

**EMERGENT DISTINCTIONS IN THE JURIDICAL FIELD: THE CASE OF
“PLAZA ATTORNEYS” IN TURKEY**

by
EZGİ ŞEREF

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EMERGENT DISTINCTIONS IN THE JURIDICAL FIELD IN TURKEY:
THE CASE OF PLAZA ATTORNEYS

APPROVED BY:

Ayşe Öncü
(Thesis Advisor)



Ayşe Gül Altınay



Seda Kalem



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ABSTRACT
EMERGENT DISTINCTIONS IN THE JURIDICAL FIELD: THE CASE
OF “PLAZA ATTORNEYS” IN TURKEY

Ezgi Şeref

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Key words: attorneyship, plaza attorneys, professional identity, professional ideology, juridical field.

Based on an ethnographic research drawing on in-depth interviews with attorneys working in the field of international business law in Istanbul, Turkey, this thesis examines how the macro-level changes that are brought about by the transformation and restructuring of the juridical field in Turkey are articulated at the micro-level, in the lives and careers of these attorneys. Departing from the colloquial expression of a *plaza attorney*, I explore the different types of cultural capital which have enabled them to build their careers in the field of international business law and investigate the links between their professional and political identities. In doing so, this thesis aims at providing an insight to the emergent fractures in the historically constituted unitary image of attorneys in Turkey. Utilizing Bourdieu’s conceptualization of the juridical, this thesis discusses the way in which the ‘newly emerging’ conceptions of professional identity challenge the ‘conventional’ understandings of attorneyship in Turkey and the existing professional hierarchies and introduce new ones.

ÖZET

YARGISAL ALANDA ORTAYA ÇIKAN AYRIMLAR: TÜRKİYE’DEKİ “PLAZA AVUKATLARI” ÖRNEĞİ

Ezgi Şeref

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Tez Danışmanı: Ayşe Öncü

Anahtar kelimeler: *avukatlık, plaza avukatları, mesleki kimlik, mesleki ideoloji, yargısal alan.*

Uluslararası ticaret hukuku alanında çalışan avukatlarla yapılan derinlemesine görüşmelerden faydalanılarak yapılan bir etnografik araştırmaya dayanan bu tez çalışması, Türkiye’de yargısal alanın değişim ve dönüşümün getirdiği makro seviyedeki değişikliklerin mikro seviyede, avukatların hayatlarında ve kariyerlerinde nasıl ifade bulunduğunu ele almaktadır. Bu tez çalışması günlük konuşma dilinde ortaya çıkan *plaza avukatı* kavramından yola çıkarak, değişik sermaye biçimlerinin avukatların kariyerlerini inşa etmelerine nasıl olanak sağladığını ve bu avukat grubunun siyasi ve mesleki kimlikleri arasındaki bağlantılarını incelemektedir. Bu amaçla, Türkiye’de tarihsel olarak inşa edilmiş olan birleştirici avukat imgesinde oluşan çatlaklara dair bir kavrayış sağlamayı hedeflemektedir. Bu tez çalışması, Bourdieu’nün yargısal alan kavramsallaştırmasından faydalanarak, ortaya çıkan yeni mesleki kimlik anlayışlarının Türkiye’deki yaygın avukatlık anlayışından ne şekilde ayrıldığını, avukatlık mesleği dahilindeki mevcut hiyerarşilere ne şekillerde karşı çıktığını ve ne tür yeni hiyerarşi biçimleri ortaya koyduğunu tartışmaya açmaktadır.

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CHAPTER I

INTRODUCTION

Over the past two decades, developments in the transnational arena have paved way to a series of transformations in the juridical field in Turkey. Foremost among these changes has been the introduction of alternative forms of conflict resolution and arbitration, to meet the demands of international business and financial markets. This has undermined the long standing monopoly of ‘national’ courts and legal professionals in commercial disputes. A parallel decision to allow multinational law firms to set up offices and establish partnerships in Turkey has further challenged the boundaries of the national juridical field. The new skills and forms of knowledge accumulation required by the legal culture of multinational law firms, have transformed the rules of competition among legal professionals in Turkey, by challenging existing hierarchies and introducing new ones.

In this research, I am interested in how these broader changes are articulated at the micro-level, in the lives and careers young attorneys. Specifically, I am interested in the experiences of ‘plaza attorneys’ (*plaza avukatı*) – a popular term which is frequently used to designate the new elite cadres of attorneys who work in multinational law firms – as distinct from the localized practices and lives of so-called ‘market attorneys’ (*piyasa avukatı*).

1.1. The Emergent Distinction between “Plaza Avukatı/Piyasa Avukatı” in Everyday Turkish

The students of the law faculties in Turkey face an important decision on how to pursue their carriers in the legal profession after graduation. They have the options of becoming attorneys, judges, public prosecutors or notaries. While assessing these options, a series of considerations come into play, ranging from the specific professional practices involved, all the way to possibilities of career advancement, earning potential, or prestige within the legal field. Thus, while I was a student of the faculty of law, considering becoming an attorney, I have become familiar with the terms ‘piyasa avukatı’ and ‘plaza avukatı’. The former term, i.e. ‘market attorney’ implied working independently, offering legal services in any area of law and practicing the profession mostly in local courts and enforcement offices. The latter, i.e. ‘plaza attorney’ signified employment in one of the international business law firms, with a salary much higher than the average wages in the legal job market. It implied offering legal consulting services in a specialized branch of law, which requires proficiency in

legal English, and practicing the profession in an office context where they meet the clients, prepare legal documents and do legal research.

Built into everyday colloquial language, these stereotypical conceptions depict two different images of attorneys, as well operating as familiar signposts in mapping alternative possibilities in legal markets. They depict two imaginary worlds, which acquire clarity when juxtaposed in opposition to one another. They also reveal how the historically constituted unitary image of attorneys in Turkey has now been fractured. As various studies on the development of the legal profession in Turkey have emphasized, attorneys have been framed by the public character of their profession, rather than its free character. (Cirhinlioğlu, 1997; İnanıcı, 2000; Şenol, 2005) To the extent that ‘markets’ and ‘plazas’ are both spaces of trade and commerce, they suggest that the free character of the profession has become increasingly salient in recent years.

At the same time, the symbolism of ‘markets’ and ‘plazas’ invoke two opposing worlds of commerce and trade. The notion of ‘market’ suggests a space where random sellers and buyers meet to make deals. The term ‘plaza’ refers to securitized commercial complexes, which combine high-rent office spaces and residential units along with shopping areas, restaurants, etc. The association of multinational law firms with ‘plazas’ suggests that their clientele is highly selective. It also implies that the attorneys who work for them constitute an elite stratum within the profession.

Most importantly, the market/plaza binary implies a distinction between ‘local’ spaces of trade, and ‘global’ spaces of transnational business. In this sense, the market/plaza opposition highlights how processes of globalization have penetrated and transformed many realms from politics to economy, from culture to law. The newly emergent global legal culture appears as a distinction between the holders and non-holders of it. Thus, the ‘plaza attorney’, who is assumed to be a part of a newly emerging global legal culture, is conceived as distinct from ‘market attorney’, who is assumed to rely on the national legal culture in practicing law.

1.2. Problematic of the Present Study

Drawing on the observations above, my main emphasis in the present study will be attorneys colloquially known as “plaza attorneys” in Turkey. Through in-depth interviews with a selected number of attorneys who work in the various branches of international business law, I wish to explore the kinds of social and cultural capital which have enabled them to enter the field and build their carriers. I am also interested in how they define their own position within the profession and in relation to the Bar

Association which is both a professional institution and also a “political actor” in the national arena.

More broadly, I am hoping that my study will contribute to a grounded understanding of how transnational trends are in the process of transforming the juridical field in Turkey. For instance, the legal field in Turkey has historically been shaped by the traditions of Continental Law, with an emphasis on attorneys’ role in serving justice and ensuring the rule of law along with the judges and the public prosecutors.¹ By contrast, the newly emerging global legal culture is predominantly Anglo-Saxon in character, where the attorney works for the benefit of her/his client, offering counseling and legal advice. An attorney, who solely offers legal advice and counseling, contradicts the attorney image which is associated with representing/defending/seeking rights in the courts. There are major differences between them, both in the way that the law is practiced, and also in terms ideology, professional ethics and codes of practice. How are these differences/contradictions negotiated? What are some of the new configurations and emergent forms of competition among attorneys in contemporary Turkey? Although, I am aware that it will not be possible to provide definitive answers to such broad questions within the limitations of my own research, I hope to be able to provide some new insights which will open new lines of thinking and research.

1.3. Theoretical Framework

The theoretical point of departure for my study is Bourdieu’s concept a “juridical field” as “the site of a competition for the monopoly of the right to determine law” (Bourdieu, 1987: 817). Perhaps the simplest way of understanding Bourdieu’s concept of “field” is his own metaphor of “game”, where players (individuals and institutions) accept that the game is worth playing, are knowledgeable about its written and unwritten rules, and are engaged in a fierce struggle to win. The probability of winning depends on the effective cards (kinds of capital) participants have, and their skill in playing with them. Analogous to game fields, it is possible to think of relatively autonomous fields of competition within a society (such as the “art field”, “the literary field”, the “academic field”, or the “judicial field”) each of which constitutes “a particular social universe endowed with particular institutions and obeying specific laws” (Bourdieu, 1993: 163). Agents (individuals and institutions) within each field are

¹ See Şenol (2005)

hierarchically distributed “...in the first dimension, according to the volume of capital they possess and, in the second dimension, according to the overall composition of their capital, i.e. according to the relative weight of different kinds of assets within their total assets (Bourdieu, 1985: 724). But the worth of various types of capital (social, economic, cultural, and symbolic) as well as the hierarchy among them changes from field to field. In any particular field, power and ability to exercise power depends on the relative value of various kinds of capital (economic, social or cultural) the occupants have. So a capital or type of capital is something to fight for, as well as a fighting weapon in ongoing struggles.

As my own summary paragraph above illustrates, any attempt to discuss Bourdieu’s notion of a ‘field’ as a generic concept, threatens to become a mechanical exercise in reciting his vocabulary. Bourdieu’s own research on different social fields, such as education, art, or housing, offers detailed and historically grounded analyses of their dynamics. When divorced from the historical context within which particular fields are consolidated and ongoing struggles which shape them, abstract discussions of his “field theory” become an elaborate attempt to clarify his terminology.

Bourdieu’s work on the juridical field is limited to a critical essay, entitled “The Force of Law: Toward a Sociology of the Judicial Field” (Bourdieu, 1987). In other words, it is not based on detailed empirical research. Rather, it provides an extended discussion on how the rhetoric of autonomy, universality and neutrality of law is reproduced in the ongoing struggles among legal professionals, and in turn shapes the norms of competition among them. His claim is that like any professional field, the judicial field is organized around specific codes and assumptions which shape the hierarchies of prestige and power attached to various sub-specialties. The hierarchical ranking among different areas of professional competence (such as public versus private law, theorists versus practitioners) or legal bodies (such as judges, solicitors, and attorneys) can vary considerably depending on national traditions and different time periods. But in all cases, the entire “judicial body” is divided among categories of professional groups, with competing interests and antagonistic world-views. According to Bourdieu, “the practical meaning of the law is really only determined in the confrontation between different (legal) bodies, moved by divergent (indeed sometimes hostile) specific interests.” To quote him further: “The development of a body of rules and procedures with a claim to universality is the product of a division of labor resulting

from competition among different forms of competence, at once hostile and complementary.” (Bourdieu, 1987: 821)

Bourdieu’s essay on the “judicial field” has now achieved the status of a classic. He is often cited to emphasize how the legal universe cannot be understood as a simple “reflection” of state power, but has its own complex political dynamics as a site of struggle between legal subspecialties. His work remains an indispensable reference in all studies on the professional world of law, drawing attention to different social and cultural strategies used by the inhabitants of the legal universe to maintain existing hierarchies and lend them stability.

Yet as numerous critics have pointed out, Bourdieu’s analytical framework remains bound to the “national” context. It does not take into account the transnational dynamics which have moved to the foreground in recent decades. His conceptualization of “fields” as sites of struggle that are “semi-autonomous” or relatively autonomous from the state, takes into account differences among national contexts. He points out for instance, that the relative autonomy of the judicial field is much greater in the U.S. than in France. But as critics have pointed out, his analysis fails to take into account newly emergent branches of international law which challenge the boundaries of ‘national’ judicial fields.

For instance, Dezalay and Garth (1995: 59) have pointed out how developments in international commercial arbitration, (which anticipate constitution of new kinds of courts and a special body of law called ‘lex mercatoria’) have led to competition between different national approaches, and opened up a new space for power struggles in the transnational arena. They argue that this has resulted in an increasingly autonomous or quasi-privatized system of business justice, progressively undermining the old principle of one equal justice for all in Western judicial systems (also see Dezalay, 1990). Similarly, Flood (1995: 161) has argued that alternative conflict resolution structures allow an escape from the confinement of particular legal systems and as businesses become less dependent on domestic forms of dispute resolution, attorneys tend to head for a-national forms.

Similar observations have also been made in the Turkish legal context, in discussions regarding the transformation of the juridical field in Turkey. While earlier studies focused on questions of professionalism and emphasized the relationship of the legal profession with social, economic and political developments in the national arena, (Tan, 1972; Cirhinlioğlu, 1997, Uzun, 2000), more recent works highlight globalization

as a phenomenon and alternative dispute resolution as an emerging field (Akbaş, 2001; Türem, 2001; Kalem, 2010). For instance, Kalem (2010) focuses on the experience of international commercial arbitration in Turkey and emphasizes the significance of changes brought about by the acceptance of the International Arbitration Law by the Turkish Grand National Assembly, in 2001. This law introduced flexibility to court proceedings in two respects: The first is that it could be applied to private international conflicts without resorting to the national regulations and the other is that the parties are able to decide on the particulars of the court proceedings. Another significant institutional change was the amendment of the Legal Professionals' Act in 2001, allowing legal partnership offices to be established paving the way for multinational law firms to enter the legal field in Turkey. Kalem argues that these changes have had far reaching consequences, influencing not only the profession of law and legal education, but the relationship between the law and the state in Turkey (Kalem, 2010).

Also very important in this context, has been the introduction of alternative dispute resolution (ADR) in 2011. Based on the logic of minimizing the cost of legal proceedings and saving time, ADR allows for the resolution of disputes through the mediation of a moderator, and facilitates discussion by bringing together the parties to the dispute in private meetings. So it is possible interpret the introduction of ADR, along with other institutional changes emanating from the transnational arena, as changing the parameters and dynamics of competition among legal professionals in Turkey.

1.4. Some Research Questions and Outline of Chapters

The so-called 'plaza attorney' who are the immediate focus of my research, belongs to a new category of legal professionals that have emerged along with new institutional forms of resolving conflicts in Turkey. Their experiences and professional 'habitus' is that of international business law firms which have carved out a niche for themselves in legal markets. The profiles of attorneys who are eligible for hiring by international business law firms are quite distinctive from the standard law school graduate/attorney, since they require fluency in one or more foreign language along with a competency in international legal English. This necessitates economic investment in further legal education, which is in turn contingent on family background as well as social networks which facilitate internship at an international law office.

What are some of the social and cultural strategies used by law-school graduates who wish to pursue careers in international law firms? To state it in Bourdieu's

concepts, what kinds of social and cultural capital are necessary to enter the world of multinational law firms? What are the rules of competition in this world, and the kinds of ‘cards’ young attorneys must have to get ahead in the game? In other words, how is success defined in the corporate world of international law, and what kinds of struggles are involved in achieving this success? What about the self-definitions, political dispositions or ideological orientations, gendered professional and business strategies of attorneys specialized in various branches of international law? Are they isolated from the ongoing conflicts in the judicial field in Turkey, as arguments about ‘autonomization’ and ‘quasi-independence’ seem to suggest?

In my research, I tried to address these questions during lengthy interviews with a selected number of legal experts, specialized in different branches of international law. During the process of identifying and trying to gain access to these specialists, as well as the interviewing process itself, I experienced many of the difficulties associated with as *elite interviewing* in methodology textbooks. At the same time, I gained a much a better understanding of the complexity of sub-specializations in the field of international law, as well as the differences in the range and scope of firms of which operate in this market. So in Chapter II, I begin by narrating some of my own experiences as a researcher in the exclusive world of international law, and try linking them to the broader features of ‘elite’ interviewing. In Chapter III, I present the role of family and social networks in shaping the careers decisions and discuss emergence of new practices and dispositions, which provides with access to the international business law field. In Chapter IV, I introduce how my respondents enter into the international business law field as attorneys and how they conceive and deal with different work environments and conditions. In Chapter V, I put forward the political inclinations and dispositions of my respondents, discussing the way in which their narratives reflect on their professional ideology. In Chapter VI, I will present the contradictions brought about by the clash of conventional and newly emerging professional identities in order to provide with an insight to how my respondents conceptualize their professional position. Finally, in Chapter VII, I tackle with how the relationships between women and men legal professionals is shaped through a gender lense, presenting the professional strategies, which are built around gender roles, the hierarchal positioning between women and men attorneys, and the obstacles that hinder women attorneys’ advancement in their career.

CHAPTER II

METHODOLOGICAL CONSIDERATIONS

During my field research I conducted interviews with ten specialists in the field of international business law. In addition to specializing in a highly selective branch of law, these people all worked in the corporate world of Istanbul.² In this process, I encountered all the difficulties commonly associated with ‘elite interviewing’ in social science research (Zuckerman, 1972; Richards, 1996; Odendahl & Shaw, 2002; Beamer, 2002; Berry, 2002; Goldstein, 2002; Lilleker, 2003; Aberbach & Rockman, 2002; Stephens, 2007, Smith, 2005; Conti & O’Neil, 2007) My initial plan was to look up some of my own contacts dating back to the period when I was myself a trainee attorney. I assumed that my former employers, who had established their own firm, could put me in contact with their colleagues. This strategy did not work out, mainly because they were reluctant to suggest names of their co-workers in the same office. This experience revealed some of the subsequent difficulties I would encounter during my actual field experience, all the way from identifying and accessing my respondents, to the reluctance of corporate law firms to allow participant observation. My respondents were not comfortable with the idea of letting me record our conversations and did not want to talk about their specific business practices. As I became aware of these difficulties, I realized that I needed to take into consideration specific properties of the group with whom I planned to conduct interviews. Attorneys working in international business firms are a select group, distinguished in terms of their powerful and privileged position based on their social status and expert knowledge. As Odendahl and Shaw (2002: 301) point out, “the term elite is closely linked with the abstract notions of power and privilege” and hence “difficult to identify and often inaccessible.” The ambiguous category of elite is discussed in various methodology texts as a group for which researchers need to create special strategies that revolve around the question of how power is negotiated between researcher and respondents.

2.1. Gaining Access

Odendahl and Shaw (2002: 305) suggest that strategies to identify and gain access to elite subjects require “a mixture of ingenuity, social skills, contacts, careful negotiation, and circumstance” and add “luck” as a component of this process. So in addition to contacting former colleagues, I developed a list of potential respondents

²² See list of respondents in the appendix.

from the web-sites of international law offices, and wrote to them formal letters to explain the purpose of my research and requested interviews. In the absence of personal contacts however, this strategy failed to work. Odendahl and Shaw further point out that success in “studying elites is predicated upon researcher’s overall knowledge of the elite culture under study, in combination with the researcher’s personal status and institutional affiliations.” (Odendahl and Shaw, 2002: 306) They further suggest the researcher to do “extensive preparation, homework, and creativity” as part of gaining access to interviewing elite subjects (Odendahl and Shaw, 2002: 307). Similarly, Richards (1996) underline that a researcher needs to take into consideration that elites have often limited time and to have a very good command of the material and all round knowledge, which allows her/him to impress the interviewees. Having worked as an attorney in a small-scale international law firm during my internship, I felt confident about my background preparation and knowledge. However, as my initial experiences with former colleagues revealed, corporate attorneys, who work fourteen to sixteen hours a day, are extremely reluctant to allocate time for academic research. The sheer volume and tempo work in corporate law offices, was one of the main stumbling blocks I encountered in gaining access to respondents.

After a series of disappointments, I was finally able to establish contact with one of the (retired) partners in an international laws firm, through personal connections. As a first step, I sent him an e-mail, explaining the purpose and nature of research, as recommended in many methodology texts on elite interviewing (Lilleker 2003; Goldstein 2002; Conti and O’Neil, 2007) His consent as a possible gatekeeper, convinced two of his colleagues to participate in my research. So I was able to use the reference of this powerful gate keeper, who helped me with my first two respondents. As Odendahl and Shaw point out, members of elites’ own groups provide the best access to other elite respondents. This is how I was able to reach three more respondents (Odendahl and Shaw, 2002). While my first respondent, who worked for a boutique law firm, encouraged her colleagues and friends, who were also partners of this law office, my second respondent put me in contact with one of her close friends, who later accepted to be interviewed and also asked one of her colleagues from her office to conduct an interview with me right after I finished interviewing her.

Although my initial contact helped me to reach most of my respondents, I had to find others using my own connections. One such personal contact was a junior attorney

working for an international business law firm. While she willingly accepted to be interviewed, she was reluctant to put me in contact with her colleagues from her office, stating that she wanted to keep distance with them. This made me realize the boundaries between her position within the power relations in her professional environment and personal relationships with her colleagues. Offering her personal friend help to gain access to her professional colleagues was out of bounds. As Burgess (1991: 43, as cited in Odendahl and Shaw, 2002) argues, “access is negotiated and renegotiated throughout our research process.” This example underscores that personal relationships and professional position of elite subjects very much define their potential to become gatekeepers and/or the level of involvement in accessing other elite interviewees, besides building rapport and trust, highlighting the ways in which the researcher negotiates and renegotiates gaining access in the research process.

Finally, I reached my last respondents through a personal contact who put me in touch with her friend, who is a graduate student in one of the prestigious law faculties. Through him, I was able to gain access to an attorney, who worked for a top international law firm in Turkey that collaborates with a well-known global law firm and with whom I found hard to contact. My position as a researcher reinforced my position in legitimizing my request for this possible gatekeeper, who also has an academic back ground. It was sufficient enough for me to send brief information via an online instant message on my research rather than a letter with an institutional letterhead or a formal e-mail as suggested in some methodology texts (Goldstein, 2002; Odendahl and Shaw, 2002). Thus, while I sent informative e-mails on my research to the high positioned attorneys, who acted as interviewees and/or gate keepers in gaining access to others, I was able to reach junior attorneys with the help of my personal contacts via social media and/or by phone. This experience allowed me to take into consideration the dynamics of age and thus, professional position of my interviewees as part of my communication strategy in tailoring the way to contact to my gatekeepers and respondents, putting into question both the way in which the category of elite and strategies in elite interview methodology is determined.

2.2. Consent and Confidentiality

An important issue in both gaining access and the consent of my respondents was negotiating confidentiality. At the beginning of my research, I discovered that none of my respondents found it necessary to fill the consent form I had prepared. This was partly because none of them had participated in an academic study before. In addition, a

great majority of my respondents, who are junior attorneys, asked for their actual names not to be used in the study. And one of them asked me not to record the interview at all. Since elite subjects enjoy visibility in their professional life, they can be easily identified within their closed professional environment (Odendahl and Shaw, 2002). As the professional circle becomes narrow, the concern for the issue of confidentiality increased. For instance, the respondent, who did not want our interview to be recorded, said that the law office he is currently working for has strict rules on confidentiality since its American partner is very sensitive about information disclosure. He also added that attorneys, who oppose partnerships with foreign law offices, file complaints to the Bar Association, based on the argument that direct contact between law offices founded in Turkey and foreign law offices may breach the ban on advertising legal services.

How my respondents negotiated confidentiality, depended on their professional position in the organization. Many of the junior attorneys, who initially consented to participate in my study and wanted to talk about the problems they experienced in their professional environment, added that they wanted to remain anonymous. I realized that junior attorneys were much more willing to give details and raise criticisms, but given the vulnerability of their position in the law office, were reluctant to have their names disclosed. In her article, Odendahl explains her own strategy for preserving the subject's anonymity as follows:

The personal features and life experiences are factual and realistic...At least one and generally several individuals have each of the attributes reported in a composite vignette... I use actual quotations from these people, but in any composite, several different study participants are quoted with remarks representative of a number of individuals of the group. Pseudonyms were invented for each of the composite characters. (Odendahl, 1990: 313, as cited in Odendahl and Shaw, 2002)

As Odendahl pertinently pointed out, the task of preserving anonymity of the subject becomes a significant issue when quoting respondents directly (Odendahl, 1990). Hence in narrating my respondent's personal and professional experiences, using direct quotations necessitated considerable discretion. Therefore, I created pseudonyms for my respondents' names and the law offices for which they work. In this sense, my own experience as a researcher, led me to understand how the interviewing process is woven through power dynamics.

The issue of confidentiality came up during the interviews, as well. The older and high positioned attorneys were more relaxed during the interviews, answering my questions, using a professional tone. However, they made apparent their sensitivity about confidentiality in different ways. For example, although my questionnaire did not include questions on details of business activities, there was a moment when one of my respondents let the details of an arbitration case on which she is currently working slip out her mouth, then gave an anxious laughter before she told me that she did not want to get into the details of this issue. In another case, my respondent felt to the need to look out of the glass door of the conference room to check whether anyone is passing by as he was about to question the sincerity of his bosses on how they solve the problems fairly. In the former case, I assured my respondent that I am interested in her conceptions on alternative judiciary settings rather than details of their business activities. In the latter case, I tried to placate my respondent's concerns by assuring him that I will not disclose his identity if I quote him.

2.3. Place and Timing of Interviews

My first interview took place in a law firm located in an office block on Büyükdere Street that hosts a lot of business complexes with miscellaneous activities. M. L., a junior woman attorney, whom I reached via one of the gatekeepers, invited me to a long meeting table, which was located in the middle of the office and surrounded with office cubicles, for the interview. Having no walls or blocks that separate us from the office environment, the space, which M. L. chose for the interview, allowed us to be easily distracted by the movements and involuntary eye contact with the passersby and the sound coming from all over the office. Conducting the interview in a space, which is open to surveillance by the office staff, created a rather tense environment for the interview.

This is also an issue that Odendahl and Shaw emphasize, pointing out that the dynamics, which operate during the interaction process, are often constrained by the demands of the time and place of the interview (Odendahl and Shaw, 2002). They suggest that a home setting for the interview may allow sensitive and subtle ideas to be expressed. My first interview experience included a set of power dynamics, which was highlighted by M. L.'s choice of the interview space. Considering that the way I contact to M. L. required a prior power relation between her and her boss. Therefore, it was rather hard for me to build rapport in the course of the interview. As a junior attorney,

M. L. probably did not have a separate office of her own. Yet, she held the power to decide on the interview space rather than me, as well as most of my respondents do. Nevertheless, I was able to determine the interview venue in the interviews with two of my respondents with whom I already established good rapport, which allowed a lot more time to be spent in a comfortable setting and dramatically changed the quality of the interview.

The amount of time allotted for the interviews varied in accordance with my respondents' interest in my research and their availability. Thus, it was my older respondents, who are partners of their own law firm, showed interest in the outcome of my research and were willing to spend more time for the interview. Respondents, who spared time for being interviewed during and after their working hours, remained more or less limited. I collect information on the professional backgrounds of my respondents and the law offices at which my respondents have worked and been currently working via LinkedIn website³ and web sites of these law offices, in an effort to better manage time during the interviews. The limits of time either clearly set by my respondents before the interview started or shaped within their reluctant or willing dispositions, which required me to negotiate between staying focused and asking follow up questions. Thus, face to face interviews requires assessing the personality of the subject, as well as the nuances, gestures, omissions, and dynamics taking place" (Odendahl & Shaw, 2005: 309). The challenge in the shorter interviews is not being able to probe the issues, which requires further clarification; while the longer interviews allowed more details to be shared so that I was able to identify and connect the scattered pieces of narratives more easily. Yet, longer interviews also pose the danger of more distraction and going far off the subject.

2.4.Negotiating Power Relations during the Interview Process

Odendahl and Shaw argue that "the issue of control is fundamental to the elite interview and extends from the physical location of the meeting to the type of interview format used to elicit information as well as to the interviewer's presentation of self" (Odendahl and Shaw, 2002: 310). The suggested ways in which the researcher deals with the issue of control are making good pre-interview preparation, staying alert and focus during the interaction, paying attention to the interviewees dispositions, and build rapport in deliberate a fashion (Zuckerman, 1972; Richards, 1996; Odendahl & Shaw

³ A professional networking website: <https://www.linkedin.com/>

2002; Beamer, 2002; Lilleker, 2003). The researcher may establish authority through informing the interviewees about her/his higher degrees, institutional positions and projects in various ways to communicate expertise (Odendahl and Shaw, 2005). As I presented my legal and academic background before starting the interview, I realized that almost all of my respondents with whom I have no prior contact, showed interest in my research. Going beyond the discussions on establishing control and authority, Conti and O'Neil offer strategies to diffuse authority for dealing with dismissiveness of the respondents in which the researcher may invoke disciplinary distinctions between relatively legitimate modes of knowledge (Conti and O'Neil, 2007). My position as a former attorney and as a researcher, who is conducting a sociological study, allowed me to easily switch between different disciplinary hats in balancing the power relationship based on knowledge/expertise/professional position. On the one hand, my familiarity with the daily practices in an international law office and the technical language made it easier for me to legitimize myself to my subjects, on the other hand, my position as a researcher made my respondents uneasy because of their supposed lack of knowledge on my academic field. Two of my respondents were uncertain whether they were able to produce with satisfactory answers for me.

In almost all cases, my experience with my respondents did not include a unilateral power relationship which favored the respondents. While some texts suggest that the respondent is the party who has the power "by the very nature of the elite interview" and "differed from others, who characteristically develops an acquiescence" (Zuckerman, 1972: 175; Richards, 1996: 201), others argue that the researcher did not feel the power relations were in respondent's favor and/or create strategies to diffuse the power held by the respondents (Conti and O'Neil, 2007; Smith, 2005). Thus, Hunter suggests that "in the actual act of studying elites the ethnographer cannot ignore the elite's power and must not ignore his or her power in the relationship" (Hunter, 1995, as cited in Odendahl & Shaw, 2005, 308). From a post-structural standpoint Smith points out that both the researcher and the respondent occupy multiple positions and have more than one identity, which paves the way for power dynamics to shift within interviews (Smith, 2005). Odendahl and Shaw identify gender, age and reputation, and social status as dynamics on which the respondents may establish authority. In my experience, most of the respondents were younger than me, which allowed me to establish more a relaxed relationship with them; yet, I had to stick to a rather formal tone in my interaction with my older respondents (Odendahl and Shaw, 2005). The relationship I

established with each group influenced the quality of the data in which the junior respondents were more prone to telling about their personal experiences, while the older respondents mostly dwell on professional aspects of my questions. In my experience with my respondents, I did not feel much influence of gender as a power modality so much so that all of my respondents made an effort to act cooperatively during the interviews despite other dynamics. Moreover, my identity as a researcher allowed me to access delicate information on the experiences of a woman attorney respondent, which may not be accessible to a male researcher. I realized that she had a hard time disclosing this information as she asked to be excused for not being able to provide with details.

In this chapter, I have given detailed information on some of the methodological considerations which shaped my research. Many of the issues which I encountered during my interviews were the ones which have been discussed in the literature on 'elite interviewing'. But I also discovered that reading about these issues, and preparing for them, is not the same as experiencing them in during the research process. It is only as I gained more experience as a researcher, that I was able to better understand how interviewing highly qualified 'elite' respondents is a learning process itself. The six months I spent in trying to gain access, set up interviews, and learn to negotiate the various power dimensions involved in the interview situation, taught me much about the world of international attorneys. In the following chapters, I will turn to the results of my interviews specifically, using them to discuss some of the questions which have guided my research.

CHAPTER III

ENTERING THE FIELD

In this chapter, I aim at exploring how my respondents acquire the kinds of capitals, which are required for building a career path in international business law field. In doing so, I will examine the initial steps that attorneys take in shaping a career in the field of international business law and discuss the influences that lead them to this career path. Therefore, I will discuss the role of the family and social circles in prompting my respondents to study law, my respondents' conceptions on the legal education system, and the way in which the novel practices such as summer internships and summer schools or career days provide with access to international business law field.

3.1. Role of Family and Social Networks in Shaping Career Decisions

During my interviews, almost all of my respondents stated that they imagined a career in professional areas that are different than law; however, most of them end up studying law with different promises of a respected professional background. For one of my younger respondents, O. B., whose father is in the banking and finance business, studying law was a key to an adequate professional life in which one can use her intelligence and knowledge as capital: "Ticaret yerine sermaye olarak zekamı ve bilgimi koyabileceğim bir işte çalışmak istedim. Onda da en uygun hukuk gibi geldi." (O. B.)⁴ For another younger respondent, T. C. whose father is an attorney, it was a substantial backup plan against failing in the university entrance exam: "Ben uluslararası ilişkiler okumak istiyorum. Öncelikli tercihlerim hep uluslararası ilişkilerdi. En son tercihime de Ankara hukuk yazdım. Onda da babam açıkta kalırsın dedi diye... Back-up olarak yani." (T. C.)⁵ Similarly, N. B., who has experience in the profession for more than ten years, was advised by her father to study law, which provides with the flexibility to work in different professional areas:

Aslında hukuk okumaya ben karar vermedim. Ailem benim için karar verdi diyebilirim. Ben hiç hukuk okumak istemiyordum. Daha sanata yönelik bir şeyler yapmak istiyordum ama işte klasik Türk ailesi yaklaşımı olarak kızım işte

⁴ "Instead of commerce, I rather wanted to work in a job where I could show my intelligence and knowledge. Studying law seemed to be most suitable." (O. B.)

⁵ "I wanted to study international relations. In the preference list, International Relations departments were my priorities. My last choice was the law department of the Ankara University. I wrote the law department as a back-up, just because my father said 'you may not get into any of those departments.'" (T. C.)

hukuk oku ondan sonra ne istersen onu yaparsın diye bir yaklaşım oldu. Babam beni şöyle ikna etti: uluslararası ilişkiler okursan yapacağın şeyler aslında çok kısıtlı, ama hukuk okursan çok geniş. (N. B.)⁶

Besides the influence of family members, the social environment in high school years affects the way in which the career decisions on studying law was shaped. Thus, some of my younger respondents were inspired to study law by the attorneys with whom they encountered in their social circles. Thus, S. S. was attracted by the idea that there is a rising demand for attorneys in the international business law and maritime law, where there would be relatively less competition, upon on the advice of her friend's mother, who was an attorney:

Arkdaşımın annesi ile konuşurken işte uluslararası hukuk tarzı bir şey yapsan açık var bence deyince bir anda öyle karar verdim. Çok süregelmiş bir ilgim yoktu aslında... Her zaman daha açık olan bir şey de belki insanın yükselmesi, kendini göstermesinin daha kolay olabileceği için, daha rekabetçi ortamdan ziyade daha az insanın çalıştığı bir alanda olmak. (S.S.)⁷

Likewise, M. L., who decided to study law in her high school years, was inspired to study law by her close friend's father: "En yakın arkadaşımın babası avukattı. Biraz ondan etkilendim herhalde. Onunla konuşurken biraz etki altında kalınca hukuku seçtim." (M. L.)⁸ On the other hand, E. U, a Galatasaray High School graduate, decided to study law upon his encounter with some of the attorneys, who worked for a law office with a multinational partner, at the activity called *career days* in his high school. He states that these attorneys set a role model for him, so much so that he started working in the same law office with them as he started his mandatory legal training. Another Galatasaray High School graduate, E. B., who was placed in the faculty of law at Galatasaray University by the inner quota that is allocated for the graduates of Galatasaray High School, states that she did not make a deliberate decision on studying law and that she was rather aspired to study medicine in France: "Normalde ben tıp

⁶ "Actually I didn't decide studying law. It was the decision of my family, given on behalf of me. I never wanted it. I was more into art and things related to it. But, you know the approach of the classical Turkish family ... 'My daughter, study law and then you can do whatever you want.' My father convinced me to that: If you study International Relations, the places you can work in are very limited, unlike the case with Law departments." (N. B.)

⁷ "I suddenly decided studying law while chatting with a friend's mother. She said there is a lack of people working in the sector of international law. Actually, I have not had any kind of longstanding interest. I thought it might be easier and less competitive to advance and stand out in a sector where there are less working people" (E. U.)

⁸ The father of my closest friend was an attorney. I probably was impressed by him. I chose studying law under his influence.

istiyordum. Galatasaray Lisesi'nden Galatasaray Üniversitesi'ne geçiş yaptım. Çok bilinçli bir tercih olmadı. İç kontenjanla girdim.” (E. B.)⁹ While the family and the social circles as well as the educational affiliations between high schools and universities act as agents in shaping career decisions, another younger respondent, P. R., became familiar with the idea of studying law as he was collecting information for his future career plans. He indicates that he decided to study law based on the promise of a respected professional background, which allows pursuing careers in other professional fields in the following:

Küçükken idealist tarafım vardı. Dışişlerine girerim ülkeme hizmet edeyim falan gibi düşünüyordum. Ondan sonra manasız bir şekilde Roma Büyük Elçiliği'ne mail attım. Ama Türk Roma Büyük Elçiliği'ne. Sanki oraya gidecekmişim gibi. Ordaki biri cevap verdi. Diplomat olmak istiyorsan uluslararası ilişkiler okuyabilirsin, hukuk okuyabilirsin. Maliye okuyabilirsin. Hukuk okursan en azından seçme şansın olur dedi. Ben de sırf o yüzden yazdım. Hiç avukatlık yoktu kafamda. Ama sonra mezun olduktan sonra önce bir ruhsatımı alayım dedim. (P. R.)¹⁰

Finally, F. E., another younger respondent, chose to study law based on the idea that legal education provides with a fundamental educational background, which will pave the way for more choices in shaping her career: “Benim hiç avukat olmak ya da hukuk okumak gibi bir hayalim yoktu. Hukuk okurken çok şikayetçi olmadım. Daha çok seçenek sunar diye düşünüyordum. Ama hiçbir zaman avukat olmayı istemedim.” (F. E.)¹¹

Coming from middle class families, my respondents were mostly motivated to enter the profession by their future constructions about the working conditions in professional life, rather than an idealist motivation of becoming a defender of law. Several studies present that most of the law students come from middle class families

⁹ “Actually I wanted to study medicine. After graduating from the Galatasaray High School I continued to the Galatasaray University. The decision was not made so consciously. I entered to the University with the quota agreement between the Galatasaray High School and the Galatasaray University.” (E. B.)

¹⁰ “I was a bit idealist when I was young. I was thinking of working for the Ministry of Foreign Affairs in order to serve to my country. Then, in a meaningless kind of way I sent an e-mail to the Turkish Embassy in Rome, as if I would go there. Someone from the embassy responded. He wrote me, ‘if you want to be a diplomat you can study international relations, law or finance. But if you study law you will have a chance to choose.’ I preferred studying law just because of that. Otherwise, I had not it in my mind. But after graduation I said I should first take my license.” (P. R.)

¹¹ “I never dreamed of being an attorney or studying law. I did not complain much while studying law. I was thinking that it would offer more options for me. But I never wanted to be an attorney.” (F. E.)

(Abadan, 1961 as cited in Tan, 1972; Field, 1964 as cited in Tan, 1972; Cirhinlioğlu, 1997) and lower middle class families (Cirhinlioğlu, 1997) and that the law students predominantly and deliberately choose studying law for having a career in the legal profession before and during legal education (Tan, 1972; Cirhinlioğlu, 1997). In that sense, it could be argued that how they make a career choice and the class background of my respondents follows different pattern with those presented in the previous studies. They explained their subsequent professional success in terms of seizing the opportunity to specialize in a branch of international law, at a time of increasing demand from business circles, but few candidates with the requisite language skills. My younger respondents emphasized their ambitions for a career in a prestigious profession, along with encouragement from family members and social networks, in shaping their choices. Their educational backgrounds, class dispositions as well as future aspirations highlight how specializing in a branch of international law, has now become a marker of distinction (in Bourdieu's sense of the term) among legal professionals in Turkey.

3.2. Novel Educational Practices in Shaping Careers: Summer Internships and Career Days

My respondents, who started their educational life in law schools with different motivations, present diverse statements on the quality of legal education in their universities. One of my younger respondents, E. B., who finds the level of difficulty of legal education in her university low, expected a rather challenging educational environment: “Galatasaray’ın eğitim beni zorlamadı çok yüksek bir eğitim hayal etmiştim. Daha fazla araştırma, ders deneyimi, istediğimiz alana yönelme gibi... Daha çok lise gibiydi, yani şu dersler, bu dersler var gibi...” (E. B.)¹² For another, S. S., the level of satisfaction on the legal education varies from one class to another: “Aslında derse göre değişiyordu aslında tatmin ediciliği. Biraz daha böyle sohbet gibi geçen borçlar hukuk dersimiz vardı. Erdem Hoca’nın dersi çok hoşuma giderdi. Hem hayata yönelik bir şeyler anlatıyor. Onlar hoşuma giderdi. Onun dışında. Sırf motamot giden dersleri sevmezdim.” (S. S.)¹³ F. E., a classmate of S. S., presents that the courses were

¹² “The education in Galatasaray did not challenge me. I was dreaming of a high education; like more research, course experience, and choosing a field you want... It was more like a high school, in terms of courses...” (E. U.)

¹³ “The level of satisfaction depends on the course. There were courses like daily conversations, like the law of obligations course. I enjoyed Professor Erdem’s course. He would tell things related to life. I liked listening that stuff. I did not like courses which were dry and word to word.” (S. S.)

rather in the form of lectures: “İnteraktif çalışma yoktu. Biz dersten geçiyorduk. Çok üniversite havasını solumadık o anlamda.” (F. E.)¹⁴ The criticisms of my younger respondents, E. B., S. S. and F. E., who are graduated from the law faculties of the private universities, focus on the quality of the legal education including lack of research, variety in course experience, guidance for shaping careers, courses’ relevance to everyday life and the interaction between professors and students. On the other hand, one of my older respondents, N. B., a graduate of a public university, raises slightly different criticisms on the legal education system in the following:

Türkiye’deki hukuk eğitiminin maalesef çok sınırlı olduğunu düşünüyorum. Yani insanın, daha doğrusu öğrencinin ufkunu açabilecek nitelikte bir hukuk eğitimi verilmiyor. Biraz mass production diyeceğim yani böyle kitlesel şey gibi üretim gibi bir eğitim yaklaşımı var bence. Yani işte biliyorsunuz böyle iki yüz elli kişilik falan sınıflarda okuyorsunuz. Bizim zamanımızda daha özel okullar yoktu... İnsanın düşüncesi zihnini aklını ve düşüncesini kullanabileceği bir ortam sağlamıyor Türkiye'deki hukuk eğitimi. Sorgulamaya yönlendirmiyor. Neden böyle bir kural olduğunu sorgulatmıyor. (N. B.)¹⁵

N. B.’s criticisms on overcrowded classrooms and the decline in the quality of the education provided to the massive body of the students, as well as lack of critical thinking as part of the legal education, can be discussed as part of the prevailing problems in the law faculties in public universities. Thus, several studies present that the extensive numbers of the student body and lack of enough academic staff in the faculties of law have mentioned as prevailing problems of the legal education system in Turkey (Tan, 1972; Cirhinlioğlu, 1997). In addition, in his study, which is conducted with the graduates of the public universities, Cirhinlioğlu (1997) underscores that overwhelming majority of law students complain that the content of the legal education is dominated by the doctrines of law, which are not useful in the professional practice. Thus, O. B., who attended an international summer school that is offered by the joint program of Sorbonne University and Cornell University, highlights the differences between the professional and academic legal perspectives based on her experience as both a participant of this program and an attorney:

¹⁴ “There was not any interactive course offered. We just passed the classes. In that sense, we have not experienced a university environment.” (F. E.)

¹⁵ “I think the legal education in Turkey, unfortunately, has a very limited scope. Its quality is not enough to broaden your horizon. It is like mass production. You know, the classrooms have two hundred and fifty people in it. In our time, there were no private schools either... The legal education in Turkey does not create an environment conducive to thinking and practicing. It does not encourage questioning. It does not help you to challenge the norms.” (O. B.)

Ben bu yaz beş hafta Paris’te kursa gittim. Sorbonne ve Cornell Üniversiteleri birlikte uluslararası hukuk sertifika programı organize etmişler. Orda anladım ki hocaların anlattıkları arasında neyin önemli olduğunu, pratiğin nasıl işlediğini bilmeden anlayamıyoruz... Kursa öğrenciler de katıldı. Genelde onların altını çizdiği şeyle benim altını çizdiğim şey farklı oluyor. Okulda da aynı şekilde. Aslında hoca anlatıyor ama biz öğrenci olarak yanlış şeyi önemli görüyoruz. Hocalar da yanlış şeyleri sınavda soruyorlar. Aslında öğretim görevlileri ile avukatlar arasındaki en büyük fark bu. Onlar daha çok ‘kanun ne diyor’a bakarken biz kanunun uygulamada nasıl olacağına bakıyoruz. Kitapta yazanla kanunda yazanın alakası yok. Bunu ancak çalışarak öğrenebilirsiniz. (O. B.)¹⁶

On the one hand, O. B. presents the gap between the academic emphasis on “what the laws anticipates” and the professional emphasis on “how the laws are utilized in practice”, on the other hand, she underlines the importance of the fundamental theoretical knowledge, which is common to all law graduates, for her practice. Having shared the same social and educational environment with O. B. during higher education years, M. L. compares different educational settings in Turkey and abroad based on her experience in the same international summer school, underlining the differences between law students and attorneys in terms of how they conceive the legal education that is offered by this program in the following:

Cornell ve Sorbonne’un birlikte yaptığı bir yaz okuluna katıldım geçtiğimiz ay Paris’te. Orda iki ders aldım. Birazcık yurtdışında eğitim almak nasıl oluyor, onu görmek istiyordum. Üniversiteyi de burda okuduğum için yurtdışında okumayı bir deneyimlemek istiyordum... Koç’ta okurken benim arkadaşlarım yaz okuluna gidiyordu. Ben o zaman gitmemiştim; iyi ki de gitmemişim. Çünkü avukat olup çalışıp gidince anlatılan konseptlere çok daha fazla hakim oluyorsunuz. Hocanın neden bahsettiğini anlayabiliyorsunuz. Biz ordayken gene Koç’tan öğrenciler vardı yaz okulunda. ikinci ve üçüncü sınıf öğrencileri etrafa boş gözlerle bakıyorlardı. O yüzden anlatılan konseptlere hakim olmak güzel bir şey yani. (M. L.)¹⁷

¹⁶ “I participated to a course in Paris for five weeks this summer. Sorbonne University and Cornell University jointly organized an International Law Certificate Program. During this period I realized that we cannot understand what is important in the courses without seeing how things work in practice... Students also participated to this course. Generally, what I underline is different from what they underline. That is the same in the university. Actually professors are telling us stuff but we attach importance to wrong points. Professors are asking wrong questions in the exams too. This is actually the main difference between attorneys and academicians. They are more into ‘what the law says’, whereas we focus on its applications. What is written in the book has nothing to do with the law-code. You can only learn this while working.” (O. B.)

¹⁷ “Last month I participated to a summer school in Paris, jointly organized by Cornell and Sorbonne Universities. I took two courses there. I wanted to see how it is to study abroad. As I studied in a Turkish university, I wanted to experience it... While I was studying at Koç University, my friends were going to summer schools. I did not

While, as O. B. and M. L. presented, the legal education anticipates a common language, which transcends the national boundaries through international educational programs. This language is engendered by the contestation between academic and professional perspectives, providing with a commonality to those who have a command of such language and designating strong boundaries against those, who do not hold such language skill.

My research findings highlight the diverging “legal universes” in Turkey. Thus, the kind of legal education offered by the new public/private law schools is very different from that of older law faculties in the classical state universities. Most of my younger respondents acquired advanced language skills in English or French during high school, and attended one of newly established law schools which require competency in these languages. On the contrary, my older respondents raised criticism concerning the legal education they received in the overcrowded law faculties of the state university system, with little or no foreign language instruction. Although these differences merit a much more systematic comparison than I am able to offer at this point, it could be argued that is the growing significance of foreign language education (particularly English) in shaping legal careers and by extension, the parameters competition within the legal field in Turkey.

My younger respondents, who were mostly graduates of private universities, narrated how they questioned and negotiated their conceptions about the professional life through various experiences with which they became familiar during their education life. An example is ‘summer internship’ through which they first encounter the professional life, mostly starting from the early years in the law faculties. Thus, T. C., who did only one summer internship in an international business law office, which is located in Frankfurt, via student exchange program, observes that doing summer internships became a trend, which became almost a requirement of entering the legal market in the following:

Artık hukuk öğrencileri ikinci ve üçüncü sınıflarda yaz stajı yapmaya başlıyorlar ve birer aylık dönemlerle en az üç-dört staj yapmış oluyorlar mezun oluncaya

participate in summer schools at that time. Fortunately I did not. Because when you become an attorney and start working you become familiar with the concepts. You can understand what the professor is talking about. When I was there, there were students from Koç University as well, participating to the summer school. Second and third year undergraduate students were looking blank at what was told. So, it is good to be familiar with the concepts used in lecture.” (M. L.)

kadar. Ne yazık ki sektör şu an bunu gerektirir hale geldi ve mezun olduktan sonra işe alım sürecinde yaz stajlarının rolü de büyük bir önem taşıyor. (T .C.)¹⁸

Although this experience is not required by the faculty curriculums, my respondents applied for summer internships based on different own motivations of learning about professional life. The idea of doing summer internships appears as both an opportunity to compare different work environments and as a necessary step to comply with the projections of the social environment. Thus, S. S., a graduate of Bilkent University, who worked in a national bank and in international business law offices as a summer intern, expresses the way in which her summer internship experiences in different work settings have shaped her career decisions in the following:

Bu ünlü hukuk büroları işte... Bende oraya bir girme çabası oluştu. Yaz stajlarıyla işler nasıl yürür görmek istedim. Bir ara Danış Bank'ta staj yaptım, daha kamuyla ilgili avukat olmak nasıl olabilir diye. Çok hoşuma gitmedi. Çay vakti çaylar geldi çay içelim sohbet edelim. Benim çok tazım değil. Ben çalışmak istiyordum, o yüzden beğenmedim. GDC-Renier oldu sonra. Sonrası daha hoşuma gitti, özel hukuk büroları falan. (S. S.)¹⁹

Similarly, M. L., who did summer internships in first three years of her law education in Koç University, was motivated to see the difference between the settings of an in-house office²⁰ and a law office in the following: “Bir in-house büroda staj yapmışım, bir de normal büroda staj yapmışım. O ikisi arasındaki farkı görüp buna göre yasal stajımı şekillendirmek istiyordum. O açıdan çok faydalı oldu.” (M. L.)²¹ She continues to present the way in which the idea of doing summer internship is shaped and promoted in her social life: “Bilmiyorum... Ailede konuşuluyordu. Arkadaş çevresinde de konuşuluyordu. Yani... Sanırım bilinçliydik. Çok başıboş değildik yani. O

¹⁸ “Now law students participate in summer internship starting from their second or third years of undergraduate education. Until their graduation they participate in at least three-four summer internships in total. Unfortunately the sector now requires this. And the summer internships started to play an important role in the hiring process after the graduation.” (T. C.)

¹⁹ “Those famous law offices... I made an effort to be hired in one of those. During the summer schools I wanted to see how things work. I was an intern at Danış Bank to see how is being a public attorney. I did not like it much. It was like the tea time and we were fond of the idea of drinking tea and chatting. It is not my style. I wanted to work, that is why I did not like it. After that I was an intern at GNC-Renier. I liked those private law offices.” (S. S.)

²⁰ An in-house office is established within the body of a corporation and deals with the legal proceedings of this corporation.

²¹ “I did summer internship in an in-house office and a law office. I wanted to shape my mandatory legal training experience after I realize the differences between them. In that sense, it was beneficial.” (M. L.)

yüzden biraz ne istediğimi ya da ne görmek istediğimi biliyordum. Ama çevremdeki insanlar da benim gibiydi. Aradaki ayırık otu değildim.” (M. L.)²²

My respondents’ narratives present that summer internship experience is a practice, which is required to be adopted in order to fulfill the expectations that are projected by their social life, and an early marker of a possible position in the legal market. M. L. further describes the features of her social circle and its strong influence in applying for summer internships in the following:

Benim dönem arkadaşlarım çok hırslıydı. İyi anlamda söylüyorum. İnanılmaz bir rekabet vardı insanların arasında. ‘İşte sen oraya mı staja gidiyorsun yok ben yaz okuluna gidiyorum.’ ‘Yaz okuluna gidicem arkasından şuraya staja gideceğim.’ O yüzden hani okul sınıf içerisinde oldukça herkes birbirini gaza getiriyordu denilebilir yani. E tabii öyle bir ortamda insan ister istemez etkileniyor. (M. L.)²³

O. B., a class mate of M. L. from Koç University, also affirms the strong influence of their social environment through her following statement: “Sınıfta herkes konuşuyor yani. Altmış kişilik bir sınıf. Ben burda yaz stajı yapacağım orda yapacağım. Diyorsunuz geri zekalı mıyım, ben de başvurayım, belli ki lazım olacak.” (O. B.)²⁴

My respondents’ interest in doing summer internship is geared especially towards particular offices, which are known through various social channels. The acquaintances, who work in the prestigious international law offices, and the international guides²⁵ on which the profiles of attorneys and law offices working in international business law are presented and/or ranked are some of the sources through which the law students are informed about the international business law market. Thus, S. S. presents the way in which she benefited from these sources in entering in the field of international business law: “Ankara hukuktan mezun bir arkadaşım vardı. Ankara’daki Simon & Kim’de çalışıyordu. Ondan duyduklarımızla, Legal 500’e bakarak birbirimizi gaza getirerek başladık. Sosyal çevrenle ilgiliydi bu bakımdan.” (S.

²² “I do not know... My family was talking about it, my friends as well. So... We were conscious, I guess. We were not aimless. That is why I knew a bit what I want or what I want to see. But people around me were like that as well. So I was not going astray.” (M. L.)

²³ “My classmates were so ambitious. I put it in a positive way. There was an immense competition between people. ‘Are you going to this place for internship?’ ‘I am going to that summer school’. In such an atmosphere everyone in the class were motivating each other. For sure people were affected from this ambient.” (M. L.)

²⁴ “Everyone in the classroom is talking about it. We were 60. ‘I will do an internship for the summer at this place or that place.’ And you say to yourself, am I stupid, why do not I apply, maybe it will be needed.” (O. B.)

²⁵ <http://www.legal500.com/>; <http://www.chambersandpartners.com/>;
<http://www.iflr1000.com/Jurisdiction/119/Turkey.html>

S.)²⁶ Finally, the students benefit from the previous experiences of the former graduates in shaping their summer internship applications. For instance, E. B., a graduate of Galatasaray University, describes the influence of the former graduates' experiences in informing about the working conditions within these firms in the following:

Yaz stajları da bir klasik. Zorunluluk olmasa da hırslı hukuk öğrencileri arasında bir zorunluluk hepimiz yapıyoruz. Üçüncü ve ikincinci sınıfın bitiminden itibaren başlıyorsun. Yaz stajları için beğendiğin bir yere gidiyorsun genelde. İş arama sistemi şöyle oluyor: bir sürü insanın hangi yerlerde staj yaptığını, nerelere girdiğini biliyoruz. En çok paranın nerde olduğunu, kimin ne tür işler yaptığını da az çok biliyoruz. Ona göre seçiliyor. Yani ideal top 10 var. O kadar kalıplaşmış bir şey ki bu artık hiçbir yaratıcılık gerektirmiyor Galatasaray Üniversitesi'nde iş aramak. Büyükten küçüğe başvurunu yolluyorsun. O şekilde çalışıyor. Hepsinde staj yapıyorsun, seni alanlar arasında. (E. B.)²⁷

While for some of my respondents, applying to summer internship is not different than any other job application, some of them benefited from the acquaintances of their relatives in accessing an internship position in the targeted law offices: "Normalde ikinci sınıf öğrencilerini almazlar. Partner'lardan bir tanesi benim kuzenimin arkadaşıydı. O şekilde girdim. Ama kendim başvururken onu devreye sokmadım sokabilirdim de. İstemedim. Diğerlerine de bileğimin hakkıyla girdim açıkçası." (O. B.)²⁸ The family connections appear as an asset, which could be utilized in making professional applications as O. B. stated. On the one hand, the chances of having a summer internship experience in the early years of higher education seems low in particular law offices; on the other hand, the family connections provide with access to this experience, which can be employed to make future job applications to one of the famous law offices in the international business law market. However, it should be noted having summer internship experiences in different type of offices neither provides

²⁶ "I had a friend, who was a graduate of Ankara Law Faculty. She was working in the Simon & Kim office in Ankara. We fired each other up, as we heard about the law offices from her. In that sense, it was about your social network." (S. S.)

²⁷ "Summer internships are classical. Although it is not an obligation, it becomes necessary among ambitious law students, and we all do it. You start from the end of the second or third years. Generally you prefer to the places that you like. The way you look for a job is that: We know where all those people did their internship and what job they were hired for. Based on this people choose where to do internship. There is a top 10. It is that ossified, looking for an internship in Galatasaray University does not require any creativity. You apply for all those places starting from the best. That is how it works. You do internships in all those you are accepted by." (E. B.)

²⁸ "Normally they don't accept second year students. One of the partners was my cousin's friend. This is how I was accepted. I did not ask for anybody's help though, despite I could. I did not want to. I got into to others deservedly as well." (O. B.)

with direct access or impedes making applications to international law offices. Thus, F. E., who worked as a summer intern in her aunt's friend's law office, which is a solo practitioners' office, underlines the differences between her summer internship experience and her current position as an attorney in an international maritime law office:

Ben burda teyzemin iki tane avukat arkadaşının yanında iki sene staj yaptım. O harika bir stajdı. Serbest avukatlık yapan çok tatlı insanlardı. Ordaki tabii çok farklı bir avukatlıktı. Onlar ciddi anlamda hukukçulardı benim gözümde. Orda üniversite ikinci sınıftayken bile eşitiymiş gibi hissediyordum... Bir şey öğretecekleri zaman hiç şu şekilde görmüyorlardı. Üzerinde hiç bir otoritesi varmış gibi hissetmediği için sana da öyle davranmıyordu. Orda staj yaptığım için daha sonraki avukatlık hayatımda çok o stajı bağdaştıramıyorum.(F. E.)²⁹

Similarly, P. R., who did his first summer internship in his father's friend's maritime law office, had two other experiences in different law offices, one of which focuses on litigation in labor law, and the other is an international business law office. He compares both experiences in the following:

Valla daha çok ailemin isteği idi. Rodoslu Hukuk Bürosu'nda staj yaptım. Toplantı oldu falan ben çay getirdim falan öyle sohbet ettik. Öyle geçti. Bir aylık sürede sadece ofisi tanıdım. Bir şey öğrenebildiğimi düşünmüyorum... Yaman Hukuk Bürosu daha iş hukuku ile ilgiliydi. Orası daha adliye işleri falandı. Daha samimi bir ortamdı. Ofiste yemek falan çıkıyordu. Ben seviyordum böyle ofiste yemek olmasını. Ondan sonra, diğer Zeynel Hukuk Bürosu'nda daha corporate bir ortam vardı. Daha insanlar birbirine mesafeliydi ama bu ilk girişte oluyor, sonra öyle olmadığı anlaşıldı. Hepsi aslında birbirine çok benzer bir noktada. (P. R.)³⁰

Most my respondents became aware of the trends in the legal market, which is set by the competition between the popular law offices, starting from the first years of

²⁹ "I was in intern for two years, working with the two attorney friends of my aunt. That internship was great. They were solo practitioners, such sweet people. Attorneyship there was no doubt very different. For me, they were real legal professionals. Even as a second year university student, I felt like an equal... Whenever they were about to teach something, they would not look down on you. They would treat you well, for they did not feel as if they should exert any authority over you. That internship does not quite fit with my following experiences in attorneyship." (F. E.)

³⁰ "To be honest, it was rather the wish of my family. I was an intern in the Rodoslu Law Office. There were meetings, and I would bring some tea... We would chat. It passed like that. I only got to know the office within that month. But I think I did not learn much there.... Yaman Law Office was mostly preoccupied with the Labor Law. They were interested in litigation. It was a cozier place. They had catering for the office. I liked that. Then, the Zeynel Law Office was a more corporate type. People were distanced to each other, mostly at the beginning though. Then it turned out otherwise. They are actually quite similar to each other." (P. R.)

their education life. This trend is also promoted by the certain faculties of law. For instance, the activity, called *career days*, which is held in several universities, brings together the law students and several law offices. On the one hand, some of my respondents find *career days* useful to follow the main trends in the legal market and to make immediate applications to the law offices:

Kariyer günleri olurdu bizim okulumuzda. Çeşitli bürolardan, şirketlerden avukatlar gelirdi. Kendi bürolarının çalışma koşullarını anlatırlardı. Ben bunlardan bir veya iki tanesine katılmışımdır. Ama tabii faydalı oluyordu onlar da. Sonuçta piyasada çok büro var. Hepsini bir şekilde takip etmeniz kolay değil. Öne çıkan bürolar var tabii ama faydalı bir çalışma oluyordu kariyer günleri. Siz CV'nizi bırakıyordunuz. Beğenirlerse dönüyorlar, beğenmezlerse dönmüyorlar. Yani oldukça o açıdan faydalı yani direk hani başvurabiliyordunuz o an. (M. L.)³¹

On the other hand, some of them think that this activity is unimportant and not useful, since the students are very well informed about the popular firms in the legal market:

Kariyer ofisinden mail geldi. Hangi gün hangi slotta hangi büronun geleceği yazıyordu. Biz de istediklerimizi seçtik gittik... O yüzden çok da bir şey fark etmiyor. Kim nereye başvuracağını biliyor yani. Ben bu ofisi daha önce duymadım gidip bi bakayım demiyor. O yüzden çok da bir faydası yok. Hele hele... O gelen kişileri uyuz bulursanız başvuraktan da vazgeçersiniz. Çok da faydalı bir şey değil. Herkes o kadar bunu biliyor ve bunu konuşuyor ki. Belki İstanbul Üniversitesi'nde öyle değildir. Herkes belli bir çevreden geliyor. Herkes belli bir dünya vizyonuna sahip. Herkes bir mezun tanıyor, bir şey biliyor. Sınıfta sürekli olarak konuşuluyor. Dolayısıyla IFLR var, Legal 500 var, Chambers and Partners var. Herkes biliyor hangi ofisin iyi olduğunu, kariyer günleri falan çok önemli değil bence. (O. B.)³²

³¹ "There were career days in our university. Attorneys would rain from various law offices and firms. They would describe the working conditions of their own offices. I attended one or two of them. They were helpful indeed. After all, there are too many law offices in the market. It is impossible to know all of them. Of course, some offices outshine others, but the career days were quite helpful. You would leave your CV and they would call you back if they'd like it. It is useful in that regard, because you can apply directly." (M. L.)

³² "I received an e-mail from the career office. The days and the slots allocated to law offices were detailed in it. We chose some to attend... Therefore it does not matter much. Everyone knows where they will apply to. I haven't heard of this office so I should check it, says nobody... That's why it is not much helpful. Especially if you find irritating those who come to the school, then you can even change your mind about applications. It is not much helpful. Everyone knows and talks about everything already. Perhaps things work differently in Istanbul University. But everyone comes from a particular background. Everyone has a particular world vision. Everyone knows some graduate, knows something. Constant talks about them in the classes... There are IFLR, Legal 500, chambers and partners. Everyone knows which office is good and which is not, the career days thus do not bear much importance." (O. B.)

O. B.'s narrative highlights that the students, who study in the same faculty of law, have already the access to the necessary flow of information on the international business law market as they acquire the prevailing judgments of their acquaintances from the university with whom they share the same social networks and world view. Thus, P. R.'s following words underlines the students' skeptic dispositions towards the representatives of the popular law offices, who present their law offices in the following:

Zaten herkesin hukuk bürosu muhteşem. Herkes acayip meşhur. Herkes çok büyük işler yapıyor. Herkesin dediği aynıydı. Hiçbir şey fark etmiyordu. Çünkü daha havalı tipler geliyordu. Onlar öyle havalı olmaları piyasadaki adlarını sürdürmek için tabii. 5 gün uyumayacaksın falan gibi manasız yalanlar söylüyorlardı. Orda çalışan arkadaşlarım da var. (P. R.)³³

E. B. also underlines that students acquire detailed knowledge on the law offices in the legal market even before the career days is held; however, she adds that the career days aimed at introducing the students to the firms rather than vice-versa, describing the way in which the students approach different type of law offices participated in this activity in the following:

Kariyer günlerinde zaten daha önce bildiğimiz firmalardan gelen insanları dinleme şansı edinmiş oluyoruz. Ama kariyer gününde adamın amacı artık kendisini anlatması değil ki. Senin o adamın dikkatini çekmene yönelik olmaya başladı son zamanlarda. Bu o kadar küçük bir dünya ki genellikle zaten gelen giden firmaları çok iyi biliyoruz. Kariyer günlerinden ekstra bir şey çıkaran hiç kimse olduğunu zannetmiyorum. Zaten on tane büro falan var bu piyasada... Baştan saymak gerekirse Simons & Kim, Darendelioğlu, UHH, Derin Hukuk Bürosu, ondan sonra Elite Hukuk Bürosu, James Odell gibi. Bunlar büyük toplar daha çok. Bunların altı zaten butik büro. Bunlardan başka seçimler marjinal seçimler oluyor. Kural bunlar, diğerleri marjinal kategoriye giriyor. Ben de açıkçası çok bilgi sahibi olamadım, o kadar kapalıydı ki benim alanım zaten bu onbir ile. Çok fazla ben de açılmadım. (E. B.)³⁴

³³ "Everybody has a great law office. Everybody is so famous. Everybody undertakes great tasks. They all hum the same story, almost to the letter. Mostly they would show up, with an air of ostentation, geared to maintain their reputation in the market. They would tell silly lies, like staying awake for five consecutive days. I had friends working for them." (P. R.)

³⁴ "In career days you get the chance to hear the firms that you already know. But the whole point of it is beyond hearing what these firms would say. The aim has recently become attracting the attention of those firms. It is such a small world that we jolly well know the firms operating in the field. I don't think anyone exceptionally benefits from career days. There are like ten offices in this market anyway... To enumerate them, there is Simons & Kim, Darendelioğlu, UHH, Derin Law Office and then Elite Law Office and James Odell. These are the big guns. And the rest below them are boutique offices anyway. Other choices remain marginal. Those big guns are the norm, and the others

The narrative of E. B. presents the hierarchical assessment of the law offices in the “small world” of international business law market between the “big guns” or the “rule” and “marginal” ones. While those, which are coded as the “rule”, are composed of big law offices, which have multinational partners and are awarded and ranked firms by the international guides, the “marginal” ones, which are coded as “boutique firms”, are composed of rather small local offices, which provides with similar services for their clients. While shaping their career decisions, most of the students first incline towards the top law offices. Thus, O. B. introduces a similar tendency as she compares one of the biggest and most popular law office and a boutique office at which she is currently working in the following: “Şöyle düşünün White & Case slotu doluydu. Hınca hınçtı. Bizim bu ofisin slotunda iki kişi vardı.” (O. B.)³⁵

Having a position in the big and famous law offices is also promoted by some faculty members or teaching assistants through arranging interviews in the career days. T. C., who is a graduate of Bilgi University ranking first in the faculty, describes the way in which she benefitted from the help of her professors in making interviews with the law offices in the following:

Bilgi’de kariyer günlerine gelecek olanlar önceden bildirilir. O işi organize eden bir asistan veya hoca vardır, ona gönderirsin CV’ni. Gelecek ofislere başvuru yapabilmen adına CV’ni gönderir. Beğenen ofisler de senle görüşmek ister o ilk etapta. Tanıtım için geliyorsa da der biz tanıtım için geldik. Şu şu CV’lere baktık sizle görüşmek isteriz diye. Sana sonradan geri dönüş yapıyorlar. Öyle bir sistem. (T. C.)³⁶

T. C. continues her remarks by underscoring the way in which the competitive atmosphere in the faculty reflects on the career days in the following: “Hakikaten ortam rekabetçi. Rekabet okulda başlıyor diye düşünüyorum. O kariyer günleri Paris Moda Günleri’ni andırıyor.” (T. C.)³⁷ The career days provides with a venue in which both the

fall under marginal categories. Actually I am not much informed as well, because my field was confined to those eleven. I could not go beyond that.” (E. B.)

³⁵ “The slots for the White & Case were full. It was swarming. And the slots for our office were filled by two people.” (O. B.)

³⁶ In Bilgi University, those who are going to come for the career days are announced to students beforehand. An assistant or a professor deals with the organization of such stuff. You pass on your CV to them so that they can pass it to the firms in order to facilitate your applications. The offices, if they like your CV, call you back at that initial phase. If they come for making presentations they say so. They say, like, we checked some CVs and we'd like to invite you for a meeting. Then they call you back. That's basically the system.

³⁷ “It is indeed very competitive. I think the competition begins in the school. Those career days resemble the Paris Fashion Week.” (T. C.)

“competitive” students and the representatives of the popular law offices perform certain dispositions and present certain aspirations related to the challenging working environment of the international business law field. Thus, on the one hand, the students present their skills and desire for having a professional experience to the popular law offices; on the other hand, the representatives of these offices underscore their position in the international business law market and their expectations on working overtime for the attention of the students.

My younger respondents try to eliminate uncertainties about what they want for their future career by applying for summer internships and schools and participating, while the path to the international business law market was shaped rather coincidentally for my older respondents. K. T., a graduate of Istanbul University, who has more than ten years of experience in the profession, describes the conditions, which shaped her career plan in the following:

Tabii yani avukatlık yapacaksanız İstanbul gibi bir şehirde çok fazla seçme şansınız olmuyor. Eğer tamamen kendi gücünüzle bir şey yapmaya çalışıyorsanız biraz tesadüfler sizi nereye götürürse biçiminde gelişiyor kariyer planı. En azından bizim zamanımızda öyleydi... Ben mesela hiç aklımda olmayan şeyler yaptım. Benim tamamen karakterime aykırı ve insanların şaşırarak karşıladığı işler yaptım yani. (K. T.)³⁸

Similarly, N. B., a graduate of Dokuz Eylül University, who also has experience more than ten years in the profession, does not mention any career plan before starting her professional life: “Şans! Bu kadar istemeyerek okuyup bu kadar istemeyerek girip ondan sonra da bu kadar sevmek... Ama diyorum yani John ve Ahmet dışında insanlarla belki başlamış olsaydım böyle olmazdı.”³⁹ N. B. also underlines that she is influenced by her colleagues as she chose a role model during her mandatory training years:

Gerçi ilk başladığımda İzmir’de bir hukuk bürosunda staj yapmıştım. Mesela o da benim hukuka bakışımı etkiledi. Çünkü bir taraftan çok entelektüel bir kişilikti, bir taraftan da çok iyi bir hukukçuydu. Yani bu ikisini kombine etmesi beni çok etkilemişti. O zaman pek bir şey anlamıyordum. Stajyer olduğum için böyle biraz başı kesilmiş tavuklar gibi oluyorsunuz o ilk dönemlerde. Çok bir

³⁸ “You don’t have many options if you are to be an attorney in a city like Istanbul. If you try your chances without getting anyone’s help, mostly some coincidences shape your career plan. At least, this is how it was in my time... For example, I did many things which I had not had in my mind, completely against my character, and to the surprise of other people.” (K. T.)

³⁹ “Pure luck! Loving it so much, after getting into and studying it so unwillingly... But perhaps it would be different had not I started with John and Ahmet.” (N. B.)

şey anlamamama rağmen hani böyle de olunabiliyormuş, klasik standart hukukçunun dışında bir yapı olabiliyormuş diye düşündüm. (N. B.)⁴⁰

As N. B. describes the disposition of her colleague, she addresses intellectuality as a distinct property, which one cannot be found as part of the preconception of a 'classical legal professional'. While, N. B. narrates the way she established relations with her colleagues, my younger respondents do not present any account concerning their relationship with their colleagues in the international business law offices. In that sense, it could be argued that there is a difference between my older and younger respondents, in terms of the way in which professional inspiration is shaped, as prospective attorneys enters in to the professional life.

Through presenting the ways in which my respondents initiated to shape their professional life through their encounters in their education and social life, I intended at introducing the stages at which the early connections with the legal professional life is established. My respondents' statements put forward the ways in which the decisions that shapes their professional careers is woven through the family connections and social relations, which promote reproducing and enhancing ones' position in both social and professional environments. In that sense, the practices of summer internships, summer schools, and career days are considered necessary for preserving, as well as furthering their positions. For instance, while the narrative on "not being stray" delineates the borders of a group formation in which students are defined as "conscious" individuals who are determined to have a specific career aspiration that is not open to other experiences; "not being a couch-grass" highlights compliance and belonging to this group. Bourdieu (1985) argues:

The sense of one's place, as a sense of what one can or cannot "permit oneself," implies a tacit acceptance of one's place, a sense of limits ("that's not for the likes of us," etc.), or, which amounts to the same thing, a sense of distances, to be marked and kept, respected or expected. And it does so all the more strongly where the conditions of existence are most rigorous and where the reality principle most rigorously asserts itself." (728)

In order to become a part of this social environment, one should adopt certain

⁴⁰ "Actually, when I started I was in intern for a law office in İzmir. That also changed my perception of the law. Because, on the one hand, I was working with an intellectual person, on the other hand with a competent legal professional. His combination of the two impressed me so much. I was not very keen back then. In those first periods as an intern, you are bound to remain clueless. Notwithstanding that, I thought to myself; it can be done in another structure too, differently than the classical, standard legal professional type." (N. B.)

dispositions such as ‘being extremely ambitious and competitive’, as well as the practices such as ‘summer internship/schools’ in particular law offices, which can be discussed as part of the Bourdieu’s concept, “*habitus*”⁴¹. As Rogowski (1995) underlines the agent in the field owns a particular *habitus*, which derives from a number of sources, including her/his education, social background and socialization within the field. According to Bourdieu (1990: 55, 56):

Being the product of a particular class of objective regularities, the *habitus* tends to generate all reasonable, common-sense, behaviors which are possible within the limits of these regularities, and which are likely to be positively sanctioned because they are objectively adjusted to the logic characteristic of a particular field, whose objective future they anticipate. At the same time, ‘without violence, art or argument’ it tends to exclude all extravagances (not for the likes of us) that are all the behaviors that would be negatively sanctioned because they are not in compatible with the objective conditions.

On the one hand, most of the narratives of my younger respondents positively sanction the extreme ambition and competition is positively; on the other hand, they exclude the option of not applying to summer school. Thus, as a product of history, *habitus*, which “produces individual and collective practices - more history - in accordance with the schemes generated by history”, “ensures the active presence of past experiences, which, deposited in each organism in the form of schemes of perception, thought and action, tend to guarantee the 'correctness' of practices and their constancy over time” (Bourdieu, 1990, 54). The gap between the experiences of my older and younger respondents in shaping their careers indicates the way in which transformation restructuring of the legal market created a brand new *habitus*, which shapes and is shaped by the social channels through which students are informed about and adopted the trends in legal market.

All my younger respondents stressed the need to keep with recent trends and options in the legal market, so as not to fall behind in the competition among class mates. *Career day* activities which are organized by top-tier law offices in the market through their social networks in the universities, offer the opportunity to learn more about existing hierarchies in the market, as well as applying for summer internships. The stories told by my respondents suggest however, that gaining access to a summer internship in one of the prestigious law offices is contingent on the influence of family networks as well as recommendation from faculty members. Such *summer internships* enable young attorneys to become familiar with the distinct dispositions and practices of

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top-tier law offices in the legal market, and to take a step in building their careers in international business law field.

CHAPTER IV

BUILDING CAREER PATHS

In this chapter, I aim at providing with an insight to the kinds of capitals, which are necessary for the professional practice of the attorneys working in the international business law field and how attorneys negotiate different professional positions and work environments in building their careers. For this purpose, I will first present how my respondents gained access to the law offices for which they work and the distinct capitals, which are prerequisite for their professional practice. Later, I will introduce how my respondents negotiate working conditions, professional and financial returns, and their positions within hierarchical structures that are embedded in the international business law offices in advancing their career. Finally, I will set forth how my respondents consider the concepts of internationalization, globalization, and institutionalization as part of their professional practice and working environment. In this sense, I will discuss how distinctions between existing and newly emergent forms of cultural and professional capital shape my respondents' professional career in the transforming legal market.

4.1. Entering into the Legal Market

After their finishing their mandatory legal training⁴², the junior attorneys seek to find the professional environment in which they build their future career path. Entering into the international business law field depends on various factors such as previous summer internship experiences, advanced skills in English or having expert knowledge in litigation. Some of my younger respondents were directly admitted to the law offices at which they have previously worked as a summer intern: E. B., who applied to the top law offices as she started her mandatory legal training, underlines the differences between working as a summer intern and as a junior associate in one of these law offices to which she was admitted, in the following: “İstedigim her yerden kabul aldım

⁴² After graduating from the faculty of law, the graduates are required to go through a mandatory training offered by the local bar associations, which lasts approximately one year. During this period, the trainee attorneys are required to attend the hearings in courts to observe the juridical proceedings in the first six month of the year and to attend the courses offered by the bar in the following six months, while working in a law office.

ama yaz stajında beğendiğim bir yer vardı orayı seçtim.” (E. B.)⁴³ For E. U., who also applied to two top law offices for which he previously worked as a summer intern, amount of salary and length of annual leave were two criteria, which were influential in his job application: “Üçüncü sınıfta Darendelioğlu ve Safir arasında kaldım. Seçimimde maaş etkili oldu. Darendelioğlu’da ilk yılda 5 günlük yıllık izin var, bizde 20 gün.” (E. U.)⁴⁴ While for some of young attorney candidates, the path to professional life is much more determined, for some, “luck/coincidence” in being admitted to the law office is important inputs: “Tamamen tesadüf... Ben kimsenin seçim şansının çok olduğuna inanmıyorum. Siz başvuruyorsunuz binlerce yere. Hangisi kabul ederse. Nereye layık görürse oradan gidiyorsunuz. Kendi isteğinizin dışında gidiyor.” (P. R.)⁴⁵ Similarly, M. L. who is working at the same law office with P. R., indicates that she was lucky to be admitted to a law office, which she randomly selected, after her miscellaneous job applications were rejected: “Ben buranın adını hiç bilmiyordum. Artık böyle yıl sonuydu. Hiçbir yerden ses gelmiyordu. Kafayı yemek üzereydim. İyi bari buraya başvurayım. Öyle oldu yani. Şansa mı desem?” (P. R.)⁴⁶ Before M. L. was admitted to the law office at which she currently works, she had to pass three-phased interviews:

Üç görüşmeden geçtim. Önce Nilgün Hanım var. Admission partner'ımız. İngilizce sınavı falan oluyorsunuz. Yaren Hanım'dan geçtikten sonra Namık Bey ve Salih Bey var. Onlarla görüşüyorsunuz. O daha çok kişilik analizi gibi. Onlar da okey derse, Denisse var son partner. Sonra girdikten sonra 3 aylık bir deneme süresi var. Normal paramızı alıyoruz ama 3 aylık bir ne olacağımızın belli olmadığı, askıda bir dönem. O üç ay sonunda kalıp kalmayacağınız belli oluyor. (M. L.)⁴⁷

⁴³ “I was accepted to all the law offices at which I did internship; however, I chose the one I fancied during my summer internship.” (E. B.)

⁴⁴ “I was torn between Darendelioğlu and Safir in the third year in the law faculty. The amount of salary influenced my decision. The annual leave is 5 days in Darendelioğlu in the first year. It is 20 days in our office.” (E. U.)

⁴⁵ “It was completely coincidental... I think people do not really have a choice. You apply to thousand offices. You start working in whichever accepts you. You follow the path of which you deemed suitable. It happens out of your will.” (P. R.)

⁴⁶ “I did not know about this office at all. It was the end of the year. I did not hear anything from the offices I applied. I was about to go mad. I told I should apply to that office as well. This is how it happened. Maybe it’s luck.” (M. L.)

⁴⁷ “I made three interviews. The first interview is with Mrs. Nilgün, our admission partner. You take an English language exam. After passing the interview with Mrs. Yaren, you interview with Mr. Namık and Mr. Salih. This interview is more like a personality test. If they say ‘Ok!’, you interview with Suzanne, our last partner. After you were hired, there is a trial period during which we do not know about what will happen to you. After this period, we learn whether we will stay or go.” (M. L.)

As M. L. indicates, after a meticulous interview process in which the applicant's language skills and personality traits were examined, the candidate was subjected to a trial period in abeyance. Thus, S. S., who was admitted to the law office, which was established one of her professors, highlights that the trial period is rather for exacerbating the competition between the candidates: "Bazı bürolarda oluyor böyle. beş stajyer alacak, üçü devam edecek, ikisi gidicek. Rekabet ortamı yaratıyorlar." (S. S.)⁴⁸ She indicates that she has not gone through such a process; however, the conditions in which she would work were emphasized in the job interview without leaving room for negotiation: "İki üç gün gün içinde beni kararını bildir. Ama bil ki burda sabahın gündüzün yok. Bayramın tatilin yok. Bunu bilerek gelmek istiyorsan, çalışacaksan gel. Çalışmayacaksan burda birbirimize sarılarak ayrılalım." (S. S.)⁴⁹

While my younger respondents start their career path in the international business law field by making calculations on based on their previous social connections and experiences as summer interns, one of my older respondents, K. T., who is a litigation expert, entered into this field upon her friend's partnership offer, after having experiences in various law offices:

Ortaklarım benim çok eski arkadaşım, ikisi de aynı üniversiteden arkadaşımdır. Onlar dava işi yapmıyorlar sadece danışmanlık ağırlıklı çalışıyorlardı. Ben bu ikisinin çok ayrılabilir şeyler olmadığını ve genelde bir hukuk bürosunun bunların hepsinin bir arada içinde bulundurması gerektiğini savunurum. Evvelden onlarla benzer bir akıl yürütmeye bir dava bölümü olması gerektiğine kanaat getirmiştik. Onlarla bir araya geldim ve birlikte devam etmeye karar verdik. (K T.)⁵⁰

Another older respondent, N. B., stated that it was her language skills in English, which led her to a career in the international business field, specifically in M & A branch:

⁴⁸ "In some offices, they create a competitive environment. For instance, they accept five trainees for the trial period, three will continue, two will go." (S. S.)

⁴⁹ "Let me know about your decision within two or three days. But be sure that you will work round the clock. You will have no vacation in holidays. If you want to work with us under these conditions, you are welcome to work with us. If you do not, then let's hug and leave each other." (S. S.)

⁵⁰ "My partners and I are friends since university. They do not do litigation, only work as legal counsels. I always argue that these two (litigation and legal counseling) cannot be separated from each other and that a law office should include both of them. We previously decided that there should be a litigation department within the office, based on a similar reasoning. I leagued together with them and we decided to continue working together." (K. T.)

İngilizcemin iyi olması nedeniyle bu becerimi kullanabileceğim bir dal arayışı içine girdim. M & A yaparsan olur dendi. O şekilde başladım. İngilizce bilmiyor olsaydım tabii ki bunu yapamazdım. Hala da Türkiye’de bence o şekilde. İngilizce level’ınız iyiyse M & A seçiyorsunuz. Çok bilinçli bir seçim olmadı. Türkiye’de diğerleri yoktu zaten. İngilizce bilen avukatlar şirket satın almalarında ya da arbitration alanlarında çalışıyordu. Ben ilk çalışmaya başladığımda onlardan (tahkim alanında çalışan avukatlar) çok fazla yoktu. Türkiye’de şimdi çok daha fazla artmaya başladı. Türkiye’de o zamanlar daha farklı availability’ler olsaydı, kariyerim daha farklı şekilde gelişecekti. N. B.⁵¹

As N. B. previously mentioned, having good English language skills was influential in deciding to study law, which was promoted by her family. She underlines that her entrance into the international business field was not “a fully conscious decision”, which could be considered a continuum of her previous envisagement on studying law. Her encounter with the M & A field was shaped in accordance with the “availabilities in the legal market” back then, including M & A and arbitration.

4.2. New Forms of Cultural Capital: Legal English Skills

While the options in the legal market have been becoming more diverse, my younger respondents, who are graduates of the universities in which the language of instruction is in English and French, underlines the importance of having strong English skills in accessing a position in the law offices operating in the international business law field and gaining recognition in the office space. Thus, E. U., a graduate of Galatasaray University whose medium of teaching is in French, argues that “Koç ve Galatasaray Üniversitesi’nde belli bir tipe yönelik avukat yetişiyor,” (E. U.)⁵² describing the way in which the legal foreign language education in school was beneficial in the first days of his career in the following: “Galatasaray’da bu tarz bürolara girmek için hukuk İngilizcesi veriyor. Hukuk İngilizcesi profesörümüz baya baya bize sözleşme hükümlerini göstermişti. Her sözleşmede standart olan şeyler. Değişik tipte sözleşmeler göstermişti. İlk başladığımda o ne bu ne demedim. Biraz

⁵¹ “I had good English skills; therefore, I sought to find a branch of law in which I could use this skill. People suggested me to do M & A. This is how I started my career. I would not do this, if I had not had known English. I guess how people choose this field is the same in Turkey. If you have good level of English, you choose M. & A. It was not a fully conscious decision. Other branches were not available in Turkey. The attorneys, who knew English, have worked in the legal proceedings of company take-over or in the field of arbitration. When I first started professional life, there was not many of them (attorneys, working in the field of arbitration). Their number drastically increased in Turkey. If there were other availabilities in Turkey back then, my career would shape differently.” (N. B.)

⁵² “The law faculties in both Galatasaray and Koç Universities train their students to become a specific type of attorney.” (E. U.)

aşınaydım.” (E. U.)⁵³ In that sense, the requirement of having advanced language skills in English stands as a significant border in entering the international business law field. T. C., who is a graduate of Bilgi University in which the courses related to the international legal fields are in English, expresses the way in which such skill is indispensable in the professional practice in the following:

İyi İngilizce bilmek çok önemli. Ofise bir şekilde girsen bile ürettiğin bütün dökümanlar İngilizce. Senin kendini rahat hissedebilmen için iyi bir şekilde çalışabilmen için iyi bir İngilizceye sahip olman gerekiyor. İşleri Türkçe yapıyor olsaydık bence hiçbir önemi yoktu. Müvekkillerin yüzde 90’ı yabancı. Yazışmanların, raporların, dökümanların hepsi İngilizce. Kaçınılmaz yani. Mutlaka iyi bir İngilizcen olması gerekiyor. (T. C.)⁵⁴

The level of English of the junior attorneys makes an important difference, bringing about both appreciation and responsibility to those who have better language skills, as S. S. indicates: “Ofiste daha iyi İngilizcesi olanla olmayan arasında bir fark vardı. Hem iyi hem kötü. İş yükün artıyor.” (S. S.)⁵⁵ Although having language skills other than English provides with an advantage to a certain extent, the following statements of S.S. and F. E. points out that having advanced skills in English is a must: “Başka dil bilmek belki bir artı CV’de, etkilemek için. Mesela Fransız müvekkil oluyor. Bizde bir sürü Galatasaray hukuk mezunu var, ama yazışmalar hep İngilizce gidiyor.” (S. S.)⁵⁶ “İngilizcen ve Fransızcan orta seviyede olacağına İngilizcen iyi olsun.” (F. E.)⁵⁷

While working in the branches of the international business field pushes the attorneys to acquire advanced English language skills, the use of English in the

⁵³ “Galatasaray University offers legal English courses, which helps entering these offices. Our legal English professor showed us the provisions of a contract, pretty much. I mean the things that are same in almost all contracts. He showed us different types of contracts. When I first started working, I did not ask what is this or that, I was already a little familiar with them.” (E. U)

⁵⁴ “Having good English skills is very important. Even if you are hired by the office somehow, all the documents you create are in English. You need to have good English language skills in order for you to feel comfortable. If we have conducted our works in Turkish, then it would not have been important. %90 of our clients is foreign. All the correspondences, reports, documents are in English. I mean, it is inevitable. You definitely need to have a good command of English.” (T. C.)

⁵⁵ “There was a difference between the one, who has better English skills, and the one, who has not. It is both good and bad. Because, you get more work for that.” (S. S.)

⁵⁶ “Having another language skill may be considered a plus in your CV. For instance, we have French clients. We have a lot of Galatasaray University graduates; but the correspondences are always in English.” (S. S.)

⁵⁷ “It is better having advanced English than having intermediate English and French.” (F. E.)

litigation departments of the law offices is rather limited. Thus, K. T., the head of the litigation department of her law office, states the extent she resorts to her English skills in her professional practice in the following:

İngilizce'yi mesleki anlamda çok kullanmıyorum. Ben daha çok adliye avukatlığı yapıyorum. Fakat sunduğumuz dökümanlar olsun, müvekkille yürütülen ilişkiler olsun elbette İngilizce kullanmamız gerekiyor. İşin içinde bir uluslararası ihtilaf varsa, elbette ki o dökümanları incelerken veya müvekkille müzakerelerimizde İngilizce'yi kullanıyoruz. (K. T.)⁵⁸

Although the use of English in the domain of litigation in which law is practiced mostly in the national juridical field, is confined to correspondence with the clients and the documents related to international legal conflicts, it is still an important signifier of competence within the office space for young attorneys, who are working in the litigation departments and has just started to build their career paths. F. E., who works in a maritime law office, indicates that not having English language skills is something to be condemned for: “Deniz ticaretinde sıklıkla İngilizce kullanılıyor ve İngilizce bilmek zorundasın. İngilizce'nin iyi olmaması ayıplanan bir şey oluyor.” (F. E.)⁵⁹ She indicates that having good English skills sometimes cuts across the legal knowledge and comprehension, which is essential to the litigation practice:

Bazı insanları sırf İngilizcesi iyi diye alıyorlar. Bilgi sıfır, algı sıfır. Litigation da yapıyoruz biz. Gerçekten az buçuk kafası çalışan bir insan olması lazım. Sadece İngilizcesi var başka hiçbir şeyi yok. Bu insan çok daha kabul edilebilir oluyor iyi bir öğrenciden. (F. E.)⁶⁰

Defined as a field in which litigation is dominantly practiced, international maritime law also requires having advanced skills in English. Thus, as F. E. indicated this skill is considered a more admissible quality in a maritime law office than being successful in the faculty of law. She exemplifies this situation through narrating the way in which one of her colleagues with no English skills whatsoever, who was a successful law student, was treated in the office in the following:

⁵⁸ “I do not much use English as part of my professional practice. I mostly do litigation. However, we are required to use English in the documents that we submitted and our relationships with our clients. If an international conflict is involved in a case, we surely use English in the negotiations with the clients and while we examine the related documents.” (K. T.)

⁵⁹ “English is used often used in the maritime law and we need to know English. Not having good English skills is something to be condemned.” (F. E.)

⁶⁰ “They hire some people just because they have advanced English skills. They have no knowledge or apprehension. We do litigation as well. S/he has English only; but nothing else. This person becomes more acceptable than a good law student.” (F. E.)

Arkadaşım İstanbul Hukuk mezunu. Deniz ticareti alanında akademisyen olmak istiyor. İngilizcesi yok gibi bir şey ama çok çok iyi bir öğrenci. Normalde kabul edilmeyecek durumda; ama avukatların birçoğu ayrıldığı için bir şekilde kalıyor bizim ofiste. ‘Litigation’ın bu kadar yoğun yapıldığı bir yerde neredeyse adli ayağı tamamen kendisi yürütüyor. O kadar ezmişler ki onu orda İngilizcesi yok diye... O kadar sömürmüşler ki... Bu yüzden herkesten daha fazla çalıştırılmış. Bu kadar çalıştırıldığı halde laflarla bir şekilde imalarla aşağılanmış. Yabancı müvekillerle iritibat kuramadığı için sanki eksik gibi davranılmış. Daha az maaş almış. Bir yandan da özgüvenini yedikleri için çıkıp gidememiş. Sanki nihai olarak girip girebileceği en iyi yer burası ve başka bir şey gibi attan inip eşeğe binmiş gibi olacak. (F. E.)⁶¹

In F. E.’s narrative, admission to a maritime office without having English skills is considered as something against the “normal admission conditions.” She indicates that having no English language skills, confines her colleague to the litigation department of the maritime law office and put her in to a more inferior position compared to those who have English language skills, paving the way for unfair treatment against her within the office space. The way in which leaving a position in a maritime law office is conceived, “getting off from a high horse” in F. E.’s words, points out the hierarchical positioning of the conceptions on law offices.

4.3. Emerging Barriers between Diverging Professional Positions

Regardless of acquiring different skills and experiences before applying to a professional position, the attorney candidates should decide on choosing separate paths in their professional life, including becoming a solo practitioner, establishing their own law office partnership or being employed under a law office or a private or government institution (in-house). Taking the decision on running an independent law office mostly depends on financial capital and professional experience, which has an utmost importance in attracting potential clients. Thus, P. R., who has three years of experience in corporate law, is aspired to start his own office; however, he is concerned about attracting the clients because of the lack of sufficient experience and social and financial

⁶¹ “My friend, who is a graduate of Istanbul University, wants to become an academician. She has almost no English skills; but she is a great student. Under normal circumstances, she would not have been hired; but she stays in the office somehow, since most of the attorneys quit. She handles almost all of works related to the courts in the office where litigation is intensively done. They oppressed and exploited her for not knowing English... For that reason, she has been overworked and degraded by some remarks and implications, although she has been forced to work so much. She has been treated as if she has some sort of deficiency since she could not contact to the clients, she earned a lot less salary. On the other hand, she could not quit, since they destroyed her self-confidence. As if this office is the best place that she could have ever be hired and if she quits it is going to be like getting off from a high horse.” (F. E.)

capital: “Burdan sıkılırsam kendi büromu açmak istiyorum. Şu yaşımda açamam. Hiçbir büyük müvekkil bana gelmez eğer tanıdığım değilse.” (P. R.)⁶² Similarly, T. C., who has three years of experience in the M & A field, finds starting her own law office as the best option as a long term-goal in professional life; however, she also underlines the necessity to build up experience in different fields to compete within the legal market in the following:

Kendimi büromu kuramak benim için en güzeli; fakat o da uzun vadede olabilecek bir şey. Birkaç alanda daha deneyim edinmek ve tam anlamıyla kendimi iyi ve yeterli hissettiğimde yapmak istiyorum... Bana birleşme devralma gelse yaparım. Kurduğum sistem hiçbir yerde de teklemes. Fakat birleşme devralmalar, küçük bürolara gitmez. Bizim tarz bürolara gider. (T. C.)⁶³

T. C. draws attention to the way in which certain types of deals, such as those in the field of M & A, is mostly handled by certain law offices, leaving no room, if not less, to the newly established law offices. Yet, N. B., an attorney, who has more than years of experience in the M & A field and established her own law office partnership, presents both the affirmative side of and the challenges brought about by operating as an independent law office in the following:

Bir taraftan gerçekten istediğim gibi işi yapabildiğim için çok mutluyum. Gerçekten müvekkillerimle tam istediğim gibi ilişki kurabiliyorum. Bir taraftan da hani çok farklı sorumlulukları üstünüzde duyuyorsunuz. Bir şekilde maaşları vs.yi nasıl ödeyeceğiz diye düşünüyoruz. Her ay ayrı bir stres ve bir baskı hissediyorsunuz. Ama baktığım zaman herhalde ‘most fun’ benim için meslek hayatımın bu dönemi oldu. Altındağ Hukuk Bürosu'nda geçirdiğim zamanda benim için çok ‘fun’dı. Çok iyi eğlendim aslında ama bu daha ‘challenging’ bir task bence. Hem de bir taraftan çok daha eğlenceli geldi bana. (N. B.)⁶⁴

Establishing an independent office, on the one hand brings about more responsibility, on the other hand, more opportunity to shape the way in which

⁶² “If I get board from working here, I want to open my own office. I cannot open at this age. None of the big clients would work with me unless I do not know them.” (P. R.)

⁶³ “Opening my own office is the best option for me; however, it would happen in the long term. I want to gain experience in couple of more branches of law and to do it after I feel completely competent and qualified enough... If I take a M. & A. case, I would do it. The system that I build will not malfunction. But small law offices do not get M. & A. cases. The offices like ours would get the M. & A.” (T. C.)

⁶⁴ “On the one hand, I am very happy for doing what I really want to do. I can establish relationships with my clients as the way I wanted. On the other hand, I feel different forms of responsibilities such as how we will pay the salaries, ect. You feel different stress and pressure in every month. But, this period has been probably the most fun time of my professional life, when I look back. The time I spent in the Altındağ law office was also very much fun. I enjoyed a lot; however, this is a more challenging task. At the same time, it was very much fun for me.” (N. B.)

professional business and relationships are handled, as N. B. indicated. Another experienced attorney, K. T., who is a partner of the same law office with N. B., presents the financial constraints of establishing an independent law office when she first entered into the professional life in the following: “Para kazanmam gerekiyordu. Tek başıma büro açmak o anda çok gözümü korkutan bir şeydi.” (K. T.)⁶⁵ Intimidated by the financial constraints and the competition in the legal market, as well as lack of sufficient experience, younger attorneys mostly seek for the positions in which they are employed in a law office, in order to gain the necessary experience for the professional competition. For P. R., establishing an independent law office is easier as a solo litigation attorney than an attorney, who is specialized in the international business law field, underlining the significant differences between these two types of attorneyship:

Adliye işine girerseniz sokaktan geçen adamın bile işini halledebiliyorsunuz. Profesyonel alanınız çok daha fazla artıyor. Kendi hukuk büronuzu kurmanız da daha kolay oluyor... Artık bu yaştan sonra zor olur diye düşünüyorum. Zor olur derken parasal olarak zor olur. Adamlar bana 4 senelik avukatın maaşını vermeyecekler hiçbir şey bilmediğim için. Bu alanda devam edersem bu maaşı alacağım. O çekeceğim sıkıntıya değmez yani. (P. R.)⁶⁶

The young attorneys start professional life by investing their time and energy in gaining experience in the international business field. Yet, as much as they make such investment, they stay within the boundaries of this field, opting out the option of becoming a litigation attorney, which requires a completely different investment. In that sense, it could be argued that establishing a law office as a solo litigation attorney seems as a remote chance for young attorneys working in the international business field. They rather deal with the working conditions in the competitive world of international business law market, as E. B indicated in the following:

Kural ofislere başta ya kabul edilemezsin çalışmaya başlayıp şartları beğenmez daha butik büroya geçersin. Yaşam tarzı iyileşiyor ama ücret yarı yarıya fark

⁶⁵ “I had to earn money. Opening my own firm was something that intimidated me a lot at that moment.” (K. T.)

⁶⁶ “If you do litigation, you can handle anyone’s legal problems. You have much more professional space. It becomes easier for you to open your own office... I think it would be hard for me to open my own office at this age. When I say that it would be hard, I mean financially. They would not pay me the salary of a 4-year attorney for knowing nothing. If I continue to work in this field, I will have this salary. It would worth the trouble.” (P. R.)

ediyor. In-house da başka bir ihtimal. Daha az ücret ama yaşam kalitesi daha yüksek. Belki 5 yıl sonra bir şirket sizi daha yüksek ücretler alabilir. (E. B.)⁶⁷

According to E. B., applying for a position in one of the top law offices is the first step in building a career in international business law market. Only after that, the attorneys consider other options such as working in a boutique law firm or seeking a position as an in-house attorney and negotiate between different “working conditions” and “life style”. Furthermore, having five years of experience specified as a limit in which the professional competency in the field of international business law is acknowledged in the legal market, as E. B. indicated. E. U., who also considers becoming the head of the legal department of a private company, also determines the limit of gaining sufficient experience as four or five years, in his following statement: “Benim planım, dört beş sene burda çalışmak. Sonra bir şirketin hukuk departmanın başına geçerim.” (E. U.)⁶⁸ Similarly, M. L. figure that she need to gain experience in law offices before seeking for an in-house position, which seemed to be a further step to be taken in her career: “Çalışma hayatımda ilk adım bir büroda çalışmak daha sonraki adım in-house pozisyon edinmek diye düşünürüm.” (M. L.)⁶⁹ Another younger respondent, P. R., working in a boutique law office, eliminates the option of establishing his own law office and pictures a partnership position in a law office partnership or an in-house position for his the future, in his following statement:

Bundan sonra ya burda, ya orta kademedede başka bir büroda ya da şirket avukatı olarak devam edeceğim. Kendi büromu açmak gibi bir düşüncem yok. Şirket avukatlığı mantıklı görünüyor belli bir yaştan sonra. Dediğim gibi başvuruları yaparım. Kısmet yani, hangisi kabul ederse orda çalışırım. (P. R.)⁷⁰

While in-house position is depicted as a “reasonable” option, which could be preferred after “a certain age”, as P. R. stated, an in-house position appears as a career

⁶⁷ “You either do not hired by the offices, which are deemed as the rule, or work and do not like the conditions and switch to a boutique office. The life standard gets better but the salary changes half and half. In-house is another option. The salary is lower but the quality of life is higher. Maybe in 5 years, a company may hire you with a higher salary.” (E. B.)

⁶⁸ “My plan is working here four or five years and then becoming the head of the law department of a company.” (E. U.)

⁶⁹ “I think the first step should be working in a law office and the next step should be an in-house position.” (M. L.)

⁷⁰ “In the future, I will work either here or at another middle range law office or as an in-house attorney. I have no thought of opening my own office. An in-house position seems reasonable after a certain age. As I said, I make applications. The rest is kismet, I will work with whichever of them hires me.” (P. R.)

option which is more settled and will be pursued further in professional life. However, in order to gain experience and acknowledgement within the legal market, young attorneys should choose a path to follow in the law offices as employees. Although my respondents did not give clear cut definitions for the law offices they mentioned in their narratives, the distinctions between them depends on the size of the office or the volume of the legal deals business. O. B, who is working in a boutique law office, highlights the differences between a big law office and a boutique law office in the following:

Çalışma olarak aynı inanın. İş temposu da aynı. Sadece deal flow daha az bizde. Onlar daha çok sürümden kazanıyorlar. Darendelioğlu ismi olduğu için... Bizim daha 'steady' ve daha büyük projlerimiz var, belirli müvekkillerimiz var. (O. B.)⁷¹

O. B. bases the distinction between a big law office and a boutique law office on their marketing strategies. These strategies also shape the way in which the attorneys working in international business law field gain experience. N. B., who decided to start her career in a boutique law office, indicates the ways in which the quality of the experiences of the junior attorneys differ in big law offices and in middle range law offices, through narrating the discussion with a family friend, who worked in one of the biggest multinational law offices in the following:

Ben hiçbir zaman büyük bir hukuk bürosunda çalışmak istemedim. Kim & Simons'da çalışmış çok yakın bir aile arkadaşımız demişti ki Kim & Simons'a gidebilirsin şuraya gidebilirsin buraya gidebilirsin. Ama bence öyle büyük bir hukuk bürosuna gitmek, özellikle 'junior'ken çok bir şey katmaz. Deal görmek önemli; ama daha önemlisi 'deal'ı nasıl gördüğün. Sen bir 'deal'ı başından sonuna kadar sorgulayarak mı göreceksin? Yoksa işte sana bir 'deal'ın bir parçasını verecekler. Sen yapacaksın. Ne yaptığını da bilmeyeceksin. Öyle mi yapmak istiyorsun dedi. Daha orta ölçekli bir hukuk bürosuna girersen yaptığın 'deal'ı anlama şansın daha çok olur dedi. Ve öylelikle ben orta ölçekli bir hukuk bürosu tercihte bulundum. Bence hayatımda yaptığım en doğru şey oldu... Büyük hukuk bürosu görmek de önemli. Çünkü orda nasıl iş yapıldığını, iş akışı nasıl sağlandığını vs. görmenin de önemli olduğunu düşünüyorum. Aradaki farkı görüyorsunuz. (N .B.)⁷²

⁷¹ "The workload is the same. The working tempo is also the same. Only the deal flow is less in our office. They follow the strategy of 'pile it high, sell it low,' since they have the name Darendelioğlu... We engage in bigger and steadier projects, with particular clients." (O. B.)

⁷² "I have never wanted to work in a law office. A family friend of us, who worked at Kim & Simons, told me: 'You can apply to Kim & Simons or this office or that office. I think applying to a bigger law office would not contribute to a junior attorney It is important to see deals; but what's more important is how you see the deal. Are you going to see the deal by questioning it from the beginning until the end? Or they would give you a part of the deal. You would work on it. You would not know what you do. Is

As N. B. indicated, both seeing different cases and taking active part in handling of the cases are important for junior attorneys to create “their own style”. Yet, she sets clear differences in depicting the professional experiences, confining the quality of the experience to this dual structure. Thus, E. B., who works in one of the multinational law offices, presents that it is also possible to become actively involved in the high quality cases in big law offices as long as one demonstrates her/his ambition in learning more:

Know-how'ları daha iyi, standartları yüksek olan insanlar her işi iyi yürütüyor. Belli oturmuş bir veri tabanı üzerinden sistemli olarak çalışıyor. Her işi çok daha iyi beceriyorlar. Müvekkile de daha iyi hizmet verildiğini düşünüyorum ama çalışma saatleri çok ağır. Çok daha disiplinli bir büro. Ama ücret çok yüksek ve bunun karşılığında çok şey öğrendiğimi düşünüyorum; çünkü işlere dahil olabiliyorum. Hırslı isen gerçekten istiyorsan, ben bunu yapmak istiyorum dediğinizde “Hadi al bakalım bi dene.” diyorlar yani. (E. B.)⁷³

The heavy working conditions in big law offices is negotiated with high salaries and having quality professional experience in E. B.'s narratives. However, she also adds the aspect of quality of life into this calculation, which disrupts the balance in her equation:

E. Ş.: Bunun gibi bürolarda çalışmakla butik bürolarda çalışmak arasında ne fark var?

E. B: Gözetir güzel bir butik büro örneği. Hem ücret iyi hem yaşam tarzı iyi. 6' da çıkıyorlar ama aynı zamanda bizim işimizi yapıyorlar mesela.⁷⁴

Quality of the professional experience, salary, working conditions, as well as life style stands as the parameters of the way in which junior attorneys negotiate different options in the legal market. Yet, N. B., as one of the partners of a boutique law office, argues that there is a prevalent slave system for young attorneys and legal trainees in big law offices based on her own experience in the following:

this what you want? If you work in a middle range office, you will have a better chance to understand the deal which you work on.' I think it was the most correct thing I have ever done in my life... It is important to have a big law office experience. Because, I think that it is important to see how the work is handled there; how the deal flow is conducted ect. is important. You see the difference between them.” (N. B.)

⁷³ “Those, who have better know-how and high standards, handle any deal well. They work systematically on an established data base. I think that the clients are served better; but the working hours are too long. It is a highly disciplined law office. The salary is high. I think I learned a lot in return, because I am involved in the deals. If you are ambitious and you want to work, they say ‘Give it a try!’, when you say I want to do this.” (E. B.)

⁷⁴ “E. Ş.: What is the difference between working in the law offices like yours and a boutique law office?

E. B.: Gözetir is a good example of a boutique law office. Both salary and life standard is good. For instance, they leave work at 6 pm and do what we do.”

Ordan ayrılmamın en önemli nedeni hukuka yaklaşım biçimiydi. Bu hukuk firmaları büyükleştikçe birer fabrika haline geliyorlar, hukuk fabrikası gibi. Tamamen hani ticari bir işin yapıldığı, para kazanmanın ilk hedef olduğu bir yer gibi geliyor açıkçası. Bu da anlaşılabilir çünkü çok fazla kişi çalışıyor, çok fazla kişinin maaşları ödeniyor. Dolayısı ile bu çok ciddi bir yük... Bu fabrikalaşan hukuk bürolarında işin çok efektif bir şekilde yapıldığını düşünmüyorum. Dolayısı ile “cookie cutter”lığa yöneliyorlar. Siz M. & A. mi yapmak istiyorsunuz? M. & A. “cutter”ını alıyorsunuz. Siz işte dava mı açmak istiyorsunuz? Dava “cutter”ını alıyorsunuz. Ve bu işi bu şekilde yapmaya başlıyorsunuz. Başka türlü yapmanız da mümkün değil zaten. O kadar çok şey var ki. “You need that cookie cutter”. Yani oturup da ben işte “cookie’yi kendim yapayım, şöyle olsun böyle olsun” diyecek vaktiniz yok... Bu büyük hukuk bürolarında avukatlar işçi bence. Öyle hani fabrika işçisi gibi... Nasıl diyim sanayi şirketi gibi bir mass production’a giriyor ve işin o eğlence tarafını öldürüyor... Bu büyük bürolarda çalışınca hayatla kendinizi koparmanız bekleniyor. Evet çok iyi maaşlar alabiliyorsunuz. Hayat standardınızı çok yüksek tutabiliyorsunuz. “At what cost” gerçekten de... Bence çok manasız; çünkü kazanıyorsunuz ama paranızı harcayabileceğiniz bir zamanınız yok. Özellikle avukat çalışanlar, deneyimsiz stajyer, first year, second year bunlar için maalesef bir kölelik sisteminin hakim olduğunu düşünüyorum. Haftanın 7 günü, günün 24 saati full dedication bir şekilde çalışmanız bekleniyor bir stajyer olarak. (N. B.)⁷⁵

N. B. depicts big law offices as “factories” in which the business outlook is more dominant and the attorneys are treated as “workers”. For her, while big law offices provide with more employment opportunities, the legal deals are handled in a less effective fashion, since big offices use standardized ways, “cookie cutters” in her words, for the parts of the deal at hand. She also underlines the tradeoff between a substantial salary, which provides with good life standard, and enjoying professional or personal

⁷⁵ “The most important reason for me to quit working in this law office was the way they approach the law. These law offices become factories as they get bigger, like a law factory. It seems to me they become a place in which the work is completely commercial and the first goal is earning money. This can be understood, because a lot of people work there and get paid. Therefore, it is a serious burden... I think that the work has not been handled effectively in these law offices. Therefore, they tend towards ‘cookie cutting’. Do you want to do M. & A.? Then you take the M. &A ‘cookie cutter’. Do you want to file a law suit? Then you take the litigation ‘cookie cutter’. So you start doing the work this way. It is not possible to do otherwise. There are so many things. You need that ‘cookie cutter’. You do not have the time to say ‘Well, I shall make this cookie myself; it should be this way or that way...’ I think the attorneys working in big law offices are workers. Like the workers in the factory... How to put it, they do mass production like industrial corporations and kill the fun and play side of the work. You are expected to cut the ties with your life. Yes, you may have a very good salary. You may have a very good life standard. At what cost really? I think it is very meaningless; because you do not have the time to spend the money you earn. Unfortunately, there is a slavery system for especially for the associates, inexperienced trainee attorneys, first year, second year attorneys. The trainee attorneys are expected to work fully dedicated, 7days of the week and 24 hours of the day.” (N. B.)

life. As she raises these criticisms, she also narrates an alternative outlook on running a boutique law office in which the deal is rather “home-made”, the colleagues are considered “companions”, and “enjoying the professional life” is more valued above financial gaining. Similarly, T. C., who started to work in one of the biggest law offices in Istanbul, refers to the same issue that big law offices are like factories in the following:

Senin öyle bir seçim şansın olmuyor. Seni nereye uygun bulurlarsa oraya koyuyorlar. Gerçi bence o da çok seçebileceğin bir şey değil. “Mezun olduğunda kırbaçlayacağız seni!” deseler “Olur!” diyeceksin. Sen şu bilinçle söyleyemezsin bence “Dava yapayım dava departmanına gideyim.” diye. Bilmediğin için de bence çok iyi takdir edemezsin. Onlar da senin için çok iyi takdir edemezler bence. Belli bir yerde böyle fabrika dışlisi gibi bir şey sıkıyorsun. Ne iş yapıyorsun? Marx’ın yabancılaşmasını yaşıyorsun gerçekten. Yaptığın ürüne, kendine, her şeye yabancılaşıyorsun.(T. C.)⁷⁶

T. C. emphasizes that she has placed under a department where she is needed rather where she will fit better or in which she wants to work. Her depiction of herself as a worker, who tightens the gears, highlights that her job as an attorney become technical. Thus, in both the narratives of T. C. and N. B. on the big law office system can be considered as a manifestation of the Taylorist principles, which separate the labor process in parts and centralize the planning activities and in which the employees’ tasks are determined and directed by the employer.⁷⁷ The requirements of this system anticipated specialization in different fields of international business law, which brought about departmentalization within big law offices. It is possible to see the way in which the areas of specialization are collected under different departments in the following narrative of T. C.:

Departman departman çalışıyoruz orda biz. Bir litigation departmanı var. Tahkim işleri de orda yapılıyor. Bir tane real estate departmanı var. Benim girdiğim zaman birleşme devralma, ticari departman, banka finans departmanı ve proje departmanı vardı. Sonra sistem değişti. Şu an dava departmanı, corporate departman ve proje finans departmanı şeklinde üçlü bir sistem

⁷⁶ “You do not have the chance to choose. They would assign you to the department, which they find appropriate. I think it is not something you can choose though. It is like if they say “We will whip you when you graduate”, then you say “Ok!” You cannot assess it well. They cannot either. There is no such thing. You tighten the gears in a certain place. What is your job really? You experience Marx’s alienation. You are alienated from the product you produced, from yourself, from everything.” (T. C.)

⁷⁷ For more disussions concerning how Taylorist principles are applied to the service industry in the legal market, see İnanıcı (2000).

kuruldu. Birleşme devralma olarak girdiğim için birleşme devralma olarak devam ettim. (T. C.)⁷⁸

4.4. Existing and Newly Emerging Hierarchies between Attorneys

On the one hand, the configuration of the departments is shaped by the employers, as indicated by T. C; on the other hand, the limitations imposed by hierarchical structures in big law offices push the junior attorneys into the borders in which they repeat doing similar tasks. This system lead the attorneys, who are ambitious to learn more and eager to climb the professional leaders, face with losing their excitement and a lack of satisfaction. Thus, T. C. complains the most about losing her whim about work at an early pace of her career in the following:

Biz de aşırı bir hiyerarşik yapı var. Sen müvekkille ilişki kuruyorsun. Taleplerde bulunursun. Fakat o müzakere aşamalarını üst kıdem avukatlar yürütür. Senin yaptığın şey: kapanış dökümanlarını hazırlarsın. Talep mailleri atarsın. Toplantılara gidersin not tutarsın. O notları çeviririsin. DD dediğimiz “due diligence” raporlarını yazarsın. Bunlar bir noktadan sonra tekrar etmeye başlıyor. (T. C.)⁷⁹

According to N. B., such structures depend on the prevalent understanding of the *patron hukuk bürosu* (patron law office), which she describes in the following:

Türkiye’de her zaman patron hukuk bürosu hakimdi. Yani “one man show” işte. İşte ‘bilmem kim’ onun hukuk bürosu... En büyük patron hukuk büroları fabrika hukuk bürolarına dönüştürülmeye başladı. Onlar küçükten başlayıp büyüyerek fabrikalaştı. (N. B.)⁸⁰

Giving one’s name to the law office is directly associated with the hierarchical structures and the way in which the decisions are taken in the big law office. O. B. presents this significant effect of the names of the law offices, as she compares the way

⁷⁸ “We work department by department. There is a litigation department in which the arbitration cases are handled. There is real estate department. When I started working in this office, there were M. & A., corporate, banking and finance, and project finance departments. Then this system changed. Now, there is a threefold system including litigation, corporate, and proje finance departments. I continued in the M. & A. department, since I was assigned to the M. & A. department.” (T. C.)

⁷⁹ “There is a highly hierarchical structure in our office. You get into contact with the client. You make demands. However, the senior attorneys conduct the stages of the negotiation. What you do is: you prepare the closing documents. You send the e-mails concerning the application. You attend the meetings and take notes. You translate the notes. You write the reports called due diligence. After some point, these things start to repeat.” (T. C.)

⁸⁰ “Patron law offices have always been dominant in the legal market in Turkey. I mean, it is ‘one-man-show’. The law office of such and such person... The biggest law offices has been transformed into patron law offices. They started small, became bigger, and became like factories.” (N. B.)

in which decisions are taken in a big law office and the law office for which she works in the following: “Bizim ofiste öyle bir şey yok. Darendelioğlu öyleydi. İşbilir öyleydi. Ama o ismini vermekle alakalı. Öyle olsa belki daha mı kolay olur. Bir kişiden ses çıksa. Dört kişiden dört tane ses çıkıyor.” (O. B.)⁸¹

While decision making mechanism is centralized and the power is very much concentrated on the desires of those who gave their names to these law offices, *patron law office* may take hold of every aspect of the work environment in these offices. Thus, S. S., who worked in one of the *patron law offices* during her trainee year, introduces the way in which the codes of behavior, the relationships between attorneys and everyday operations of the law office is shaped by the founding partner’s desires in the following:

İnsan ilişkilerinde ben çok sıkıntı yaşamadım ama yaşadığını biliyordum. Benim konumunda yoktu ama daha senior olan tarzda insanlar sıkıntılar yaşıyordu, duyuyordum. Ortak kurucuların onlara yaklaşımı ile ilgili olarak. Kadın yok, birkaç gün yok, görünmüyor. Birden geliyor. Herkes hazırolda duruyor. “Aman Tanrım! Behice Hanım geldi!” Herkes odasını topluyor. Kadın geliyor karınca var mı diye kontrol yapıyor. Biraz böyle değişik bir ortam vardı. Hatta insanlar çekmecelerindeki yemekleri çöpe attılar... Karar verilmesi gereken durumlarda bana bırakılmazdı. Stajyerdim. Benim birebir çalıştığım senior bir kadın vardı ona da bırakmıyordu. Karar veren mercii her durumda o olacak. 30 yaşında 40 yaşında deneyimli avukatlar onlar da ne yapacağını bilmiyor. O seviyeye gelince karar verebilecek düzeye gelmiş olman gerekiyor ama kısıtlama olduğu için gelemiyorsun.(S. S.)⁸²

As the attorneys working in the big law offices gain experience and advanced in seniority, they expect to gain more or less autonomy, or to reach the “level of making decisions on her/his own”, in S. S.’s words; however, they are constantly controlled and limited by the founder partner(s) authority, leading them to build self-control

⁸¹ “There is no such thing in our office. Darendelioğlu was like that. So was İşbilir. It is about giving your name to the office. I do not know, maybe it would be easier. If only there could be one voice. But all partners force their own decision.” (O. B.)

⁸² “I did not encounter much problem with my relationships in the office; but I know some people did. Not those in my position; but I heard that the people in senior positions had problems. It was about the way in which the founding partners approach them. The woman is absent for a couple of days. All of a sudden she comes. Everyone stands at attention. ‘Oh my God! Behice Hanım came!’ Everyone tidies their offices. The woman checks whether there is any ants. It was a very unusual environment. People even throw the food in their drawers... The decision was never up to me. I was a trainee attorney. She would not leave the decisions to the senior woman attorney with I worked one-on-one. She will be the ultimate decision maker. The attorneys, in their 30s, 40s, did not know what to do. You are supposed to be at the level where you can make decision independently; but you cannot, because of the limitations.” (S. S.)

mechanisms, which are shaped in accordance with the desires of the founder, as S. S. indicated. Although the pressure over attorneys may vary from one law office to another, the narrative on “being available at all times” is an apparent control mechanism, which is internalized by the employee attorneys in the big law offices, as T. C. presents in the following: “Sürekli mobil olmamız için ayrı İphone 5 telefonunuz var. Pazar sabahı 9’da sana iş gelebilir bir proje ile ilgili olarak ve yapman beklenir. Beklemeyecek iştir. İş çıkışı için plan yapamazsın çünkü başına ne geleceğini bilmiyorsun.” (T. C.)⁸³ Furthermore, O. B., who worked in two different big firms during her summer internships, discusses the disciplinary rules imposed within the big law office as she compares the differences between these firms and the one for which she is currently working in the following:

Ben işim olmadığı zaman 10:30’da gelebilirim ofise ama diğer bürolarda 8:30’da ofiste olmak zorundasınız. Ve 8:00’de çıkıyorsunuz işiniz olsa da olmasa da. Sonuçta çocuk gibi davranmak yani. 35 yaşındasın işin olup olmadığını biliyorsun. Telefon da Blackberry de sürekli yanımızda. Doktora gidemiyorlardı insanlar. Bizde öyle değil. Benim kolum ağrırsa, ben gelmem. Evden de çalışabilirim. (O. B.)⁸⁴

In addition to the control mechanisms within the office space, the founding partners of the *patron law offices* can also dictate their ethical and professional views, argues K. T. in the following:

Müvekkillerle ilişkiler anlamında özel hukuk bürolarında çalışmak daha zor bir şey. Hukuk bürolarında “patron avukat” konumu da olduğu için istediğiniz rahatlıkla ve özgürlükte hareket edemiyorsunuz. Bazılarında mesleki olarak veya ilkesel olarak size yanlış gelecek bir takım işleri yapmanız gerekebiliyor. (K. T.)⁸⁵

⁸³ “We have an extra Iphones 5, which is given to us so that we would be continuously accessible. You may receive a task about a project at 9 o’clock in the morning and you are expected to do it. It may be an urgent task. You cannot make plans for after work hours because you do not know what will happen.” (T. C.)

⁸⁴ “When I do not have work, I can come to office at 10:30 pm; but you have to be at the office 8:30 pm in other offices. You leave work at 8:00 pm whether you have work or not. It is like being treated as a child. You are 35, you should know whether you have work or not. We have our phone and Blackberrys with us all the time. People cannot go to the doctor. It is not like that in our office. If my arm aches, I would go the office. I can work from my home.” (O. B.)

⁸⁵ “Working in the law offices is harder in terms of attorney-client relationships. You cannot act as comfortably and freely as you want, since there is ‘patron attorney’ position. You are forced to do some task, which you may consider wrong in terms of professional ethics and principals in some of the offices.” (K. T.)

On the one hand, the profession of attorneyship is constructed as a free profession in which the principle of independence of attorneys are highly emphasized, on the other hand, the relationships in the law offices/partnerships/legal departments of institutions in which the attorneys are employees, except those who are patron partners, are also subjected to hierarchical structures, as K. T. presents in her following statement:

Bizler ne kadar avukatlar arasında hiyerarşi yoktur önermesi ile hareket etsek de bu her zaman böyle olmuyor. İşte yönetici avukat yönetici olmayan avukat gibi ya da özel bürolarda olduğu gibi “junior avukat”, “senior avukat” gibi bir takım hiyerarşik yapılanmalar olabiliyor. (K. T.)⁸⁶

The strictness of such hierarchical positions between the attorneys working in a law office also imposes arbitrary practices upon the attorneys by their seniors. Thus, T. C. introduces the way in which the “code of urgent” is used as an excuse for such treatment, as she depicts the chain of command like system, which is applied in the relationships between the attorneys:

Mesela bir iş yapılacak. Sana üstün dedi ki “Bu işi yap!” Sen altına diyorsun ki “Bu işi yap!” Onun altı varsa o da diyor ki “Bu işi yap!” O işi yapıyor ve o işi vakitlice yapması için ona baskı yapıyorsun çünkü üstün de sana baskı yapıyor. Yapıyor, sonra sen kontrol ediyorsun sonra üstüne gidiyor. Gerçekten acilse iş sıkıntı yok, ama bazen de şöyle şey oluyor. Orta kıdem kendi başına “Sen bunu yap o zaman, çok acil, hemen yap!” diyor. Sana işi yaptırıyor, 3 gün sonra bakıyor. Haftasonu gerçekten yapılması gereken işse yap. Ama değilse, haftasonu seni çalıştırması eziyet için ya da ilerde rahat edebilmek için ise adil değil. (T. C.)⁸⁷

In a similar vein, S. S. feels exploited after being exposed to such treatment by one of the managing partners in the law office at which she is working, in the following:

Bazen 24 saati döndürüp öyle bir çalışman bekleniyor. Patronun bir tarih söylüyor. Sabahlayacaksın. Müvekkilin öyle bir talebi yok ama işte... Diğer bürolarla rekabet edebilmek için, “Bak onlar 5 günde bitiyor ama biz işleri 3 günde bitiriyoruz.” diyebilmek için. Tam sömürü evet işte... Motivasyonu

⁸⁶ “Although we act upon the premise that there is no hierarchy between attorneys, it is not always like this. There can be some sort of hierarchical structures such as managing/not managing partner or junior/senior attorney in the law offices.” (K. T.)

⁸⁷ “For instance, you need to do a task. Your superior says: ‘Do this task!’ You say to your inferior: ‘Do this task!’ S/he says to her inferior: ‘Do this task!’ S/he does this task and you pressure her/him to finish it timely, because your superior pressures you. S/he does the task. You control it and send it to your superior. If it is really urgent, then there is no problem. However, sometimes a middle ranking attorney says: ‘Do this task! It is very urgent! Do it now!’ S/he makes you do the task and checks it 3 days later. If this task really requires you to work at the weekend; then do it. But if not, if s/he makes you work for torturing you or for her/his comfort, then it is not fair.” (T. C.)

düşürüyor. Neden bu kadar sabahlıyorum. Yaptığın işten memnun olmuyorsun. (S. S.)⁸⁸

While the law offices tend to expand in capacity in order to increase or at least preserve their shares in the legal market, the power structures are put into question as the phenomenon of internationalization and institutionalization step in. My older respondents, N. B. and K. T., presents multifaceted narratives as they discussed the way in which internationalization made an impact the on relations in the legal market in Turkey and take a critical stance against the impact of entrance of the multinational law offices on the legal market. Thus, N. B. presents her opinion on the role of American and European law offices in promoting institutionalization and influencing the working conditions in legal market in Turkey in the following:

Türkiye’de çok ciddi bir dönüşüm var hukuk piyasasında. O da yabancı hukuk bürolarının Türkiye hukuk piyasasını ele geçirmesi. Şu an baktığınız zaman büyük bir ihtimalle yabancı hukuk büroları Türkiye’de hakim durumdadır. Bu kendi içinde bir soru işareti... Ben aslında olumlu etkilerinin de olabileceğini düşünüyorum. Yabancılaşma belki çalışma şartlarına bir profesyonelleşme ve kurumsallaşma getirebilir diye düşünüyorum. (N. B.)⁸⁹

While N. B. expresses her concerns regarding the position of the multinational law offices in the legal market in Turkey, she uses the term “foreignization” in depicting the force that influences restructuring of the legal market, highlighting the underlying opposition between national and global. Her narrative also introduces “foreignization” as the initiator of the concepts, “professionalization” and “institutionalization”, which are discussed as phenomenon that have the capacity to promote employee rights. K. T. on the other hand, underscores the way in which the impact of globalization on the position of the local actors as part of the transformation of the legal market in Turkey in the following:

Baro disiplin soruşturması filan da yaptı. Ama yine de biraz daha işlevsiz kalıyor. Şu andaki haksız rekabet ortamına karşı da baronun çok işleyen ve

⁸⁸ “You are expected to work around the clock sometimes. Your boss gives you a deadline. You must work till morning. The client does not have such demand; but... In order to compete with other law offices and be to say “Other offices finish the work in 5 days; but we finish it in 3 days.” It is a complete exploitation. It diminishes your motivation. Why do I work till morning that much? You do not get satisfied with what you do either.” (S. S.)

⁸⁹ “There is a serious transformation in the legal market in Turkey. That the foreign law offices invaded the legal market in Turkey. Most probably, the foreign law offices are in a dominant position right now. It is a question mark it self... I also think that this situation has affirmative impact as well. I think foreignization may bring professionalization and insitutionalization to the working conditions.” (N. B.)

sonuç veren önlemleri yok. Diğer taraftan tabii ekonominin globalleşmesi karşısında hukuk piyasasının da globalleşmesi de kaçınılmaz. Ama herhalde bu konuda bir takım düzenleyici tedbirler alınabilir ki rekabet ortamı dezavantajlı meslek birimlerin lehine biraz daha adil hale getirilebilsin. (K. T.)⁹⁰

As K. T. discusses the changing conditions in the legal market, she presents her concern for the inevitability of restructuring of the legal market in a globalizing economy and the outcomes of such restructuring against the “disadvantaged” local actors, such as solo attorneys and smaller law office partnerships. In her narrative, the IBA appears as an actor, which is expected to take under control the unfair competition conditions in the legal market. All in all, my older respondents, on the one hand, recognized internationalization as a phenomenon which would revive the competition, leading the local law offices to adopt an understanding of professionalism and institutionalism, originated in the Western law offices; on the other hand, it is taken with a grain of salt for advantages that it provided for multinational law offices against the local actors within the legal market. However, my younger respondents consider internationalization is a natural, rational, and inevitable consequence of the economic growth and globalization. Thus, M. L. argues that “Bu aslında tamamen Türkiye’nin ekonomisinin gelişmesi yatırımların artması onlarla alakalı. Bence iyi bir gelişme. Ve avukatlar için de iyi. Sonuçta çalışacak yer sağlıyor.” (M. L.)⁹¹ Similarly, S. S. also applauds that internationalization brings about an increase in employment opportunities. For her, that the multinational law offices entering into the legal market is enviable and a reality to be embraced:

Artık her şey biraz global olmaya başladı. Yabancı hukuk bürolarının gelmeleri gerekiyor çünkü bu artık kaçınılmaz gibi. Artık senin müvekkilin kim deyince sadece Türk değil. Bir sürü müvekkilim var. İsviçre’den arıyor, İngiltere’den arıyor, Japonya conference call istiyor. Gece apar topar ofise gelmek gerekiyor. Öyle olunca tabii biraz yabancı büro gelmesin yabancı avukat gelmesin sadece Türk büro, Türk büro bence o biraz realistik değil pek değil şu dönemde. O yüzden ben doğru olduğunu düşünüyorum, gelmeliler bence. Tabii ki, Türk

⁹⁰ “The IBA conducted a disciplinary investigation. But it is still dysfunctional. The IBA’s measures do not function and give results in this unfair competition environment. On the other hand, it is inevitable that legal market becomes globalized in the face of globalizing economy. However, probably, some regulative measures can be taken so much so that the competition may be rendered a little bit fairer in favor of disadvantaged professional groups.” (K. T.)

⁹¹ “Actually, it is completely related to the economic development of Turkey and the increase in the investments. I think it is a great development. It is good for the attorneys as well. All in all it provides employment.” (M. L.)

bürolar, nasıl her ülkede varsa, lokal bürolar olacak ama yabancı bürolar da olacak. (S. S.)⁹²

S. S. underlines that “local” replaces “national” as the legal market becomes more globalized. Yet, the competition in the legal market rather takes place between the local offices and the local offices, which work in collaboration with multinational law offices, since the multinational law offices cannot establish branches in Turkey and still have to rely on local offices. Thus, E. B. also draws attention to the rising demand in the services of local law offices, which will collaborate with the big multinational law offices, as the global investors desire to invest in the market in Turkey:

Türkiye’de yatırım arttıkça, global müvekkil aktif hale geldikçe, artık yabancı büroları için ‘advice’ verebilen Türk bürosu gerekliliği çok artmış durumda. Birçok yabancı büro istiyor ki Türkiye’de bir büro olsun, dünya çapındaki müvekkillerimize Türkiye’deki büro destek versin. Bu istek arttıkça artmaya da devam edecek. (E. B.)⁹³

Similarly, O. B. underscores the need for attorneys like her, who is familiar with the legal documents which are prepared according to the English legal system, and thus, law offices operates to meet the demands of their global clients in the following:

Piyasada dönen hiçbir sözleşme neredeyse Türk hukuku değil. Hepsi İngiliz hukuku. Türkiye’de yatırımcı Türk değil. Türkiye’ye gelen yatırım Türkiye’nin değil. Çalışanların çoğu Türk değil. Büyük Türk holdingi zannettiğiniz holdingin %90’ı Amerikalı, Fransız, Çinli, Koreli. Şimdi zaten o adamlar o yurtdışındaki kullandıkları hukuk bürosuna iş veriyorlar. Türkiye ile ilgili olan işi ben yapıyorum. Dillon Olson niye gelmesin Türkiye’ye? Gelsin tabii. Kocaman bir facility. İngiltere’deki Dillon Olson burda beni kullanmak zorunda kalıyor. Danışmanlık kurmak zorundalar. O da iyi. O da olmazsa bize hiç iş gelmez.(O. B.)⁹⁴

⁹² “Everything becomes more or less global these days. The foreign law offices should come to Turkey because it is almost inevitable. When asked who my clients are, I say they are not only Turkish. I have lots of clients. They call from Switzerland, from England, Japan asks to make conference call. I hastily had to go to the office at night. Therefore, it is not realistic to say that foreign law offices should not come to Turkey, there should be only Turkish law offices. By all means, there will be both local offices and foreign law offices, just like there are Turkish law offices in every country.” (S. S.)

⁹³ “The demand for the law offices, which give advice to the foreign law offices, remarkably increased as the investment in Turkey increased and global clients become more active. Many law offices seek for the law offices that are established in Turkey, which supports their clients all around the world. This demand will continue to increase.” (E. B.)

⁹⁴ “None of the contacts in the legal market is a product of Turkish law. All of them belong to English law. The investors in Turkey are not Turkish. The investment made in Turkey does not belong to Turkey. The most of their employees are not Turkish. 90% of the holding, which you suppose a big Turkish holding, is American, French, Chinese,

While multinational law office entering in the legal market in Turkey opens a space for the local offices to establish business connections; several Articles of the Attorneyship Law, which prohibit the non-Turkish attorneys to practice law⁹⁵ and multinational law offices to establish branches⁹⁶ in Turkey, aims at preventing the multinational law offices to monopolize the legal market in Turkey. Nevertheless, it allows the multinational law offices to establish counseling firms in Turkey, paving the way for them to establish partnerships with the local law offices in Turkey. Thus, E. U describes the way in which multinational law offices establish unofficial partnerships, in order to by pass such regulations; while he also indicates the way in which this ban is used against the multinational law offices and their local partners in the following:

İki ayrı oluşum var: Türk kanunlarına göre avukatlık bürosu, diğeri de danışmanlık şirketi. Bunların arasında bağ yok. Bilgi sistemleri ortak. Örneğin, sözleşme hazırlanacak. Diyorlar ki “Londra ofisinin inşaat sözleşmesini alalım.” Bilgiye erişim açısından büyük rahatlık... Böyle baromuzun eski avukatları var. Ne tarz işler yaptıklarını bilmiyorum ama baroya şikayet yoluyla, dava yoluyla aradaki bağı kanıtlayıp beraber çalışan avukatlık bürosu ve danışmanlık şirketinin faaliyetlerini durdurmaya çalışıyorlar. Yabancı avukatlar Türk hukukuna göre danışmanlık veremezler. Çünkü baroya kayıtlı Türk hukuk bürosunda çalışan avukat, yabancı büroda çalışıyor görünemez. (E. U.)⁹⁷

As E. U. indicated, the attorneys working for the local law offices, which established unofficial partnerships with the consulting firms of the multinational law offices, benefit from the shared information system that provides with the necessary “know-how”, instead of training themselves in British or American legal system. However, the partnership between the local and multinational law offices is not only

and Korean. They will certainly hire the law office with which they work abroad. I do the work that is related to Turkey. Why does not Dillon Olson come to Turkey? It surely should come. It is a huge facility. The Dillon Olson in England has to hire me here. Otherwise, they have to establish a counseling firm here. It is good for us as well. If it does not come, then we will have no job.” (O. B.)

⁹⁵ See Article 43 of the Attorneyship Law

⁹⁶ See Article 3 of the Attorneyship Law

⁹⁷ “There are two separate formations: the offices that are established in accordance with the Turkish laws and the counseling firms. They do not have any connection. They use a common data base. For instance, a contract will be prepared. They say: “Let’s use the London office’s construction contract sample.” It is a great comfort in terms of accessing to information... There are some attorneys registered to the IBA. I do not know what kinds of works they do; but they try to stop functioning of the law offices by proving that they have a connection through filing a complaint to the IBA or opening a law suit. Foreign attorneys cannot give legal counseling in Turkey according to the Turkish law. Because the attorneys working in a Turkish law office cannot be hired by the foreign law office.” (E. U.)

includes a shared information system. Thus, E. U. continues to reflect on the way in which the issues related with employment are regulated in these offices in the following:

Yabancı bürolar dünyayı belli bölgelere ayırıyor. Belli bir kontenjan ayırıyor. Departman bazında da kontenjan var. Eleman almak istiyorsunuz. Ortada çok açık eleman açığı olmasına rağmen kadro gelmiyor. 1700 saat fatura edilebilirlik sınırı var. Buna ulaşabilmek içi angarya iş de yapıyorsunuz. (E. U.)⁹⁸

E. U.'s narrative presents that although the attorneys working in the law offices, which established partnerships with the multinational law offices, are more included in the handling of the legal deals of the law office; they work over time with a limited number of staff, which is determined by the established quotas. Similarly, all of my respondents emphasize that they work overtime. They also criticized that the law offices claim that they apply institutional rules that regulates the relations within the offices space. Thus, F. E. depicts the ambivalence between the law offices' claim on institutionalization and the way in which they set forth working standards:

Kurumsal olduğunu iddia eden bir yerde çalışıyorsun ama hayatını planlayamıyorsun. Tatillerini senior'ların gitmediği bir zamana sıkıştırman gerekiyor. Geleceğe dönük plan da yaptırmıyor. Bir süre sonra benim sosyal hayatım şuna dönmüştü: İyi para kazanıyorsun ve gerçekten işten çıktıktan sonra "Hadi gidip şurda bir şarap deneyim o zaman" diyorsun. Alkol seni biraz rahatlatıyor, kafanı dağıtıyor. Para harcamaya dönük bir sosyal hayat geliştiriyorsun. Diğerlerini yapmaya vakit ayıramıyorsun. Bir yandan da sosyal çevren de biraz böyle oluyor. Ve en çok onlarla vakit geçirebiliyorsun. Diğer vakit arkadaşlarıyla zamanını bir türlü ayarlayamıyorsun. Benim yapmak istediğim hiçbir şeye vakit kalmıyor. (F. E.)⁹⁹

The discourse on institutionalization creates the expectation of a guideline, which serves in negotiating the basic issues that are related to working conditions. Thus, most of my respondents complain about the way in which this discourse is used to rationalize the decisions made by the managing partners of the law offices. For instance,

⁹⁸ "The foreign law offices separate the world into parts. They allocate a certain quota for each part. The quotas are also applied to the departments. You want to hire new employees. Although there is an obvious need for hiring new employees, they do not extend the quotas." (E. U.)

⁹⁹ "You work at a law office which claims to be institutional; however, you cannot make plans for your life. You need to squeeze your vacations into a time at which the senior attorneys do not leave for vacation. It keeps you from making plans for the future. After some time, my life has turned to this: You make good money and say: 'I shall try some wine here.' Taking alcohol comforts and distracts you a little. You start having a social life, which aims at spending money. You spend the most of your time with them. You cannot somehow make time for your other friends. I never have the time left for doing what I want." (F. E.)

P. R. argues that the partners of the law office at which he is working, uses the discourse of being institutional in their favor as they negotiate with the junior attorneys:

Bizde şey var: “Biz çok aile gibiyiz.” Dezavatajlı bir durum olunca inanılmaz kurumsal oluruz. Benim bakış açım çalışan, onlarınki iş veren. Doğal öyle bakması. Sen burda para kazandırdığın sürece kalırsın. Gayet de haklılar bir açıdan bakınca. Buranın kirası var, bilmem nesi var. O zaman başkası bana daha yüksek para verirse ben de gidiveririm. Tamamen paraya döndü olayım maalesef ki. (P. R.)¹⁰⁰

In P. R.’s narrative, the discourse of “being like a family”, which is positioned as opposed “being institutional”, is used for consolidating the social coherence within the office space, while the discourse of “being institutional” is used to ward off the situations in which they are disadvantaged. P. R. presents how he negotiates this ambivalence in the following:

Üç şey önemli bence: Bir maaş. Bu kişiden kişiye değişebilir. Hangisinin öncelikli olduğu. İki sevilen iş... Sizi geliştirme kapasitesi, yaptığımız işin kalitesi. Üç de ortam. Bazıları parayı daha çok seviyor. Zaten para çok olursa işi kalitesi de yoğunluğu da fazla oluyor. Parayla iş yoğunluğu arasında değişiyor. (P. R.)¹⁰¹

The narrative of P. R. presents some of the factors, which shape and reshape career paths for most of my younger respondents. Yet, some of them seek for an escape from negotiating between their expectations from professional life and working conditions at their work place. For instance, S. S. considers academia as an alternative path to her former future plan of becoming a partner in an established law office in the following:

Başta “Güzel büroda olayım. Partner’lığa kadar yükseleyim” diyordum. Master benim için biraz kaçış gibi oldu; çünkü, partner’lığa oynamak istemiyorum. Senelerce kalıyorsun. Kendi büromu açmak da zor. Adı olmayan bir yerde de çalışmak istemiyorum. Master’dan sonra doktora olabilir. Başka bir alana kayabilirim... Akademideki arkadaşlarım çok huzurlular, çok mutlular. Hoca ile

¹⁰⁰ “We have this thing in our office: “we are like family.” However, when there is a disadvantaged situation, then we become unbelievably institutional. My perspective reflects as an employee and theirs as employer. It is natural that they see it this way. You stay here as long as you make money for them. I think they are quite right from a view point. They pay the rent for this place and etc. Then, I would look for another office, who offers me a higher salary. Unfortunately, it became all about money for me.” (P. R.)

¹⁰¹ “I think three things are important: One of them is salary. This can vary from one person to another. I mean which is of top priority. Second is the job. Its capacity to improve your skills and its quality... Third is the working environment. Some of them like money more. As a matter of fact, if there is a lot of money, then the quality and volume of the job increase. It changes between money and volume of the job.” (P. R.)

bire bire çalışıyorlar. Gecesi gündüzü belli. Onlar da çok yoruluyorlar ama... (S. S.)¹⁰²

Similarly, E. U., who also sees doing Master's as a way of escaping from the pressure of working for long hours, argues that doing master's is a part or of career plan for those who would like to work in the local offices, which work with a multinational partner:

Yurtdışın Master yapmayı düşündüm ama maliyeti fazla. Yurtdışında Master yaparken uluslararası büroda çalışmak iyi olabilir. Kim & Simons kökleşmiş, oturmuş bir büro. Bu tarz bürolarda çalışanların kariyer planları böyledir. Tipik bir kaçış... Sonra çalışınca insan paranın kıymetini anlıyor çok. Master iş açısından çok önemli değil. CV'de güzel oluyor işte. Ama local partner olmak için Master'a ihtiyacımız yok. (E. U.)¹⁰³

While doing Master's abroad provides with the option of becoming familiar with the professional environment of the educational and professional life abroad, its financial aspect may lead the junior attorneys, like E. U. to desist from considering it an option. In that sense, the junior attorneys, who would like to apply for a Master's program, seek for scholarships. However, as getting a scholarship becomes necessary for the young attorneys, the admissions process confines them into the branch in which they are specialized, as S. S. argues in the following: "Rekabet hukuku yapmak zorundayım çünkü o alandan burs aldım. Burs almasaydım genel bir LLM yapıp biraz daha hoş dersler alabilirdim. Biraz kısıtlanmış oldum. Şart koşuyor çünkü. Master'ının onun üzerine yapacaksın, tezini onun üzerine yazacaksın." (S. S.)¹⁰⁴ Similarly, T. C., who also acknowledges the doing military service or Master's as an escape from the

¹⁰² "At first, I told: 'I shall work in a nice office. I shall advance up to the becoming a partner.' Doing Master's became like an escape; because, I do not aim at becoming a partner. You stay in the office for years. It is hard for me to open my own office. I do not want to work in an office, which does not have a reputation. I may pursue a PhD degree after doing my Master's. I may switch to another branch. My friends in academia are very peaceful and very happy. They work with their professor one-on-one. They do not have to work till the morning. They also get tired very much but..." (S. S.)

¹⁰³ "I thought of doing Master's abroad; however, it costs too much. It could be a good idea to work in the law offices while doing Master's abroad. Kim & Simons is an established law office. It is a typical career plan for those, who work at that kind of offices. It is a typical escape... I understood the value of money, when I started working. Doing Master's is not that important for the job. It looks good on your CV. However, you do not need to have a Master's degree to become a partner in a local office." (E. U.)

¹⁰⁴ "I have to continue with competition law, because I was able to have scholarship for that department. If I have not had scholarship, I could have done an LLM and take more pleasant classes. I feel a little constrained. It lays choosing competition as a condition. You have to do your Master's in this area and write thesis on it." (S. S.)

long working hours in the law office, argues that doing Master's requires the junior attorneys to prepare their admissions process in accordance with their former experience in the following:

Darendelioğlu'nda bir yıl dışarının iki yıldır diye bir söylem var. Hakikaten de çok doğru. İnsanların bir yerde kaçış noktası ya askerliktir ya da Master'dır. Master'a gitmek bir opsiyon. Aralık için başvurup önümüzdeki sene yurtdışına Master'a gitmeyi planlıyordum. Sonra biraz üzerine düşündüm ve başvurmamaya karar verdim. Çünkü evet uluslararası ticaret gördüm biliyorum ama ben başka bir şey görmedim ve ben Amerika'da bu Master'a gidersem bu alanda gidicem. Dönücem gene bu alanda çalışacağım. Ama ben bu alana kilitlemek istemiyorum. (T. C.)¹⁰⁵

On the one hand, the junior attorneys seek to find an alternative to working long hours in the international law offices by doing Master's abroad; on the other hand, they do not want to limit themselves with a certain working area at this very early ages of their career.

Through presenting the professional experiences of my respondents, this chapter aimed at illustrating the conditions, structured by the international business law market, and discussing the factors that affect attorneys' decision to shape their career within such structures. While my respondents' decisions are made based on their educational background and skills in entering the job, they later negotiate working conditions for creating alternative paths in their career. In their narratives, it is possible to observe that the "legal universe" of specialists in international law (*plaza attorneys*) has become increasingly divorced from that of the attorneys grounded in the "national" judicial field (*market attorneys*). The kinds of cultural capital that is required to enter the legal universe of international business law, pose insurmountable barriers for young attorneys graduated from the state universities. But the reverse is also true. That is, the kind of professional capital accumulated by my younger respondents can hardly, if at all, be used in the field of litigation. Therefore, establishing their own solo practice as litigation experts, like many "market-lawyers", becomes a far option for my younger respondents.

¹⁰⁵ "There is this discourse that one year in Darendelioğlu is equal to two years in other law offices. As a matter of fact, it is very true. People use doing military service or doing Master's as a point of escape. Going abroad to Master's is an option. I planned to apply to the Master's program, which will begin in February and go abroad. Then, I thought about it a little and decided not to apply. Yes, I did international business law. I know it. But I have not seen anything else. I have to choose this field, if I go the U. S. to do Master's. When I return, I have to work in this field. But I do not want to lock myself into this field." (T. C.)

Their career options are limited to becoming an “employee” attorney, either working in the legal department of a large corporation, or for one of Istanbul’s bigger law offices. Hence it is difficult to speak about professional competition between “plaza attorneys” and “market attorneys” in legal markets. Furthermore, the way in which the international business law offices are transformed through restructuring of the legal market opens a space to discuss how the phenomenon of institutionalization, professionalization, internationalization, and globalization is considered by both my older and younger respondents. These concepts are mostly discussed as part of their impact on the hierarchical structures and thus, working conditions within a law office. While all of my respondents agree on the inevitability of the effects of internationalization and globalization, which they mostly referred as foreignization, my older respondents are more critical on the way in which ongoing restructuring of the legal market takes away the free character of the attorneyship, putting the smaller law offices in a disadvantaged position. However, my younger respondents consider the process of internationalization and globalization based on the promises of new employment opportunities. Nevertheless, the compelling conditions imposed by the competition in the legal market drives them to an escape, which is mostly sought within higher education that is also questionable by reason that it fixes the attorneys to the area in which they have already gained experience.

CHAPTER V

POLITICAL DISPOSITIONS

In this chapter, I will focus on the political dispositions and ideological tendencies of the attorneys who are working in the field of international business law. For that purpose, I will present how my respondents define their relationship with the professional organization and discuss the changes transpiring within the field of law. While doing so, I will also address how these attorneys depict their position on professional and political axes. I aim at exploring as to whether my respondents' distinct professional identities and practices have any repercussions on their political and ideological tendencies. In this respect, first, I will briefly introduce the historical development of the profession of attorneyship in the political context of Turkey. Secondly, I will present my respondents' relationship with the Istanbul Bar Association (IBA) and examine how they relate to the political tendencies of the IBA. Finally, I will bring forward their considerations on the transformation and restructuring of the legal field and examine how their political dispositions reflected on these macro level changes.

5.1. The Political Development of the Profession of Attorneyship

The prevalent political/ideological tendencies within the profession of attorneyship in Turkey can be considered as a reflection of its historical development. In providing with an insight to the development of attorneyship in a political context, this section will briefly touch upon the political incidents, which influenced the formation of the professional ideology and its characteristics; the way in which power relations between the profession and the state have been shaped, and how the professional is influenced by the post-1980 political environment in which the major contemporary transformations and restructurings has started to shape.

The foundations of the profession of attorneyship have been laid in the Tanzimat area, through the institution of *dava vekilliği* (a preliminary form of modern attorneyship), which has been subjected to a mandatory systematic legal education in 1875¹⁰⁶. Özman (2000) defines the profession of attorneyship as a new profession, which was exported from the West to the Ottoman legal system by the reforms of the Tanzimat era. The reforms included a major transformation and restructuring wave towards a secular system, which was very much influenced by the European countries,

¹⁰⁶ See Cirhinlioğlu (1997).

such as France, and a break from the religious state structures, with the motive of developing and enhancing the relations with the Western countries in order to save the Empire from collapsing (Türem, 2001). While the legislations were adopted from the West, and were implicated in a limited fashion, the laws of Shari'a have shaped the course of social life (Cirhinlioğlu, 1997). In that sense, the Ottoman legal system anticipated a duality in the court system. Following the establishment of the Republic, this system has been abolished and the cadres, who were trained in this dual system, became useless in the new unitary legal system of the Republic, leading an urgent need for a new cadre of legal professionals (Kalem, 2010).

As Özman (2000) presents, the novel universe of the imaginaries brought about by positivist, secular, and nationalist references as opposed to religious ones required a new type of socialization. Establishment of new law faculties and a secular court system were essential steps which paved the way for organizing and regulating the emerging legal profession in accordance with the principles of the new regime (Kalem, 2010). On the one hand, the new state structure and regime principles were imposed to the people by the law professors as ideologically mobilized agents; on the other hand, *Muhamat Kanunu* (the Attorneyship Law of 1924) was used as an effective means to eliminate the cadres who were assumed to pose a threat to the new regime (Kalem, 2010). Alongside the secularization and westernization ideals of the new Republic, the new generation of legal professionals signified the emergence of a “mission of protecting as well as promoting the new legal culture with all its implied meanings of ‘rule of law’” together with “the reidentification and socialization of the legal professionals of the old regime” (Özman, 2000: 165).

While a new professional group, who were collected under a mission with universal references, has been created, the basic characteristics of the legal profession were designated in line with the debates taking place in its Western counterparts. Thus, the Attorneyship Law of 1938 reflects the contestation between two distinct views. The former argues that the primary motive of the profession of attorneyship is the entrepreneurial spirit and that the profession needs to organize completely as a free profession. The latter emphasizes that the profession needs to become a part of the public office (Özman, 2000). Thus, this law both allowed the graduates of the law faculties to establish their own law office and defined attorneyship as a profession serving the public interest (Cirhinlioğlu, 1997). The legal ground provided by this law allowed the sales of legal goods and services, paving the way for a burgeoning of a legal

market. However, it could be argued that the emphasis on the public characteristic of the profession remained to be dominant over its free character. Thus, the mission of enlightening the society and the responsibility imposed in terms of loyalty to the founding principles of the Republican regime remained to shape the ideological tendencies of the legal professionals (Özman, 2000; Türem, 2001).

The strong state influence on the profession of attorneyship continued to determine the course of power relations between the state and the profession until 1960s; however, this influence seemed to abate when the new Attorneyship Law of 1969, which removed the possibility of a state intervention in the professional organization of attorneyship and allowed the legal professionals nation-wide to organize under the professional codes anticipated by the Union of Turkish Bar Associations (Kalem, 2010). These changes have been perfected in parallel to the new regulations anticipated in the Constitution of 1961, which placed a significant emphasis on the principle of independence of the legal profession and the judiciary. Moreover, the rising political activism among legal professionals, which played an active role in consolidating the ideology of the Republican regime with an emphasis on Kemalist principles, became emergent during 1970s (Türem, 2001; Kalem, 2010). This political tendency, which underlined nationalistic ideology and the dominant discourse of national sovereignty, has continued to reflect on the development of the legal profession until the 1980s (Türem, 2001). Thus, the founding ideology of the state and the ideology of the profession in general drew parallel to each other with no significant difference between them (Özman, 2000; Türem, 2001)

The period starting from the late 1970s and early 1980s brought about a shift to a market-centered perspective from a state-centered one in an effort to harmonize with the trend of globalization, which was led by the Western countries (Türem, 2001). Reinforced the impact of this shift, the repressive political environment of the military coup of 1980 led the legal professionals to incline towards the material benefits gained from the legal services rather than political engagement (Türem, 2001). The overlapping professional and ideological identities of the legal professionals encountered ambivalence against the shift towards prioritizing the free character of the profession over its public character in the post 1980 period. However, Cirhinlioğlu (1997) presented that while attorneys shared a discontent about the state's authority upon the legal profession, they continued to refer to the Republican frameworks and imposed

mission of protecting the regime as part of their legal consciousness. Thus, Kalem (2010) also underlines laicism and nationalism, two fundamental principles of the Republic, which continue to constitute the determining elements of the legal consciousness of attorneys and the main reference points of their political involvement.

5.2. Relationship with the Professional Organization

Considered relatively autonomous from the national legal field, the attorneys working in the field of international business law is seen as a new social group, deeply distinct from the conventional attorney image by “their life style, career projections, and political as well as professional understandings” (Türem, 2001: 71). In that regard, emergent distinctions between these two groups of attorneys are expected to echo in their conceptions concerning the profession and national politics. Considering that the local bar associations¹⁰⁷, which are important agents in the regulation of the profession and molding of the professional identity and ideology, play a key role in representing the political tendencies of the attorneys, the ways in which the attorneys relate to their political dispositions may give us a clue on how political ideology of the attorneys have been shaping and whether there are emergent distinctions between attorneys in terms of their political tendencies.

As the most important political activity of the IBA, the bar election sets the tone of the dominant political and ideological tendencies within the profession and determines the voice of this IBA strong political actor. On the one hand, the competition for the bar elections lays bare the contesting political and ideological rifts between the members falling under different poles within the IBA. On the other hand, the support for the candidates of these groups provides with an understanding of the dominant political and ideological tendencies among attorneys¹⁰⁸. In the narratives of my respondents, two candidates were mentioned with reference to the 2012 IBA elections:

¹⁰⁷ According to the Article 76 of the Attorneyship Law, the local bar associations are defined as professional organizations, which are legal entities, functioning to improve the profession of attorneyship, to provide with honesty and trust between members of the profession and their clients, to protect and defend the professional order, ethics, prestige, as well as the rule of law and human rights, and to meet the common demands of the attorneys, in accordance with democratic principles (Attorneyship Law, 1969).

¹⁰⁸ For a brief presentation of the political groups and a comparative evaluation of the results of the IB presidential elections from 2002 to 2010, see <http://www.yeniyaklasimlar.org/m.aspx?id=3759>

Ümit Kocasakal¹⁰⁹, who won the elections in a landslide for the second time, and Filiz Kerestecioğlu¹¹⁰, who received the third highest vote rate in the latest election as the only woman candidate:

Her şeyden önce inanılmaz bir hoca. Televizyon programına çıktığında baya etkileyiciydi. Düşüncelerini gayet iyi savunuyordu. Bence bir öğretim görevlisi olması önemli her şeyden önce. Filiz Hanım'ın öyle bir özelliği var mı bilmiyorum. Benim de kız arkadaşım da avukat. O da Filiz Hanım'a vermişti. O da tamamen erkek hegemonyasından kurtulmak amaçlı vermişti. (P. R.)¹¹¹

While Kocasakal was praised for his prestigious academic background, Kerestecioğlu was addressed for her criticism on male domination within the profession in P. R.'s narrative. Similarly, T. C. also underlines the gender aspect of Kerestecioğlu's candidacy, while positing a stark difference between the political dispositions of Kocasakal and Kerestecioğlu, which is concerned with the ongoing transformations within the legal market:

Mecvut baro başkanımız Galatasaray ekolünün hep arkasında olduğu bir insan. Zaten hocalık mocalık yapmış bir insan. Çok da esprili bir insan. Ama siyasi görüş olarak bana yakın bir insan değil. En son baro seçimlerinde sol adaylarını seçti. Onlardan biri Filiz Hanımdı. Kadın aday... Büyük büroların hepsi Ümit Bey'i destekledi. Neden? Çünkü Ümit Bey diyo ki "Büyük bürolar olmalı." Filiz Hanım diyo ki "Bu sömürü düzenidir." (T. C.)¹¹²

The main political debate on the transformation of the legal market revolved around the clash between the supporters and the opponents of big law offices during the

¹⁰⁹ Ümit Kocasakal, the current president of the IBA, was the candidate of the group "Önce İlke Çağdaş Avukatlar" (Principle First Progressive Attorneys), which holds the presidency of the bar since the 2002 elections and is known for their nationalist political discourse and dispositions.

¹¹⁰ Filiz Kerestecioğlu was the candidate of the following groups allied for the 2012 IBA elections: Çağdaş Avukatlar Gurubu (Progressive Attorneys Group), Katılımcı Avukatlar Gurubu (Participant Attorneys Groups), and Özgürlükçü Hukuk Platformu (Libertarian Law Platform). Kerestecioğlu is especially known for her advocacy of women rights.

¹¹¹ "First and foremost, he is a great professor. He was very impressive on the TV program. He defended his ideas strongly. I think that his position as a professor is important above all. I do not know whether Mrs. Filiz has such a qualification. My girlfriend is also an attorney. She voted for Mrs. Filiz. She voted only for getting rid of the male hegemony." (P. R.)

¹¹² "The current president of the IBA is someone who has been supported by the Galatasary ecole. He has been a professor and so on. However, his political ideas are not close to mine. The left had its candidates elected in the latest IBA elections. One of them was Mrs. Filiz. A woman candidate... All big law offices supported Mr. Ümit. Why? Because Mr. Ümit says: 'There should be big law offices, as well.' Whereas Mrs. Filiz says 'This is a system of exploitation.'" (T. C.)

IBA elections of 2012¹¹³. T. C. continues to elaborate on her political opinion through a dialogue that took place between her and one of her employees who happens to be a partner in one of the oldest and biggest law offices in Istanbul. Her following statements reflect the two vying political disposition adopted by the two candidates, underlining the tension between the supporters and opponents of the big firms:

Ben Filiz Hanım'ı destekliyordum. Büyük büroda çalışabilirim. Fark etmez. Hatta ilginç bir anekdot anlatayım. Baro seçiminden çıktık. Vapurda gelirken ofisten bir partner'la denk düştük. Ondan sonra aramda şöyle konuşmalar geçti: "E noldu oyunu kime verdin?" diye sordu. "Valla ben Filiz Hanım'ın destekçisiyim, Filiz Hanım'a verdim." dedim. "Nasıl yani?! Ben Ümit Bey'e verdim. Bizim ofis politikamız açısından da daha uygun yani kendisi. Malum büyük büroları da destekliyor." dedi. "Evet, ama Filiz Hanım'ın siyasi görüşleri açıkçası bana daha uygun geldiği için ben ona verdim." dedim. Hiç sıkıntı değil bence avukatlıkta yaptığımız... Sonrasında kendisi de "Haklısın siyasi görüş olarak da; ama, yani herkes çıkarlarını düşünüyor." dedi. (T. C.)¹¹⁴

As more attorneys are recruited by big law offices, the contours of the independent character of the profession are worn away, thereby putting into question the position of the attorneys who are employed under big law firms, in terms of professional identity. Novel conceptualizations such as "*bağlı çalışan avukat*" (attorneys working dependently), "*işçi avukat*" (worker attorneys) or "*proleterleştirilmiş avukat*" (proleterianized attorneys) are coined to signal this group of attorneys: "Avukatların mesleki koşulları ile ilgili olarak bağlı olarak çalışan avukatların durumu proleterleşen

¹¹³ In this debate, the transformation of the legal market is associated with neo-liberal restructuring. Thus, the candidate of Çağdaş Avukatlar Grubu (Progressive Attorneys' Group) namely, Kemal Aytaç, claimed that the neo-liberal policies has transformed the legal profession in such a way that it removed the independence of attorneys, making them dependent on their employers. As part of his presidential electoral campaign in 2010, he further argued that the big law offices are acting as merchants and dominating the legal market. A similar criticism was raised by Devrimci Demokrat Avukatlar Grubu (Revolutionary Democrat Attorneys' Group) in 2010 against the big firms for enforcing the attorneys who newly entered in the profession to become wage-laborers. Kerestecioğlu propagated the slogan, "the candidate of the %99, not the %1" with reference to the occupy movements, in order to underscore that they are joining the world-wide social justice demands by demanding the IBA to acknowledge social rights.

¹¹⁴ "I supported Mrs. Filiz. I may work in a big law office. It does not matter. Let me tell you an interesting anecdote: While I was on the ferry, I ran into one of the partners of our law office. Then we have the following conversation: He asked me 'Who did you vote for?' I answered 'Honestly, I am the supporter of Mrs. Filiz; I voted for her.' He replied 'How come?! I voted for Mr. Ümit. He is a better candidate in terms of the policies of our office. As you know, he supports the big law offices as well.' I said 'Yes, but, I voted Mrs. Filiz, since her political views were favorable.' I think it is not inconvenient at all, if what we do is attorneyship... Then he said 'You are right in term of your political view; but, everyone looks after her/his own interest.'" (T. C.)

avukatların durumu ile ilgili olarak da baronun hiçbir projesi yokmuş gibi geliyor.” (K. T.)¹¹⁵ While all of my younger respondents can fit into these novel conceptualizations, most of them did not address the issue. For instance, as she describes her colleagues as apolitical, T. C. argues that the ways in which the attorneys practice their profession influence their relationship with and participation in the IBA elections:

Firmanın geneli çok apolitik. Yadırgamıyorum... Olağanüstü genel kurul Cumartesi veya Pazar günüydü hatırlamıyorum. “Yalnız biz gidemeyiz.” “Ya uyuycam ben.” falan şeklinde bir tavır vardı. Bence biraz da normal; çünkü, baro ile neredeyse hiçbir bağları yok. Gene biz de danışmanlık yapıyoruz sadece. Danışmanlıkta baro ile ne işin olabilir ki? O meslek örgütünün altındasın ama aktif bir şekilde katıldığın avukatlık yaptığın bir kurum değil. (T. C.)¹¹⁶

Furthermore, it appears that the professional activities of the Bar, such as professional trainings or seminars have limited, if any, space in these attorneys’ professional practice. In that sense, they seem more concerned with the political dispositions and tendencies of the IBA than its activities organized for professional development. Thus, positioning himself and his social circle as ‘apolitical’ and ‘apathetical to the IBA’s activities, P. R. indicates the reasons for his limited interest in the IBA’s activities as follows:

Seçimleri takip ediyorum. O da tamamen siyasal duruşumdan ötürü. AKP hükümetinin herkese karşı bir ele geçirme emeli var. Beni de ele geçirmelerini istemiyorum... Ama yoksa baro inanılmaz iyi olsun bize sahip çıksın değil. Yani sahip çıkıyor. Şimdi hakkını yememek lazım. Şu anki yönetimden memnunum ama mesleki açıdan, iş pratiği açısından hiçbir katkısı olmadı bana... Ben de aktivitelerini hiç takip etmedim. Gitmeden de bir yorum yapmak istemiyorum açıkçası. Benim çevremdeki birçok kişi böyle. Aidatımızı veriyoruz. Alakamız olmuyor. Belki o bizim apolitik kişiliğimizden ya da ilgisiz olmamızdan da kaynaklanıyordur. Biz o kadar önem vermiyoruz. Ancak, hukukla alakalı bir şey olunca gidiyoruz. (P .R.)¹¹⁷

¹¹⁵ “It appears to me that the IBA does not have any project concerning working conditions of the attorneys, who work dependently or has become proleterianized.” (K. T.)

¹¹⁶ “The people in our office are generally apolitical. I do not find it odd. The extraordinary general assembly of the IBA was on Saturday or Sunday I do not remember. There was such an attitude: ‘Well, we cannot go.’ ‘I will sleep.’ I think that is normal; because they do not have any connection to the IBA. We do legal counseling only. What relation could you establish with the IBA as a legal counsel? You are a member of this professional organization; however, it is not an institution which you actively attend.” (T. C.)

¹¹⁷ “I follow the elections, and it is just because of my political stance. The AKP intends to conquer every remaining post. I don't want them to conquer me... Not because I think the IBA is perfect and should protect us. Well, it does protect us. Let's give credit where it's due. I am content with the current administration, but it did not have any

Likewise, O. B.'s relation to the IBA is limited to the ballot box. Similarly, she remains indifferent to the activities concerning professional development and trainings. Instead, she emphasizes the political disposition of the IBA president:

O. B.: Var tabii. Yani çünkü sonuçta avukatlık regüle edilen bir iş. Ne yaparsak yapalım baroya bağlıyız yani. Ben hepsine katılıyorum. Zorunlu zaten.

E. Ş.: Zorunlu derken.

O. B.: Oy vermek falan.

E. Ş.: A, evet, seçimlere katılıyorsunuz. Kampanyalarda görev alıyor musunuz?

O. B.: Kampanya olduğundan bile haberim yoktu.

E. Ş.: Seçim kampanyaları peki?

O. B.: Yok yok öyle şeyler... Benim kişiliğimle alakalı bir şey. Ben seçim kampanyasına falan katılmam. Oyumu veririm biter. Ama beğeniyorum baro başkanımızı.

E. Ş.: Ne noktalarda sizce farklı?

O. B.: Baya beğeniyorum. Oyumuzu da verdik.

E. Ş.: Genel siyasete yönelik mi?

O. B.: Baro ile ilgili ne yaptığımı ben bilmiyorum. Benim için çok da önemli değil. İstanbul gibi bir şehrin baro başkanının siyasi düşünceleri çok önemli. Beğeniyorum yani. Önemli olan da o zaten.

E. Ş.: O şekilde destekliyorsunuz.

O. B.: Tabii canım. SEM'de (Staj Eğitim Merkezi) ne oldu beni çok ilgilendirmiyor.¹¹⁸

contribution to my professional practice. I did not follow its activities. Therefore I don't want to comment on the activities, without attending them. The people around me are in a similar position. We pay our subscription fees. Yet, we don't have anything to do with it. Perhaps the reason for that is our apolitical personality or apathy. We do not care much. We attend only when the issue concerns the law.” (P. R.)

¹¹⁸ O. B.: Of course, I have. All in all, attorneyship is a profession that is regulated. Whatever we do we are subjected to the IBA. I participate to all of them. It is mandatory.

E. Ş.: What do you mean when you say mandatory?

O. B.: Voting and so on.

E. Ş.: Oh, yes, you participate in the elections. Do you participate in the election campaigns as well?

O. B.: I even did not know that such things existed.

E. Ş.: How about election campaigns?

O. B.: No, not these things... It is related to my personality. I do not participate in the campaigns and so on. I just vote and that's it. But I like our Bar president.

E. Ş.: What makes him different, you think?

O. B.: I appreciate him very much. I voted for him.

E. Ş.: Is it about the politics in general?

O. B.: I do not know what he does in the IBA. It is not that important for me. The ideas of the Bar's president of Istanbul are very important. I appreciate it. That is what is important.

E. Ş.: This is how you support him.

O. B.: Of course. I do not care much about what happens in the SEM (Vocational Training Center).

O. B. finds joining a political campaign impossible, relating this disposition with her personality rather than her political views. On the one hand, O. B. states that she is solely interested in the political stance of the president of the IBA, on the other hand, she does not explain how or why his political stance is important. In a parallel vein, S. S. has not maintained any relationship with the IBA following her mandatory legal training, with the exception of voting in the IBA elections. She articulates the reasons for her decision to vote for Kocasakal as follows:

Baro ile hiçbir ilişkim yok. Staj eğitimine gittim. Bir de kendimi kötü hissetmemek için baro seçimlerine gittim. O kadar... Bilgim biraz daha kulaktan duyma. Öncesinde televizyonda tartışma programları falan filan biraz oradan biraz burdan izleyip biraz takip edip ona göre bir karar verdim. Yoksa o kadar ayrıntılı bilmiyorum... Korkusuz olması hoşuma gidiyor. Devlete karşı baş kaldıracabiliyor. İnsan korkar, ailesi var, bilmem nesi var. Hiç yılmıyor, baş ediyor. Belki akademik bir geçmişi olması sebebiyle... Çünkü konuşmalarında hissettiriyor bence onu. (S. S.)¹¹⁹

In S. S.'s narrative, Kocasakal appears as a fearless political figure, who has the courage to stand against the state and whose academic background appears as a capital which can be used in such a tough contestation. Like O. B., S. S. does not discuss the political content of Kocasakal's statements, but rather address him through his political stance against the incumbent Justice and Development Party (AKP) government. In that sense, the president of the IBA to act as a political figure is supported rather than being criticized. Having mentioned that she has no particular relationship with the IBA, M. L. also appreciates the IBA's oppositional disposition towards the AKP government, which she finds more effective than the main opposition party, namely the Republican People's Party (CHP) in terms of constituting a political opposition. As the lines become solidified in the politically polarized environment, the Union of Turkish Bar Associations (UTBA), which has presented a rather neutral attitude concerning the political issues until the latest UTBA election, sets forth conspicuous political statements. M. L., thus, expresses her content with the political disposition of the newly elected president of the UTBA in the following:

¹¹⁹ "I have no relationship with the IBA. I attended the Vocational Center trainings. In addition, I participated in the IBA elections just not to feel bad. That's it. I only have a little second-hand knowledge on the IBA. I made my decision before the elections by following the discussion programs on the TV. Not that I know of the details... I like that he is fearless. He can revolt against the state. Most of the people would be afraid, since they have families and so on... ". He does not quail, he copes with it. Hiç yılmıyor, baş ediyor. Maybe its because he has a academic background. Because he makes you feel that." (S. S.)

Baroyla ekstra bir ilişkim yok açıkçası. Son bu Gezi olaylarındaki tavırlarını beğeniyorum. Çok sağlam durduklarını düşünüyorum. Hem İstanbul Baro başkanı olsun, hem barolar birliği başkanı olsun. Barolar Birliği başkanından ayrıca ümitliyim. (Kahkalar) Şu anda bulunduğumuz siyasi koşullar biraz enteresanlaştı. Ana muhalafet partisi var ama ne kadar muhalafet yapıyor tartışılır. Hem İstanbul Barosu'nun, hem de Barolar Birliği'nin toplu olarak iyi bir muhalafet olduğunu düşünüyorum. Aynı zamanda çok da çalıştıklarını düşünüyorum. Benim telefonuma haftada iki kere barodan mesaj geliyor. Şurda şunu yaptık. Şu var, gelin. Hani güzel bir şey yani... Böyle bir örgütün içinde olmak da... Her ne kadar aktif rol almasam da bir parçası olmak mutlu etti beni. (M. L.)¹²⁰

On the one hand, almost all of my respondents stated that they have very limited interest in engaging to the IBA's activities, on the other hand, the very same respondents showed great interest in the IBA elections, while some of them joined the protests during the Gezi Park uprising. While they support the Bar's political involvement for its oppositional attitude towards the government, one of my respondents, K. T., was critical towards the IBA's political dispositions and ideological tendencies concerning defending the principle of rule of law, human rights, and the right to defend, as well as establishing connections between the international legal organizations. K. T., who is familiar with both national and international juridical field as a litigation expert, addresses lack of efficient political stance in advocating human rights as part of her criticisms in the following:

Ülkede eğer bir takım insan hakları ihlalleri yaşıyorsa, hukuka aykırı bir takım pratikler geliyorsa, bunlarla ilgili olarak Baro'nun örgütlü bir tavır alması ve enformasyonu sağlaması gibi bir misyonu var. Bunun da yeterince yerine getirdiklerini düşünmüyorum. Bu anlamda da çok aktif bir tavır aldıklarını düşünmüyorum. Avukatların münferit çabaları ile işlerin yürüdüğünü düşünüyorum. (K. T.)¹²¹

¹²⁰ "Honestly, I do not have an extra relationship with the IBA. I appreciated their dispositions in the Gezi events. They have a rugged stance. Both presidents of the IBA and the UTB... I have hopes for the president of the UTB. (Laughter) The political conditions today became very interesting. There is a main opposition party; but it is debatable how much they oppose. I think both the IBA and the UTB collectively constitute a good opposition. At the same time, I think, they work a lot. I get SMSs from them twice a week. We did this. There is this, please attend. It is a good thing... Being a part of such an organization... It makes me happy, even though I am not actively involved in it." (M. L.)

¹²¹ "If human rights are being violated in this country, the IBA has the mission of developing an organized attitude and providing with the necessary information related to these violations. I do not think that they sufficiently fulfill this mission. I do not think they are active enough. I think these issues are handled by the individual efforts of the attorneys." (K. T.)

Another respondent, N. B, who raises criticism to the IBA, on the one hand supports the IBA's involvement in political debates; on the other hand argues that such involvement should be confined to protecting the principle of rule of law in the following:

Ben baroların siyasetten uzak olması gerektiğini düşünmüyorum. Bence baroların siyasi duruşunun olması faydalı. Özellikle Türkiye'deki hukuk sisteminin korunmasına karşı bir politik tavır sergiliyor olmaları gerekiyor. İşte solcu olur, sağcı olur, işte liberal olur olmaz... O önemli değil benim için. Önemli olan hukukun üstünlüğü ilkesinin korunması yönünde gösterdiği tavır Baro'nun. Tabii ki bir meslek örgütü olduğu için mesleğimize yönelik yaptığı yenilikler vesaireler de önemli. Ama özellikle günümüz Türkiye'sinde benim en çok önem verdiğim şey hukukun üstünlüğü ilkesini koruma konusunda ne kadar etkin çalışma sergiliyor ya da sergileyemiyor. Baktığımız zaman şimdi bu politik duruşun bazı açılardan abartılması söylediğim. Hani sadece hukukun üstünlüğün savunulmasının dışına çıkıp daha farklı noktalara çekilmesi genelde bence zarar verici olabiliyor... Baro'nun bir siyasi görüşünün olmaması ve politika dışı kalmasını beklemek çok doğru değil ama Baro'nun bunu doğru bir biçimde yani kendi emellerine zarar vermeyecek şekilde kullanıyor olması lazım. (N. B.)¹²²

Kalem draws attention to the rising sentiment among “the actors of the juridical field - in particular among the practitioners - regarding the ‘contamination’ of law with politics which is more often than not imagined to pose a threat to the Republican regime.” (Kalem, 2010: 74) In addition, she argues that as the law is employed as a force of legitimizing political actions, the political engagement of the legal profession further intensified, leading legal professionals and juridical institutions to actively involved in shaping the course of national politics (Kalem, 2010: 77). N. B.'s emphasis on protection of the principle of rule of law appears as a border, which provides with a legitimate ground for the political engagement of the legal profession. Both the principle of rule of law and human rights is addressed in raising criticism on the IBA's

¹²² “I do not think that the bar associations should stay away politics. I think it is beneficial that the bar associations have a political stance. They should especially act in a political manner to protect the legal system in Turkey. They may be leftist, rightist or liberal, whatever... I do not care about it. What is important is the bar association to act to protect the principle of rule of law. Of course, the improvements ect., which are made for the profession, are also important since it is a professional organization. However, what I value the most nowadays in Turkey is how effectively it acts to protect the principle of the rule of law. What I basically say is that this political stance should not be exaggerated. I mean, it could be harmful if it goes beyond defending the rule of law and drawing attention to other issues. It is not right to expect that the bar association does not have a political opinion or stay out of politics; however, the bar association should use it in such way as not to harm its own purposes.” (K. T.)

political dispositions. Thus, Türem introduces the tendency to “create an alternative basis for legitimacy” through presenting an image of the legal profession as the defender of the principle of rule of law and human rights (Türem, 2001: 105). It is possible to see the reflections of this image, which is also employed to discuss the extent and the limits of the IBA’s political engagement. However, the way in which the IBA is involved in politics was also criticized in terms of its ideological tendencies. K. T. presents the IBA’s double standard and discriminatory dispositions in defending attorneys’ rights in the following:

Son iki üç senedir avukatlar bu zamana kadar karşılaşmadıkları saldırılara maruz kalıyorlar. Savunma hakkının bu kadar baltalandığı bir dönem belki de yaşamadık yani. Yakın tarihe dönüp baktığımızda, Türkiye’nin çok zor dönemler geçirdiğini görebilirsiniz. Baskının çok yoğun olduğu, şiddetin çok fazla olduğu zamanlar yaşadı. Darbe dönemleri yaşadı, ama bunlarda da avukatlık mesleği ve savunma görevi ayrı bir yere konuldu, konumlandırıldı. Fakat artık ülkenin geneline yayılan siyasi baskının avukatlık mesleğinin de nasibini aldığı günlerden geçiyoruz. Böyle bir tablo karşısında baronun çifte standartçı tutumu beni rahatsız ediyor. Hangi politik görüşten olursa olsun mesleki faaliyetinden ötürü siyasi baskı ile karşılaşan soruşturmalara kovuşturmalara maruz kalan bir avukat, baro tarafından sahip çıkılması gereken kişidir. Nokta! Bu anlamda ben baroyu yeterince aktif tutum alır bir durumda görmüyorum. Baro yönetiminin kendisine yakın gördüğü davalarda son derece militanca davranırken, yakın görmediği bazı hadiselerle ilgili olarak uzak durduğunu, “Bazı karelerde yer almayız.” gibi beyanatlar verdiğini hepimiz biliyoruz. Bu da benim açımdan kabul edilebilir bir şey değil. (K. T.)¹²³

¹²³ “Attorneys have been exposed to the attacks, which they have never faced before, for the last two three years. Perhaps, we have never gone through a period in which the right to defense was undermined. When we turn back to the recent history of Turkey, you can see that Turkey has gone through very rough times. It has gone through the times in which there was overwhelming pressure and violence. It has gone through military coups; but even in these conditions, the profession of attorneyship and the duty of defense has been placed and positioned apart. However, we now go through the days in which the profession of attorneyship has its share from the political pressure, which has spread all over the country. In the face of this picture, the double standard attitudes of the IBA disturb me. An attorney, who is exposed to political pressure, investigations and prosecutions based on her/his professional activities, should be defended by the IBA, regardless of her/his political view. Period! In this sense, I think the IBA does not take an active stance. We all know that while the administration of the IBA takes a militant stance on the cases, which they find politically close to their view, they keep their distance from the events, which they do not find close, and make statements such as ‘We do not get into some pictures.’ I cannot accept this.” (K. T.)

K. T.'s criticism focuses on the IBA's nationalistic tendency which reflects on its diverging political dispositions in the KCK case¹²⁴ and in the Balyoz and Ergenekon cases¹²⁵¹²⁶¹²⁷. She continues her criticisms on the political dispositions of the IBA, which is also manifested in its engagements with the one of the international professional organization¹²⁸.

Yakın zamanda yaşadığımız bir örnekten bahsedeyim isterseniz. Paris Barosu'nda bir kısım avukatların görüşme talebi İstanbul Barosu tarafından reddedildi. Okuduğum kadarıyla gerekçe, gelecek olan heyet içinde Ermeni avukatların ve temsilcilerin yer alması. Baro her türlü meslek örgütü ile, uluslararası hukuk örgütleri ile temasta olması gereken bir kurum. Açıkçası bu ayrımcı davranışı kabul edilebilir bir şey değil. Öte yandan şöyle bir sıkıntı da var, Baro uluslararası toplumda da Türkiye'deki hak ihlallerini dile getirirken çifte standartçı tutumunu sürdürüyor. (K. T.)¹²⁹

¹²⁴ The KCK case is a high profile-case in which thousands of people, most of whom are members of the Peace and Democracy Party (BDP) were accused of being members of the KCK/TM, which is considered the political branch of the PKK. The accused also included members of the parliament, academicians, human rights activists, and trade unionists.

¹²⁵ Balyoz case is a high profile-case in which more than three hundred fifty people, most of whom are high ranked military officers were accused of plotting a military coup against the AKP government.

¹²⁶ Ergenekon case is a high profile-case in which more than two hundred fifty people, most of whom are high ranked military officers, were accused of plotting against the AKP government as the alleged members of the clandestine secularist organization called Ergenekon. The accused also includes members of the parliament, political party members, academicians, journalists, and members of non-governmental organizations.

¹²⁷ In an announcement by which the IBA administration responds the AKP's spokesperson's statement on the IBA administration, the IBA blames the government for pressuring the judicial body through restructuring the legal system, while it sharply criticizes the government's dispositions towards the military and the PKK (Partiya Karkerên Kurdistan/Kurdish Workers' Party), arguing that while the government insults the concepts of martyr, soldier, and military, it cooperates with the PKK and pushes for splitting the country. The IBA administration has been criticized for their excessive involvement and showing delicate attention to the juridical procedures' compliance with the law in the legal cases of Ergenekon and Balyoz and for negating such involvement and attention to the case of the KCK (Koma Civakên Kurdistan/Group of Communities in Kurdistan).

¹²⁸ See <http://t24.com.tr/haber/genelkurmayda-dink-cinayeti-belgesi-olmali-yasar-buyukanit-yargilanmali,239574>.

¹²⁹ "Let me give you an example from a recent event. The meeting request of the attorneys from the Paris Bar has been denied by the IBA. As far as I read from the newspaper, the reason is that there are Armenian attorneys and representatives in the committee, which will pay a visit to the IBA. A Bar is an institution that is required to be in contact with all kinds of professional organizations and international law organizations. Frankly, this discriminatory behavior cannot be accepted. On the other

My respondents, who are registered members of the IBA, stated that they have a little interest in the professional activities of the IBA, while they showed a great interest in participating in the latest IBA elections. Defining themselves as “a-political”, most of my respondents underlined their indifference to political issues, as most of their colleagues. However, they expressed their support the current president of the IBA in his sharp opposition against the AKP government, while giving no further account of their support. This contradiction may be discussed as part of how the professional ideology of the legal professionals is reflected in the dispositions of the attorneys within the changing political context through the AKP’s policies. Ewick (2004: 84) underlines that “Ideology is not defined by its content. It can only be recognized within particular sociohistorical contexts, more specifically by its operations within those contexts. In short, ideologies are known in terms of its effects.” It could be argued that the effect of the professional ideology of the legal professionals is manifested in their support for the actors, who took a strong oppositional political stance against the AKP government, while they did not identify their disposition as a “political” position. As the historical the role of the legal profession as “protectors of the regime and conveyors of the modernization ideology to public at large” (Türem, 2001: 33), remains to shape the consciousness of legal professionals, my respondents tend to conceal the political aspect of their dispositions against the AKP government¹³⁰.

5.3. Reflections on Restructuring of the Juridical Field

The reforms in the field of law in Turkey have taken form with Turkey’s candidacy to full membership to the EU, which has been continuing since 1999. The Ministry of Justice, which has been surveilled by the EU Commission since 2004 when the accession negotiations between EU and Turkey has launched, prepared a judicial reform strategy in 2009 that emphasized the issues of “independent, impartial and efficient functioning of judicial system” and “ensuring speedy, simple, cheap and efficient resolution of disputes and diminishing the current workload of the courts”. The various areas of law, ranging from civil law to private law, from penal law to commercial law, from civil and criminal procedural laws to military jurisdiction have been rapidly, fundamentally, and extensively changed until now. In addition, the

hand, there is also the following problem: the IBA continues its double standard attitude while giving voice the human rights violations in Turkey.” (K. T.)

¹³⁰ Ewick proposes that ideology “inheres the processes or form of concealment rather than the content of that which is concealed.” (Ewick, 2004: 81)

constitutional amendment pack of 2010, which anticipated extensive changes in the constitution drafted after the 1982 military coup, was passed by a general referendum, receiving both a great support and opposition. One of the most fiercely debated issues was the amendments made on the Higher Council of Judges and Public Prosecutors (HCJPP), which anticipated the involvement of the member of the Ministry of Justice to the Council, raising questions on the principle of independence and impartiality of the judiciary.

Although my respondents were not affected by the legal reforms in terms of their professional practice as much as the attorneys working mostly in the courts, almost all of them reflected on the political repercussions of these reforms. K. T., who is the sole litigation expert among my respondent presents her opinion on the ways in which the attorneys were affected from these changes in the following:

Temel kanunlar deđiřti. Yargılama usulüne iliřkin deđiřilikler oldu. Teknolojik alt yapının oluřturulmasına iliřkin deđiřiklikler oldu. Genel itibariyle biraz daha kolaylařan ve yargılamamın hızlanmasına hizmet eden deđiřiklikler, temel kanun deđiřmiř olması, biraz daha deđiřen ticari hayata uyum sađlama yolunda atılmıř adımlar. Elbette bu bize ekstradan yeniden öğrenme, okuma ve takip etme zorunluluđu yüklüyor. İçtihatlarla ilerlediđimizden emsal mahkeme kararları bizim için önem teřkil ettiđinden bütün bunları takip etme gibi bir iř temposunu ađırlařtıran bir etki de yarattı tabii. (K. T.)¹³¹

While the physical, technological, and technical changes in the field of law¹³² promised a more independent and efficient justice system; K. T. draws attention to the fundamental questions on whether these structural changes made a substantial impact on the mindset of the judiciary in the following:

¹³¹ “The basic laws have been amended. The laws concerning the judiciary proceedings have been amended. There were changes with regards to the establishment of the technological infrastructure. These are the steps taken towards complying with the changing commercial life, by facilitating and accelerating the judicial processes. As a corollary, they obligate us with the extra tasks of relearning, rereading and keeping track of the laws. Since we progress in our work by case law, and the precedent cases are important for us, keeping track of all those aggravates our working tempo.” (K. T.)

¹³² The extensive change in the field of law also included physical and technological changes. Almost all of the court houses in Istanbul were collected under two giant building complexes in Kartal and Çađlayan districts. The National Judiciary Informatics System (UYAP), which is a central network project that connects together all the courts, public prosecutors services, prisons, other judicial institutions and other government departments in Turkey and allows the legal professionals to conduct certain judicial procedures online, is introduced in 2005. Besides these changes, which aimed at ensuring speedier and cheaper solutions of disputes, the Law on Mediation for Civil Disputes, which has been long debated among the legal professionals in Turkey, came into force in 2013 for diminishing the workload of the courts.

Bence deđiřmesi gereken yargılama mekanizmasının düşünce yapısı. Özellikle ceza yargılamasında hakimin takdiri önemli ve etken olduđu için hakimin takdiri deđiřtiđi noktada yargılamada da bir sürü şey deđiřecek yani. Avukatın yaptıđı savunmaların bir yere varması, sonuca etkili olması son derece önemli bizim açımızdan. (K. T.)¹³³

As K. T.'s narrative points out to the hierarchy between the subjects of the judiciary (the attorney, the prosecutor, and the judge), which poses a challenge against the attorneys in terms of setting forth a powerful defense. Although a court hearing is constituted as a collective process between lawyers, public prosecutors, and the judges, the judges occupy a more power position compared to other subjects, owing to their power to shape the final verdict based on the power of judicial discretionary¹³⁴, as K. T. underlined. The authority to judicial discretionary has been a debated issue, especially in the criminal judgment processes, raising questions regarding impartiality. Thus, Sancar and Atılgan (2009) observed that almost none of the judges and public prosecutors with whom they interviewed could defend without hesitation that the judiciary has a purely impartial approach to the criminal cases to which the state and/or a state official is a party and that sexual, religious, ideological orientations of the offender also influence the judges' decisions in such cases. While the judicial power is constructed on the principles of impartiality and neutrality, the limitations on the judges' impartiality and neutrality raises distrust in the juridical system among my respondents, which led some of them to discard becoming a litigation attorney: "Yargı sistemi olduđuna da inanmıyorum. Yani açıkçası dava avukatlığını yapmak istemeyişimin bir sebebi odur. Çünkü yargı sisteminin çok anlamsız olduđunu düşünüyorum. Bu Ergenekonlar falan hepsini geçiyorum hani." (M. L.)¹³⁵

While polarization, discrimination, arbitrariness and favoritism have been critical issues as part of the discussions concerning the judicial system; the principle of independence of courts and the security of tenure of judges and public prosecutors are

¹³³ "I think what really should change is the mindset of the judges. Since the judicial discretion power of the judges is very important and effective, especially in criminal procedures, a lot will change in the judiciary when the judge's discretion changes. For us, what matters most is rendering the attorney's defense effective." (K. T.)

¹³⁴ It is defined as making free assessment on the case, which is granted to the authorized persons, since it is impossible for laws to regulate all life events (Yılmaz, 2004).

¹³⁵ "I do not believe that the juridical system exists. Frankly, one of the reasons why I did not become a litigation attorney is this. Because, let alone the cases such as Ergenekon and so on, the judicial system in overall is just nonsensical." (M. L.)

considered the foremost regulations, which serve to protect these principles. These regulations assumed to provide with the legal assurance that the judges would not be suppressed by any political or professional pressure, while giving their judgment based on their own convictions. However, the appointment and transfer of the judges and public prosecutors are vaguely regulated, leading the security of tenure of judges and public prosecutors not to function in practice and generating disturbance and anxiety among the judges and public prosecutors (Sancar & Atılgan, 2009). The following narrative of P. R. reflects such concerns:

Mesela arkadaşımın annesi Ankara İdare Mahkemesi'nde İdare Heyeti Başkanı'ydı. Onu sevmedikleri için falan Erzurum'a tayinini çıkardılar. Kadıncağız emekli oldu. Hakimler ve Savcılar Yüksek Kurulu dolaylı yoldan iktidara bağlandığı için istedikleri şeyi yapabiliyorlar artık. Öyle ben bağımsız bir yargımızın, mahkemelerimizin olduğunu düşünmüyorum. (P. R.)¹³⁶

One of the ways, which put into question the impartiality of the judiciary, is the discourse on politicization of the juridical field. Thus, N. B. states that the legal reforms on the one hand improved the judicial system; on the other hand they led to setting up one's own cadre in the judiciary, paving the way for arbitrary practices which would reinforce favoritism in the following:

Gezi olayları hem ulusal anlamda hem de uluslararası anlamda bir farklılık yarattı. İnsanlar “yetmez ama evet” olayının ne olduğunu bilmiyordu Gezi olayına kadar. Ama Gezi olayında “yetmez ama evet” olayının ne olduğunu öğrendiler. HSYK'nın yapısının değiştirilmesinin Türkiye'ye ne kadar zararlar verebileceği çok açık bir şekilde ortaya çıktı. Artık gerçekte de “halkın hakimi”, “halkın savcısı”, “halkın polisi” kavramı tamamen ortadan kalktı. Yerine işte “hükümetin savcısı, polisi, hakimi” geldi. Adalet duygusuna güven bence çok azaldı. Belli bir kesimin istediğinin olduğu, belli bir kesimin hakkı olmasına rağmen hakkının olamayacağı bir sisteme doğru keyfi bir sisteme doğru yönlendirildi. Bizim kanunlarımız ve kurallarımız aslında pek çok açıdan bence modernleştirildi. Pozitif gelişmeler de oldu. Ama uygulayıcının kim olduğu çok önemli. Siz eğer uygulayıcıları, hakimleri kendinize bağlı memur olarak görüyorsanız, olmaz yani. Hakimin bağımsızlık ilkesi bence adaletin en en önemli güvencesi. Siz eğer o bağımsızlığı alırsanız bir ülkede adalet olduğundan bahsedemezsiniz. Mahkemede istediği gibi karar veren hakimi uzaklaştırıp yerine başka hakim atayarak yargılama yapamazsınız. (N. B.)¹³⁷

¹³⁶ “For instance, my friend's mother was the president of the Administrative Court of Ankara. They transferred her to Erzurum, for they did not like her. The poor woman has retired. As the Higher Council of Judges and Public Prosecutors is implicitly subjected to the government's will, they can do whatever they want. I do not think that we have independent judiciary or courts.” (P. R.)

¹³⁷ “The Gezi events created both a national and international awareness. Until Gezi, people did not know what 'not enough but yes' campaign was. But they learned it

Referring to the political campaign for the referendum, which was held for the constitutional amendments of 2010, N. B. holds responsible the supporters of the campaign based on their lack of political consciousness on the way in which the Higher Council of Judges and Public Prosecutors (HCJPP) was changed. While she discusses the politicization of the judiciary by arguing that the judiciary was in the service of “the public” before the 2010 constitutional amendments and is in the service of “the government” now, she also refers to the rising tendency in political favoritism by addressing two separate “segments of the society”, one of which benefits the system, while the other is deprived of their rights. On the one hand, the government and its supporters is depicted as the beneficiaries of the current juridical system, the remaining is referred as “the public”, whose trust in the judicial system has decreased in her narrative.

Although the debate on politicization of the judiciary in Turkey became a core political issue since the constitutional amendments of 2010; it has always been subjected to the political contestation along the axis of the Islamist and secularist tension. Thus, O. B. presents her views concerning politicization of the judiciary, which is widely shared by the republican/secularist wing in the following:

Bundan 30 sene önce beynini yıkadıkları çocukları hukuk fakültesine soktular. Hakim savcı yaptılar. Ondan sonra ne istiyorlarsa yapıyorlar. İçler acısı bir hale gelmiş durumda. Avukatlık meseleğini de rezil ettiler. Savcılığı da rezil ettiler. Hakimliği de rezil ettiler... Benim birkaç arkadaşım vardı adliyede. Facebook'ta gördüm. Mesleğe ayıp her şeye ayıp yani. Kimseye saygıları yok ki. Politik işte yani. Bir süre böyle olacak. (O. B.)¹³⁸

through the Gezi events. It has become clear how much harm was made to Turkey by the changes in the structure of the HCJPP. The concepts such as the 'people's judge,' 'people's prosecutor,' and 'people's police' are completely gone. 'Government's prosecutor, police, and judge' replaced them. People's sense of and trust to justice is injured. An arbitrary system, where certain groups do as they please and others are denied their legitimate rights, has been established. Actually our laws and rules were modernized in many ways. There were some promising developments as well. But the identity of the enforcer is very important. If you consider the enforcers and judges as officers who are subjected to you, it will not work. The principle of the independence of judges is the most important guarantee of justice. If you take away this, you cannot assume that there is justice in this country. If you remove independent judges from their posts, only to replace them by other judges, the legal process becomes impaired.” (N. B.)

¹³⁸ “They courted the kids whom they brainwashed 30 years ago into law faculties. They made them judges and public prosecutors. Now they can do whatever they want. It is pathetic. They spoiled attorneyship. They spoiled public prosecution. They spoiled judgeship. I had several friends in the courthouse. I saw it in Facebook. It goes against

Although, most of my respondents have little relationship with the judicial authorities, almost all of them presented distrust with the judicial system based on the concerns of independence of judges and the judicial system. Most of the discussions concerning the principle of independence of the judiciary focused on politicization and favoritism prevalent within the juridical system, which is associated with the changes concerning HCJPP, which was realized by the 2010 constitutional amendment pack. My respondents considered these institutional changes, which were introduced by the AKP government, as contamination of legal system by “politics”, and “favoritism”, instead of legal reforms” and thus, interpreted them as a threat to the independence of the legal profession. As Kalem has pointed out, the rhetoric of contamination of law with the politics has become an important mobilizing element among legal professionals in recent years, leading them to become actively involved in national politics (Kalem, 2010). All in all, my respondents’ political dispositions reflected the influence of the professional ideology, which is molded by its historical mission and nationalistic and republican tendencies, mobilizing them to cast votes in the IBA elections for a candidate, who fiercely voices their political concerns, against the AKP government, which is considered a threat.

the profession, and everything. They have no respect for anyone. It is political. And it shall be like that for a while.” (O. B.)

CHAPTER VI

DIFFERENT CONCEPTUALIZATIONS OF PROFESSIONAL IDENTITY

In this chapter, I will tackle with different conceptualizations of the professional identity of attorneys. To that end, I will explore how different conceptions concerning attorneyship and legal profession are discussed and negotiated. In that sense, I will present how my respondents define the concepts of “attorney” and “legal professional” and relate their professional position to the professional identity. By examining the narratives of my respondents, I will try to provide with an insight to how their professional and daily practices reveal the hierarchies between different conceptualization of the profession of attorneyship and the legal profession.

6.1. The Clashing Professional Identities: Attorney vs. Legal Counsel

Defined as both a public and free profession¹³⁹, the profession of attorneyship in Turkey is rather conceptualized with its public character based on its historical development¹⁴⁰. Thus, the Attorneyship Law loads the attorneys with the charge of serving for justice and equality in handling of the legal disputes, emphasizing the public character of the profession. In addition, representing the defense as the subject of the judiciary, *avukat* (advocate), which is the term used to define attorney, directly addresses defending rights, although it comprises legal counseling as well¹⁴¹. While, *advocate* is conceptualized as a subject of the court, who serves for the benefit of the public good; the attorneys working in the area of business law draws a contrary image to the conventional attorney conception in Turkey by prioritizing their client’s interest and putting the perspective of business first. Thus, most of my respondents cannot identify themselves with the professional title of *advocate*, while they use the term *danışman* (legal counsel) in defining their professional positions. Thus, O. B. presents her professional position and her conceptualization on *legal counsel* and *advocate* in the following:

O. B.: Biz avukat değiliz. Biz danışmanız.

E. Ş.: Peki nasıl tanımiyorsunuz danışmanlığı?

O. B.: Uyuşmazlık çıkmasın diye müvekkilimize doğru yolu gösteriyoruz. Amacımız uyuşmazlık çıkmaması diyeyim.

E.Ş. : Peki, ya avukat?

¹³⁹ See Article 1 (the Attorneyship Law, 1969).

¹⁴⁰ Cirhinlioğlu argues that the modern lawyer emerged for the purpose of defending the defendant before the court (Cirhinlioğlu, 1997).

¹⁴¹ See Article 2 (the Attorneyship Law, 1969).

O. B.: O uyuşmazlık çıktıktan sonra devreye giriyor.¹⁴²

In O. B.'s professional conceptualization, the terms *legal counsel* and *advocate* are two separate types of attorneys. The former aims at preventing emergence of a legal dispute, which draws closer to the concept of *preventive attorneyship*¹⁴³, where as the latter steps in after a dispute emerged. O. B. points out a functional distinction between these professional positions. Similarly, P. R., who works at the same office with O. B., defines his professional position as *legal counsel* and presents the differences between his conceptualization of *advocate* and a *legal counsel* in terms of his professional practice in the following:

Bizim yaptığımız danışmanlık. Bizimki çok avukatlık değil. Benim kafamdaki avukatlık tanımına uymuyor. Benimki adliyede dolaşacak edecek, o davadan o davaya girecek. Bizimki daha çok danışmanlık gibi... E-mail üstünden karşıdaki ne istediğini yansıtıyor. Ama adliye öyle değil yani. Bire bir insanla muhatap oluyorsunuz. İnsan ilişkilerinin iyi olması lazım. Birazcık daha fazla çaba sarf ettirmeyi gerektiriyor. (P. R.)¹⁴⁴

O. B. differentiates *advocate* and *legal counsel* in terms of the space in which they practice the profession. While *advocate* is imagined as “rushing one court to another”, where s/he makes one-on-one interactions, *legal counsel* makes most of her/his interactions with the client via e-mail exchanges. Similarly, S. S. defines her professional position as *legal counsel* rather than *advocate*, whom she defines as someone who does litigation and practice law in courts:

Yaptığım işi çok avukatlık gibi tanımlamadığım için aslında danışmanlık demek belki daha doğru olur. İşte SandersGreenHouse nasıl ekonomi danışmanıysa, ben de bence öyle bir danışmanım. Avukatlık deyince gerçekten mahkemeye, giden litigation yapan biri aklıma geliyor. O yüzden tecrübeme dayanarak avukatlık

¹⁴² O. B.: We are not attorneys. We are legal counsels.

E.Ş.: How do you define legal counseling?

O. B.: We show our clients the right path in order to prevent conflict. Our aim is to prevent conflicts.

E.Ş.: How about the definition of an attorney?

O. B.: S/he steps in after a conflict emerges.

¹⁴³ See Ansay (2003).

¹⁴⁴ “What we do is legal counseling. It is not attorneyship. It does not fit into the attorneyship definition in my mind. The attorney in my mind walks around the court house, attending one hearing to another. Our job is more like counseling. The client reflects what s/he wants via e-mail. But it is not like that in the court. You deal with people one-on-one. You need to have good skills in human relations. It requires a little more effort.” (P. R.)

nedir, nasıl yaparım bilmiyorum. Ben biraz daha danışman gibi görüyorum kendimi yani. (S. S.)¹⁴⁵

S. S. identifies her professional position with the multinational financial counseling firms in Turkey, while the professional practice of an *advocate* is unfamiliar to her. Most of my respondents try to make sense of their professional position in coping with the discrepancy that is emerged in consequence of the gap between different ways of practicing law. The following statements of M. L. present one of the ways of making sense of this contradiction:

Yani yaptığım işin açıkçası avukatlık olduğunu çok da düşünmüyorum. Yani aslında klasik manada avukatın yeri mahkemedir. Dilekçelerdir falan, anlatabiliyor muyum? Şartlar, insanları başka yönlere itiyor. Ticari gelişmeler açısından bir sürü şey değişiyor. Burada bir konsept ortaya çıkıyor. Gene şu an avukatlık bu. Hani bizim yaptığımız corporate işler. İşte sözleşme avukatlığı... (M. L.)¹⁴⁶

In defining her professional position, M. L. underlines the changing conditions in the legal market and the need for a new conceptualization within the profession of attorneyship, putting forward the concept of *sözleşme avukatlığı* (agreement attorneyship) which is distinct from *klasik anlamda avukatlık* (classical way of attorneyship) that is imagined to be practiced in courts and by writing petitions. Besides the clear-cut distinction between *advocating* and *legal counseling* presented by most of my respondents, M. L. efforts to define her professional position within the boundaries of the profession, which can be considered as a way of negotiating between the common and novel conceptions of attorneyship. In negotiating the differences between the “classic” and the “novel” conceptions of attorneyship, P. R. underlines prioritizing the client’s interest and the motivation of getting the job done as good as possible in his professional practice in the following:

Aslında bizim yaptığım şey avukatlık mı ondan emin değilim. Ama nedense avukat olmak şey gibi geliyordu. Daha güçsüz olanın yanında olmak gibi

¹⁴⁵ “Since I don't see what I do as attorneyship, it would be more accurate to say that I am a legal counsel. Just in the manner Sanders GreenHouse does economic counseling, I do legal counseling. When you say attorneyship, I think of someone who goes to the court and does litigation. Therefore, depending on my lack of experience, I do not know what attorneyship is and how it is done. I mean, I see myself more as a legal counsel.” (M. L.)

¹⁴⁶ “I frankly do not think that what I do is not necessarily attorneyship. In fact, an attorney belongs to the court in a classical sense. Writing petitions and so on... The conditions push people in different directions. A lot of things change in terms of commercial developments. A new concept emerges here. It is still attorneyship. I mean the corporate works we do... Well, I guess it is contract attorneyship.” (M. L.)

geliyordu. Şu an hiç öyle bir durumumuz yok yani. Benim özellikle durumum yok... Ben işimi yapmaya çalışıyorum en azından. Kimliğim, güçlü ya da güçsüz hak savunmak değil. Müvekkilim hiçbir şekilde zarar etmesin. Tabii işe yaklaşırken de daha iş perspektifinden bakmak lazım. Karşı tarafı da çok mağdur etmeyeceksiniz ki o iş gerçekleşsin. Yani temel olarak yapmaya çalıştığım şey işimi iyi yapmak. Herhangi bir dikkatsizlik sonucu hataya sebebiyet vermemek. Olabildiğince sürenin yettiği kadar iyi araştırmak. Doğru cevapları bulabilmek. (P. R.)¹⁴⁷

The identity of *advocate* is defined as “standing by the weak”, which underscores the aspect of seeking justice and equality as part of the professional identity of attorneyship in P. R.’s narrative. While P. R. cannot identify his professional position with this definition, he also introduces the novel attorney conception in which professionalism and “doing no harm” for the sake of the business is emphasized as opposed to seeking justice. Thus, K. T., who is a partner of an international business law office and the head of its litigation department, describes the way in which the construction of attorneyship is reshaped with the needs of the globalizing economy, paving way for new ways of practicing law, which adopts a profit-oriented approach in the following:

Bu zaten çok açık bir şey artık bir süre sonra bir hayat ilişkisinin sonunda tamamen ticari hayatın içinde ticari hayatın koşullarına göre oluşturulan o etik değerlere ve global ekonominin gerektirdiği bir takım kurallara göre yapılan bir iş halini alıyor. O yüzden de yani elbette bu hukuk bürolarında çalışan avukatları biraz daha adliyede avukatlık yapan yapılanlarla çalışma biçiminden ayırmak gerekiyor. Elbette orda bir tacirleşme ve biraz daha kâr odaklı düşünme biçimi ağır basıyor. (K. T.)¹⁴⁸

According to Dezalay (1990), the diffusion of the phenomenon of commercialization of legal services accelerated with the emergence of “mega-law firms”, which spread beyond their territory as a consequence of the market explosion.

¹⁴⁷ “I am not actually sure whether what we do is attorneyship. However, for some reason, attorneyship seems to be standing by the powerless. My identity is not to defend the powerful or the powerless, but not letting my client to make loss. You need to look more from the perspective of business when approaching to a business deal. You should not behave unjustly to the other side of the deal so that the deal will be realized. Basically, what I try to do is doing my job well, not causing an inadvertent mistake, doing research as long as possible, and finding the right answers.” (P. R.)

¹⁴⁸ “As a consequence of relations in life, it (attorneyship) becomes a job, which is performed completely according to a set of rules that are required by the global economy and the ethical values that are formed in compliance with the conditions of the business life. Therefore, it is necessary to distinguish the attorneys working in these law offices from those which perform attorneyship in courts. Certainly, commercialization and profit-oriented thinking predominates the former.” (K. T.)

Thus, Dezalay and Grath (1996: 3). defines a special body of law, *lex mecatoria*, as a “new law merchant”, which is independent of national laws and serves the “mechanisms of increasingly global private justice.” In that sense, it could be argued that the trend of commercialization within the profession brings about the discussion on the competition between the public and free characteristics on which the profession of attorneyship is constructed. As Flood (1995: 140) suggests, the professions host the contestation between its sacred aspect of “conserving the common weal” or its profane aspect of “goal-oriented, profit seeking fields of endeavor in fierce competition with other occupations over contested terrains of work.” Dezalay and Garth (1995: 59; 1996: 119) argue that the business law practitioners whom they define as “merchants of law acting as moral entrepreneurs” occupy a small minority position and confront with the the professional world in which “the silent majority of the lawyers is typically quite willing to play the role of *guardians of temple*.” Carved out an alternative professional position against the prevalent conception of *advocate*, which is rather associated with the sacred aspect of the profession, the attorneys working in the field of international business emerges as a group which leans toward the profane aspect of attorneyship. Dezalay (1990: 287) depicts the emergence of the new attorney profile, which he calls as *yuppie lawyers*¹⁴⁹, in the Western countries in the following:

Distinguished from their predecessors as much by their appetite for success as by the resources that they are able to mobilize: they rely less on social connections and the reciprocal granting of favors, classical characteristics of the insulated world of law, and present themselves more as technical experts who are sure of competence and quite ready to put it into practice. As a result of this, the law comes to resemble less and less a club for gentlemen and more and more like business like any other.

The dichotomous world of *yuppies* and *gentlemen* that Dezalay presents delineates the border between the classical understandings of law, which goes without saying, and the novel one, which is depicted as a business-like technical job.

My respondents, who practice the profession in the relatively isolated field of international business law, have limited, if any, connection with the legal disputes between individuals that take place in everyday life. They are forced to define and redefine their professional position in their daily encounters. For instance, O. B introduces the discrepancy between the public conception of an attorney and her

¹⁴⁹ See Dezalay (1990: 282)

professional position in the conversations that she engages in her social life in the following:

Zaten insanlara avukat olduğumu söylediğim zaman “Benim bir davam vardı abla...” diye başlıyorlar söze. “Yok ben davaya falan bakmıyorum.” diyorum. Anlatamıyorsunuz çünkü taksiciye. Annemin de kafasındaki avukat nosyonu o. Davaya girer, adliyelerde koşuşturur. Babam mesela durduk yerde arar: “Bizim bir tane han vardı. Onu tahliyesi için bilmem ne gerek. Onun dilekçesini yazar mısın?” Ya yazarım da olmaz yani. Kötü olur. Senin bu işin için avukatın var yani. Aradaki farkı anlamıyor insanlar. (O. B.)¹⁵⁰

As the narrative of O. B. introduces, the conventional attorney image prevails to fully occupy the public conceptions on the profession of attorneyship. Similarly, E. U. presents that the public perception on attorneyship is only shaped by the conventional attorney conception in the following:

Türkiye’de avukatlık mesleğinin itibarının zayıf olduğunu düşünüyorum başka ülkelerde hali tavrı değişiyor. Bizde avukatlar üç kağıtçıdır gibi bir algı var. Kamu oyundaki algı için söylüyorum. Plaza avukatlığı için değil. Çanakkale’de akrabalarım veya alakasız insanlar konuşurken onların gözünde davaya bakan, cübbe giyen insan canlanıyor. O da avukat, o da avukat. (E. U.)¹⁵¹

The attorneys’ robe appears a symbol of the profession, which depicts the conventional litigation attorney image, in E. U.’s narrative. The litigation attorneys, namely *market attorneys*, become the target of the public judgments and attributions to the profession of attorneyship, while the ethical dispositions of the attorneys working in international business law field, namely *plaza attorneys*, is not included in this discussion, as E. U. indicates. However, the fact that the novel conceptions of attorneyship is absent in the public perception creates anxiety for some of my respondents. For instance, S. S. presents the uneasy feeling she had about the gap between her professional position and the prevalent attorney conception, which is highlighted in her social counters in the following:

¹⁵⁰ “When I tell people that I am an attorney, they start by saying ‘I have a court case...’. ‘No. I do not do litigation.’ I reply. You cannot explain it to the taxi driver. My mother has the same attorney notion in her mind. S/he attends to the court hearings, rushing from one court to another. For instance, my father calls out of the blue and asks: ‘We have this commercial building... Can you write the petition for evacuating the tenants?’ Well, I can write, but it will be bad. You have an attorney for this job. People just do not get the difference.” (O. B.)

¹⁵¹ “I think the reputation of the profession of attorneyship is low in Turkey. Attorneys are perceived as charlatans. I mean the public perception. But not for the plaza attorneys... When I talk to my relatives in Çanakkale or random people, I see that they have the mental picture of an attorney, wearing a robe, in their eyes.” (E. B.)

Biriyle tanışyorsun veya bir aile büyüğü bir şey oluyor. “A sen avukatsın bunları bilirsin. Şöyle şöyle böyle böyle ne olur mesela?” Şimdi bu çok kötü bir şey. Yani ne diyeceğim. Rezil bir durum. Ben rekabet hukuku yapıyorum, bilmiyorum demek zorunda kalıyorum. Aslında kendi içimde çelişiyorum: Hem uzmanlaşmak iyi bir şey diyorum ama.... İşte bilmiyorum nasıl çözülür. Bilmem de gerekiyor, her şeyi de bilemezsin. (S. S.)¹⁵²

S. S.’s narrative puts forward another distinction concerning the differences between conventional and novel attorney conceptions. Thus, the former is associated with having a command of each and every field of law; while the latter is identified with being specialized in a specific field of law. While S. S. finds no way out from this dilemma, E. B. states that making financial contribution to the economy is the compensation she can offer for not fulfilling the sacred aspect of attorneyship: “Kendi açımdan öz eleştiri gerektiren bir durum. Dünya için toplum için bir şey yapmıyorum diyorum, ama damga vergileri ile hazineye para girmesini sağlıyorum.” (E. B.)¹⁵³ E. B. on the one hand, underlines that working for the public benefit is not a part of her professional practice; on the other hand, she equates paying stamp taxes with fulfilling the public aspect of the profession. However, for some of my respondents, the discrepancy concerning two seemingly opposing professional identities may become unbearable. For instance, T. C. states that her discontent with her professional work reached at a point where she started to think of quitting her job and switching to litigation to feel like an *advocate* in the following:

Ben bu yaptığının avukatlık olduğunu düşünmüyorum. İyi ingilizce bilen, az çok hukuk bilen bir insanın yapabileceği bir şey olduğunu düşünüyorum. Gerçek anlamda avukatlık, her ne kadar “dilekçede yazılı beyanlarımızı tekrar ediyoruz” bile olsa duruşmaya girmek, dilekçe yazmaktır. Ben bunların gerçek anlamda tatmin edici olduğunu düşünüyorum... Benim biraz da istediğim şey şu: mesela küçük büroda olursam daha çok avukat gibi hissedeceğimi düşünüyorum. Ben bir kere bile duruşmaya girmedim... İnsan bir alanda iyiyse ve yapabiliyorsa kendini rahat hisseder. Bunu bu kadar gençken hissetmemelisin. Çünkü daha ben mesleğimin başındayım. Dava görmedim, bir kere duruşmaya girmedim, avukatım yani. Ben somut veri istiyorum, somut çıkış istiyorum. Benim yaptığım işte yüzde birlik zengin kesim, daha da zenginleşiyor ve hani, somut hiç bir şey çıkmıyor. O şirketi mi sattık, noldu ki yani. Ben mesela bir dava

¹⁵² “You meet someone and s/he asks: ‘So, you are an attorney, you would know this, what happens in such and such case?’ It is a very bad situation. What will I say? It is terrible. I have to say that I do not know, I only did competition law. Acutally, I am contradicting myself. I think that specialization is a good thing but... I do not know how to solve this dilemma. I have to know the law, but you cannot know everything.” (S. S.)

¹⁵³ “I need to criticize myself for this situation. I tell myself that I do not do anything for the society or the world; but I contribute to the public treasury by paying stamp tax.” (E. B.)

dilekçesi yazmak istiyorum. Sonrasında buna ilişkin bir hüküm çıkıyor. Hükümde benim bir katkı var. Bunu yapmak istiyorum ben artık. (T. C.)¹⁵⁴

As T. C. compares her professional work with the “real attorneyship”, which is defined as practicing law by attending the court hearings or preparing petitions, she underlines that she loses connection with her professional identity. In her narrative, the feeling of satisfaction is associated with being a part of the judicial process and contributing to creation of the judgment rather than maximizing the profit of her clients, “making the rich, richer”, in her words. Similarly, P. R., who has previously worked in the litigation department of a law office, emphasizes the lack of enjoyment in his current professional work, while he also expresses the satisfaction he got from the winning a simple case in the following:

Burda yaptığımız yine belli noktalarda insan zevk alır da sözleşmeyi hazırlarken, uygulamasını çok görmüyorsunuz. Devralma sözleşmesi, hisse alım sözleşmesi imzaladık... Bir tatmin duygusu yaşatmıyor bana. Ama bir adliyede bir davayı kazanınca orda daha somut görüyorsunuz hukukun işlediğini, yani tabii işlediği kadar. Benim de tek kazancım 1250 TL. Çok düşük bir meblağ. Temyiz bile edilemiyormuş. Onu da kararları çıkma anında öğrendim. Ama mesela o bana çok daha fazla bir tatmin duygusu vermişti. (P. R.)¹⁵⁵

While for some of my respondents, being a part of this process, all by itself, is a source for professional satisfaction, some of them are critical about the way in which attorneys practice law in courts. Thus, M. L. expresses her disappointment with the court proceedings in Turkey, comparing it with the imaginary court settings presented in the popular American TV series in the following:

¹⁵⁴ I do not think that what I do is attorneyship. I think that it is something that can be done by anyone, who knows English and more or less law. The real attorneyship is attending to court hearings and writing petitions. I think these are satisfactory in real sense. For instance, I think if I work in a small office, I would feel more like an attorney. If a person is good at an area, s/he feels comfortable. You should not feel this way when you are that young. I am at the beginning of my career. I have not seen a case or attended a court hearing yet; but I am an attorney. I want concrete inputs and outputs. What I do makes 1% of the rich segment of the society richer and nothing concrete comes out. Did we sell that company, so what happened? I want to write a petition. Then, a judgment is made regarding it. I feel that I contribute to the judgment making process. This is what I want to do from now on.” (T. C.)

¹⁵⁵ “Our job here is enjoyable to a certain extent. But when you are preparing you do not much see how it is applied. We signed a takeover agreement and share purchase agreement. I did not feel satisfied. However, when you win a case in the court, you perceptibly see that the law works. My only gain from a court case is TL 1.250. A very small amount... I felt much more satisfied by it, for instance.” (P. R.)

Bir avukat olarak mahkemeye duruşmaya gittiğiniz zaman “Dilekçemi tekrar ediyorum.” demek değil avukatlık... Dilekçe yazmak tabii ki bunun bir parçası... Ama dilekçede yazılanları aynen tekrar ediyorum demek... O yüzden çok daha farklı olması gerektiğini düşünüyorum. Filmlerden görüp, Amerikan sisteminden çok etkileniyoruz. Yani aslında ben Ally McBeal izleyerek büyüdüm. Onun etkisinde acayip kalmış bir insanım. Bizde öyle bir sistemin olması mümkün değil tabii ki, ama daha farklı olabileceğini düşünüyorum. Mümkün müdür? Soru işareti... (M. L.)¹⁵⁶

Inspired by the American TV series as a law student, M. L. clearly states the influence of an imaginary court setting, which shapes her conceptions on the ideal juridical system and leads her to compare the national court system in Turkey with the court system in the U. S.. The over identification with the attorney images in American TV series opens up a space for gratification of the legal culture in U.S. Thus, E. U., who works in a law office that has a well-known American partner, refers to another popular American TV series, which depicts the relationships within a corporate law firm, as he arguing that the characters in this series set a role model for the attorneys working in similar law offices in Turkey in the following:

Belli başlı bürolar var. 10-15 büro var. Bu bürolarda çalışanlar yaz stajında tanışırlar. Sırf benim seviyemde olan 100 kişiyi tanıyorum. O sosyal çevre o insanların çok hoşuna gidiyor. Yaptığı işi sevmekten ziyade etiket. Safir Hukuk Bürosu'nda çalışıyorum diyorum. Yabancı isim söyleyince daha havalı oluyormuş gibi bir durum var... Suits diye bir dizi var. Orda insanlar kendilerini Mike Ross'la özdeşleştiriyor. (E. U.)¹⁵⁷

E. U introduces a professional group, which has no ties with the national conceptualizations of the profession and identifies with an attorney image, which was shaped as part of the U.S. legal system. He continues to reflect on his colleagues' conception of the conventional attorney image, namely market attorneys, in the following:

¹⁵⁶ “Attorneyship is not saying “I repeat the statements in my petition.” in the court hearing.... Writing a petition is a part of it for sure... But it is not saying I repeat the statements in my petition. Therefore, I think it should be much more different. We are influenced by the American law system as we saw it in the films. Actually, I grew up watching Ally McBeal. I am peculiarly impressed by it. Certainly, it is not possible to have such a system here. However, I think it can be different. Is it possible? Question mark...” (M. L.)

¹⁵⁷ “There are major law offices: 10-15 law offices. The employees in these law offices meet during their summer internship. I know at least 100 people who are at my position. People very much fancy their social circle. It is more liking the etiquette than liking the job. I tell people I work at the Safir Law Office. It as if sounds cooler if you say the name of the multinational law office... There is a series called Suits. People identify themselves with its leading character Mike Ross.” (E. U.)

Şöyle bir bakış açısı var: “Ne yapalım, dava avukatlığı mı yapalım?” “Ben bu eğitimi aldım. Zaten normal bir liseden mezun bir insan bunu yapabiliyor. Ben bu kadar iyi bir eğitim almışken neden yapayım?” Milletın deęer vermeyip bence biraz sosyal statü kaybı olarak gördüğü bir şey. Arkadaş çevresi de bunu etkiliyor.¹⁵⁸

E. U.’s narrative points out a class-based distinction between the conventional and novel conceptions of attorneyship. While having the prestigious and multilingual educational background, a maker of a “puritan-modern urban middle class” disposition (Bora, 2011: 209), provides with an access to a professional career in the international business field, those, who does not have such background are hindered entering into the international business law market.

Almost all of my respondents made a clear-cut difference between *advocate* and *legal counsel* as two separate professional identities in terms of how the profession is practiced. Although the attorneyship is constructed as a profession, which is intertwined within social relations based on its dominant public character, the attorneys working in the international business law offices practice their profession in an environment, which rather isolated from daily life. My younger respondents, who worked in the international business law field, had difficulty in defining themselves as an attorney (*avukat*). They conceived an attorney as someone who seeks justice in courts, writing petitions and defending the rights of the less powerful in society. They described their own professional practices in terms of working in an office to promote best interests of their clients, who are far from the powerless. Many of them identified themselves as legal consultants (*danışman*). Others used terms such as *preventive attorneyship*¹⁵⁹ or *contract attorneyship* to dissociate themselves from *attorneyship* in the classical sense. The emergent differences in the definition of their professional identity lead some of my younger respondents to become estranged to the profession. Furthermore, the abstract character of their work and its outcome of working for the powerful parties affect the satisfaction and the motivation of some of my respondents. As they compare their positions with the conventional attorney conception or refer to their daily encounters concerning their profession, they find themselves in an ambivalent position. Seeking to find ways to ward off these contradictions, my respondents resort to either justifying

¹⁵⁸ “There is such an attitude: ‘Shall we do litigation?’ ‘I had such an education. Anyone who graduated from a regular high school can do it. I had such a good education. Why should I do it?’ It is something, which people consider as deprivation of social status. The social circle also affects this attitude.” (E. U)

¹⁵⁹ See Ansay (2003).

their position due to the rules and ethics that are shaped by the business world or offering compensation through their contribution to economy or switching to a more conventional professional position. Some of them rather identify themselves with the idolized attorney characters depicted shaped by the legal system in the U. S.

6.2. “Legal Professional” as a Supra- Professional Identity

As the internationalization of law introduces new ways of practicing law, the newly emergent attorney conceptualizations disturb the conventional attorney conception, as well as the prevalent unitary concept of *hukukçu* (legal professional), a supra-professional identity form, which is rather defined within the boundaries of the national juridical field. The notion of *legal professional* is a contentious concept, which is defined in various ways in the narrative of my respondents. K .T. emphasizes the public characteristic of the legal profession in defining the term *legal professional* in the following:

Avukat dediğimiz kişi hukuk nosyonuna sahip olması gereken kişi. Hukukçu olmakla avukat olmak arasında çok daha derin bir takım ayrımlar var. Biz mesleğimizi yaparken hukukçu kimliğimizi bir kenara bırakarak hareket edemeyiz. Bu mesleğin bir kamu hizmeti niteliğinden kaynaklanan bir durum. O yüzden o temsil görevinizi yaparken bir yandan da hukuka uygun işlemesi, adaletin tecelli etmesi yönünde çaba sağlamak gibi ek görevlerimiz var yani. (K. T.)¹⁶⁰

In K. T.’s narrative, both concepts of *advocate* and *legal professional* converge on the public characteristic of the profession. Furthermore, the “notion of law”, which comprises the principles to be followed in practicing the profession, including “rule of law” and “seeking for justice”, is designated as constitutive of the identity of being *legal professional*. F. E. also introduces a similar definition, emphasizing the public character of the professional in the following:

Gerçek anlamda hukukçu, mezun olduktan sonra kamusal alandaki yetkisini kullanarak biraz sosyal adaleti gözeten ve gözetmek durumunda olan kişi benim için. Hukukçu olmak için bazı şeylerden feragat etmen gerekiyor. Bir de şu da var: sen bu kaygı ile yola çıksan bile Türkiye’deki hukuk sistemindeki kanun boşlukları hep senin önünü kesen şeyler. Hani adaletin tecelli etmesi de çok zor

¹⁶⁰ “The person, who is called an attorney, has to have the notion of law. There are deep differences between being an attorney and a legal professional. We cannot act without our legal professional identity. This situation arises from the public character of the profession. Therefore, we have additional duties such as trying to comply with the law and serve justice.” (K. T.)

oluyor. Ama hukukçu aslında bunlarla mücadele eden insan benim gözümde. Biz değiliz. Uluslararası ticaret hukuku avukatları değil. (F. E.)¹⁶¹

In F. E.'s narrative, *legal professional* is defined as someone who builds the capacity that is provided by the law education and uses her/his authority that is granted by the professional title to pursue social justice. However, she also underlines that her professional position does not fit in this definition. Thus, through narrating her experience as an attorney, who sought to provide with legal support to the protesters that were taken under custody during the Gezi Park uprising, F. E. presents the way in which her professional position contradicts the professional identities of both *advocate* and *legal professional* in the following:

Birkaç gözaltıya gittim. Gittim ama o kadar bilmeden gittim ki. Tabii yani hayatının normal akışında bir hukukçu olarak yetersiz, bilgisiz olduğunun farkında değilsin. Çok fazla biliyorsun ama hiç karşılaşmamışsın o yüzden. En basit usuli şeyleri bilmiyordum. Kendi haklarımı bilmiyordum. O yüzden söyleyeceğim bir şey yoktu. Yanlış bir şey söylemekten çok korkuyordum. Valla kendimi acayip yetersiz hissettirdi. Çok sorgulattı: “Ben ne okudum? Nasıl bu kadar bilmeden bu zamana kadar geldim? Buna avukatlık diyebilir miyim?” diye. İlla ceza avukatlığı yapmam gerekmiyor belki. Yani sıradan bazı konuları bir sıradan vatandaş kadar bildiğini fark ediyorsun ama hukukçusun... Biraz şeyle ilgili galiba, hukukçu kimliğini korumak istiyor musun yoksa avukatlığı profesyonel bir kariyer yolu olarak mı bakmak istiyorsun. Hem günde o kadar saat çalışıp hem de hukukun her alanında bilgi sahibi olması mümkün değil. Sen bir alanda uzmanlaşmayı seçtiysen aslında hukukçu kimliğini kaybediyorsun. (F. E.)¹⁶²

¹⁶¹ “A legal professional for me, in real terms, is the person, who oversees and has to oversee the social justice by using her/his power in the public sphere, following her/his graduation. You need to renounce certain things in order to become a legal professional. There is also that: even if you start out by this concern, the legal loopholes in the Turkish legal system always block you. Serving justice is also very hard to achieve. However, a legal professional for me is someone who fights with these. Not us, though. Not the attorneys working in the international business law field.” (F. E.)

¹⁶² “I attended a couple of detention proceedings. I attended, but I did not know anything about it. Of course, in the normal course of life, you do not notice your unknowingness and incompetence as a legal professional. You know a lot, but you have not encountered such proceedings. I knew the basic procedural laws. I did not know what my rights are. Therefore, I did not have much to say. I was afraid to say something wrong. I truly felt incompetent. I questioned it a lot: ‘What have I studied? How did I come so far without knowing these things? Is it called attorneyship?’ Maybe you do not have to be specialized in criminal law. You are a legal professional; however, you realize that you know some of the legal issues as much as an ordinary citizen does... I think it is more or less related to whether you want to protect your legal professional identity or consider attorneyship as a professional career. It is not possible both to work for long hours and to acquire knowledge in every field of law. If you chose to specialize in a field of law, you actually lose your legal professional identity.” (F. E.)

F. E. situates the professional identity of *legal professional* as oppose to “attorneyship as a career path.” She argues that pursuing a career in international business law forces the attorneys working in the international business law field to give up becoming a *legal professional*, since they cannot invest the necessary time and energy to it, while trying to specialize in a specific area of international business law. N. B. also draws attention to the factors that hinder the attorneys from investing in becoming *legal professionals* in the following:

Hukukçu nosyonu aslında benim için analitik düşünme yeteneğini ifade ediyor. Hukukçu aslında şöyle çağrışım yapıyor bence: daha fazla okuyan ve işinin bilimsel tarafını da seven ve takip eden kişi... Avukatla hukukçu arasındaki fark bence tamamen mesleğe yaklaşımı ile alakalı. Ya para kazanma hırsı ya da zorunluluğu öne geçiyor... Dediğim gibi belli özellikleriniz olsa da hukuk bürolarında bir kölelik sistemi hakim oluyor. Yani o yüzden avukatların da aslında hukukçu olmaya vakit ayıramamaları çok da mümkün değil. Ayırabiliyorsanız şanslı bir avukatmışsınız şanslı bir insanmışsınız. (N. B.)¹⁶³

N. B. also points out the busy schedule of these attorneys as an obstacle against investing in becoming a *legal professional*. In her narrative, the concept of *legal professional* is associated with approaching the legal issues from an analytical perspective and engaging in the scholarly aspects of law, while having a profit-seeking approach contradicts this concept. Similar to N. B., most of my respondents mentioned having analytical thinking skills in defining the concept of *legal professional*:

Bizim tarz bürolarda çok iyi bir hukuk bilmen gerekmiyor bence. İyi bir İngilizcen varsa, iyi bir şekilde iletişim kuruyorsan sen iyisin. Benim için iyi bir hukukçu hakikaten analitik düşünebilmeli, somut bir olay karşısına çıktığında o verileri güzel bir şekilde değerlendirip müvekkilinin çıkarına en uygun çözümlü bulabilmeli, adil olabilmeli. (T. C.)¹⁶⁴

In T. C.’s narrative, the professional criteria in the law offices operating in the international business law field is designated as having good communication skills in

¹⁶³ “The notion of legal professional for me represents the ability to think analytically. It evokes the following: the person who reads about, enjoys and follows the scientific aspect of the law... The difference between an attorney and a legal professional is related to the way of approaching the profession. Either the ambition or the necessity to earn more money comes to the fore. As I said, although we have specific qualities, there is a prevalent slavery system in the law offices. Therefore, it is not so much possible for attorneys to spare time to become legal professionals. If you can, then you are a lucky attorney, a lucky person.” (N. B.)

¹⁶⁴ “I think you do not need to know the law by heart in the law offices like ours. If you have good English and communication skills, you are okay. A legal professional should think analytically, analyze the data in a case, find the solution for her/his client’s best interest and act fairly.” (T. C.)

English rather than having extensive legal knowledge. However, as she defines the concept of *legal professional*, she refers to both working for the best interest of the client, as well as “making a fair assessment” of the legal case. Similarly E. B. defines being a *legal professional* as seeking solutions to a legal problem by utilizing the legal frame of mind: “Hukukçuluk önüne gelen herhangi bir hukuki problemde, hukuki düşünce yapısıyla birkaç kaynağa bakarak sonuca ve çözüme ulaşmayı ifade ediyor.” (E. B.)¹⁶⁵ E. U, who also underlines analytical thinking as a feature of being a *legal professional*, introduces this concept as a type of art in the following:

Bir akademisyen de hukukçu. Avukatlık bir meslek. Ama hukukçuluk bir sanat. Belli bir düşünce yapısına sahip, analiz edebilen insanı ifade ediyor. Her hukukçu, avukatlık yapmıyor. Her avukat da hukukçu değil. Sadece teknik şeylerle uğraşan, avukatlık mesleğini icra eden avukatlar var. Hukuk nosyonuna sahip olma o farkı yansıtıyor.¹⁶⁶

E. U. presents that the concept of *legal professional* transcends the practical and technical aspects of the profession of attorneyship and is representative of those who have the notion of law. While, the way in which the notion of law is acquired goes without saying in the narrative of E. U., N. B. argues that it is a yield of the professional relationship between junior and senior attorneys in the following:

Ustalık ve çıraklık ilişkisinin olduğu bir meslek bence. Hepimiz meslektaşız. Ne kadar junior olsa da takım arkadaşlarımıza meslektaşlarımız olarak bakıyorum ama usta ve çırak ilişkisi kesinlikle var. Size eğer sorgulamayı ve düşünmeyi öğreten bir ustanız oluyorsa. Siz o işi öyle yapmaya başlıyorsunuz. Ama diyelim ki işte şey paniği ile bu işi bitmesi lazım ve bu işin başlaması lazım paniği ile iş yapan bir ustanız oluyorsa o zaman da o işi öyle yapıyorsunuz. Bir şekilde aslında ustadan çırağa geçen bir tarz oluyor. Türk hukuk piyasasında bu çok hakim. Bu patron şirketleri kendi küçük patroncuklarını yarattı. İşte atıyorum A kişinin hukuk bürosunda çalışanlar küçük A'cıklar oldu ve onun tarzını devam ettirdiler. Dolayısıyla seçimleriniz aslında nasıl bir hukukçu olacağınızı belirliyor. (E. U.)¹⁶⁷

¹⁶⁵ “Being a legal professional means finding the solution for any type of legal problem at hand through reviewing a couple of sources with the legal mindset.” (E. B.)

¹⁶⁶ “An academician is also a legal professional. Attorneyship is a profession; but being a legal professional is an arts. It represents a person who has a certain frame of mind and an ability to analyze. Not every legal professional practices the profession of attorneyship. Not every attorney can be considered a legal professional. There are attorneys who practice law by only dealing with technical issues. Having the notion of law makes the difference.” (E. U.)

¹⁶⁷ “Attorneyship is a profession which involves having a master and apprentice relationship. We are all colleagues. I see my teammates as my colleagues, no matter how young they are; however, we definitely have a master and apprentice relationship... If you have a master who teaches you to think and question then you start

The analogy between the master and apprentice relationship and the senior and junior attorneys' relationship in N. B.'s narrative reflects the artisan aspect attributed to the conception of being a *legal professional*. She addresses two distinct ways of handling the professional work, one of which focus on legal questioning and thinking, while the other inclines toward getting the job done. While she highlights that professional relationships and experience determines how *legal professional* identity will be shaped, O. B. refers to having legal education as a determinant, which distinguishes a *legal professional* from the members of other professions in the following:

O.B.: Hukukçu olmazsa sonuçta sözleşmelerde muhasebeci de yazar. Mühendis bir müvekkilimiz vardı. Yazmış, ama mesela birkaç tane şey belli oluyor.

E. Ş.: Ne gibi sıkıntılar oldu?

O. B.: Yazım hataları oluyor. Biz o işi yapıyoruz sonuçta. Atıflar, matıflar yanlış oluyor. Bir de şimdi..... Nasıl anlatsam ki. Anlatamıyorum bile yani nasıl doğru yapılması gerektiğini. Ben üç yıldır bu işi yapıyorum. Üç yıl ki ne kadar az bir zaman. Yine de o farkı anlayabiliyorum ama net olarak ortaya koymak zor. Mesela, bir cümle yazarsın. Cezaî şart koyar, arkasına tazminat koyar. Yanlış yapamazsın. Fahiş hata olur. Onun öyle olmaması gerektiğini ben biliyorum. Mühendis bilmiyor. Boşuna mı okuyoruz yani.¹⁶⁸

Different conceptualizations of *legal professional* presented by my respondents manifested that the professional identity of legal professional has multifarious dimensions. On the one hand, it converges with the professional identity of attorneyship in terms of working for the benefit of the public and seeking for social justice; on the other hand, it diverges from the professional position of my respondents, who disassociate themselves from both of these professional identity forms, based on that

to do things that way. However, if you have a master who works in panic of that 'This should finish and this should start.', then you do things her/his way. It is a style, which is transferred from the master to the apprentice. This attitude is prevalent in the legal market. The patron law offices created small patron law offices. For instance, those who work in (A)'s law office became little (A)s and maintained their master's style. Hence, your preferences determine the kind of a legal professional you become." (N. B.)

¹⁶⁸ "O. B: An accountant could have written agreements in case there were no legal professionals. We had a client, who was an engineer. For instance, he wrote an agreement, a couple of mistake that he made were obvious.

E. Ş.: What kind of mistakes?

O. B.: Typographical errors... All in all, this is our job. References were incorrectly given. There is also... How shall I put it? I even cannot tell how this is done properly. I have been doing this job for three years. Three years is such a short period of time. Nevertheless, I understand the difference; however, I cannot put it clearly. For instance, you write a sentence. Then the other party includes a penal clause and compensation. You cannot make mistake, it would be an excessive mistake. I know how it should be, but an engineer does not. So, we studied for nothing?"

being a legal professional is far from the concern for building a career path. Thus, most of my respondents depicted *legal professional* as someone who has the capacity to make an assessment of a legal case or solving a dispute through using analytical thinking from a legal perspective. While some of my respondents referred to the scholarly and artisan aspects of law, some of them underlined that it requires a separate investment to acquire and improve the skills and knowledge that are necessary to become a *legal professional*. Considering that the professional practice of my respondents mostly requires them to use technical legal knowledge, they cannot acquire the necessary capital in which these skills are invested to become *legal professionals* and thus, cannot identify themselves with this supra-professional identity. In that sense, the notion of being *legal professional* is considered an asset, which distinct one attorney from another and a benchmark through which lawyers give judgment about one's professional abilities.

CHAPTER VII

QUESTION OF GENDER

In this chapter, I will seek how gender affects the professional practice of the attorneys working in the international business law field build. Although gender is not one of the core questions of this study, I aimed at providing with an insight to the gendered relations within the international business through the narratives of my respondents. For this purpose, I will investigate how gendered roles are manifested in the work space and shape the conceptions of the attorneys concerning professional practice. Therefore, it will present the narratives on the advantages or disadvantages that my respondents have based on their gender identity and discuss how gendered dispositions are utilized to engender professional strategies or how gender identity affect attorneys in terms of advancing in career.

7.1. Gendered Strategies in Professional Practice

Although the fact that the number of women entering into the legal profession is proliferating¹⁶⁹, it does not necessarily eliminate the male dominance in legal profession and gender prejudices against women attorneys. Thus, most of my respondents emphasize that the profession of attorneyship is as male dominated as the society. One of the three women partners of a boutique law office, N. B. presents the challenges she faces as a woman attorney working in the M. & A. field in the following:

Bu büyük yabancı hukuk bürolarının geldiği dünyada, küçük ve M. & A. yapan bir hukuk bürosu olmak bir challenge. It is a men's world bir şekilde. Bu erkekler dünyasında işlerin restoranlarda, işte rakı içilerek bilmem ne yapılarak yapıldığı bir dünyada bir kadın avukat olarak bu işi yapmaya çalışmak iki farklı challenge yaratıyor size. (N. B.)¹⁷⁰

As N. B. pictures, the business part of practicing the profession requires having social meetings with the client, which is rather easy for men attorneys and not necessarily for women attorneys. Pushed out of the public space through the gender codes of the society, the women attorneys are disadvantaged in conducting their business deals, leading them to socialize with their clients in their law offices in private.

¹⁶⁹ See <http://www.barobirlik.org.tr/Detay19809.tbb>. to reach the statistics concerning number of women entering the profession of attorneyship.

¹⁷⁰ "It is a challenge to be a small law office engaging in M & A in a world where big, global offices have begun to predominate. It is a men's world after all. In this male world where the business deals are made in restaurants, while drinking rakı and doing whatever, being a female attorney leads you to a double challenge." (N. B.)

This constitutes a form of an internalized “corporate control of female sexuality”, which places external constraints on women, including “access to public space” (Kandiyoti, 1988: 325, 326). Although as a woman attorney, she has access to the places where alcohol is served; her reluctance indicates a form of self-imposed control, which leads her to build different strategies in establishing attorney-client relationships than her male colleagues. In addition, N. B. expresses how she establishes rapport with her clients in the following:

Siz atıyorum günlerce haftalarca bazen bir odaya kapalı sabahtan akşama kadar anlaşma negotiate ediyorsunuz. Tabii ki yani orda bir şekilde en doğal haliniz de ortaya çıkıyor. Sinirleniyorsunuz, ya da işte moraliniz bozulabiliyor vs. Yani bütün bunlar duyguların aslında yaşandığı bir ortam oluyor bence müzakere masası. Dolayısıyla beraber yemek yemeye başlıyorsunuz, beraber gülmeye başlıyorsunuz. Yani bu sizi yakınlştırıyor. İşte o zor negotiation masaları bence bize arkadaşlıkların doğduğu yerler olabiliyor.¹⁷¹

N. B. builds social relationships with her clients as she conducts her business deals at the negotiation table space where both professional and personal dispositions are presented. In that sense, N. B., as a woman attorney, gains recognition as a trusting business partner as long as she puts forward how she can handle emotional outbursts in a professional manner. Another woman respondent M. L., who has professional experience in both legal counseling and litigation, also underlines the masculine hegemony within the society, as she discusses advantages and disadvantages of being a woman attorney in the following: “Yani her yerde kadın olmanın dezavantajı var bence. Her alanda... Hani dava avukatlığı yaparken başka dezavantajları vardı. Avantajları da oluyordu tabii. Fakat erkek egemen bir toplumda yaşadığımızı düşünüyorum. Çok dezavantajı var mı, bence yok.”¹⁷² As a woman attorney working in the field of banking and finance, M. L. finds women attorneys not so much disadvantaged based on her experience, underlining the disadvantaged position of women attorneys, as well. Similarly, E. B., a woman attorney, who works in the field of finance and M & A.; on

¹⁷¹ “For instance, you negotiate in a closed room from morning till night, sometimes for days or weeks. No doubt, your most natural self emerges there. You get angry or demoralized and so on. The negotiation table becomes a space in which all these emotions are experienced. You start to eat and laugh together. This shared experience brings you closer to each other. Then, the difficult negotiation tables may become places where new friendships are born.” (N. B.)

¹⁷² Women are disadvantageous in every respect. In every field... It had different drawbacks when I was doing litigation. But it also comes with its own advantages for sure. However, I think we are living in a male-dominated society. Does it entail too many drawbacks? I don't think so. (M. L.)

the one hand, highlights the gendered nature of the profession, which is rather conceived to be practiced in courts; on the other hand, indicates that she has not been exposed to gendered prejudices in her work space in the following: “Ben o kadar kapalı bir alanda çalışıyorum ki, hiçbir cinsiyet ayrımı ile karşılaşmıyorum. Devlet daireleri erkeklerden oluşuyor. Kadın avukatlar işlerini yaptırmakta zorlanıyorlar. Kadın ceza avukatı olamayacağını söylüyorlar... Erkek egemen bir hukuk sisteminde çalışıyoruz.”¹⁷³ Somewhat isolated from the bureaucratic and juridical environments, most of my woman respondents have rather limited interaction with the staff working in the government institutions and the judiciary. Even these limited interactions between attorneys and the staff reveal how gendered perceptions reflect on personal dispositions and professional relationship. Thus, T. C., a woman attorney specializing on M. & A., presents the way in which being a woman attorney is negotiated in such encounters in the following:

Bu göreceli bir şey ama devlet kurumları ile ilişkilerinde telefonda sorduğun sorulara cevap yüzde 99 alırsın. Bu kadın avukat olmanın toplumdaki... Ne diyim ... Olumlama yapıyorum ama aslında olumlu bir şey değil. Erkeklerin sana bakış açısı ile bağlantılı bir şey bence bu. O karşı hattaki erkek arkadaşın bana yaklaşımından yüzde 90... Gerçi kadınlardan da alıyorum ama. Ben insan ilişkileri bazında değerlendiriyorum. Daha iyi kurduğumu düşünüyorum ama normalde kadın avukat olmak zor. (T. C.)¹⁷⁴

T. C. presents her uneasy feeling for the advantage she got as she interacts with a government official. Although she tries to see the bright side of such advantages, she immediately adds that they are not bright at all, drawing attention to the male gaze viewing her as a feminine subject than an attorney, “men’s point of view on women”, in her words. T. C.’s attempt to frame a cross-gender encounter as ‘human interactions’ can be considered a way of “redefining women in positions of power as “non-female” or at least “asexual”, which is guided by the “rigidity of cultural definitions of femininity” (Kandiyoti, 1987, 328). While such framing helps T. C. to deal with the

¹⁷³ “My field is so isolated that I do not face any discrimination on the basis of gender. The government institutions are consisting of male officers. Women attorneys have hard time to get their job done. They say women cannot be criminal attorneys... We are working in a male-dominated legal system.” (E. B.)

¹⁷⁴ This is relative, but I get answers for the questions I ask to the government officials on the phone, almost every time. This is being a woman in a society... How should I say... I seem to affirm it, but it is not good indeed. It relates to the men's viewpoint of women. I feel from the approach of the male officer on the line that 90 percent... Well, I get answers from women too. I consider it in terms of human relations. I think I'm good at it, but normally being a woman attorney is a difficult thing.

uneasy feelings of a cross-sex interaction as part of her professional life, the women attorneys seek to different ways to deal with such situations. Thus, F. E., a woman attorney working in the international maritime law field, presents how she negotiates being an attorney and the advantage she got as a woman against a male court clerk in the following:

Böyle hafiften kalemdeki memur birazcık asıldığı için bir saat sürecektir bir işimi on dakikada hallettiğimi... O kadar sık olabiliyor ki bu durumlar... Bunu kullanarak o kadar çok şey yapabilirsin ki... Sen belki işini daha hızlı halledebiliyorsun sana bakış açıları yüzünden. Genelde kalemin memurlarının tümü erkek. Kadın olduğun için işin kolaylaşıyor ama bir yandan da kadın olduğun için yeteri kadar ciddiye alınmıyorsun. Onu hissediyorsun. Sana yaklaşımından, söylediğin bir sözü dinlerken seni ne kadar ciddiye aldığını anlıyorsun. Kadın avukatların sertleşmesi o yüzdendir. Daha erkeksi bir şeye bürünmen gerekiyor. Kadın nezaketi ile daha kendin gibi olarak çok sözünü dinletmen mümkün olmuyor maalesef. Biraz rica ile iş yaptırman gerektiğinde evet o zaman kadın olmak kesinlikle bir avantaj. Ama ne zaman sesini yükseltmen gerekiyor ne zaman bir uyuşmazlık oluyor öyle bir durumda senin biraz erkeksileşmen gerekiyor. (F. E.)¹⁷⁵

F. E.'s narrative presents her communication strategies she used to get her job done faster by performing her gender identity over her professional identity against the very same male gaze; however, this strategic disposition runs the risk of not being taken seriously. This strategy can be considered a way of bargaining with the gendered structure in a court clerk's office in which the professional positioning of being an attorney is negotiated with the concern for getting the job done. Thus, F. E. is not listened as she chooses to express herself in her own way, in a "feminine courtesy" in her own words. Between the desire of getting the job done and the anger for not being taken seriously, a woman attorney is supposed to kindly request, as opposed to raising her voice. Within the power field of clerk's office, a female attorney is not only forced to switch between feminine and masculine dispositions, she has to perform femininity in

¹⁷⁵ "That I was able to get my job, which may take an hour, in ten minutes just because the officer in the clerk's office had a crush for me... It happens so often... You can get so many things done by manipulating this situation. You may get things done faster because of their point of view on you. Generally all of the officers in the clerk's office are men. Your job gets easier for being a woman; however, you are not taken seriously enough for being a woman. You feel that. You understand how much you are taken seriously while he listens to the words you say. This is why the women attorneys get tough. You need to become more masculine. You cannot make your words heard in a feminine courtesy or as acting like yourself. If you need to do your job by requesting, then yes, being woman is definitely an advantage. However, whenever you need to raise your voice, whenever there is a conflict, you need to become more masculine in these situations." (F. E.)

a certain kindness. F. E. gives an example of the way in which gendered dispositions operates, through describing the practice of bribing in the following:

Mesela çok fazla rüşvet dönüyor mahkemelerde. Genel olarak erkeklerin daha iyi hallettiği bir şey. Zaten kadınlarla böyle bir ilişkiye girmekten kalem memurları da çekiniyorlar. Daha samimi bir muhabbete girip birazcık işte kardeş, yakın arkadaş ve bir yandan da tabii el altından besleme... Onları erkekler daha iyi döndürüyorlar. Kadın olduğun zaman da belli şeyden kurtuluyorsun. O samimi muhabbete girip de zorunlu bir diyalog yaratmaktan kurtulup kibar kibar birazcık ezilip büzülerek işini hallettirip gidebiliyorsun. (F. E.)¹⁷⁶

Bribery practice in court clerk's office manifests the type of interactions that are reserved for masculinity and femininity in F. E.'s narratives. The way to reach out the staff in the clerk's office by a man attorney may be based on a genial conversation, which is full of attributions of brotherhood and male bonding, while a woman attorney has to cringe, again in kindness, to get her job done, argues F. E.

Another example in which the attorneys build professional strategies based on gender roles is presented by O. B. in the following: "Biz bazen kadın müvekkileri oğlanlara aratıyoruz. Vallahi diyorum işe yarıyor yani. Erkekleri de ... Öyle ama bir de ben bıcı bıcı yapıyorum, bazen öyle. İğrenç bir şey ama oluyor."(O. B.)¹⁷⁷ On the one hand, O. B. introduces the gendered strategy in which the clients and the attorneys from opposite sex are put in contact with each other to run the business relationships easier; in another account, she blames a woman colleague for displaying a gendered disposition, "using her femininity", as a strategy to gain recognition in the office in the following: "Bize bir stajyer gelmişti. Kadınlığını kullanarak iş almaya çalışıyordu. Yürümedi yani. Gönderdiler kızını. Olmaz yani burda. Bizim ofiste olmaz. Başka ofislerde oluyordur belki. Mini etek giyip iş almaya çalışıyorlardır ama bizde olmaz." (O. B.)¹⁷⁸ O. B. establishes a direct connection between the dressing style of a woman

¹⁷⁶ "For instance, bribery is a common practice in courts. It is something that men handle better. The officials in the clerk's office hesitate to get involved in such a relationship with women. Getting into a closer relationship as close friends, as brothers and at the same time giving the bribery... Men handle these things better. You can avoid these things as a woman. You can avoid this enforced conversation and get your job done by politely cringing" (F. E.)

¹⁷⁷ "We sometimes make our male colleagues call our women clients. I cross my heart, it works. And for our male clients... Sometimes I also put on a charming act as well. It is reprehensible, but it just happens." (O. B.)

¹⁷⁸ "There was this trainee attorney hired by our office. She tried to be assigned to the tasks by using her femininity. It did not work. They sent her away. These things are not

colleague and failing to survive in the professional environment of the law office, leaving her professional capabilities out of discussion. In her account, while a certain dressing style can be labeled as a performance of femininity which cannot be accepted within the professional space; the forms of gendered performances are required as long as it serves for getting the job done.

As Kandiyoti (1987) presents the ways in which women deal with the pressures brought about by the crisis of the classical patriarchy, she argues that women's "passive resistance takes the form of claiming their half of this particular patriarchal bargain – protection in exchange for submissiveness and propriety" (283). In the case of F. E., the strategy followed by fitting in the proper feminine disposition is a short term solution to continue the competition in the professional field in the face of the disadvantages of being a woman attorney. However, the way in which gender role is performed by women attorneys differ according to its aim and propriety in office space, as O. B. presents. In that sense, it could be argued that gendered dispositions are acceptable in the professional space as long as it serves to the aim of business; however, they are not acceptable at all, when displayed for personal gaining.

While these strategies are followed to become more advantaged in the competition, the codes of the patriarchal system are very much inscribed within the mind-set of some of the judges, the court clerks, as well as attorneys. Thus, K. T., an experienced litigation attorney, presents the way in which the prejudices and codes of patriarchy are protected by what she calls masculine mind-set of some judges' in the following: "Ataerkil toplum yapısının uzantısı olan ön yargılarla ve yerleşik kodlarla yargılama yapan hakim kafası diye bir şey var. Hele de kişiler hukukunu ilgilendiren meselelerde, velayet boşanma gibi davalarda bununla sıkça karşılıyoruz." (K. T.)¹⁷⁹ K. T. draws a line between being a woman attorney in big cities such as Istanbul and smaller ones and presents the gender bias in the dispositions of the staff in clerk's offices and her man colleagues as part of her daily interactions in the cities out of Istanbul in the following:

allowed here. Not in our office. Maybe it is allowed in other offices. Maybe women try to be assigned to the task by wearing miniskirts, but not in our office." (O. B.)

¹⁷⁹ "There is a mind-set of some judges, whereby the prejudices and reigning codes, as extensions of the patriarchal structure of society, hold sway over the legal process. Especially in affairs concerning the law of persons, such as custody or divorce cases, we face with this particular mind-set." (K. T.)

Ben Anadolu'ya gittiğim zaman kalemlerde erkek memurların sayısının ağırlıkta olduğunu gördüğüm şehirler var... Anadolu geleneği olarak kadın avukata daha saygılı davranıyorlar. Meslektaşlar arasında da böyle bir şey var. O saygı ve kayırmanın içinde bile satır arasında bir denk görmeme durumu var aslında. Mesleki olarak kendisine denk görmediği için. Ya karşımda kadın avukat olmasaydı ben daha farklı davranırdım gibi bir şey var aslında, alt bilic var aslında yani. (K .T.)¹⁸⁰

On the one hand, K. T. underscores that such dispositions takes place as part of Anatolian tradition, on the other hand, she argues that the favor and over-respect shown to women attorneys by their male colleagues appears as the marker of underlying inequality between women and men attorneys. Similarly, F. E. presents that her male senior colleagues' dispositions toward junior attorneys differ based on gender in the following:

Erkek senior'ımızda çok sertti, çok korkutucuydu; ama erkeklere çok daha sert, kadınlara işte nispeten... Ben yaptığım birkaç hatanın belki görmezden gelinebileceğini gördüm... Bunu tabii sen yaratmıyorsun, kullanmaya çalışmak değil, ama doğal olarak gelen bir şey oluyordu bu yani. Erkeklerin kadın erkek bir arada çalışırken senin cinsiyetin nedeniyle farklı davrandığını hissediyorsun. Ofiste böyle bir durum vardı. Daha anlayışlı oluyor bir sebepten dolayı. (F. E.)¹⁸¹

The 'indulgent approach' of her senior man colleague towards F. E. recalls the "favor" and "over-respect" shown to women attorneys by her male colleagues, which is expressed earlier by K. T. The tolerant approach of male professionals against their female colleagues opens up a space to discuss tolerance as part of power relations between legal professionals. According to Brown (2006: 178), tolerance is "always a certain expression of domination even as it offers protection or incorporation to the less powerful, and tolerance as an individual virtue has a similar asymmetrical structure." On the one hand, the "favorable", "over-respectful" or "indulgent" disposition of men attorneys highlights their powerful position over women attorneys; on the other hand, its

¹⁸⁰ "When I go to Anatolia, I see in some cities that the officials in the clerk's office are predominantly male... They treat women respectfully as part of the Anatolian tradition. Our colleagues are actually similar in that respect. There is an indistinct contempt hidden behind this garb of respect and favoritism. Because, professionally they do not see you as an equal. Actually there is something lurking beneath the surface, like subconscious, leaking that 'if the attorney before me were not a female, I would have treated differently.'" (K. T.)

¹⁸¹ "Our men senior partner was very scary, but men are rather tougher than women... I saw that some of the mistakes can be overlooked... You do not create it though, it is not manipulating this situation, but it comes naturally. You feel that men treat you differently because of your gender identity, when working together. There was such a situation in the office. He treats more understandingly based on some reason." (F. E.)

intangibility obscures the underlying gender inequality between men and women attorneys, which is rather sensed by my women respondents.

The less powerful position of women attorneys is not limited to their relationships with their colleagues. The prejudices against women attorneys can be saliently manifest in the attorney-client relationship as well. Thus, K. T. reflects on the difference between practicing law as a woman attorney in and out of Istanbul, discussing the way in which the disadvantages based on gender are shaped in accordance with the public preconceptions on women attorneys in the following:

İstanbul gibi bir şehirde kadın veya erkek avukat olmak çok bir şeyi değiştirmiyor. Ama daha küçük şehirlerde elbette çok daha farklı olabiliyor. Vatandaşa yarattığı güven duygusu itibarıyla hala kadın olarak dezavantajlı konumdayız... Yani karşısında böyle işte yaşını başını almış erkek avukat görme beklentisi içinde olan vatandaşların oluşturduğu bir toplumda yaşıyoruz hala, ama ticari hayat içinde, İstanbul gibi bir metropolde, daha kurumlar arasındaki ilişkilerde artık kadın avukat olmak negatif ağırlığa yol açmıyor benim gözlemlediğim kadarıyla. O rekabet ortamı, vahşi mücadele ortamı içinde kadınlar da erkekler kadar aynı oyunun içinde yer alıyor. (K. T.)¹⁸²

In K. T.'s narrative, the dynamics of age and gender operate as a legitimizing force in establishing trust in the attorney-client relationships in cities out of Istanbul. However, she argues that the competitive professional work environment in Istanbul rather obliterates the gendered differences between men and women, soothing the adversities for women attorneys. Yet, some of my women respondents, who work in the law offices located in Istanbul, argue that women attorneys can easily be discarded with or without an explicit reason by some of their clients. For instance, T. C. states that gender prejudices against women attorneys may be based on religious view in the following: "Bazı müvekkiller - bizde çok yok - karşısında erkek avukat istiyor. Bizde böyle bir şey yok. Avukatlık dediğim gibi... Belki doktorluk da öyle... Ya da dini görüşle ilgili senle görüşmek istememesi, el sıkılması." (T. C.)¹⁸³ The prejudices

¹⁸² "Being a woman or a man attorney does not make a difference in Istanbul. However, in the smaller cities, it surely can be different. We are in a disadvantaged position as women attorneys in terms of the feeling of trust... We still live in a society in which the citizens expects to work with men attorneys at a certain age; however, as far as I observed, being a woman attorney does not have a negative effect anymore in the commercial life, in a metropolis such as Istanbul, and in the inter-institutional relations. Women are involved in the competitive environment, in this brutal rat race, as much as men." (K. T.)

¹⁸³ "Some clients – we do not have many of them – want to work with men attorneys. Attorneyship, as I said before... Maybe doctorship is like that as well... Or that the

against women attorneys, regardless of their professional experience and position in law offices, may even have no apparent ground. Like T. C., O. B. observes a similar disposition of some of their clients in the following: “Türk müvekkillerden bazıları Margaret (firmanın ortaklarından) ile çalışmak istemiyorlar, kadın olduğu için... Tuğrul Bey’le çalışmak istiyorlar.” (O. B.)

In the extremely competitive world of the international business law, the gender gap between women and men attorneys is assumed to decrease based on professional competition; however, as most of my women respondent indicate, it is possible to encounter different appearances of gender prejudices in the everyday professional life of attorneys. However, both of my men respondents had no complaint about being a male attorney in the international business law field. While E. U. states that being a male attorney is cherished through the following words: “Erkekler olarak bu sektörde biraz el üstünde tutuluyorsunuz. Çünkü erkek avukat az” (E. U.) Similarly, P. R. finds no disadvantage of being a men attorney, except the difficulties of working with women attorneys: “Ben hiçbir dezavantajımı görmedim açıkçası. Erkek avukat olmanın dezavantajı bayan avukatlarla çalışırken yaşadığım zorluk oluyor.” (P. R.) He explains the reason for his complaints in the following:

Çalışma saatleri fazla olunca bizim için problem olmuyor. Askerlik yapan herkes bilir. İki gün duş almasan olmuyor. Dişini fırçala, yüzünü yıka, hayatına devam et kıvamında gerçekleştirebiliyorsun. Kadın avukatlarda o birazcık daha zor oluyor. Sonra “Ruhsal olarak da çok çirkinim” falan gibi işte... Sizin için dezavantaj oluyor. Yok değilisin. Erkek avukat olsa hiç o konulara girip ikna etmeye çalışmayacaksın karşı tarafı. (P. R.)¹⁸⁴

P. R. associates being able to stand for long working hours with military discipline and hence, masculinity. Altınay presents that the military service experience provides with a legitimacy of superiority of men against women by the knowledge acquired as part of this experience to which women have no access (Altınay, 2004). In P. R.’s narrative, lack of military experience of women attorneys appears as a disadvantage which cannot be surpassed. In the extremely competitive working

client does not want to meet you or hand shake may be related to religious opinion.” (T. C.)

¹⁸⁴ “The long working hours is not a problem for us. Everyone, who did his military service would know. It would be okay if we do not take shower for two days. It is like brush your teeth, wash your face, and go on for us. It would be a little harder for women attorneys. Then there is this disposition, such as “I feel psychologically very ugly.” It is a disadvantage for you. No, you are not. You would not have to talk and convince if it was a man attorney before you.” (P. R.)

environment, which is also densely encompassed with a gendered system, there is no room for complaining about, but complying with the working conditions. While the norms of fitting in the working environment are geared towards the dispositions of men attorneys, women attorneys are marked with their gender as they step out of these norms. P. R. expresses the way in which working with women colleagues is harder in the following:

Onlar birazcık daha detaycı oluyor. Birazcık daha çevrelerinden etkileniyorlar. Özellikle çevreleri hemcinsleri ise. Zor oluyor ya! Yani kadın avukatlarla çalışmak gerçekten baya zor. Hani hemcinsleri ile de iyi çalışmıyorlar bence. Sürekli bir ortada şey oluyor. Gene bir erkek avukat için kolay da. Mesela ben bir erkek avukatla çalıştığımda çok daha rahat hissediyorum kendimi. Dediğim gibi onlar birazcık daha detaycı oluyor. Biz o kadar detaycı olmuyoruz gibi geliyor. (P. R.)¹⁸⁵

In P. R. narrative, women attorneys' are depicted as "detail oriented", "easily influenced by their social environment", and "incompatible to work with", while men attorneys are easy to work with. Similarly, T. C., a woman attorney, who also finds working with men attorneys more comfortable than her women colleagues, depicts her woman colleagues' dispositions which she deeply criticizes in the following:

Erkekler çok rahat... Kadınlar değişik. Hakikaten değişikler ve zorlar. Kadınlarla çalışmak çok zor çünkü kadınlar aşırı streslenen ve çabuk panik olan insanlar. Ben panik olabilecek potansiyelde bir insanım. Erkekler "Hallederiz ya!" Kadınlar öyle değil... Seni strese sokuyor. Stres altındayken çalışmak çok zor. (T. C.)¹⁸⁶

T. C.'s depiction presents an essentialized woman attorney figure whose intrinsic panic and stress make working with them harder and who is in need of soothing from a male colleague. She introduces her woman colleagues as "different" and "difficult", marking them out of norm. Likewise, E. U. puts forward similar observations on the relationship dynamics concerning gender in the office space: "Kadınların arasında gerginlik oluyor. Biraz daha hassaslar. 'Eminim bu kızın yerinde

¹⁸⁵ "They are a little more detail oriented. They are more easily influenced by their social environment. Especially, if this environment is consisting of women... It is very hard! I mean working with women attorneys is really very hard. They cannot work with their same-sex colleagues either. There is always an issue going on between them. Nevertheless, it is easier for a man attorney. For instance, when I work with a man attorney, I feel much more comfortable. As I said, they are a little more detail oriented. It appears to me that we are not that much detail oriented." (P. R.)

¹⁸⁶ "Men are relaxed... Women are quite different and hard. Working with women is hard, since they are easily stressed out and panicking. I have the potential to be panicked. The men are like "We will figure it out!" Women are not like that... They stress you out. It is very hard to work under stress." (T. C.)

ben olsaydım böyle cevap almazdım' dediğim oluyor. Bir erkek avukat ile bir kadın avukat arasında çok sıkıntı görmedim." (E. U.)¹⁸⁷ E. U.'s narrative underlines the way in which gender becomes a dynamic in the power relationship between a senior and a junior attorney. While senior women attorneys are depicted as sensitive and stressful in their interactions with their junior women colleagues, the relationship between a senior woman and a junior man attorney goes unmarked. S. S., another woman respondent who finds senior women attorneys hard to work with frames their dispositions as emotional in the following:

Kadın senior'larla çalışmak daha zor. Biraz daha duygusallık mı ön plana çıkıyor. Benim çalıştığım senior bir gün çok iyi, bir gün bilmem ne... Mesela erkeklerde biraz daha az oluyor. Erkek kadın olunca bir grup olarak çalışmak belki daha kolay olabilir gibi geldi bana. Hemcinslerle gidince belki biraz sürtüşmeler oluyor... Onun değişimi çok yansıtıyor. Onlar bence kadın olunca biraz daha yansıtıyor olabilirler. (S. S.)¹⁸⁸

Similar to most of my respondents, S. S. argues that the relationship between a man and a woman attorney is easier compared to the one between women colleagues. While she adds on 'being emotional' to the essentialized woman attorney image presented by T. C., O B. redefines such image with the attributions of being 'ambitious and vixenish', explains the way in which the relationship with their clients are organized on a gendered basis to avoid the conflicts between women attorneys and women clients in the following: "Kadınlar birazcık daha hırslı ve cazgır oldukları için birbirlerine çok giriyorlar. Kadın müvekkiller kadın associate'leri hiç sevmiyorlar. Bağıyorlar çağırıyorlar. Kendilerini tatmin etmek için. 'Ben senden daha iyi bir pozisyundayım. Ben senden daha başarılıyım' demek için." (O. B.)¹⁸⁹ According to O. B., not only her women colleagues but also their women clients, who are high placed

¹⁸⁷ "The relationship between women is tense. They are more sensitive. There are times when I say 'I am sure I would not get such an answer were I in her position.' I have not witnessed a troublesome relationship between men attorneys and a woman attorney." (E. U.)

¹⁸⁸ "Working with women seniors is more difficult. Perhaps, emotions come more to the fore while working with them. The female senior with whom I work is good one day, but the next day... It happens to men less regularly. It occurs to me that working as male-female pairs could have been easier. There can be quarrels when same-sex colleagues work together... She often reflects her mood changes. I think it is because they are women." (S. S.)

¹⁸⁹ "Since women are a little more ambitious and vixenish, they fight tooth and nail. Women clients do not like women associates at all. They yell and scream at each other, just for the satisfaction of saying that 'I am at a better position than you, and I am more successful than you.'" (O. B.)

business women, act in a similar manner against their women colleagues. She argues that this tension depends on a power struggle in which women strive to prove their success. In that sense, it could be argued that women professionals are identified with being emotional rather than being rational in my respondents' narratives. The binary opposition between emotional and rational creates a hierarchical order by the affirmative and negative attributions made to them. While working with women attorneys is seen as stressful based on their volatile, unpredictable and detail oriented dispositions, male attorneys appear as colleagues who are comfortable to work with based on their rational, calm and practical dispositions. Yet, the attributions made on women attorneys are confined to the "nature" of women, without discussing the conditions which creates inequalities, disadvantages, and biases in women professionals' life.

7.2. Intangible Obstacles in Women Attorneys' Advancement

The increase on the visibility of women attorneys in the international business law offices is noticed by almost all of my respondents. Thus, E. U., bases this fact upon women getting education and advancing in foreign languages better in the following: "Kadınlar daha iyi eğitim alıyorlar. Dil bilgileri daha fazla. Daha önce finans sektörü cazip gelirdi. Büyük hukuk bürolarının artması ile finans sektörüne kayacak olan bu alandaki hukuk sektörüne kayıyorlar. Belirgin bir orantısızlık var." (E. U.)¹⁹⁰ Underlining that in the law office at which she works, eighty percent of the attorneys are women and that the numbers of women and men partners are almost the same at the law offices where they work, T. C. argues that women and men attorneys are treated the same in advancing in their career. She explains the rules for advancing in the following: "Bizde çok net kurallar. Bir sene çalışırsın. Bin altı yüz saat yaparsın, müvekkile fatura edilebilir. Kıdem alırsın. Kadın erkek vs. bağlamaz. İyiysen iyisin. Kıdem alırsan alırsın. Ki dediğim gibi yüzde 80'i kadın."¹⁹¹ Similarly, M. L., who is specialized in the banking and finance sector, argues there are more woman attorneys in the office at which she is working in the following: "Bankacılarla muhatap oluyorsunuz. 10 erkek

¹⁹⁰ "Women are better educated. They have better language skills. The finance sector was more appealing for women before. The women, who prefer working in the finance sector, now prefer these branches of law as the big law offices enter into the legal market. There is a significant disproportion." (E. U.)

¹⁹¹ "The rules are very clear in our office. You work for a year, bill one thousand and sixty hundred hours to the client, and have seniority. It makes no difference for men or women. If you are good at your job then you have seniority. As I mentioned before eighty percent of the employees is woman." (T. C.)

varsa siz tek kadın oluyorsunuz. Ya bu rahatsız edici bir şey mi? Hayır. Ama kadınlar sonuçta, ne bileyim, çok daha aktifler. Yani her alanda. Bizim büromuz da zaten kadın ağırlıklı bir büro.”¹⁹² On the one hand M. L. presents that her clients in the banking sector is predominantly male; on the other hand, she argues that woman professionals try to open a space within the business world, by giving the example that the number of women working in the office where she is currently working. N. B. has a similar experience in terms of being the minority as a woman professional. Acknowledging that women attorneys are more in number in the consultancy, she discusses how women attorneys’ careers are shaped as they advance in their profession in the following:

Masaya oturduğunuz zaman kadın olarak azınlıkta kalıyorsunuz. Aslında consultancy’de daha çok kadın var gibi duruyor ama aslında belli bir seviyeye kadar kadın var. Belli bir seviyenin üstüne çıkıldıktan sonra kadınlar ayrılmaya başlıyor. Neden? İşte gerçekten M&A çok uzun saatler çalışmanızın gerektiği bir iş kolu. Daha çok in-house’a geçiliyor biliyorsunuz. (N. B.)¹⁹³

Women attorneys’ advancement in their career is impeded by the long working hours, N. B argues. In that sense, an in-house position appears as a middle ground where professional career and private life for women attorneys seems more comfortably negotiated. S. S. also underlines that while there more women attorneys in international business law but a few women attorneys as partner in the law office where she works and depicts the features of woman partner based on her convictions in the following:

Stajyer, birinci sene, ikinci sene, üçüncü sene çok fazla kadın avukat var piyasada. Bizim ofisin yarısından fazlası kadın. Ama partner’liğe gelince hepsi erkek. Böyle garip bir durum var. Bu benim çok ilgimi çeker. Tabii ki var, arada bir iki tane ama genelde erkek veya mutsuz, yalnız, evlenmemiş veya boşanmış kadınlar bence. (S. S.)¹⁹⁴

¹⁹² “You deal with bankers. If there are 10 men for instance, you would be the only woman. Is this something disturbing? No. However, women are all in all much more active. I mean in all areas. The employees in our office are predominantly women.” (M. L.)

¹⁹³ “Women are in the minority at the negotiation table. Actually, it seems that there are more women working in consultancy, but you see women only up to a certain level of the professional ladder. Thereafter the number of women thin out as the ranks rise. Why? M & A is a line of work where you should work for long hours. Women usually switch to in-house positions, you know.” (N. B.)

¹⁹⁴ “There are lots of women trainees, first year, second year, third year attorneys in the legal market. The half of the employees in our office is women. However, all the partners are men. This situation really attracts my attention. Of course, there are couple of women partners; but I think those who became partners are either men or women who are alone, unhappy, unmarried or divorced.” (S. S.)

In S. S.'s narrative while men partners go unmarked, women partners are described with their lonely and unhappy emotional state. O. B. also affirms the woman partner profile depicted by S. S. in the following: "Büyük ihtimalle o evlenip çocuk yapma isteği. O hormonal bence. 10 tane de kedi alacaksın partner olursun. Kimse sana 'Hop, sen kadınsın, olamazsın' demez. Hele bizim ofiste asla. O kadın çocuğuna zaman ayırmak istediği için. Seçim yani." (O. B.)¹⁹⁵ In O. B.'s narrative, getting married and having a career as partners are portrayed as two opposing choices in a woman attorney's professional life. While getting married is associated with an urge to have children, which is based on hormones, becoming a partner is related to either not wanting to get married or failing to find a husband and trying to compensate the gap of not being able to start a family with having pets. Both S. S. and O. B. depict a woman partner profile which voluntarily chose or failed to get married and is condemned to be lonely and/or unhappy. Yet, N. B., who started her own law office, presents a different woman partner profile and presents an alternative narrative on collaboration between women colleagues and executives in the following: "En büyük desteği de aslında kadın yöneticilerden ve kadınlardan gördüm. Gerçekten de çeşitli şirketlerde çalışmış olduğum başarılı kadınlar destek verdiler. Bir şekilde iş gönderdiler, arkadaşlarını önerdiler."¹⁹⁶ The solidarity between high ranked woman professionals in N. B.'s experience contradicts most of my respondents' narratives of concerning the relationship between women professionals.

As Kalem Berk (2013) argues the cultural and social barriers which hinder professionalization of women in almost all modern societies are experienced as a glass ceiling by women, as well as all disadvantaged groups in participating and advancing in social, economic, and political life, although the official regulations do not allow inequalities in practice. Thus, K. T. discusses women attorneys' representation in the legal profession in the following:

Hala yeterince kadınların yönetim kademesinde yer alamadığı bir ülkede yaşıyoruz. Bizim mesleğimiz de ülkenin genel durumundan nasibini alıyor. Kadın baro başkanı olmuyor, olamıyor. Olsun diye çok çabaladık ama şöyle bir geriye doğru baktığımız zaman bütün baro başkanları erkek. Şu anda temsil oranını bilmiyorum ama ağırlıklı erkek yöneticiler. Ama İstanbul'da avukat

¹⁹⁵ "It is probably the desire to get married and having children. I think it is related to the hormones. If you would buy ten cats, then you become a partner. No one would say "Hey! You are a woman, you cannot be a partner." It never happens in our office. It is because that a woman wants to spare time for her kids. It is a choice." (O. B.)

¹⁹⁶ "I received support most significantly from the women executives and women. The women with whom I have worked together at various companies supported me. They provided job opportunities for me, suggested their friends." (N. B.)

sayısı bakımında karşılaştığımızda artık birbirine denk bir tablo var. Ama Anadolu'ya gittiğinizde çok kadın avukat var erkek avukata oranladığınızda. (K. T.)¹⁹⁷

S. S., a junior attorney who specializes in the competition law presents a similar disproportionate distribution between men and woman board members and experts in the Competition Authority in Turkey in the following:

S. S.: Yine bir sürü uzman kadın var ama kurula gelince hepsi erkek yine.

F. E.: Kurul da erkek. Hepsi erkek, ben hiç kadın kurul üyesi olduğumu duymadım.

S. S.: Uzman kadın çok. Yanlış bilgi vermeyeyim, ama kurul üyesine veya baş uzmana hiç ben hiç rastlamadım. Baş uzman yok. Hepsi erkek.¹⁹⁸

In both K. T's and S. S.'s narratives, the increase in the visibility of women legal professionals does not necessarily reflect on women's representation in the high ranked positions in law offices, government institutions, bar associations, and high courts. As Kalem Berk indicates, the increasing numbers of women in professional life bring about a horizontal dissociation and a vertical stratification based on gender (Kalem Berk, 2013: 78). Thus, she presents that the number of women attorneys are significantly higher than the number of women judges (Kalem Berk, 2013: 79).

The different appearances of the gendered conceptions on women attorneys shape the ways in which they practice their profession and advance in career. On the one hand, most of my female respondents do not see themselves disadvantaged as women professionals; on the other hand, a variety of narratives put forward various difficulties that women attorneys face in court rooms and office spaces, which ranges from being easily discarded by the clients to not being trusted by their clients and/or taken seriously by the staff in the clerk's office. On the one hand, the tolerant dispositions of the male attorneys towards their women colleagues points to a hierarchical positioning between genders, on the other hand, women attorneys are

¹⁹⁷ "As you observe, we live in a country where women cannot take place in administrative positions. Our profession has its share of the current situation of the country. Women did not and cannot become the president of bar associations. We tried hard to make it happen; however, when we look back, we see that all presidents of the IBA are men. Right now, I have no idea on the representation rate; however, the administrators are all men. When you compare men and women in terms of the number attorneys in Istanbul, they are almost equal now." (K. T.)

¹⁹⁸ S. S.: There are a lot of women experts, but all Board members are men.

F. E.: All of them are men. I never heard that there is a woman member of the Board.

S. S.: There are a lot of women experts. I do not want to give wrong information; but I have never seen a woman Board member or a chief expert. There is no woman chief expert, all of them are men.

considered hard to work with for various reasons including being detail oriented, fragile, volatile, emotional, and vixenish in most of the narratives, pointing to another order in which women attorneys are considered incompetent, unlike men attorneys. Furthermore, while the women attorneys, who move up to higher positions in their career in a law firm, rather mentioned with negative attributions on their private life than their success, besides the disadvantages they face in practicing their profession.

Although most of my respondents uttered that women are more equal to men in the international business law field compared to other fields and professions, it is possible to observe the intangible obstacles for women attorneys to advance in their careers in most of the narratives, as well. In that sense, it could be argued that gender roles present an invisible net which discursively delineates the way in which women attorneys make an either-or choices for their careers between having children and living lonely.

CHAPTER VIII

CONCLUDING REMARKS

The juridical field in Turkey has been undergoing a transformation to meet the demands of the globalizing political arena, international business as well as financial markets for the last two decades. As the demand for faster and cheaper solutions to commercial disputes rises, the long-standing monopoly of national courts is threatened by the alternative modes of conflict resolution, such as arbitration and mediation. Thus, the juridical field in Turkey has been transforming rapidly since the beginning of the 2000s when the EU accession process initiated¹⁹⁹. These transformations have also led to significant changes in context and practices of attorneyship. A significant example was the impact of the amendments made on the Attorneyship Law in 2001, which allowed multinational law firms to enter the national legal market in accordance with the principle of free movement of goods and services. This introduced new skills and new forms of knowledge that transformed the rules of competition among legal professionals, thus challenging existing hierarchies and leading to new conceptions of attorneyship.

In this thesis, I was interested in how these broader changes are articulated in the micro-level, in the lives and careers of young attorneys. My initial point of departure was the binary opposition between two stereotypes in colloquial Turkish, namely: *plaza attorneys* and *market attorneys*. In my field research, I focused on so-called *plaza attorneys*, to explore the different forms of capital (social, cultural, economic) which enabled them to enter the field of international business law, and to build their careers. I was also interested in how they defined their own position within the profession and in relation to the Istanbul Bar Association (IBA). In this context, my aim was to understand the kinds of political/ideological distinctions they used to distinguish themselves from ‘conventional’ understandings of attorneyship in Turkey. By exploring

¹⁹⁹ The extensive change in the field of law also included physical and technological changes. Almost all of the court houses in Istanbul were collected under two giant building complexes in Kartal and Çağlayan districts. The National Judiciary Informatics System (UYAP), which is a central network project that connects together all the courts, public prosecutors services, prisons, other judicial institutions and other government departments in Turkey and allows the legal professionals to conduct certain judicial procedures online, is introduced in 2005. Besides these changes, which aimed at ensuring speedier and cheaper solutions of disputes, the Law on Mediation for Civil Disputes, which has been long debated among the legal professionals in Turkey, came into force in 2013 for diminishing the work load of the courts.

the links between professional/political identities attorneys working in the field international law, I hoped to gain a better understanding of the emergent fractures in the historically constituted unitary image of attorneys in Turkey.

My theoretical point of departure was Bourdieu's conceptualization of a juridical field. His analytical framework emphasizes how divisions and hierarchies among professional sub-specialties in the field of law both shape, and are shaped by competing interests and antagonistic world-views. Throughout my research, I benefited from Bourdieu's insights and used his concepts to explore the interface between the emergent professional identities, world views and political dispositions of young attorneys working in the field of international business law.

In what follows, I want to offer a brief overview of my main findings. These 'findings' are not quantifiable facts in the conventional sense. Rather, they are the result of a learning process, largely based on what my respondents told me during the in-depth interviews I conducted. But they also include my own observations/experiences during the six month period I spent in trying to identify and gain access to young attorneys working in international law offices. As I have explained in a separate methodological chapter (Chapter 2), one of my first discoveries upon entering the field was that law offices, which specialize in various branches of international business law, are part of Istanbul's exclusive and exclusionary corporate world. Although most of my respondents were junior attorneys, the fact that they worked in prestigious law firms, meant that I experienced all of the difficulties associated with "elite interviewing". In my concluding remarks below, I want to draw upon my own observations/experiences in the field, in addition to the information I gathered through interviews.

8.1. Pathways to the Professional World of International Business Law

The narratives of my respondents significantly diverge from the law student profiles presented in the previous studies (Tan, 1972; Cirhinlioğlu, 1997). These studies suggest that the majority of law students come from lower middle class, provincial backgrounds. They emphasize how acquiring a law degree from one of the large state universities, offers a channel of upward mobility for such students. What facilitates this, are the relatively low entrance and attendance requirements of law faculties, when compared to engineering or medicine for instance.

My own respondents all came from middle and upper middle class families. During the interviews, nearly all of them emphasized how they had not originally imaged themselves as a legal professional. Some of my older respondents, currently in

mid-career or senior positions, described how they “ended up” in a law faculty, mainly for lack of better alternatives. They explained their subsequent professional success in terms of seizing the opportunity to specialize in a branch of international law, at a time of increasing demand from business circles, but few candidates with the requisite language skills. My younger respondents emphasized their ambitions for a career in a prestigious profession, along with encouragement from family members and social networks, in shaping their choices. Their educational backgrounds, class dispositions as well as future aspirations highlight how specializing in a branch of international law, has now become a marker of distinction (in Bourdieu’s sense of the term) among legal professionals in Turkey.

Bourdieu emphasizes the significance of legal education in shaping the traditions, practices as well as experiences which structure the legal universe (Terdiman, 1987: 807). My research findings highlight the difficulty of speaking about a singular “legal universe” in Turkey. To put it simply, the kind of legal education offered by the new public/private law schools is very different from that of older law faculties in the classical state universities. Most of my younger respondents acquired advanced language skills in English or French during high school, and went on to study in one of newly established law schools which require competency in these languages. By contrast, my older respondents described the inadequacies concerning the legal education they received in the overcrowded law faculties of the state university system, with little or no foreign language instruction. These differences merit a much more systematic comparison than I am able to offer at this point. However, what my own interviews underscore is the growing significance of foreign language education (particularly English) in shaping legal careers and by extension, the parameters competition within the legal field in Turkey.

Among the novel educational practices introduced by the new law faculties, are *international summer schools*, which are organized in collaboration with European and American universities. These programs bring together law professors, law students as well as attorneys, coming from different countries and thus, legal traditions, and serve in creating a common language and understanding of the law. More broadly, these international summer schools play a crucial role in the creation and dissemination of what Bourdieu (1987: 821) calls “juridical language” across national legal systems. Bourdieu considers the existence of a “judicial language” crucial, because it leads “individual attitudes to converge and sustain each other”, “even in competition for the

same professional assets” and “unifies the body of those who live by the production and sale of legal goods and services”. International summer schools help create “a sense of unity and uniformity” which transcends the boundaries of the national legal system.

In the competitive environment of the new law schools, *summer internships* and participation in *career days* have also become an increasingly significant component of legal education. All my younger respondents stressed the need to keep with recent trends and options in the legal market, so as not to fall behind in the competition among class mates. *Career day* activities which are organized by top-tier law offices in the market through their social networks in the universities, offer the opportunity to learn more about existing hierarchies in the market, as well as applying for summer internships. The stories told by my respondents suggest however, that gaining access to a summer internship in one of the prestigious law offices is contingent on the influence of family networks as well as recommendation from faculty members. Such *summer internships* enable young attorneys to become familiar with the distinct dispositions and practices of top-tier law offices in the legal market, and to take a step in building their careers in international business law field.

Thinking along with Bourdieu, the new educational practices which I have described above, along with the similarities in family backgrounds and class dispositions of my respondents, can be considered as part of the distinctive “legal habitus” which shapes the professional identities of young attorneys. Bourdieu (1987: 842) emphasizes how “the closeness of interests, and, above all, the parallelism of habitus, arising from similar family and educational backgrounds, fosters kindred world-views.” He argues that the prevalent dispositions of the legal *habitus*, which “is shaped through legal studies and the practice of the legal profession on the basis of a common experience”, “operates like the categories of perception and judgment and structures the perception and judgment of the ordinary conflicts.” (Bourdieu, 1987: 833)

It is also evident however, that the “legal universe” of specialists in international law (*plaza attorneys*) has become increasingly divorced from that of young attorneys grounded in the “national” judicial field (*market attorneys*). The kinds of cultural capital necessary to enter the legal universe of international business law, pose insurmountable barriers for young attorneys from the state university system. But the reverse is also true. That is, the kind of professional capital accumulated by my younger respondents can hardly, if at all, be used in the field of litigation. So they cannot establish their own solo practice as litigation experts, like many “market-lawyers”. Their career options are

limited to becoming an “employee” attorney, either working in the legal department of a large corporation, or for one of Istanbul’s bigger law offices. Hence it is difficult to speak about professional competition between “plaza attorneys” and “market attorneys” in legal markets.

8.2. Professional Identities and Political Dispositions

In a recent study Akbaş classifies law firms in Istanbul’s legal market into three categories: “classical” law offices where founding attorney and associate attorneys deal with every aspect of the legal cases they handle; “industrial” law offices in which the operations of the legal cases is divided in parts, each of which is handled by attorneys from different departments; “project” law firms which deal with all the legal aspects of a project, including preparing and translating agreements, resolving the disputes concerning this process (Akbaş, 2011). Similar distinctions came up in the narratives of my respondents. They referred to large law offices as “law factories” and distinguished them from “boutique law offices” which have a smaller but stable client profile. They also talked about “patron law offices”, where the founder of the law office is capable of controlling every aspect of the cases handled by the office. This is close to the “classical law office” concept used by Akbaş. However, as one of my older respondents pointed out, the dominant position of established *patron law offices* has come under increasing challenge from the law offices which have established partnerships with multinational mega law firms. This has enabled young attorneys to negotiate pay scales and working standards which are closer to the established norms in the international business law markets. At the same time, the fierce competition to gain a bigger share of the legal market, has reinforced existing and new forms of hierarchal structures within these law offices, and opened the door to power struggles between attorneys in dominant and subordinate positions, over issues of professional autonomy and control.

These transformations in legal markets have also introduced new conceptions of legal professionals. My younger respondents, who worked in the international business law field, had difficulty in defining themselves as an attorney (*avukat*). They conceived of an attorney as someone who seeks justice in courts, writing petitions and defending the rights of the less powerful in society. They described their own professional practices in terms of working in an office to promote best interests of their clients, who are far from the powerless. Many of them identified themselves as legal consultants

(*danışman*). Others used terms such as *preventive attorneyship*²⁰⁰ or *contract attorneyship* to dissociate themselves from *attorneyship* in the classical sense.

As to be anticipated perhaps, my respondents considered the professional activities of the Istanbul Bar Association (IBA) - such training sessions, seminars or conferences – of little relevance or interest for them. They were registered members, and paid their dues, as required by law for all attorneys in Turkey. But they considered this a matter of formality. When asked about their broader political identifications, they described themselves as ‘a-political’ (*apolitik*), emphasizing that this was the case for most of their colleagues in the law offices where they worked.

What seemed paradoxical was extent to which my respondents were interested and informed about the electoral “politics” of the IBA. Not only did they know the names and credentials of competing candidates in the last presidential elections of the IBA, but offered detailed information about their “ideological” positions during the interviews. They stressed how they made a deliberate effort to cast their vote in the recent election, to support current president of the IBA in his vocal criticism of the incumbent AKP government. Thus, on the one hand, my respondents defined themselves as apolitical subjects and declared their indifference to the IBA's activities. On the other hand, they emphasized how they supported IBA's oppositional stance against the current government.

To unpack this seeming contradiction, it is necessary to take into consideration both the historical traditions of the judiciary in Turkey, and also the policies of the incumbent AKP government to overhaul the judiciary system. As various studies have emphasized, the historical development of the legal profession in Turkey highlighted its role as “protectors of the regime and conveyors of the modernization ideology to public at large.” (Türem, 2001, 33) The principle of independence, as one of the constitutive elements of the ideology of the legal profession in Turkey, was thus coupled with its role as a guardian of the nation's secular, modern regime. The IBA, historically the oldest and largest in Turkey, has been a very import political actor, simultaneously the symbol and guardian of the modern Republic, and at the same time the voice of attorneys in their struggle against the modern state for practicing law independently (İnanıcı 2000).

²⁰⁰ See Ansay (2003).

Since the formation of the legal professional ideology in Turkey is very much influenced by the republican and nationalist tendencies, my respondents did not consider their critical stance against the incumbent AKP government as a “political” position. They interpreted the institutional changes introduced by the AKP government as a threat to the independence of the legal profession. Instead of the language of “reform” used by the government, my respondents spoke about the contamination of legal system by “politics”, and “favoritism”²⁰¹. As Kalem has pointed out, the rhetoric of contamination of law with the politics has become an important mobilizing element among legal professionals in recent years, leading them to become actively involved in national politics (Kalem, 2010). The criticisms of voiced by my respondents invoke both the constitutive components of professional ideology, and also embrace the historical mission of the legal profession to protect the Republican regime against the threats.

Overall, my findings highlight the emergent fractures among legal professionals in Turkey. The “plaza” attorneys I have interviewed not only represent a new sub-specialization within the legal field, but constitute a distinctive universe in terms of their career paths, cultural capital, professional activities as well as identifications. At the same time however, it would be misleading to consider them ‘autonomous’ from the legal field in Turkey. Despite their self-definitions as “a-political”, they articulate all the paradoxes and contradictions which continue to shape the “national” judicial traditions.

²⁰¹ While politicization, discrimination, arbitrariness and favoritism have been critical issues of the judicial system in terms of the ways in which these practices harm the principles of independence and impartiality of judges and public prosecutors; the principle of independence of courts and the security of tenure of judges and public prosecutors are considered the foremost regulations, which serves to protect these principals. These regulations assumed to provide with the legal assurance that the judges would not be suppressed by any political or professional pressure, while giving their judgment based on their own convictions. However, the reasons on which judges and public prosecutors are appointed or transferred are vaguely regulated, leading the security of tenure of judges and public prosecutors not function for geographical duty area in practice and generating disturbance and anxiety among the judges and public prosecutors (Sancar & Atılgan, 2009).

APPENDIX I

LIST OF RESPONDENTS

Name	Age	Position	Educational Background	Work Experience
N. B.	37	Partner	İstanbul University	She is specialized in the field of M & A and has more than ten years of professional experience.
K. T.	39	Partner	İstanbul University	She is a litigation expert and has more than ten years of professional experience.
M. L.	21	Junior Associate	Koç University	She works in the field of banking and finance and has three years of professional experience.
O. B.	21	Junior Associate	Koç University	She works in the field of M & A and has three years of professional experience.
P. R.	21	Junior Associate	Bilkent University	He works in the field of corporate law and has three years of experience.
E. U.	20	Junior Associate	Galatasaray University	He works in the field of M & A and has one year of experience.
E. B.	20	Junior Associate	Galatasaray University	She works in the field of M & A and has one year of experience.
T. C.	21	Junior Associate	İstanbul Bilgi University	She works in the field of M & A and has three years of experience.
S. S.	21	Junior Associate	Bilkent University	She works in the field of competition law and has three years of experience.
F. E.	21	Junior Associate	Bilkent University	She works in the field of maritime law and has three years of experience.

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