Hasan explains: "The court's decisions are binding. If someone does not obey, then he immediately gets declared *düşkün*. Because it would mean that he denies the faith." [Hasan, 55 years old, dede under Dedegarkın Ocak]

Thus, just as in community mediation, there is a mystical dimension in the judgement of Alevi Courts. Once the *dede* comes to a decision, that decision is made with religious authority in the eyes of the community members. The spiritual atmosphere in the trials may be one contributor to the psychological and physiological effects on community members. In short, the judgement in Alevi Courts mirrors the mediation process of the small-scale societies in many ways. They both developed in non-industrial settings as alternative dispute resolution methods in which the legal authority of the state is absent or limited. Both have a consensual nature that seeks to reconcile rather than punish the disputants where the unification of and peace in the community is prioritised. In this context, the *dede*, just like the respected elder *du-wrai* of the Waigali clan in Afghanistan,¹⁴⁵ the *monkalun* of the Ifuago society in the

¹⁴³ Merry, "The Social Organization of Mediation in Non-Industrial Societies: Implications for Informal Community Justice in America," 28.

¹⁴⁴ With reference to page 114 regarding the impression they leave on community members as a "healer."

¹⁴⁵ Merry, "The Social Organization of Mediation in Non-Industrial Societies: Implications for Informal Community Justice in America," 25-27.

Philippines,¹⁴⁶ or the leopard-skin chief of the Nuer tribe in Ethiopia,¹⁴⁷ is the prestigious leader as well as the mediator of the Alevi community. Although what he generally does is “judging” in a trial, he functions mainly as a mediator by acting as a go-between to reach a mutual agreement rather than pronouncing punishment. He has a monopolised authority in decision-making but he ensures the contentedness of the entire community with his decisions.

Nevertheless, neither can Alevi Courts be simply reduced to mediation, nor the *dede* to merely a mediator. The Alevi way of dispute resolution instead embraces community mediation. It differs from the mediation process of those small-scale societies through the profound Alevi normative system that the judgement depends on and the complex internal mechanisms (*musahiplik*, *düşkünlik*, *cem* rituals etc) to maintain this system. *Musahiplik* as an institution aims to prevent problems and disputes from ever arising. This degree of community oversight is not something common to a typical mediation setting. What is more, the *dede* is not only a mediator or judge, but also a prosecutor and a lawyer of his community. He not only arranges the negotiation between parties but also sits in judgement upon a certain individual within or without a *cem* trial, files suits on behalf of individuals, collects evidence and conducts research himself to reach the heart of a case.^{148f} Having described the general structure and function of Alevi Courts, it is clear that such an intricate, complex system will inevitably face challenges on several accounts. In the next chapter, I identify several such difficulties, both internal and external.

5.5 Challenges

Drawing on the interviews, I analyze below several elements that are challenge both the well-functioning, and therefore the preferability, and the SASF characteristics of the courts. I refer to the first group of

¹⁴⁶ Ibid, 24-25.

¹⁴⁷ Ibid, 22-25.

¹⁴⁸ Yaman and Erdemir, *Alevism-Bektashism: A Brief Introduction*, 83-84.

challenges (perplexity, lack of standardisation) as internal, derived as they are from the nature (oral tradition) of Alevism; I discuss these internal challenges first. Then, I present ‘external’ challenges, such as a general decrease in faith and increasing urbanization, which have affected the practice.

2. Internal challenges

Recall that Alevi law has no written source.¹⁴⁹ When this is the case, how *dedes* reach judgements and what legal reasoning they employ arouses curiosity. Hüseyin explicates briefly: “The only legal source that our judgement depends on is the life experiences of *dedes*.” He also presents the reason why *dedes* have such broad authority as the nature of Alevism: “Different from imams and priests, we maintain our norms only as an oral tradition which is an advantage because it gives us a wide discretionary power in judgement.” [Hüseyin, 50 years old, *dede* at Istanbul-Sarıgazi Cemevi]

Unsurprisingly, Alevi Courts, like other community mediations, show a subjective side in which the leader (*dede*) is at the centre of the process and has monopolised decision-making authority. At first glance, it seems the only element that binds, and therefore, restricts to some extent the power of the *dede* is the oral tradition which embraces the community’s customs, principles and unwritten rules. Yet while one might be inclined to imagine that given such a strong oral tradition, past judgements may be viewed as forming precedent and thus primary sources that later limit the practitioner (as in common law systems), this is not the case. Indeed, it is not such possible to talk about a binding oral tradition in the Alevi Court system today. The oral-traditional character seems to have instead led the Alevi Court system to extreme subjectivity in which the application varies from *dede* to *dede* and where the adjudication process suffers from standards.

This lack of standardisation is evident even at the beginning of the process. The different opinions between Şahin who introduces himself as a modernist, progressivist *dede* and Cemal who gives a conservative

¹⁴⁹ With reference to page 117.

impression, are illuminating. According to Cemal: “in order to be a *dede*, in addition to the Arabic language; adequate knowledge of ethics, philosophy and science must be obtained.” [Cemal, 65 years old, *dede* at Istanbul-Kartal Cemevi] Şahin responds, however that:

“The obsession with Arabic has put us behind. An Alevi should have no business with Arabic anymore. He should learn his faith in his mother tongue, and to be a dede, a decent character is more than enough.” [Şahin, 40 years old, *dede* at Istanbul-Şahkulu Cemevi]

These differences among *dedes* are more noticeably evident in their approaches to the issues that are brought before them to be resolved. Even for the more important cases such as the ones that are subject to *düşkünlük*, the inconsistency among them was remarkable. Take my respondents – whilst a few of them considered the marriage between an Alevi and a Sunni as a reason to be declared *düşkün*, some of them found no problem at all.¹⁵⁰

Even the category of *düşkünlük* itself is ill-defined. Hüseyin, for example, claimed that *düşkünlük* is divided into two categories as *pir gözünde düşkünlük* (being shunned in the eyes of the *dede*) and *yol düşkünlüğü* (being shunned from the Path). On this note, he indicated that, “the first punishment is less severe in which the shunned person can still be in contact with other community members but cannot join *cems* for the given time.” [Hüseyin, 50 years old, *dede* at Istanbul-Sarıgazi Cemevi]. When I asked this of other *dedes*, many of them said that they have never heard such a distinction. Likewise, for Veli [80 years old, murshid at Ankara-Serçeşme Cemevi], the only two wrongdoings that lead to being declared as *düşkün* are intentional homicide and infidelity of spouses. Zeynep [85 years old talip from Ankara] on the other hand, claims that she witnessed dozens of people in her village declared as *düşkün* just for divorcing their wives. She also remembers that every single sentence of *düşkünlük* regardless of

¹⁵⁰ There must be a perplexity especially on this matter because I witnessed that a case related to this was “advised/appealed to” Veli to resolve it. With reference to page 127.

the wrongdoing was of 7 years. On the contrary, the vast majority of the respondent *dedes* assert that there should be no fixed period of time. Finally, the story that Cemal passed on, which astonished other *dedes* later on, is a great example of how extreme the difference in practice between *dedes* was and is:

*“In the 1940s, when I was a child, an event that I never forgot happened in our village. A man kidnapped an engaged girl somewhere outside the village. There was no news of either of them for a long time. A court was immediately established and declared that man as *düşkün* for adultery for 30 years. 15-20 years after, the man and girl came back and it turned out that they were married. The man demanded to be tried again to remove his *düşkünlük* penalty claiming that the girl was happy with him. The dede decided to ask the victim/injured party who was the ex-fiancé of the girl. The ex-fiancé said that he no longer had a grudge in his heart and that he forgave the abductor man. On the spot, the dede directly shot him to death with his gun. Because according to him, forgiving such behaviour was the greatest of crimes. Punishing him that way was a warning to other community members that every wrongdoing would be repairable except tarnishing chastity.” [Cemal, 65 years old, dede at Istanbul-Kartal Cemevi]*

Although some *dedes* could not believe this story, claiming that killing is the greatest crime and strictly forbidden under Alevi law, others in contrast found the killing justifiable to some extent, pointing once again to the general lack of standardisation in the application.

These contradictions and perplexities of the application of Alevi law can be all explained through the inconsistency of Alevi Courts which leads to two outcomes. First, it challenges the well-functioning of the courts. Scholars considered the inconsistency of courts as

“bothersome”¹⁵¹ or “unfair”¹⁵². In the past and the present alike, it seems very possible for an Alevi referring to different Alevi Courts to receive quite different trials. As the judgement portrays a huge diversity varying among *dedes* who are not limited by any binding source, an applicant will find themselves in a procedure with unknown outcomes. This makes Alevi judgement essentially unpredictable – as though there are multiple Alevi legal systems. Second, it challenges the SASF character of Alevism. Previously, I noted that the capability to generate effective rules was one condition of SASFs.¹⁵³ As a result of these inconsistencies, Alevi Courts turn from law-enforcing institutions into precedent-breaking, law-making institutions. This should urge researchers to reconsider whether traditionally-generated community rules still have any effect.

The next chapter is devoted to some external factors that affect the SASF qualities of Alevi law.

3. External challenges

There was a time when Alevi Courts were the first remedy for an Alevi with any sort of issue, from trivial debt to murder. This preference was to such an extent that the *dede*’s judgement essentially substituted state courts in rural areas of Turkey where Alevi populations were dominant until very recently. Hasan adds that, “even for the cases in which the state courts intervened and adjudicated, those cases had to be put before the *dede* to review.” [Hasan, 55 years old, *dede* under Dedegarkın Ocak]

In a telling recollection, Cemal narrates a judgement he delivered that is illuminative of how Alevi Courts’ decisions were parallel to those determined by state courts:

¹⁵¹ S. L. Wasby, “Inconsistency in the United States Courts of Appeals Dimensions and Mechanisms for Resolution,” *Vanderbilt Law Review* 32, no. 6 (1979): 1354, <https://scholarship.law.vanderbilt.edu/vlr/vol32/iss6/2/>.

¹⁵² Karen Steyn, “Consistency - A Principle of Public Law?,” *Judicial Review* 2, no. 1 (1997): 22, <https://doi.org/10.1080/10854681.1997.11426924>.

¹⁵³ With reference to pages 104-105.

*‘‘About 25-30 years ago, one of the deans of I**** University who is Alevi came to me personally to complain about another Alevi. The dean claimed that he drew up a contract of construction of a house with him. According to the dean, although he made the payment, the constructor did not deliver the key to the house. He demanded either access to house which he (allegedly) had already paid for or the refunding of his money which cost 780.000 TL.*

I decided to call both of them to discuss together. After I listened to the other party, I realised that he was also a creditor for the previous debts of the dean. That’s why he did not want to deliver the keys. I calculated all the debts and claims altogether and found out that both were even, therefore, I judged that neither of them was in debt.

Despite my judgement, the case was also brought to the state court and I was called as an eye-witness. I said “I already made my judgement” to respond to the judge. “Who are you to judge?” the judge replied. I said “I am the judge of my community, and these guys, both of them are unjust and dishonourable. Please do not call me again for this case, my judgement is the final one.” The judge was shocked. I guess it was the first time that she saw a dede in her life.

A while after, I heard that she decided the freedom from debts of both parties as well. Therefore, my decision was factually verified by the State.” [Cemal, 65 years old, dede at Istanbul-Kartal Cemevi]

a) Falling altogether

However, let alone presenting a preferred alternative to state courts, Alevi Courts are largely no longer even a viable option for Alevi people today. Cemal dede mentions: “Compared to the past, our talips opt for us for their problems maybe by 90 percent less these days.” Correspondingly, when I asked my respondents the last time they delivered or witnessed such a judgement, the soonest one was 20 years ago. Most strikingly, despite being a daughter of a dede, Zübeyde [40

years old, talip from Ankara] told that she has never witnessed an Alevi Court trial with only a little knowledge about what it is. To put it simply, Alevi Courts are actively declining.

Community members relate this decrease to various factors. Continuing with Cemal, he thinks Alevi Courts are not preferred anymore due to the general decrease in Islamic faithful among younger generations. On the other hand, Hasan mentions the “Sunnisization of Alevism”:

“Today, Alevism is intertwined with Sunnism. Our young talips are unconscious of the distinguishing features of their sects. So, normally they do not come to us for their problems anymore.”

[Hasan, 55 years old, *dede* under Dedegarkın Ocak]

Although the reason behind the decline was explained from different angles, there was a consensus among respondents that the decrease in the prestige of Alevi Courts is a reflection of the general shift in sentiment towards Islam, a view consistent with some studies on the faith in Turkey.¹⁵⁴

Respondents also made several other comments on in relation to the general decline in Alevi Court activity. Zeynep, for example, makes a peculiar statement: “Ever since the television came into our house, we have drifted away from our faith. It has taken our traditions, rituals, and eventually the whole religion away.” [Zeynep, 85 years old, talip from Ankara] Along similar lines, Ahmet clarifies Zeynep’s sentences: “*dedes* used to be like the books, televisions, internet of the people. These utilities are at the disposal of other people and this led to the diminishing authority of *dedes*.” [Ahmet 53 years old, inactive *dede* from Bolu] These last two views point to another external force which may have brought about this change.

¹⁵⁴ KONDA Interactive, “What Has Changed in Youth in 10 Years,” verifies that Turkey’s atheist population has tripled in 10 years. See also Hande Zeyrek, “Gezici Araştırma Merkezi Başkanı Murat Gezici SÖZCÜ’ye Açıkladı: Türkiye’nin Kaderi Z Kuşağının Elinde,” *SÖZCÜ*, June 11, 2020, <https://www.sozcu.com.tr/2020/gundem/gezici-arastirma-merkezi-baskani-murat-gezici-sozcuye-acikladi-turkiyenin-kaderi-z-kusaginin-elinde-5867771/>, for a survey of GEZICI that indicates that those who performed religious rituals had decreased to 15.7% in generation Z from 32% in generations X-Y.

b) Urbanisation

Previous sections demonstrated that *dedes* are normally more than a simple mediator or an informal judge of their communities.¹⁵⁵ Enlightening and serving as a role model to their communities, they were the point of contact of their homogeneous, closed communities to the outer world. Recalling the social conditions of the remote, isolated, nonindustrial areas where Alevis used to live, it should come as no surprise that *dedes* had a far larger impact on their communities' daily life. As rural areas urbanise, however, and Alevi communities migrate to metropolises, *dedes* seem to have lost their impact.

Explaining the transformation of *dedes*, Erdem mentions:

“For sure, the migration negatively affected the prestige of Alevi courts by putting the courts into a setting where the State law has an absolute ideological hegemony. It also led to an insane increase of cemhouses which resulted in the emergence of ‘fake dedes’ who would never be dedes in their villages due to their incompetence and this undermined the prestige of our courts.”

[Erdem, 65 years old, inactive *dede* from Aydın-Didim]

Şahin shares similar complaints about talips:

“Especially after the migrations from Anatolia to urban areas, our talips started to become know-it-all individuals, over-estimate themselves and as a result, metamorphose by losing their essence.” [Şahin, 40 years old, *dede* at Istanbul-Şahkulu Cemevi]

The process of urbanisation has not only affected *dedes* and talips individually but also the relationships between them. Ahmet gives an example:

“As opposed to our traditions, many dedes from various ocaks come together to serve in a cem house in cities. I witnessed that their talips get confused whom to apply for their disputes.”

[Ahmet 53 years old, inactive *dede* from Bolu]

¹⁵⁵ With reference to pages 112-115, and 136.

Hasan also claims that these relationships are being transformed at higher levels:

“Just like dedes’ influence on talips decreased, I think, murshids¹⁵⁶ also have difficulties sustaining a sound relationship with dedes in cities. The biggest proof of this is the dysfunction of the müsahtlık since the good functioning of this mechanism is dedes’ first then murshids’ responsibility.”

[Hasan, 55 years old, dede under Dedegarkın Ocak]

Acknowledging the weakening of bonds between community actors, Cemal draws attention to the transformation of *düşkünüük*:

“Let’s say we have declared someone as düşkün just now. How will it be possible to isolate him from his social life? How can we make sure he won’t communicate or trade with anyone? Today it is impossible to impose düşkünüük since every place is urbanised. There is neither a suitable location to execute it, nor a community to look after it.” [Cemal, 65 years old, dede at Istanbul-Kartal Cemevi]

Migration from rural to urban settings drove Alevi communities into direct contact with a more heterogeneous setting in which Sunni communities were the vast majority and state law was dominant. In this new context, the *dede* is no longer the sole reference nor is his judgement the only remedy in the eyes of community members.

It is worth noting that this transformation has more likely negatively impacted Alevi traditions and communities in contrast with their Sunni counterparts. Ahmet points out that:

“The migrations to cities did not leave the same impact on Sunni traditions because they were protected by the State. It is self-evident that you cannot still open an official course centre to teach Alevi values, but Sunnis can do that. It is still problematic to open a cem house, but not a mosque.” [Ahmet 53 years old, inactive dede from Bolu]

At any rate, the urbanisation of the community constitutes a watershed moment in the decline of Alevi Courts because it fundamentally impacted the community’s commitment to Alevism. Today, the

¹⁵⁶ Murshids are the most prestigious dedes. For further explanation, refer to page 127.

conventional social structure of the community has collapsed in a way that *dedes* have largely lost their prestige whilst intra-community bonds (*dedes-talips* and *talip-talip*) are weakened; these developments have made it difficult to maintain Alevi Courts. The current situation of Alevi Courts is as a nostalgic ritual about to disappear despite the fact that they once provided a real alternative for Alevi communities living in rural areas.

Although being subject to a larger setting is a characteristic of SASFs,¹⁵⁷ the change Alevism experienced as a SASF has reached a state of extreme vulnerability that provides insights into how a SASF can evolve when it is relocated into a setting where it is forced into closer contact with hegemonical forces (Sunnism and the State) that have historically been threats to its semi-autonomy.

Conclusion

In the beginning, I presented a relatively balanced approach to the concept of law claiming that just as the law cannot be reduced to being a “formal” product of state institutions, a social norm that lacks a “sanction-based enforcement mechanism” cannot constitute a form of law. I then referenced Moore’s model of SASFs as an embodiment of this approach as contexts in which internally generated norms have become the law of those fields and enforcement mechanisms are formed on the basis of those norms. I also emphasized that “inherently legal pluralist contexts” are likely SASF candidates since they are clearly “restricted by a larger social setting,” which is another characteristic of the model.

In chapter 4, I concluded that Alevi law exists, at least from the sociological perspective presented before. Moreover, I claimed that the existence of an Alevi legal system in parallel with the official Turkish legal system reinforces a legally pluralist context. Along these lines, the Alevi community represents a SASF in two ways. First, it features rule-making capacity by internal actors in the form of oral tradition. Second,

¹⁵⁷ With reference to page 104.

it suffers from restrictions imposed by a larger social setting; the social-political-legal systems of the Ottoman Empire in the past and the Republic of Turkey today. The only difference is that restrictions are not implemented by means of legislation (as in other SASFs), but by means of state policy.

In Chapter 5, my core argument was that Alevi Courts meet the remaining condition for the Alevi community to be a SASF as they act like rule-enforcing institutions of the Alevi law. Although the judgements of those institutions are similar to the ADR practices of other societies in that they represent a sort of mediation, they are distinguished by having a clear and profound legal system with complex compliance mechanisms (*musahiplik*, *düşkünlik*, *cem* rituals, etc.) to maintain this system. Importantly, the *dede* cannot be reduced to a go-between as he may act like a judge, prosecutor or lawyer of his community.

Under the same chapter, I emphasized the internal and external challenges of Alevism that affect Alevi Courts from various aspects. The internal ones include the perplexity among community members towards the rules of Alevi law which results in the lack of standardisation in the court decisions to the extent that every *dede* in practice creates his own Alevi law. These two interrelated challenges, I argued, are derived from the oral traditional characteristic of Alevism in which community rules are maintained in an unwritten way. This lack of standardisation is testament to the semi-autonomous aspect of Alevism since the rule-enforcing institution (Alevi Courts) turns into a rule-making institution in a precedent-breaking manner. The external challenges to Alevism stem from the general decline of faith and urbanisation. Both factors increased the vulnerability of the Alevi SASF in the larger social setting and versus certain institutions (Sunnism and the state) by thinning the internal bonds of the community. They also directly affected the preferability of the courts, reducing their activity, workload, and prestige, in the process driving the courts to near-extinction.

Turning back to the overarching research question: “to what extent are Alevi Courts viable ADR practices in the legal pluralist context of

Turkey?”, the answer is clear: they are no longer viable, despite their past relevance as sometimes the sole institution in rural areas capable of resolving disputes, including criminal cases, for Alevis and non-Alevis alike. Further research in this area may seek to expand on this answer through further data collection efforts. One potential avenue is to simply gather more interview data in general, providing additional insights into how Alevi Courts have operated and impacted the lives of community members. A second avenue for expansion is to ensure a more diverse and representative set of data, with more accounts from talips in order to better reflect talip perspectives while capturing those of *dedes*.

Nevertheless, this thesis hopes that it has contributed to the continuing discussion on the concept of what constitutes law by presenting the normative world of Alevis as an Alevi legal system. Furthermore, with this thesis, Alevi Courts were described in detail and evaluated with a theoretical framework from a socio-legal perspective for the first time. The story of Alevi Courts showed what kind of consequences can arise when a SASF faces contextual changes. Therefore, it also provides useful approaches and data to researchers interested in the SASF model. To repeat the social dilemma mentioned in the introduction, the influence of religion over individuals is declining whilst people still refer to faith-based resolutions for their disputes. Yet, noting that we live in an increasingly globalised world that is becoming more and more urbanised and industrialised, the decline of Alevi Courts may shed light on the future of other religiously motivated ADR practices that seem poised to share the same fate.

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