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Special Workshop No. 74

CUSTOMS FOR A PEACEFUL SOCIAL LIFE

Thursday 11 July, 14.00-18.30, Löwengraben 303

CONVENORS:

Prof. Dr. Ahmet Ulvi TÜRKBAG
Dr. Nezahat DOĞAN DEMİRAY
Dr. Fatma Süzgün ŞAHİN ÜNVER
Serdar ÜNVER

Customs, usages, folkways, traditions or any other continuous social practices which make it possible to survive as human beings are more important than currently thought and accepted. People of our age believe in the science which gained its meaning during the 17th and 18th centuries in Europe. This common or popular attitude was firstly determined by the Enlightenment's long-term effects. From the Enlightenment and the Industrial Revolution which deeply connected with and a result of it, the scientific outlook gradually overcame the other understandings and became a universal criterion for deciding even what is true or false, in everyday life. In that way, a kind of 'scientification' seized everyday life, from magazine supplement to the statistical data about investments. Law was not an exception, so the legal science (modern jurisprudence) was born in the late 19th century.

The Customs are extremely important because of two key reasons: (1) local customs (not nationwide) are crucial in the history of Anatolia, they have made, a peaceful togetherness of the diverse set of people, possible. We believe that it helps to solve peacefully not only our problems but also very similar to us which source from diversity. Additionally, it has just overleaped with the Congress title. (2) As everybody knows very well, The Enlightenment and the Industrial Revolution were at the parts of European history and no other part of the world. We have to find any other way or additional ways to reach a peaceful life together with the Enlightenment's universality. Everybody who shares our humanist aim to participate in the workshop with his or her local, special customs that could support a peaceful life regardless of cultural diversity. The famous Turkish Sofi Mevlana Celaleddin Rumi's motto perfectly tells our aim: come, whomever you are.

The desire to design a more scientific law casts a shadow over customary law and trivialize all social practices because they are not the products of scientific processes or they cannot meet the scientific criteria. This attitude seems right, but is its rightness enough to neglect customs or all other social practices? Even at first glance, history tells us that customs, especially in some specific regions, may be unique and important to build a fair social life. Are customs only ruins of ancient society and ancient law or can they be keys for different or “alternative” peaceful social life?

The workshop tries to come up with a modest answer to the question above. The answer has a two-fold effect on creating a peaceful and maybe democratic life at local level. Firstly customs and their ruins have serious effects regionally that is to say the people of some regions are still living by customs. They believe, teach, follow and respect their customs. The customs which are taken seriously in some regions are stronger than positive law. The idea that the customs lead to a peaceful life is a historical fact, not a good wish or nostalgia. Any research, which makes an analysis of the customs sociologically, could find out some key features for a harmonic and peaceful life.

Secondly thanks to these customs, it wouldn't be wrong to say that some patterns of behaviour are on hand, thus any social project could reach the aim overlapping with the hidden function of customs. The huge advantage of this attitude is, it completely differs from up-to-down practices, it follows just the opposite way: from down-to-up. Some idealistic precepts don't need to be taught or to be infused into people's mind but if only you should tell the true meaning and genuine function of their customs in order to get some marvellous outcome and keep the hope.

LIST OF PARTICIPANTS

Prof. Dr. Ahmet Ulvi TÜRKBAĞ, (Galatasaray University, Turkey) : Urfa (Edessa): The Fundamental Points of Social Coherence and Solidarity

Prof. Dr. Bart van KLINK, (Vrije Universiteit Amsterdam, Netherlands) : Innovation and Continuity: The Role of Customs and Tradition in Law-Making

Dr. Fatma Suzgun ŞAHİN UNVER, (Ankara Hacı Bayram Veli University, Turkey) : Narrowing of the Public Sphere in an Age of Transforming Culture of Entertainment

Dr. Nezahat DOĞAN DEMİRAY, (Ufuk University, Turkey) : Rule of Law Which cannot be Built on Kadi's World.

Dr. Hyunkyung LEE, (Seoul National University, Republic of Korea) : A Normative Conventionalist Defence Of Scepticism About Custom - Towards the Transformation of Customary Law.

Dr. Mustafa YAYLALI, (İstanbul Şehir University, Turkey) : Montesquieu and Turkish Tribal Law, a Synergy

Serdar ÜNVER, (Ankara Hacı Bayram Veli University, Turkey) : Enlightenment, Perpetual Peace and Customs

Dolunay ÇÖREK, (Galatasaray University, Turkey) : Example of a local democracy: “Musahiplik”; in the tradition of Alevism

Göktürk ÖCAL, (Özyeğin University, Turkey) : As an Alternative Way of Punishment, Düşkünlük in Alevism

Berşan KAYIKÇI, (Attorney at Law, Turkey) : Judge’s “Veiled” Understanding of Law

Halil KÖKCÜ, (Trabzon University, Turkey) : Same Conflict Different Approaches: Is There a Limit to Breaking the Rules?