# State-Society Relations in Civil Conflicts

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# State-Society Relations in Civil Conflicts

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**ABSTRACT**

Civil conflicts are conceptualized as asymmetric, population-centric military struggles. The argument is that insurgencies, even though they are no match in military power to their state adversaries in many cases, resort to armed struggle nonetheless as a tool to impair state capacity, the quality of governance, and the ability of the state to honor the "social contract" in order to eventually destroy state authority and render the state irrelevant for the society. Note that this argument implies that state-society relations do react to the military course of the conflict. In this article, we provide empirical evidence for this implication. Introducing a new panel dataset on the long-running civil conflict in Turkey, we first conduct a micro-level analysis and demonstrate the significant impact rebel presence has upon state-society relations across localities and time. We then analyze the results of semi-structured interviews we had conducted with a group of experts from the conflict regions to decipher the possible mechanisms behind the association we observe in the data. The interviews support our motivating theoretical argument.

## Introduction

Civil conflicts are asymmetric contests. They are fought between organized, well-armed, and sizable state military forces and relatively much smaller and ill-equipped insurgent groups. This power asymmetry in civil conflicts turns them into irregular wars in which rebels avoid large-scale and sustained confrontations due to the state's material advantages. Instead they engage in guerrilla tactics and attempt to organize the civilian population in a protracted politico-military struggle as a tool to impair state capacity, the quality of governance, and the ability of the state to honor the "social contract," which eventually destroys state authority and renders the state irrelevant for the society. Unable to draw insurgents into sustained combat, the state is then forced into a competition for authority over relevant populations.[1] In other words, "the fight is conducted through the people"[2] and the outcome depends on their behavior.[3] This is why civil conflicts are conceptualized as "population-centric warfare"[4]: a competition between military actors over civilian loyalties in order both to challenge and to build order.[5]

Note that defining civil conflicts as a competition over civilian loyalties and arguing that insurgents aim at decoupling the state from its population through armed struggle

necessarily implies that the state-society bond does react to the military course of the conflict. In this study, we empirically test this implication in the context of the long-running civil conflict in Turkey.

Our work is closely related to the recent empirical studies on the impact of civilian victimization on popular support in civil conflict contexts.[6] While substantial insights have been gained so far from this literature, the discussion is still on in terms of whether it is discriminate or indiscriminate violence against civilians that is more effective as a military strategy to secure support under different conditions and what other factors might interfere with the effectiveness of any such strategy.

Kalyvas[7] offers important insights into these questions. Most importantly, he points out the inherent spurious correlation problem in this discussion. He argues that both the extent of violence combatants engage in against civilians and the level of popular support they enjoy are actually endogenous to the level of military control they have. Civilians caught in civil conflict environments are first and foremost concerned with immediate security. Consequently, irrespective of their true or initial preferences, they prefer to collaborate with the political actor that best guarantees their survival. And it is only those with military control who can credibly offer such guarantees. Thus, popular support is expected to follow military control. And with popular support comes the information necessary to selectively pick out those who sympathize with or actively provide support to the enemy. In other words, it is the level of military control combatant sides have that determines both the level of popular support they enjoy and the extent of civilian victimization they choose to engage in.

Kalyvas and Kocher[8] analyze micro-level data from the Vietnam War and provide empirical evidence of the deterministic association between military control and civilian victimization. They then argue that the mechanism behind their findings is the deterministic association between military control and popular support. Those who have military control can offer protection to civilians and in exchange civilians offer support in the form of valuable strategic information. Kilcullen[9] strongly supports these arguments, and based on his experiences in the field he comes to the conclusion that "populations don't support insurgents because they like their ideology. Rather, they come to like the insurgent's ideology, because the insurgent establishes presence in their area." Similar arguments about the link between military control and popular support have been employed in other works in the literature as well.[10]

Note that in all these works violence is narrowly defined as civilian victimization and popular support is conceptualized as either attitudinal, logistic, or informational support or as active recruitment into combatants. Moreover, even though most of them employ the argument about the existence of a deterministic association between military control and civilian support,[11] none of them actually empirically test it. Rather they stop at offering some anecdotal evidence.

In this study, we address this empirical gap by analyzing the long-running civil conflict in Turkey and its impact on state-society relations with a multi-method approach that combines micro-level statistical analyses with expert interviews.

In the quantitative part of our analyses, we conduct a set of micro-level statistical analyses with new panel data on the long-running civil conflict in Turkey and demonstrate that military control, which, following Kilcullen's arguments we measure with military presence, is indeed significantly associated with state-society relations. We adopt a conceptualization of popular support that goes beyond immediate attitudinal or behavioral

changes driven by survival and security concerns to capture the strength and well-being of the state-society bond. More specifically, we show that in the Turkish case the number of state security force casualties is associated with the number of different types of personal dispute cases filed by citizens at state courts across time and locations. We argue that the number of security force casualties constitutes a good measure of the level of rebel presence in the area. Similarly, for reasons we present in the next section, we argue that whether citizens bring their personal disputes to state courts or not is a good measure of the strength of the state-society bond and citizens' acknowledgement of the state as the sole authority to provide order and justice. The results of the statistical analyses reveal a significant negative association between our measures. To account for the possibility that state-society relations might in turn impact upon military control, in other words, to address the possibility of reverse causation which results from the likelihood that rebels might more easily establish control in areas where the state-society bond is weak, we redo our analyses employing an instrumental variable approach. Results remain consistent.

Finally, in the qualitative part of our analyses, we analyze the results of semi-structured interviews we conducted with a group of experienced lawyers from the conflict regions to see whether our quantitative results are supported by qualitative evidence and to decipher the possible mechanisms behind the association we observe in the data. The interviews also support our motivating theoretical argument and thus significantly increase our confidence in the robustness of our findings.

In the next section, we build our theoretical framework. Then in Section 3 we introduce the Turkish case. In Section 4, we construct our statistical model and present our data. Section 5 discusses the results of the first set of statistical analyses. Section 6 presents the results of the instrumental variable analyses. In Section 7, we present and discuss the results of the semi-structured interviews we conducted. Finally, Section 8 concludes.

## Popular support, legitimacy, and adjudication

Easton[12] refers to popular support as one of the major inputs which furnish a political system with the energy to keep it going. He argues that "no political system can continue to operate unless its members are willing to support the existence of a group that seeks to settle differences or promote decisions.... Supportive states of mind are vital inputs for the operation and maintenance of a political system." Note that his understanding of popular support is based on recognition of authority to make decisions and settle disputes. Forrest[13] echoes Easton's arguments and sees the loss of popular support for the state as a process of "state inversion" whereby "the state grows increasingly irrelevant for society … culminating at its most severe levels in the disintegration of the central government."

"State inversion" as defined by Forrest neatly summarizes the ultimate goal of insurgencies. Insurgents attack the legitimacy and control of the state while attempting to develop their own credibility and authority with the population. That the goal of an insurgency is to accomplish a transfer of legitimacy has been acknowledged and emphasized by practitioners as well. The U.S. Army and Marine Corps Field Manual on Insurgencies[14] starts with defining insurgencies as "organized, protracted politico-military struggle designed to weaken the control and legitimacy of an established government, occupying power, or other political authority while increasing insurgent control." Kilcullen[15] explains how this transfer of legitimacy takes place: "If an armed actor

establishes presence and establishes rules that are predictable and consistent, then the population will be reassured, and feel safe, and flock to them. So, the insurgents are basically trying to create a legal system … a rule of law is the same thing that the insurgents are trying to establish." Supporting Kilcullen's views, Mampilly[16] argues that establishment of a force to police the population followed by a broader judicial mechanism to regulate disputes are often the first steps taken by any rebel group because "a system of law provides a degree of stability to a rebel controlled territory allowing civilians to normalise their life under rebel rule." In other words, insurgents seek to erode state authority and eventually drive the state out by establishing military presence and providing civilians with security and order.

The thing to note in all this discussion is the importance assigned to the establishment of a legal order which should not come as a surprise considering that the triad—two contracting parties and a dispute resolver—constitutes a primal technique of organizing social authority and, therefore, of governing.[17] Weinstein[18] conceptualizes this as the establishment of a "rebel governance," which can be defined as the establishment of a series of rules and institutions by a rebel group to manage relations with civilians living in the territory under its control and to govern civilian life. Tull[19] sees it as the first stage in the process of state formation. Indeed, some scholars depict rebel administrations as "embryonic states."[20]

The first conjecture that follows from these arguments is that in civil conflict environments we should expect to see an erosion of popular support for the state, defined in line with the above discussion as popular recognition of state authority, in areas where insurgents manage to establish military presence. While this conjecture has been taken as a given in several recent studies,[21] to our knowledge, it is yet to be tested empirically. There are two main reasons behind this gap in the literature. The first one is the difficulty associated with coming up with appropriate measures for concepts like popular support and military control in civil conflict contexts. And the second difficulty is to find credible data for those measures.

Luckily the above discussion not only gives us a hypothesis about popular support in civil conflicts, it also offers a way to measure it. The emphasis on the establishment of a legal system implies that we should expect to see the clearest signs of the erosion in a state's authority in people's dealings with state judicial institutions. If, as Kalyvas[22] argues, popular support is endogenous to military control, and if, as Kilcullen[23] and Mampilly[24] argue, the establishment of a legal system is the first step taken by any rebel group, then as rebels establish their military presence we should expect people to deal less and less with the state judiciary. Admittedly, it is impossible to observe such a dynamic in countries with weak states that had failed to establish a legal system and accessible judicial institutions in the first place. In such cases, we can only observe the existing political vacuum being filled by the rebels. Afghanistan constitutes a striking example in that respect. Kilcullen[25] recounts how the Taliban instituted its village-level mobile sharia courts, established an order, and gained control of the population within months while the international community was busy trying to build a Supreme Court in Kabul, training judges, and rewriting the legal code to prop up the state legal system. Unfortunately, Afghanistan is the norm rather than the exception among states in civil conflict. Most of them have weak states, weak legal systems, and judicial institutions with very low penetration into the country. Consequently, examining people's dealings with the state

judiciary in such cases does not help our purposes. What we need is a case in which we have an insurgency fighting against a state with an established legal system and judiciary institutions with complete penetration. Turkey is one of the few cases that fit this description. As we discuss in Section 4, it has a well-established judicial system with full penetration into the country, and as such it offers a rare opportunity to study the association between military control and popular support in civil conflicts.

In this study, we devise a measure of popular support for the state based on whether citizens take their personal disputes to state courts to be resolved. We then present a rich panel data set from Turkey that allows us to track down the association our measure has with socioeconomic indicators of interest as well as the temporal and geographic distribution of military control throughout the long-running civil conflict in the country.

Kalyvas[26] depicts military control in civil conflicts by distinguishing between zones of incumbent control, zones of insurgent control, and zones of contested control. According to his definition, those zones in which state forces are able to move with safety are zones of incumbent control. Where insurgents are able to effectively prevent the operation of state forces we are in a zone of insurgent control. In between there are the zones of contested control. In other words, military control is a continuous scale that varies from no control to full control. And control hinges on military effectiveness, which requires "a credible armed presence."[27] In fact, the requirement of armed presence is so fundamental that Kilcullen[28] uses the terms *military presence* and *military control* interchangeably, and directly links popular support to military presence. Based on these conceptualizations, we measure state military control with the number of state security force casualties (SFCs) across localities and time. We argue that the number of SFCs provide a good indicator of insurgent presence.

Note that one important point we need to pay attention to in conducting our analyses is the possible endogeneity between popular support and military control as one can expect insurgents to be more likely to establish control in areas where state-society relations are weak. That weak states with limited governance capacity create fertile grounds for civil conflicts has already been firmly established by works on the correlates of civil conflict onset.[29] We also know from the recently emerging conflict diffusion literature that insurgencies tend to spread to areas where the rebels have pre-existing ties to the population.[30] Moreover, harsh counter-insurgency tactics employed by state forces can alienate civilians and lead them to grow sympathy for the rebels who may then take advantage of their newly found popular support to establish military presence.[31] In other words, we need to account for the possibility that the direction of causality in the association we observe in the data might not solely be from military control to popular support but might also be from popular support to military control. In order to make sure that our analyses and our conclusions do not suffer from such endogeneity, in Section 6 we redo our statistical analyses by employing an instrumental variable approach. The results reaffirm our theoretical conjecture that an erosion of state legitimacy and popular support takes place in areas where insurgents manage to establish military presence.

## The Turkish-Kurdish civil conflict

Since late 1984, Turkey has been suffering from an insurgency campaign led by the Kurdish separatist guerrilla organization Kurdistan Workers' Party (PKK). The organization was first founded with the goal of establishing an independent Kurdish state in

southeastern Turkey, though later on in the 1990s, it appeared to have rolled back on its goal to a federational structure that would grant more autonomy to the large Kurdish minority in Turkey. The armed conflict between the PKK and the Turkish security forces has been geographically concentrated in southeastern and eastern Turkey, which has traditionally been inhabited by ethnic Kurds. While both sides mainly targeted each other's forces and facilities, they have also employed repressive tactics against the civilian populations. Interrupted by short-lived ceasefires, the armed conflict between the Turkish security forces and the PKK has been going on for more than 30 years now. Financially, the conflict has cost the country billions of dollars. But more importantly, it has cost more than forty thousand lives.[32] Unfortunately, our knowledge about civilian casualties is limited to aggregate numbers sporadically released by contending sources as there is no credible and publicly available dataset on them. Luckily, recent studies improved data availability for combatant casualties. Kıbrıs[33] offers a unique and complete database on the 6,937 state security force (i.e., soldiers and police officers) casualties (SFCs) that the conflict has claimed between August 1984 and August 2015. And for PKK casualties we refer to the Kurdish Insurgent Militant (KIM) Database by Tezcür[34] which contains information on some 6,066 PKK casualties in the 1984–2012 period. Admittedly the KIM database is far from providing a complete account of PKK casualties.[35] Nevertheless, we believe it provides us with a good proxy for the spatial and temporal distribution of PKK casualties. The information is collected from PKK publications and propaganda material, Turkish daily newspapers, and military sources. We argue that unless both sides as well as the media have had a deliberate strategy of misrepresenting information on casualties of certain regions and/or time periods, the KIM database should be close to a random selection of casualties and thus should provide us with an adequate proxy measure of the variation in PKK casualties across provinces and years.[36]

As can be seen in Figure 1, which depicts the total number of security force and PKK casualties over the years, the 1990s has been the most bloody period of the conflict. The PKK received a major blow when its leader Abdullah Öcalan was captured in Africa in 1999, brought back to Turkey, and sentenced to life in prison. Headless and divided, the PKK ceased its attacks in the early 2000s. Unfortunately, peace in the area only lasted until 2004. Interrupted by short-lived ceasefires, the armed conflict between the Turkish security forces and the PKK has been going on for more than 30 years now. The latest
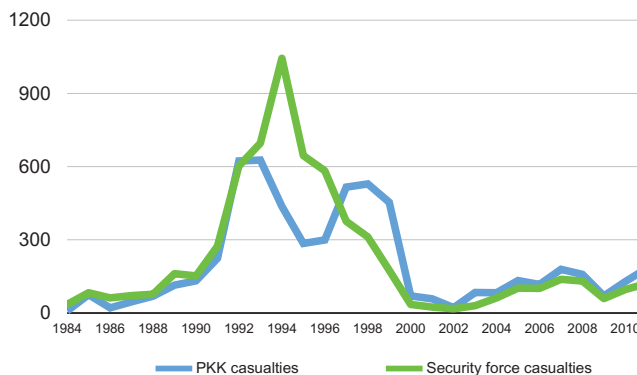


**Figure 1.** Combatant casualties over years.

ceasefire was announced in March 2013 as part of a peace process which unfortunately stalled after the very first step, and broke down in July 2015 only to bring more bloodshed.

The PKK insurgency is a very striking example of the asymmetry inherent in civil conflicts. Here we have an insurgency which had started out as a "handful of outlaws"[37] but managed to stand against the second largest army in NATO for more than 30 years to become the most important problem facing the Turkish state. How did this happen? We believe that the explanation lies in the impact the conflict had upon popular support for the state, and we provide empirical evidence of the damage state-society relations suffer in response to the military losses of the state.

## Empirical analyses

Our main argument is that whether citizens take their personal disputes to state courts or not is a good indicator of popular recognition of state authority. And we are interested in how this indicator responds to the military course of the conflict.

The Turkish judicial system is composed of two major types of courts, namely, judicial courts and administrative courts. Administrative courts handle those cases in which at least one of the sides is a state institution. All other cases are handled in judicial courts. There are two types of judicial courts: civil courts and criminal courts. Civil courts adjudicate disputes like action of debt, divorce, bankruptcy, abolishment of partnership, trespassing, eviction, compensation, etc., between private persons, as well as cases with no defendants such as permission for adoption, permission for marriage, will, and succession. There are two major types of civil courts: peace courts of civil jurisdiction; and civil courts of general jurisdiction. Whether a case goes to the former or latter depends on the simplicity of the dispute, which is usually measured with the monetary value involved in the dispute. Peace courts handle smaller cases in that respect. Cases with no defendant fall under the jurisdiction of peace courts as well. Turkey has a well-established legal system and state judicial institutions have full penetration across the country. There is at least one peace court of civil jurisdiction and one civil court of general jurisdiction in every county in Turkey.

The second type of judicial court is the criminal courts. These courts handle cases which involve the punishment of a crime rather than the resolution of a dispute.

Because we are interested in whether citizens adhere to the state judiciary the authority to resolve their personal disputes or not, we will be analyzing the cases filed at the civil courts of general jurisdiction and at the peace courts of civil jurisdiction. We will model the number of court cases filed at these two types of courts respectively, across the 81 provinces in Turkey[38] in the 1985–1999 period; in other words, we will model panel count data. Accordingly, we will be estimating the parameters of the following fixed effects negative binomial regression model:

$$Y_{i,t} = \exp\left(\alpha + \beta_1 SFC_{i,t} + \beta_2 PKK_{i,t} + \beta_3 N_{i,t} + \beta_4 H_{i,t} + \beta_5 G_{i,t} + \beta_6 D_{i,t} + \beta_7 R_{i,t} + \beta_8 P + \beta_9 T\right) + u_{i,t}$$

where $Y_{i,t}$ will be the number of cases filed at the peace courts of civil jurisdiction and general jurisdiction civil courts, respectively, in province i at year t. We obtained the data on court cases from the Turkish Ministry of Justice.

Our independent variable of interest is $SFC_{i,t}$, which is the number of security force (soldiers and police officers) casualties (hereafter referred to as SFC) of the PKK insurgency in province i at year t. We argue that this is a good indicator of the PKK presence in a province. Within the time period we are analyzing there were in total 5,040 SFCs. Based on our theoretical argument about the association between military control and popular support, we expect the SFCs to be negatively associated with the number of court cases.

Our second control variable is $PKK_{i,t}$, which is the number of PKK casualties in province i at year t. Combined with the number of security force casualties, this variable allows us to have a more complete understanding of the military course of the conflict across provinces. The data on PKK casualties is from the KIM database by Tezcür.[39]

$N_{i,t}$ is population size in ten thousands in province i at year t. Naturally, we expect population size to be one of the most important determinants of the number of court cases in a province.

$H_{i,t}$ is the number of doctors (specialist and practitioner) per hospital bed in province i at year t. Kıbrıs and Metternich[40] demonstrate the damaging impact of the civil conflict in Turkey on the availability of educated personnel in the public health sector. A similar dynamic might be present in the judiciary as well, and we need to account for it. We do not have data on the availability of judges, prosecutors, or lawyers, but we have data on availability of doctors and infrastructure in the public health sector, which we argue is a good indicator of the state's ability to provide public services across provinces and time. We obtained the data on doctors and hospital beds from the Turkish Ministry of Health.

$G_{i,t}$ is gross domestic product per capita in million liras at constant prices at province i in year t. Since most disputes are related to property or economic transactions, the level of economic activity in a province should be an important determinant of the number of civil court cases. We obtained the data on GDP per capita at the province level from the Turkish Institute of Statistics.

As a result of the heavy and incessant PKK activities and attacks, a number of provinces were put under a state of emergency in 1987, and most of them remained so all through the 90s. States of emergency brought many restrictions on the daily lives of the residents of these places, and the freedoms they should have normally enjoyed. Moreover, it meant transfer of additional military and security personnel to the area. Because being under the state of emergency indicates high PKK presence and activity in the first place, and because the disruption of normal daily life, the heightened security measures, the restrictions on social and economic activities, and the increased presence of security and military personnel are all expected to impact upon state-society relations, we introduced $D_{i,t}$ in our model, which is a dummy variable that takes on the value 1 if province i was under the state of emergency in year t, and 0 if not.

$R_{i,t}$ is the urbanization rate in province i, in year t. We account for urbanization to control for possible differences in social life in urban and rural settings that might impact upon the number of court cases. Urban life is more organized compared to rural life, and hence one can expect fewer personal disputes to arise in more urban settings. On the other hand, economic and social life is livelier in urban settings, creating more opportunities for disputes related to economic and social transactions. We also expect urban residents to be more informed about and have more access to the state judiciary. Finally, the inclusion of urbanization rate in the model allows us to account for the migratory flows that the conflict led to, especially in the 90s, from rural areas to city centers. A good portion of

these flows was the result of village evacuations by state forces as a counterinsurgency measure against the PKK. According to a parliamentary inquiry conducted in 1998, by the end of 1997 more than 378,000 villagers were forced to leave their homes in the 3,428 villages that had been evacuated.[41]

Finally, P is a set of province dummies that account for unobserved province-specific effects, and similarly T is a set of year dummies which we include to control for unobserved year-specific effects. $u_{i,t}$ is the province-year level error term.

We also estimated a random-effects version of our model in which province-level unobserved factors are thought of as realized values of random variables. We included in our random-effects model a control for the Kurdish population percentages across provinces as well. Both the ethnic nature of the civil conflict and the fact that Kurdish is not recognized as an official language, which creates a language barrier for ethnically Kurdish citizens in their dealings with state institutions, imply that the ethnic composition of the population might be an important factor in analyzing state-society relations in Turkey. Unfortunately, data on the ethnic composition of the population in Turkey is very limited. Mutlu[42] derives estimates for 1990 at the provincial level. These estimates are actually projections based on the results of the 1965 general census, which was the last census that included questions on mother tongue. Those who reported Kurdish as their mother tongue were taken as ethnically Kurdish and the percentages were then updated using fertility rates and migration flows. We use these estimates as our control for the ethnic composition of the population across provinces. Accordingly, $K_i$ is the percentage of ethnically Kurdish population in province i in year 1990. Note that because we only have one observation per province (for 1990) over the years, we are not able to include this variable in the fixed-effects model as it becomes perfectly collinear with province-fixed effects. In our fixed-effects model the ethnic distribution of the population is expected to be captured by province dummies.

Our data spans a 15-year period between 1985 and 1999, enabling us to analyze the period from the very start of the conflict up until the capture of the PKK leader Öcalan, the ceasefire, and the cessation of violence that followed. The time span of our analyses is dictated by data availability on socioeconomic indicators. Table 1 below presents the descriptive statistics.

## The first set of results

In this section, we will present the first set of results we get from our negative binomial regression analyses on the number of court cases filed. Table 2 presents the results we obtain with our fixed-effects model, and Figures 2 and 3 visualize them. We do not report the estimated parameters for year and province dummies as they take up too much space. Complete results are available upon request.

For ease of reading we report the natural log of estimated parameters, which correspond to the *incidence rate ratio*. Correspondingly, the estimated coefficient for the number of SFCs tells us that an additional SFC in the year leads the number of cases filed at the civil courts of general jurisdiction to drop by about 0.3 percent.

As can be seen, the number of court cases is negatively and significantly associated with the number of security force casualties as expected. These results are supportive of our argument that the military course of a civil conflict is associated with popular support, and

**Table 1.** Descriptive statistics.

| | | | Number of Observations: 1096 | |
|---|---|---|---|---|
| Variable | Mean | Standard Deviation | Min | Max |
| Peace court cases | 5592 | 8619 | 204 | 70006 |
| General jurisdiction cases | 5575 | 7990 | 129 | 71035 |
| Security force casualties | 4.6 | 17.14 | 0 | 236 |
| PKK casualties | 3.9 | 13.39 | 0 | 146 |
| GDP per capita (in million TL) | 1.22 | 0.68 | 0.07 | 4.49 |
| Population (in 10000s) | 81.14 | 107.16 | 7.59 | 1013.3 |
| Doctor per hospital bed | 0.47 | 0.21 | 0.093 | 2.25 |
| Emergency state status | 0.13 | 0.34 | 0 | 1 |
| Urbanization rate | 47.33 | 14.3 | 19.18 | 95.3 |
| Percentage of Kurdish population | 16.75 | 25.83 | 0.02 | 89.47 |

**Table 2.** Results of the fixed-effects negative binomial regressions on the number of civil court cases.

| | Number of observations = 1096 Number of groups = 80 Group variable: Province Time period: 1985–1999 | |
|---|---|---|
| Dependent variable: | Number of cases filed at peace courts of civil jurisdiction | Number of cases filed at civil courts of general jurisdiction |
| Independent variables | Incidence rate ratio (z-scores in parentheses) | |
| Number of SFCs | 0.998 (−3.27) | 0.997 (−4.40) |
| Number of PKK casualties | 1.000 (0.55) | 1.002 (2.00) |
| GDP per capita | 1.145 (4.32) | 1.231 (4.55) |
| Population in ten thousands | 1.001 (5.46) | 1.001 (5.29) |
| Number of medical doctors per hospital bed | 1.048 (1.09) | 0.948 (−0.87) |
| Emergency state dummy | 0.905 (−3.40) | 0.971 (−0.70) |
| Urbanization rate | 1.0006 (0.45) | 0.993 (−2.89) |

A z-score of 1.96 (2.58) or greater indicates statistical significance at 5% (1%) level.

that state-society relations take a serious hit in places where the PKK establishes military presence.

Note that the estimated coefficients are quite substantial as well. In 1994, there were 30 provinces (out of 76) with security force casualties. The mean number of SFCs was 35 and there were 9 provinces with higher numbers. Based on the estimated coefficients, a province with 35 SFCs is expected to have about 10% fewer cases filed at civil courts in 1994 compared to similar size provinces away from the conflict zone. This decline corresponds to a 39% drop in Hakkari, a province in southeastern Turkey with 160 SFCs in 1994.

As expected, population size is positively associated with the number of court cases filed. Similarly, the level of economic activity, which we measure by GDP per capita, boosts up the workload of courts.

Interestingly, the estimated parameter for urbanization rate turns out to be negative for cases filed at civil courts of general jurisdiction. At first look this is a surprising result since
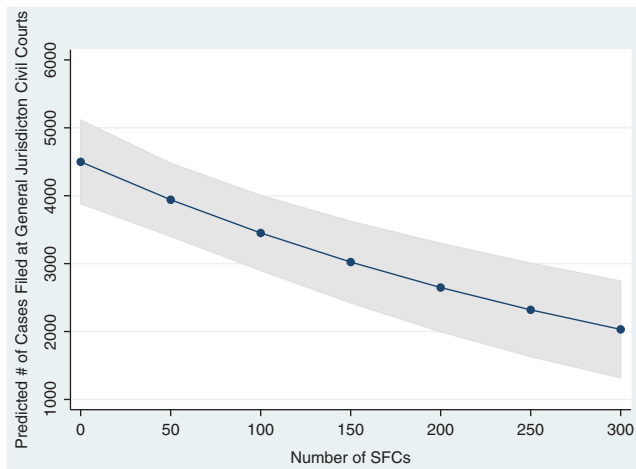
**Figure 2.** Predicted association between # of court cases filed at general jurisdiction civil courts and SFCs.
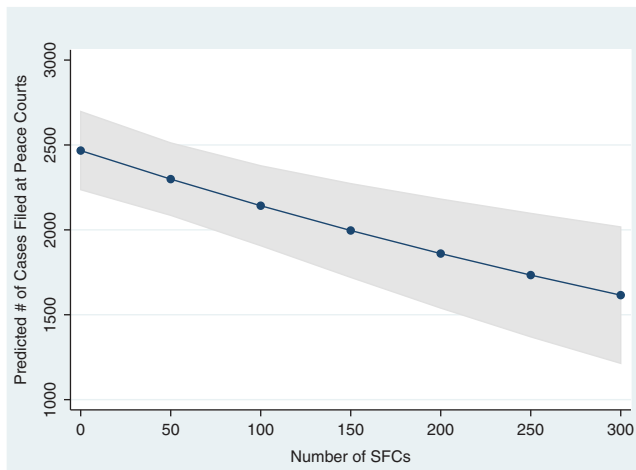


**Figure 3.** Predicted association between # of court cases filed at peace courts and SFCs.

urban areas with their higher population density and higher volume of economic and social transactions are expected to harbor more personal disputes. Nevertheless, it must be noted that this expectation is conditional upon the ability of the newly urbanized masses to become integrated into the social and economic life of the cities. And as we argued in the previous section, this has not been the case in Turkey. The rapid urbanization of the 90s in Turkey was mostly caused by the civil conflict itself rather than economic development, and those masses who migrated to urban centers were mostly poor, uneducated villagers who were first and foremost concerned about their security and lacked the means to be integrated into the social and economic life of their new surroundings. This, we argue, lies at the heart of the negative association we observe between the rate of urbanization and the number of court cases.

We have examined the predictive performance of our model by conducting two-fold cross-validation tests. We have randomly set aside 20 percent of our observations, and fit the model on the remaining 80 percent. Then we used the observations we had excluded as a test bed to see how accurately our model can predict them. Figures 4 and 5 depict the results. As can be seen, we have an exceptionally good fit between the predicted values and the actual observations.

We also present in Table 3 the results we obtain when we resort to a random-effects specification. As can be seen, the main results remain consistent, and additionally, we
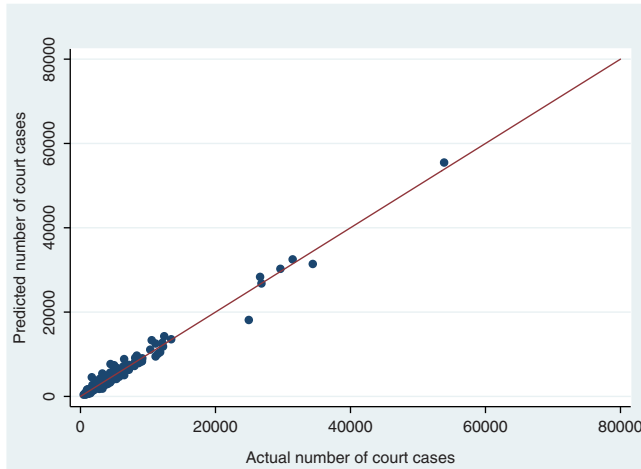


**Figure 4.** Two-fold cross-validation: Predicted versus actual counts of cases filed at general jurisdiction civil courts.
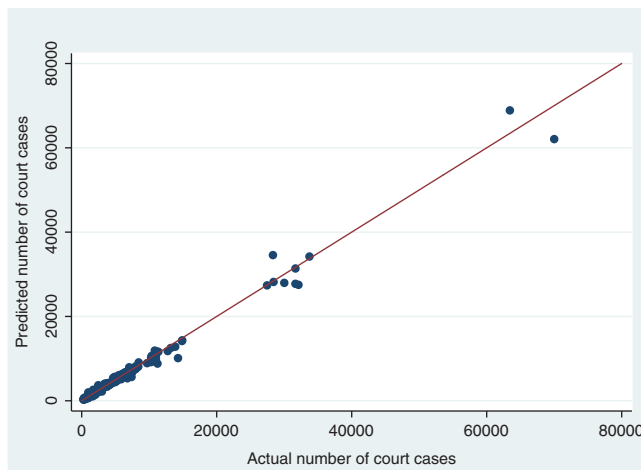Note: 45 degree line is presented in red.



**Figure 5.** Two-fold cross-validation: Predicted versus actual counts of cases filed at peace courts of civil jurisdiction.
Note: 45 degree line is presented in red.

**Table 3.** Results of the random-effects negative binomial regressions on the number of civil court cases.

| Dependent variable: | Number of cases filed at peace courts of civil jurisdiction | Number of observations = 1096<br>Number of groups = 80<br>Group variable: Province<br>Time period: 1985–1999<br><br>Number of cases filed at civil courts of general jurisdiction |
|---|---|---|
| Independent variables | Incidence rate ratio (z-scores in parentheses) | |
| Number of SFCs | 0.997 | 0.997 |
| | (−2.63) | (−3.14) |
| Number of PKK casualties | 1.0002 | 1.001 |
| | (0.24) | (1.01) |
| GDP per capita | 1.163 | 1.209 |
| | (6.17) | (5.57) |
| Population in ten thousands | 1.0006 | 1.001 |
| | (6.36) | (9.15) |
| Number of medical doctors per hospital bed | 1.058 | 1.007 |
| | (1.36) | (0.12) |
| Emergency state dummy | 0.925 | 0.973 |
| | (−1.93) | (0.51) |
| Urbanization rate | 0.998 | 0.998 |
| | (−0.99) | (−1.00) |
| Kurdish population per centage in 1990 | 0.986 | 0.991 |
| | (−7.41) | (−4.73) |

A z-score of 1.96 (2.58) or greater indicates statistical significance at 5% (1%) level.

observe a substantial and significant negative association between the ethnic Kurdish population percentages across provinces and the number of civil court cases. Because we do not have data on the ethnic identity of those filing the cases, we cannot argue that ethnically Kurdish people are more reluctant to deal with the state judiciary. Nonetheless, the ethnic nature of the conflict makes it likely that it is the relations between the ethnically Kurdish populations and the Turkish state that takes the biggest hit in the process. We should also note that this result might also be related to the ban on the usage of Kurdish in official transactions, which creates a significant barrier for Kurdish people in their dealings with the state.

Note that we are analyzing the cases filed at the civil courts, which means these are cases about personal disputes rather than criminal acts. Consequently, we do not expect them to be related to the crime rate in the society which itself might be associated with the civil conflict environment. Nevertheless, to provide further evidence that crime rate is not an intervening variable, we also collected data on cases filed about specific types of disputes that we can argue for certain are not related to the crime rate in the first place. Specifically, we collected data on the number of trespassing cases filed at civil courts of general jurisdiction across provinces for the 1988–1999 period. Trespassing cases are about property disputes that usually come out of failures to respect land borders and unauthorized use of someone else's real estate property. They are among the most common type of civil court cases especially in rural areas.

In Table 4 we present the results we get when our dependent variable is the number of trespassing cases filed at general jurisdiction civil courts. As can be seen, the results do not

**Table 4.** Results of the fixed-effects negative binomial regression on the number of trespassing cases.

| | Number of observations = 885<br>Number of groups = 80<br>Group variable: Province<br>Time period: 1988–1999 |
|---|---|
| Dependent variable: | Number of trespassing cases filed at civil courts of general jurisdiction |
| Independent variables | Incidence rate ratio<br>(z-scores in parentheses) |
| Number of SFCs | 0.992<br>(−6.83) |
| Number of PKK casualties | 1.001<br>(1.01) |
| GDP per capita | 1.307<br>(3.34) |
| Population in ten thousands | 1.001<br>(3.25) |
| Number of medical doctors per hospital bed | 0.974<br>(−0.26) |
| Emergency state dummy | 0.972<br>(0.23) |
| Urbanization rate | 0.991<br>(−2.58) |

A z-score of 1.96 (2.58) or greater indicates statistical significance at 5% (1%) level.

change much. We still observe the negative association between the number of cases filed and the number of SFCs across provinces and years.

Note that our main set of analyses covers the 1985–1999 period and as such does not include pre-conflict observations. To make sure that the associations we observe are attributable to the conflict rather than some other omitted variable which had been there all along before and throughout the conflict (such as cultural differences among regions or discriminatory state practices, etc.), we extend our main regressions on general jurisdiction and peace court cases to the 1975–1999 period. Unfortunately, due to lack of data we lose the urbanization and doctors per hospital bed variables within this extended time period. To partially make up for this reduction of explanatory power in our model we control for the number of doctors across provinces and the urbanization rate for the year 1990. The results we obtain from the random-effects negative binomial regressions are reported in Table A1 in the Appendix. As can be seen, the negative association between the number of court cases and SFCs is still significant and substantial, which constitutes proof against omitted variable claims.

For further robustness checks we have also run all these regressions after excluding Şırnak and Hakkari, the two provinces with the highest casualties. The results do not change in any significant manner indicating that they are not driven by outliers. Given the substantial and significant association we observe between Kurdish population percentages and the number of civil court cases filed across provinces, we also reran our analyses after excluding those provinces where ethnic Kurds constitute the majority to make sure that what we are observing is not specific to "Kurdish towns." The results remain consistent. Finally, we redid our analyses after excluding the provinces outside the conflict zone with no casualties over the entire period we are analyzing. We obtained similar results.[43]

## The problem of endogeneity and an IV approach

So far our analyses support the theoretical conjecture that in civil conflict environments an erosion of state legitimacy and popular support takes place in areas where insurgents manage to establish military presence. We now need to explore the other side of the coin and acknowledge that the state's loss of military control not only drives the citizens to withdraw their support from the state but also to shift it towards the insurgent organization. As Kalyvas[44] argues, "The obverse of every gain in collaboration that one side experiences with gain in control is the loss of collaboration experienced by the other side along with its loss of control." And popular support means more information, logistic support, manpower, and consequently more military control for the rebel organization. Note that if popular support impacts upon military control, then the security force casualties variable will be correlated with the error term in our original model, leading to a serious violation of regression assumptions.

In order to account for this problem we employ an instrumental variable approach. Instrumental variable (IV) methods form a common body of approaches to handling such endogeneity problems. Specifically, we will use the two-stage residual inclusion (2SRI) method. A detailed explanation of the 2SRI method is included in the Appendix.

We will first run the following random-effects Poisson regressions to estimate the number of SFCs and PKK casualties across provinces and years:[45]

$$SFC_{i;t} = \exp(\Omega + \omega_1 IV_{i,t} + \omega_2 PKK_{i,t} + \omega_3 N_{i,t} + \omega_4 H_{i,t} + \omega_5 G_{i,t} + \omega_6 D_{i,t} + \omega_7 R_{i,t}$$
$$+ \omega_8 K_i + \omega_9 T) + v_i + res_{i,t}$$

$$PKK_{i,t} = \exp(\Omega + \omega_1 IV_{i,t} + \omega_2 SFC_{i;t} + \omega_3 N_{i,t} + \omega_4 H_{i,t} + \omega_5 G_{i,t} + \omega_6 D_{i,t} + \omega_7 R_{i,t}$$
$$+ \omega_8 K_i + \omega_9 T) + v_i + res_{i,t}$$

Note that we include the same set of regressors as in our original model plus a vector of instrumental variables. Of course, the critical point here is to find "good" IVs. We use the number of snowy days, altitude, and the length of paved roads across provinces and years as our instrumental variables for the number of SFCs and PKK casualties. We argue that snowfall is negatively correlated with combatant casualties as PKK is not as well equipped to maneuver in harsh weather conditions as the Turkish military forces. This is why, as Figure 6 demonstrates, PKK attacks usually cease during winter months and restart as the weather gets better. Consequently, we expect fewer casualties in a province experiencing a long and harsh winter.

On the other hand, we expect the Turkish army to be at a relative disadvantage and the PKK to be at a relative advantage at mountainous, high altitude regions due to limited infrastructure and reconnaissance. Thus, altitude is expected to have a positive association with SFCs and a negative association with PKK casualties. Finally, we expect the length of paved roads to be positively associated with the mobility and maneuverability of the Turkish army and its capability to engage with the PKK. Thus, we expect this measure to be positively associated with casualties. While it can be argued that snowfall, altitude, and lack of paved roads can make transportation harder for civilians as well, and thus, independent of the conflict, can affect the workload of courts, we do not expect to see such
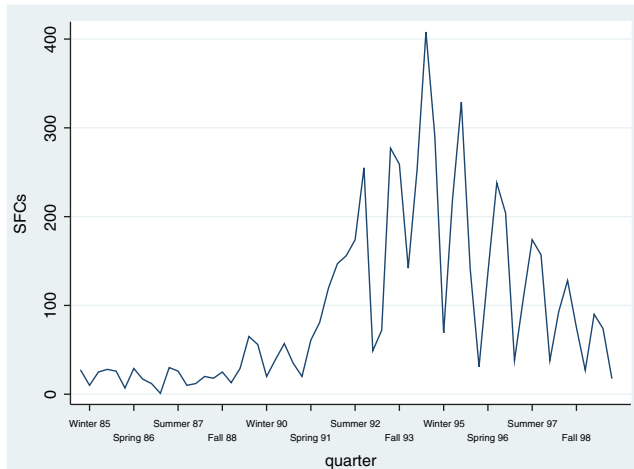
**Figure 6.** Seasonal distribution of SFCs.

associations in the Turkish case first because, as we mentioned above, there are civil courts in every county in Turkey, and second because we are analyzing yearly number of court cases filed across provinces rather than seasonal numbers. Nevertheless, to verify the validity of our instrumental variables, we also conducted a placebo test by including them in our original model and tested their association with the number of civil court cases filed in provinces away from the conflict zone. If weather conditions, altitude, and elevation impact on the work load of courts only through their impact on the civil conflict then we should see that impact vanishing in provinces away from the conflict zone. Table A.2 in the Appendix reports the results. As can be seen, the results are supportive of the validity of our IVs. The estimated coefficients for snowy days and altitude lack statistical significance. The estimated coefficient for the length of paved roads is one indicating the lack of any substantial association with the number of court cases.

Having verified the validity of our IVs, we then proceed with our two-stage residual inclusion method. Table 5 reports the results we get from estimating the number of security force and PKK casualties via the random-effects Poisson regression models above.

Then in the second stage we include the residuals ($res_{i,t}$) from these regressions as additional controls in our original model and estimate the following fixed-effects negative binomial regression:

$$Y_{i,t} = \exp\big(\alpha + \beta_1 SFC_{i,t} + \beta_2 PKK_{i,t} + \beta_3 N_{i,t} + \beta_4 H_{i,t} + \beta_5 G_{i,t} + \beta_6 D_{i,t} + \beta_7 R_i + \beta_8 P + \beta_9 T + \beta_{10} res_{i,t}\big) + u_{i,t}$$

where $res_{i,t}$ is the vector of first stage residuals. We run this regression for the number of cases filed at the peace courts, the number of cases filed at civil courts of general jurisdiction, and the number of trespassing cases respectively. The results are reported in Table 6. As can be seen, the number of cases filed at civil courts remains substantially and significantly associated with the number of security force casualties. The random-effects specification which is presented in Table 7 yields very similar results.

**Table 5.** Results of random-effects Poisson regressions on combatant casualties.

| | Number of SFCs | Number of observations = 1176<br>Number of groups = 80<br>Group variable: Province<br>Observation per group: min = 2,<br>max = 16, average = 14.7 |
|---|---|---|
| Dependent variable: | Number of SFCs | Number of PKK casualties |
| Independent variables | Incidence rate ratio<br>(z-score in parentheses) | Incidence rate ratio<br>(z-score in parentheses) |
| PKK casualties | 1.005<br>(6.94) | |
| Security force casualties | | 1.001<br>(2.12) |
| Number of snowy days | 0.994<br>(−2.28) | 0.967<br>(−12.17) |
| Length of paved roads | 1.001<br>(2.76) | 1.002<br>(6.36) |
| Altitude | 1.001<br>(2.65) | 1.001<br>(1.24) |
| GDP per capita | 1.390<br>(1.43) | 0.353<br>(−4.94) |
| Population in ten thousands | 0.996<br>(−0.85) | 1.003<br>(3.29) |
| Number of medical doctors per hospital bed | 1.140<br>(1.89) | 0.662<br>(−5.02) |
| Emergency state dummy | 0.764<br>(−1.54) | 2.024<br>(4.38) |
| Urbanization rate | 1.033<br>(5.33) | 0.992<br>(−1.37) |
| Kurdish population percentage in 1990 | 1.071<br>(6.13) | 1.060<br>(5.98) |

A z-score of 1.96 (2.58) or greater indicates statistical significance at 5% (1%) level.

## What is going on? Interviews

Our results so far indicate a strong association between the military course of the conflict and the number of court cases filed at civil courts across provinces. Our interpretation of these results is that state-society relations take a serious hit in places where the state experiences military losses against the PKK.

While this is a plausible interpretation, we nevertheless have to acknowledge that it is not the only possible one, and that there may be observationally equivalent mechanisms behind the association we see in the data. And if so, in order to ensure the validity of our argument, we need to make sure that our model accounts for those alternative mechanisms as well.

To chart out what those alternative, observationally equivalent mechanisms are we conducted semi-structured phone interviews with 16 experienced lawyers from eastern and southeastern provinces that were under the state of emergency in the 90s. We first interviewed the current and/or former presidents of the bar associations of these provinces, then asked our interviewees to direct us towards other experienced lawyers that we could talk to. The interviews were semi-structured in the sense that we posed the same open-ended question to each of our interviewees at the very beginning and allowed them to express their views on their own terms. Below is the narrative that we used in each of the interviews:

**Table 6.** Results of fixed-effects negative binomial regressions on civil court cases (Bootstrapped errors).

| Dependent variable: | Number of observations = 1096 Number of groups = 80 Group variable: Province Observation per group: min = 1, max = 15 | | Number of observations = 885 Number of groups = 80 Group variable: Province Observation per group: min = 1, max = 12 |
|---|---|---|---|
| | Number of cases filed at peace courts of civil jurisdiction | Number of cases filed at civil courts of general jurisdiction | Number of trespassing cases filed at civil courts of general jurisdiction |
| Independent variables | Incidence rate ratio (z-scores) | Incidence rate ratio (z-scores) | Incidence rate ratio (z-scores) |
| Number of SFCs | 0.998 | 0.996 | 0.992 |
| | (−2.95) | (−3.28) | (−2.37) |
| Number of PKK casualties | 1.0004 | 1.002 | 0.998 |
| | (0.32) | (1.13) | (−0.68) |
| GDP per capita | 1.189 | 1.239 | 1.192 |
| | (2.95) | (2.69) | (1.19) |
| Population in ten thousands | 1.001 | 1.001 | 1.001 |
| | (1.01) | (0.99) | (1.43) |
| Number of medical doctors per hospital bed | 1.034 | 1.005 | 0.838 |
| | (0.41) | (0.04) | (−1.70) |
| Emergency state dummy | 0.869 | 0.912 | 0.693 |
| | (−2.15) | (−0.82) | (−1.15) |
| Urbanization rate | 0.998 | 0.996 | 0.985 |
| | (−0.39) | (−0.65) | (−3.85) |
| SFC residuals from the first stage | 0.999 | 1.001 | 1.001 |
| | (−1.20) | (0.51) | (0.20) |
| PKK residuals from the first stage | 0.999 | 0.998 | 1.002 |
| | (−0.31) | (−1.03) | (0.80) |

A z-score of 1.96 (2.58) or greater indicates statistical significance at 5% (1%) level.

"We are working on a research project that analyzes the impact of the armed conflict in Eastern and Southeastern Turkey on state-society relations, and specifically on citizens' approach to state justice. To understand the impact we are looking at whether people have been bringing their personal disputes to state courts or not. So far, we have statistically analyzed the number of personal dispute cases filed at the peace courts of civil jurisdiction and the general courts of civil jurisdiction across provinces and years in the 80s and 90s, and we have observed that the number of these cases are negatively associated with the losses of the state security forces in a significant and substantial manner. In other words, the number of cases filed at civil courts decline significantly in districts where and at times when state security forces experience high losses against the PKK. We would like to ask you whether you have actually observed such an association and if so why you think this is happening. Finally, we are wondering whether there are any alternative dispute resolution methods or justice authorities that people resort to instead of taking their disputes to state courts."

The transcripts of the interviews are presented in the Appendix. Interestingly, we heard almost the same things from all the lawyers we interviewed. They all declared that their personal experience confirmed our statistical findings. Five major mechanisms through which the conflict impacts upon the number of court cases emerged from their answers. The numbers in parentheses are the frequency of mention of these mechanisms across the 16 interviews.

**Table 7.** Results of random-effects negative binomial regressions on civil court cases (Bootstrapped errors).

| Dependent variable: | Number of observations = 1096 Number of groups = 80 Group variable: Province Observation per group: min = 1, max = 15 | | Number of observations = 885 Number of groups = 80 Group variable: Province Observation per group: min = 1, max = 12 |
|---|---|---|---|
| | Number of cases filed at peace courts of civil jurisdiction | Number of cases filed at civil courts of general jurisdiction | Number of trespassing cases filed at civil courts of general jurisdiction |
| Independent variables | Incidence rate ratio (z-scores) | Incidence rate ratio (z-scores) | Incidence rate ratio (z-scores) |
| Number of SFCs | 0.997 (−2.82) | 0.996 (−2.72) | 0.992 (−2.27) |
| Number of PKK casualties | 1.000 (0.32) | 1.002 (1.11) | 0.999 (−0.31) |
| GDP per capita | 1.164 (3.04) | 1.213 (2.53) | 1.127 (0.84) |
| Population in ten thou sands | 1.001 (1.90) | 1.001 (1.02) | 1.001 (0.97) |
| Number of medical doctors per hospital bed | 1.064 (0.84) | 1.016 (0.17) | 0.829 (−1.69) |
| Emergency state dummy | 0.913 (−1.26) | 0.956 (−0.45) | 1.021 (0.12) |
| Urbanization rate | 0.998 (−0.25) | 0.997 (−0.61) | 0.988 (−2.95) |
| Kurdish population percentage in 1990 | 0.987 (−3.10) | 0.991 (−2.14) | 0.986 (−3.35) |
| SFC residuals from the first stage | 0.999 (−1.23) | 1.001 (0.37) | 1.000 (0.01) |
| PKK residuals from the first stage | 1.000 (−0.32) | 0.998 (−1.18) | 1.001 (0.58) |

A z-score of 1.96 (2.58) or greater indicates statistical significance at 5% (1%) level.

(1) (14) When the state loses control of the area, people take their cases to those who have it.
(2) (13) People lose trust in state justice due to ethnic and regional discrimination and counterinsurgency tactics. The state labels the locals, and especially ethnic Kurds, as potential terrorists and rebels, and treats them accordingly. Especially in cases of criminal offense against the state, the administrative and criminal courts have been issuing severe and unjustified punishments which created a very negative public perception against state justice. This reflects upon civil courts as well. People do not trust the state judiciary, they do not expect justice from the state. Moreover, counterinsurgency tactics employed by the state really have killed the trust people had for state institutions and officials. People are so distrustful that they try to disappear from the state's radar altogether.
(3) (5) Especially for land disputes in rural areas, the armed conflict makes it impossible for court officers to conduct exploratory work without which they cannot decide upon the case. Judges and prosecutors do not stay in their posts for long either. Due to security concerns they move to other posts at the first opportunity they have. For these reasons cases take too long to finalize which discourages people from seeking redress in state courts.

(4) (5) Conflict dampens economic and social activity and thus people do not have too many disputes to be resolved when the conflict gets intense. It is also costly to seek justice in the state judicial system. There are taxes and fines to be paid. These costs become all the more debilitating when the conflict gets intense and creates economic problems.

(5) (5) When the conflict gets intense, people focus on security and survival. Personal disputes and concerns about property become secondary issues. People postpone their resolution.

Note that the first two mechanisms, loss of authority and loss of trust, confirm our hypothesis about the association between military control and state-society relations. Both the results of our statistical analyses and the interviews tell us that as the state's ability to provide security is challenged, so is its bond with the society.

The third and the fourth mechanisms are about the indirect impacts of the conflict on the number of court cases through its damaging impacts on economics and infrastructure. Note that our model controls for these indirect effects. While our GDP per capita variable accounts for the indirect impacts of the conflict via its dampening effect on the economy, our control for the number of medical doctors per hospital bed accounts for the indirect impacts via infrastructure.

The fifth mechanism, that is, postponement of the resolution of disputes in times of high conflict intensity, is a bit more tricky because it is about the impact of the conflict on the priorities of people, which we are not able to observe. Nonetheless, we are able to control for an observable implication of the change in priorities. As we discussed in previous sections, one implication of the rising importance of security concerns has been the migratory flows from rural areas to city centers, which are reflected in our control for the urbanization rate across time and provinces. If anyone, it must be those who left or were forced to leave their villages as a result of security concerns that are most likely to postpone the resolution of any kind of personal disputes they might have had back home. In other words, we expect urbanization rate to act as a proxy for the prioritization of security concerns and to capture the postponement of the resolution of personal disputes. The estimated negative association this variable has with the number of trespassing cases (which are the most common type of cases in rural areas) supports our argument. Moreover, the lack of a significant association between the number of court cases filed and PKK casualties confirms our argument that the main mechanism is the loss of popular support for and trust in the state due to the state's loss of military control rather than postponement due to conflict intensity. For if it had been the latter then we would have expected the number of PKK casualties to be negatively associated with the number of court cases as well since casualty numbers are indicators of conflict intensity regardless of which side they come from.

As mentioned above, we also asked the interviewees about the existence of alternative authorities. Interestingly, the answers clustered around two alternatives, societal leaders who act as mediators based on customary law, and the PKK. The referral to customary law and the mediation of personal disputes by societal leaders were emphasized by all our interviewees as the main alternative to state justice. It turns out these leaders do actually have a name as well. They are called the *rûspî*, which means the white-bearded/white-faced in Kurdish in referral to old age and wisdom. We were told that the resolution of

disputes by the rûspî is an age-old practice in southeastern and eastern Turkey and that the conflict and the resulting distrust in the state justice really helped revive this institution. Interestingly, Kilcullen[46] emphasizes the importance of empowering community-based dispute resolution and mediation systems in societies in civil conflict and argues that, because they peacefully resolve disputes and minimize the violence, their empowerment should be a key issue in counterinsurgency efforts.

What is even more interesting and relevant for our study is that 6 of the lawyers we interviewed mentioned the PKK as an alternative authority that people resort to in order to resolve their disputes. This finding is consistent with the claims that appear in Turkish newspapers every once in a while about the "PKK courts,"[47] and it strongly supports the theoretical claim that popular support is endogenous to control.[48] It seems in places where the PKK establishes military presence local people not only turn away from state judicial institutions but they also start recognizing the PKK's authority as the legitimate adjudicator in their disputes. It is also in line with Kilcullen's[49] and Mampilly's[50] observations that the establishment of a legal system is the first step taken by any rebel group.

## Conclusion

It is widely accepted that popular support is the *sine qua non* of victory in civil conflicts. Given that success depends on the ability to raise popular support, it becomes extremely important to understand its determinants. In this study we provide strong statistical and qualitative evidence for the argument that popular support is endogenous to military control. We define popular support as popular acknowledgement of the state as the sole authority to provide order and justice. We first analyze a new panel data set that we constructed on the long-running civil conflict in Turkey and provide empirical evidence that whether citizens recognize the authority of and deal with state judiciary institutions or not is significantly associated with the extent of rebel presence in their locality. To our knowledge, we are the first to present statistical evidence that there exists an association between the military course of a civil conflict and state-society relations. Then we present qualitative evidence we gathered from a set of expert interviews we conducted in the conflict zone. This multi-method approach is an important strength of our study and enables us to credibly demonstrate the robustness of our results.

Our study is innovative in terms of the measure of popular support it employs, which we base on the yearly number of different types of personal dispute cases filed by civilians at state courts across provinces. Our measure is motivated by the common observation among practitioners and scholars that establishment of a legal system is often among the first steps taken by rebel groups. Note that protection against transgressions on life and property and the authoritative adjudication of disputes that arise from such transgressions constitute the raison d'être for a state. Consequently, citizens' reluctance to employ the state judicial mechanisms to resolve their personal disputes signals an important erosion of state authority and legitimacy.

We base our measure of military control on rebel presence, which we measure by state security force casualties. Kalyvas[51] strongly criticizes the usage of fatality counts as a proxy for conflict intensity in civil conflicts. We very much agree with his criticism that measuring conflict intensity by fatality counts risks incorrect identifications since different levels of conflict intensity can be compatible with a given fatality count. Note that our goal

is not to measure conflict intensity but rather rebel presence across localities and time. And we use security force casualty counts as our measure rather than civilian fatalities.

Finally, we would like to touch upon another important discussion in the literature to which we think our study contributes. The power asymmetry between the incumbent state and the insurgents is a descriptive feature of civil conflicts. However, descriptive though it may be, the asymmetric nature of these conflicts has a puzzling side to it as well, since from a rationalist point of view, such an asymmetry in power should discourage the rebels and prevent civil conflicts from happening in the first place. While the commonly raised and widely studied explanations like informational asymmetries, commitment problems, and issue indivisibilities provide important insights,[52] our results point to an important shortcoming of these explanations, namely the dynamic nature of civil conflicts and the change that the course of the conflict brings about in actors' perceptions of each other and their cost-benefit calculations.[53] We empirically demonstrate in this study that popular support, which is itself a major source of power and as such heavily shapes cost-benefit calculations, responds to the military course of the conflict. Our results indicate that conceptualizing civil conflicts as dynamic bargaining problems rather than static ones is a much better way to understand them.

On a closing note, we must also acknowledge the limitations of our study. Our results are derived from a single case, which requires us to be cautious in making generalizations.[54] While focusing on a single case helps us untangle causal dynamics, it also raises concerns about the generalizability of our findings. In our case, one important limitation is the fact that the conflict in Turkey has two well-defined sides whereas many other conflicts have multiple actors. In particular, one may expect those cases with multiple fighting groups to have a more acute process of "state inversion" reaching complete collapse. Moreover, such more complex, multifaceted conflicts might develop additional dynamics that we are not accounting for.

## Notes

1. Matthew Adam Kocher, Thomas B. Pepinsky, and Stathis Kalyvas, "Aerial Bombing and Counterinsurgency in the Vietnam War," *American Journal of Political Science* 55, no. 2 (2011): 201–18.
2. Stathis Kalyvas, *The Logic of Violence in Civil War* (Cambridge, UK: Cambridge University Press, 2006).
3. Kalev Sepp, "Best Practices in Counterinsurgency," *Military Review* 85 (May–June, 2005): 8–12; David H. Petraeus, "Learning Counterinsurgency: Observations from Soldiering in Iraq," *Military Review* 86 (January–February, 2006): 45–55; Robert Cassidy, *Counterinsurgency and the Global War on Terror* (Westport, CT: Praeger, 2008); Herbert R. McMaster, "On War: Lessons to Be Learned," *Survival* 50 (February–March, 2008): 19–30; David Kilcullen, *Counterinsurgency* (Oxford, UK: Oxford University Press, 2010); David Kilcullen, "Interview with David Kilcullen," *International Review of the Red Cross* 93 (2011): 883.
4. Sebastian Schutte, "Violence and Civilian Loyalties: Evidence from Afghanistan," *Journal of Conflict Resolution* 61, no. 8 (2017): 1595–625.
5. Kalyvas (see note 2).
6. Benjamin A. Valentino, *Final Solutions: Mass Killing and Genocide in the Twentieth Century* (Ithaca, NY: Cornell University Press, 2004); Jason Lyall, Graeme Blair, and Kosuke Imai, "Explaining Support for Combatants during Wartime: A Survey Experiment in Afghanistan," *American Political Science Review* 107, no. 4 (2013): 679–705; Jessica Stanton, "Strategies of Violence and Restraint in Civil War" (PhD dissertation, Columbia University, 2009); Graeme

Blair, Kosuke Imai, and Jason Lyall, "Comparing and Combining List and Endorsement Experiments: Evidence from Afghanistan," *American Journal of Political Science* 58 (2014): 1043–63; Luke N. Condra and Jacob N. Shapiro, "Who Takes the Blame? The Strategic Effects of Collateral Damage," *American Journal of Political Science* 56, no. 1 (2012): 167–87; Jason Lyall, "Does Indiscriminate Violence Incite Insurgent Attacks," *Journal of Conflict Resolution* 53, no. 3 (2009): 331–62; Schutte, "Violence and Civilian Loyalties" (see note 4); Kocher et al., "Aerial Bombing and Counterinsurgency in the Vietnam War" (see note 1).

7.   Kalyvas (see note 2).
8.   Stathis Kalyvas and Matthew Adam Kocher, "The Dynamics of Violence in Vietnam: An Analysis of the Hamlet Evaluation System," *Journal of Peace Research* 46, no. 3 (2009): 335–55.
9.   Kilcullen, "Interview with David Kilcullen" (see note 3).
10.  Zachariah Cherian Mampilly, "Stationary Bandits: Understanding Rebel Governance," PhD Dissertation (University of California, 2007); Stathis Kalyvas, "Promises and Pitfalls of an Emerging Research Program: The Microdynamics of Civil War," in *Order, Conflict, Violence*, edited by Stathis Kalyvas, Ian Shapiro, and Tarek Masoud (Cambridge, UK: Cambridge University Press, 2008), 1–14; Eli Berman, Jacob N. Shapiro, and Joseph H. Felter, "Can Hearts and Minds Be Bought? The Economics of Counterinsurgency in Iraq," *Journal of Political Economy* 119, no. 4 (2011): 766–819; Kocher et al. (see note 1); Kilcullen, *Counterinsurgency* (see note 3).
11.  Kalyvas, *The Logic of Violence in Civil War* (see note 2); Kalyvas, "Promises and Pitfalls of an Emerging Research Program" (see note 10); Kalyvas and Kocher (see note 8); Kocher et al. (see note 1); Kilcullen, *Counterinsurgency* (see note 3); Kilcullen, "Interview with David Kilcullen" (see note 3); Berman et al. (see note 10); Mampilly (see note 10).
12.  David Easton, "An Approach to the Analysis of Political Systems," *World Politics* 9, no. 3 (1957): 383–400.
13.  Joshua Forrest, "The Inverted State," in *The African State at a Critical Juncture: Between Disintegration and Reconfiguration*, edited by Leonardo Villalon and Philip A. Huxtable (Boulder, CO: Lynne Rienner, 1998).
14.  *U.S. Army Field Manual*, No. 3–24 (Chicago: University of Chicago Press, 2007).
15.  Kilcullen, "Interview with David Kilcullen" (see note 3).
16.  Mampilly (see note 10).
17.  Alec Stone Sweet, "Judicialization and the Construction of Governance," *Faculty Scholarship Series*, Paper 75 (1999), Yale Law School Legal Scholarship Repository.
18.  Jeremy M. Weinstein, *Inside Rebellion: The Politics of Insurgent Violence* (Cambridge, UK: Cambridge University Press, 2007).
19.  Denis Tull, "The Reconfiguration of Political Order in Postcolonial Africa: A Case Study from North Kivu (DR Congo)" (Ph.D. Dissertation, University of Hamburg, 2004).
20.  Scott M. Pegg, *International Society and the De Facto State* (Aldershot, UK: Ashgate, 1998).
21.  Kalyvas and Kocher (see note 8); Kocher et al. (see note 1).
22.  Kalyvas (see note 2).
23.  Kilcullen, "Interview with David Kilcullen" (see note 3).
24.  Mampilly (see note 10).
25.  Kilcullen, "Interview with David Kilcullen" (see note 3).
26.  Kalyvas (see note 2).
27.  Kalyvas (see note 2).
28.  Kilcullen, "Interview with David Kilcullen" (see note 3).
29.  James D. Fearon and David D. Laitin, "Ethnicity, Insurgency, and Civil War," *American Political Science Review* 97, no. 1 (2003): 75–90; Hanna Fjelde and Indra De Soysa, "Coercion, Co-optation, or Cooperation," *Conflict Management and Peace Science* 26, no. 1 (2009): 5–25.
30.  Helge Holterman, "Relative Capacity and the Spread of Rebellion: Insights from Nepal," *Journal of Conflict Resolution* 60, no. 3 (2016): 501–29.
31.  Kocher et al. (see note 1); Kalyvas (see note 2); Condra and Shapiro (see note 6).
32.  Arzu Kıbrıs, "The Conflict Trap Revisited: Civil Conflict and Educational Achievement," *Journal of Conflict Resolution* 59, no. 4 (2015): 645–70.

33. Arzu Kıbrıs, "Funerals and Elections: The Effects of Terrorism on Voting Behavior in Turkey," *Journal of Conflict Resolution* 55, no. 2 (2011): 220–47; Arzu Kıbrıs, "The Polarization Trap," *Studies in Conflict and Terrorism* 37, no. 6 (2014): 492–522; Kıbrıs, "The Conflict Trap Revisited" (see note 32).

34. Güneş Tezcür, "Ordinary People, Extraordinary Risks: Participation in an Ethnic Rebellion," *American Political Science Review* 110, no. 2 (2016): 247–64.

35. A 2013 report by the Turkish Grand National Assembly Commission of Human Rights puts the total number of PKK casualties in the same time period at 22,101. Turkish Grand National Assembly (TBMM), "Terör ve Şiddet Olayları Kapsamında Yaşam Haklarını İnceleme Raporu," https://www.tbmm.gov.tr/komisyon/insanhaklari/belge/TERÖR%20VE%20ŞİDDET %20OLAYLARI%20KAPSAMINDA%20YAŞAM%20HAKKI%20İHLALLERİNİ% 20İNCELEME%20RAPORU.pdf (February 13, 2013), last accessed October 8, 2016.

36. It is widely claimed that in their reporting and propaganda both sides exaggerate the casualties of the adversary and underreport their own. While this may be so, the KIM database overcomes this problem by employing all available sources from both sides. Moreover, these claims about over or under representation are not specific to certain regions or time periods, rather it is a general propaganda tactic both sides used all throughout the conflict for every encounter they have had.

37. Kıbrıs, "Funerals and Elections" (see note 33).

38. Due to administrative changes the number of provinces went up from 67 to 81 over the years.

39. Tezcür (see note 34).

40. Arzu Kıbrıs and Nils Metternich, "The Flight of White Collars," *Social Science & Medicine* 149 (2016): 93–103.

41. Turkish Grand National Assembly (TBMM), "Doğu ve Güneydoğu Anadolu'da Boşaltılan Yerleşim Birimleri Nedeniyle Göç Eden Yurttaşlarımızın Sorunlarının Araştırılarak Alınması Gereken Tedbirlerin Tespit Edilmesi Amacıyla Kurulan Meclis Araştırması Komisyonu Raporu" (January 14, 1998), www.tbmm.gov.tr/sirasayi/donem20/yil01/ss532.pdf (accessed February 8, 2016).

42. Servet Mutlu, "Ethnic Kurds in Turkey: A Demographic Study," *International Journal of Middle East Studies* 28, no. 4 (1996): 517–41.

43. Results available upon request.

44. Kalyvas (see note 2).

45. Note that our original fixed effects specification is not suitable for modelling the number of casualties since one of our IVs, namely elevation, is fixed at the province level. So, we account for unobserved province-level factors with random effects. The fixed effects specification yields similar results with the exception of the altitude and Kurdish population percentage variables which drop due to perfect collinearity with province-level fixed effects. Results available upon request.

46. Kilcullen, "Interview with David Kilcullen" (see note 3).

47. "PKK güneydoğuda mahkeme kurdu", *Milliyet Daily Newspaper*, October 28, 2014 issue, http://www.milliyet.com.tr/pkk-guneydogu-da-mahkeme-kurdu–gundem-1961232 (accessed November 22, 2015); *Zaman Daily Newspaper*, September 20, 2014 issue, http://www.zaman. com.tr/gundem_genelkurmay-pkk-agrida-mahkeme-kurdu_2245372.html (accessed February 6, 2016).

48. Kalyvas (see note 2).

49. Kilcullen, "Interview with David Kilcullen" (see note 3); Mampilly (see note 10).

50. Mampilly (see note 10).

51. Kalyvas (see note 10).

52. For a detailed review of the literature please see: Matthew O. Jackson and Massimo Morelli, "The Reasons for War: An Updated Survey," in *The Handbook on the Political Economy of War*, edited by Christopher Coyne and Rachel L. Mathers (Camberley, Surrey, UK: Elgar, 2009); Barbara Walter, "Bargaining Failures and Civil War," *American Review of Political Science* 12 (2009): 243–61; Christopher Blattman and Edward Miguel, "Civil War," *Journal of Economic Literature* 48, no. 1 (2010): 3–57.

53. Arzu Kıbrıs and Özgür Kıbrıs, "On the Dynamics of Extremist Violence," *Peace Economics, Peace Science and Public Policy* 22, no. 1 (2016): 1–25.
54. We thank the anonymous referee for her/his helpful comments which led us to think about the limitations of our study and how these limitations can guide future studies.
55. Jerry A. Hausman, "Specification Tests in Econometrics," *Econometrica* 46 (1978): 1251–71.

# Appendix

## A.1. Extending the time span to 1975–1999

**Table A1.** Results of the random-effects negative binomial regressions on the number of civil court cases.

| | | Number of observations = 1752<br>Number of groups = 76<br>Group variable: Province<br>Time period: 1975–1999 |
|---|---|---|
| Dependent variable: | Number of cases filed at peace courts of civil jurisdiction | Number of cases filed at civil courts of general jurisdiction |
| Independent variables | Incidence rate ratio (z-scores in parentheses) | |
| Number of SFCs | 0.998<br>(−2.33) | 0.997<br>(−2.94) |
| Number of PKK casual ties | 0.999<br>(−0.18) | 1.0007<br>(0.59) |
| GDP per capita | 1.028<br>(1.15) | 1.135<br>(5.04) |
| Population in ten thou sands | 1.0006<br>(4.55) | 1.0007<br>(6.31) |
| Number of medical doc tors | 1.000<br>(2.50) | 1.000<br>(4.94) |
| Emergency state dum my | 0.988<br>(−0.32) | 0.972<br>(−0.65) |
| Urbanization rate in 1990 | 0.997<br>(−0.86) | 1.005<br>(1.67) |
| Kurdish population per centage in 1990 | 0.995<br>(−2.74) | 0.989<br>(−7.96) |

A z-score of 1.96 (2.58) or greater indicates statistical significance at 5% (1%) level.

## A.2. The 2-stage residual inclusion method

This method was first suggested by Hausman[55] in the linear context as a means of testing for endogeneity.

To put it formally, our original model can be thought as follows:

$$Y = \exp\left(\beta_e X_e + \beta_o X_o + \beta_u X_u\right) + u_{i,t} \tag{1}$$

where $X_e$ is the vector of endogenous regressors (in our case SFCs and PKK casualties), $X_o$ the vector of observable exogenous variables, and $X_u$ is the vector of unobservable confounder latent variables (omitted variables) that influence the outcome Y and are correlated with $X_e$. If $X_u$ were observable then we would simply include them in the model and resolve the problem of endogeneity. Nevertheless, they are not, thus the impact of these unobservable confounders remain as part of the error term and cause it to be correlated with $X_e$.

To formalize the relationship between $X_e$ and $X_u$ above, and thereby provide a means for dealing with endogeneity bias through the use of instrumental variables (IV), we define the following equation:

$$X_e = \Omega + \omega_1 X_o + \omega_2 IV + (\omega_3 X_u + e) \quad (2)$$

where IV is a vector of instrumental variables. The elements of the instrumental variable vector must satisfy three conditions: they cannot be correlated with $X_u$; they must be sufficiently correlated with $X_e$ (i.e., it must not be "weak"); and they can neither have a direct influence on Y nor be correlated with the error term $u_{i,t}$ in the original model in equation (1). Also, there must be at least as many elements in IV as there are endogenous regressors in $X_e$. In our case, we have two endogenous variables, SFCs and PKK casualties, hence we need to come up with at least two IVs to estimate the above regression. Note that the error term in equation (2) is $(\omega_3 X_u + e)$, and thus, depending on the strength of the IVs, it will be significantly correlated with $X_u$. That correlation is what we will use to correct the endogeneity problem in our original model. We will use $(\omega_3 X_u + e)$ as our best approximation for the unobserved $X_u$, and include that approximation in our original model as an additional control.

### A.3. IV validity

**Table A.2.** IV validity check. Fixed-effects negative binomial regressions on civil court cases in zero casualty provinces with the inclusion of IVs.

|  | | Number of observations = 581<br>Number of groups = 57<br>Group variable: Province<br>Time period: 1985–1999 |
|---|---|---|
| Dependent variable: | Number of cases filed at peace courts of civil jurisdiction | Number of cases filed at civil courts of general jurisdiction |
| Independent variables | Incidence rate ratio<br>(z-scores in parentheses) | |
| Number of snowy days | 0.999<br>(−0.18) | 0.999<br>(−0.69) |
| Length of paved roads | 1.000<br>(5.97) | 1.000<br>(5.62) |
| Altitude | 1.000<br>(0.60) | 0.999<br>(−1.52) |
| GDP per capita | 1.109<br>(3.08) | 1.176<br>(3.16) |
| Population in ten thousands | 1.000<br>(1.28) | 1.001<br>(2.84) |
| Number of medical doctors per hospital bed | 1.073<br>(1.27) | 1.030<br>(0.37) |
| Urbanization rate | 0.994<br>(−2.95) | 0.993<br>(−2.64) |

A z-score of 1.96 (2.58) or greater indicates statistical significance at 5% (1%) level.

### A. 4. Transcripts of the interviews

(1) Female lawyer from Diyarbakır: There is no trust here in the state or its justice. The state has a regional understanding of justice. In criminal courts, offenders get very light punishments in similar cases in, say, Istanbul but very harsh punishments here. There is discrimination. Those caught in Istanbul with 50 kilograms of heroin, for example, are sentenced to just a couple years in prison, whereas if they catch someone with 10 grams here, they put him away for life. People take their personal disputes to societal, tribal leaders, to elders that they trust. I have heard of PKK courts but never personally saw one.

(2) Male lawyer from Diyarbakır: The judiciary discriminates based on ethnicity. And ethnicity is defined by region. That is, it is not so much a difference between Turks and Kurds but rather a difference between Diyarbakır and Istanbul. People are not happy with the state's understanding of justice. They take their disputes to whomever is the authority in the area. They do not want to deal with the state, they do not want to be in the state's radar. They are already forced out of their homes, labeled as potential terrorists, so they do not want to appear in state courts. You can see this even in voter registrations. They do not register to vote. There are of course those who prefer PKK's justice to state justice because they are not happy with the latter. I have heard of but do not know much about the PKK courts. In these regions disputes are resolved by referring to social norms, rules, and traditions.

(3) Male lawyer from Diyarbakır: Citizens do not trust the law. When the conflict gets intense, concerns about property become secondary. State courts are the final resort. The judiciary discriminates regionally. I have heard of PKK courts but never saw one. The conflict has its utmost impact on criminal and administrative cases. The main estrangement results from the heavy punishments given in those cases. Public officers in this region are already very biased, they have a fixed image in their minds, they are not objective.

(4) Male lawyer from Diyarbakır: I have been working as a lawyer for 27 years. There is no just trial here. Regional differences abound. The people of the region have an informal justice system based on customary law and tradition. Social and tribal leaders solve disputes. As the state loses military control, the PKK also starts distributing justice.

(5) Male lawyer from Diyarbakır: Customary law works here. People take their disputes to whomever has the sovereign authority. The party (HDP—the ethnic Kurdish nationalist political party) handles dispute resolution as well, the PR departments of the party do. But those are mostly composed of people who are respected around here. The media sometimes presents this as the PKK courts. When the fighting gets intense, monetary disputes become secondary concerns and get postponed. People do not trust the state. The state always punishes. There is no state in the region anymore, it has lost people's trust.

(6) Male lawyer from Diyarbakır: It is costly to seek justice in state courts. People seek resolution at the party level. Rather than state courts they go to the tribal leaders. When the state loses sovereignty, people resort to other authorities like the party, tribes, societal leaders. This is not legal, but it is a regional solution.

(7) Female lawyer from Diyarbakır: Your results are correct. When conflict gets intense, people do not expect much from the future. Economic activity and investments slow down, but disputes concerning defaults on debt and contracts increase. Nevertheless people do not trust the state courts. They do not get justice from state courts. They expect to be maltreated at the courthouse. Instead they resort to societal and tribal leaders, to the party and to the PKK.

(8) Male lawyer from Diyarbakır: People take their disputes to societal, tribal leaders. Rural areas do not have much interaction with the state anyway. (When conflict gets intense) trade slows down significantly, and disputes lose their importance and hence the number of court cases declines with the fighting. The people of this

region, Kurds, do not trust the state in general. When fighting gets intense, trade and monetary concerns become secondary, the priority becomes security. Village evacuations by state forces really damaged trust and created fear.

(9) Male lawyer from Diyarbakır: When armed conflict gets intense there is chaos. People postpone their disputes, which lose priority compared to security. Economic life dies down, economic activity decreases, businesses close down. Economic and social life really slows down and despair takes hold. There is mistrust for a long time now. The heavy punishments courts issue in criminal offences against the state and their discriminatory approach reflects upon all courts. People see the judges as the state itself. They resort to traditional methods for dispute resolution. They go to the *rusipi* (the wise, the white-bearded/faced), they resort to the sharia law and ask the imam to be the judge, they take their disputes to the party or, of course, to the PKK. When things get better people then prefer the state judiciary.

(10) Male lawyer from Van: In the 90s people did not resort to the state courts because they feared for their lives. They refrained from filing complaints against the state. They refrained from taking their personal disputes to state courts because especially in rural areas it was impossible for the court officials to conduct exploratory work out in the field, so cases took long and remained unresolved. The feudal structure of the society is still in place. The tribal leaders intervene and resolve disputes.

(11) Male lawyer from Van: I would concur that the number of personal dispute cases filed at state courts decline when the fighting gets intense. I have heard quite often that people take their disputes to the guerrilla. People talk and we hear things. I have also heard that the guerrilla has certain enforcement and sanction mechanisms to make sure that people obey by their rulings. This is in fact a crime so no one would admit to such a thing. After the 80s a huge mistrust in state justice has occurred. People say there is no justice in state courts. In rural areas judicial officers were not able to conduct exploratory work for land dispute cases. Some 3500 villages were evacuated, 95–97% of them by the state. The state used force to evacuate those villages, they made people suffer. There was no authority to seek redress for these, it was not possible to sue the state. Some people joined the guerrilla. When the state caught those they were executed on the spot without a trial. This is against the law, such practices damaged the trust in the state justice. Those who were taken into custody were severely punished. Terror crimes are punished heavily everywhere but for other offences the state judiciary has had a regionally discriminating approach. People who had a relative in the PKK were treated very badly even if they themselves had nothing to do with the guerrilla. Those suspected of aiding and abetting the PKK were sentenced with the heaviest punishments. There has been mistrust towards the Turkish justice for a long time now. Disputes here are resolved by societal, tribal leaders. With the conflict and guerrilla presence this practice doubled.

(12) Male lawyer from Van: The inclination of the courts to protect the state against the citizens damaged the trust people have in the judiciary. The judiciary is not independent. The feudal structure of the society is still continuing in this region.

Dispute resolution is handled within this structure. I have not witnessed any other authority in that respect.

(13) Male lawyer from Batman: I have not conducted such an analysis on civil court cases myself. It might be about postponement. Personal dispute resolution is a luxury. Especially in the case of trade disputes, the number of problems goes down as trade slows down. When there is stability, economic life gets livelier, and more disputes arise and are taken to the courts. Investments pick up during periods with no fighting. Especially inheritance cases become more common during peaceful times because land and property gain value, and value appreciation causes disputes among the holders. During conflict periods, disputes get postponed. There is what we call customary law here. It is always alive and in practice.

(14) Male lawyer from Şırnak: There may be several reasons. Judges and prosecutors are inexperienced because they do not remain in their posts for long, so cases remain unresolved for too long. Customary law has always been an alternative. Loss of trust in the judiciary, the fact that it takes too long to get a result, the inability of judges to have a good grasp of the cases all contributed to the unwillingness of citizens to deal with state courts. Judges and prosecutors are biased towards protecting the state and this bias gets stronger when the conflict gets intense. Their biased approach is especially visible in cases where the state is a side.

(15) Male lawyer from Muş: I think this is a correct observation. People are not comfortable when the conflict gets intense. They postpone their personal businesses. There was migration during conflict times. You cannot migrate and file a court case about your land at the same time. There were village evacuations and burnings, and extrajudicial killings. There is no complaining about the state to the state court. Cases about such offenses in the 90s are only being brought to light now after some 20 years. There is a slightly more comfortable climate now. There was no trust in the 90s. For civil courts, when people are worried about their future they do not deal with a court case that is expected to take long anyway. They go to societal leaders. Religious leaders also resolve disputes based on sharia law, especially in rural areas. I do not know whether customary law became more common in times of conflict. Immigrants do not have the luxury of going to court. People also were afraid of dealing with the courts because they were maltreated when they did. So they thought they were better away from the state radars.

(16) Male lawyer from Hakkari: People resolve their disputes within the societal structures, on the spot. During conflict times court officials were not able to conduct exploratory work in the field. There are cases that have remained unresolved for 20 years because of that.