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İSTANBUL CAB DRIVERS AND DISPUTE RESOLUTION: A STUDY OF LEGAL CONSCIOUSNESS[1]

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Abstract

For three decades until November 2021, when an additional 1,000 cab licenses were issued, the total number of cab licenses in İstanbul was limited to 17,395. As the total number of cab licenses has not kept pace with İstanbul's growing population, it has become impossible in the last decade to find an available cab during rush hours. The increasing scarcity of cabs not only turned this issue into an important social and political problem; it also brought many other players into the market, such as pirate cabs and Uber, the ridesharing app. Surprisingly, there is limited scholarly research on İstanbul cab drivers and the sector in general. Based on a research project conducted by undergraduate students in İstanbul during the fall of 2017, this article takes a comparative look at how İstanbul cab drivers engage in dispute resolution. During field work based on 19 semi-structured interviews with cab drivers and participant observation at a cab station, two types of grievances emerged as the most important issues for these drivers: 1) problems at the cab station, especially with the order of dispatching, and 2) encroachment by Uber. While most of the drivers were quite successful in utilizing various dispute resolution mechanisms in dealing with grievances at the cab station, very few of them engaged in mobilization, such as pursuing mechanisms to combat the increasing competition from Uber. We argue in this article that cab drivers are more likely to mobilize in defense of their rights if they believe that they are legitimate and rights-bearing subjects, as they are at the cab station. However, they are less likely to mobilize for their rights if they believe that they are marginalized and disreputable members of society, as in the case of their grievances against Uber. In other words, we argue that rights mobilization depends heavily on a sense of belonging.

Keywords: Sociology of law, law and society studies, legal consciousness, legal mobilization, sociology of work.

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İSTANBUL TAKSİ ŞOFÖRLERİ VE GÜNDELİK HAYATTA HAK KULLANIMI

Öz

Bu araştırmada taksi şoförlerinin kendi aralarındaki problemleri başarıyla çözerken neden Uber karşısında organize olmakta yetersiz kaldıklarını inceledik. Yarı-yapılandırılmış görüşmelerdeki temel hedefimiz taksi şoförlerinin işleriyle ilgili şikâyetlerini ve bu şikâyetlerin çözümüyle ilgili yaptıklarını tespit etmekti. Taksi şoförlerinin dile getirdiği en önemli şikâyetler durak sırası ve Uber kullanımı olarak ortaya çıktı. Bu şikâyetleri ile ilgili ne yaptıklarını sorduğumuzda, kendi aralarındaki durak sırasıyla ilgili problemleri çeşitli şekillerde çözüme ulaştırdıklarını görürken, Uber hakkındaki şikâyetlerinde çözümsüz veya çaresiz kaldıklarını gördük. Bu makalede, hukuk bilinci kavramından hareketle, taksi şoförlerinin kendilerini hak sahibi bireyler olarak konumlandırmalarının bu farklılığı açıklamada temel faktör olduğunu öne sürüyoruz. Taksi şoförleri kendi aralarındaki meselelerde hak sahibi ve meşru bireyler olarak hareket edebilirken, Uber meselesi gibi daha geniş çaplı toplumsal çatışmalarda kendilerini marjinal olarak konumlandırıp hak arayışından imtina etmektedirler. Çalışmamızda, topladığımız veriden hareketle, taksi şoförlerinin kendilerini nasıl ekonomik, sosyal ve siyasi açılardan marjinalize olarak konumlandırdıklarını gösteriyoruz. İstanbul taksi şoförleri üzerine olan çalışmamızda, hukuk bilinci kavramından hareketle, gündelik hayatta hak kullanımının aidiyet hissiyle doğrudan ilişkili olduğunu iddia ediyoruz.

Anahtar kelimeler: Hukuk sosyolojisi, hukuk ve toplum çalışmaları, hukuk bilinci, çalışma sosyolojisi.

INTRODUCTION

For three decades until November 2021, when an additional 1,000 cab licenses were issued, the total number of cab licenses in İstanbul were set to 17,395.[5] As the total number of cab licenses did not keep in pace with İstanbul's rising population, it has simply become impossible to find a free cab during rush hours in İstanbul in the past decade.[6] The increasing scarcity of cabs did not only turn the issue into an important social and political problem[7], but also brought many other players into the market, such as pirate cabs[8] and Uber, the share-riding app.[9] In addition to cab scarcity and the conflicts around it, the cab drivers are increasingly portrayed as rude and dishonest on media and social media.[10] Despite all these concerns about cabs, there is not much scholarly research on İstanbul cab drivers or the sector in general.[11] This essay aims to address this void by focusing on cab drivers, their problems and how they deal with those problems.

Based on a research project undertaken by undergraduate students in Istanbul during Fall 2017[12], this article is a comparative look at how İstanbul cab drivers engage in dispute resolution. During our field work, which was based on 19 semi-structured interviews with cab drivers, and participant observation at a cab station, two types of grievances emerged as the most important issues for these drivers: 1) Problems at the cab station, especially with dispatch order; and 2) The encroachment of Uber. When most of the drivers were quite successful in utilizing various dispute resolution mechanisms in dealing with grievances at the cab station, very few of them were engaged in mobilizing such mechanisms against increasing competition from Uber. Why were Istanbul cab drivers more successful in addressing problems at the cab station when they were much more hesitant against Uber? We argue in this essay that cab drivers are more likely to mobilize their rights if they believe they are legitimate and rights-bearing subjects (as they are in the cab station). However, they are less likely to mobilize their rights if they believe they are marginalized and disreputable members of the society (as in the case of their grievances against Uber). In other words, we argue that rights mobilization depends heavily on a sense of belonging.

In order to address the question of how İstanbul cab drivers deal with their problems, we rely on the law and society scholarship that focuses on the everyday life of the law, instead of focusing only on the formal institutions of law. We believe that the field of sociology of law, a very under-utilized field in Turkey, offers us a valuable tool in addressing major social problems and conflicts through a micro-sociological approach that focuses on the mindsets and worldviews of individual actors on the ground. To understand why cab drivers seem proactive facing problems at the cab station but seem hesitant facing Uber, we rely specifically on the literature on legal consciousness.

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[5] As a result of Istanbul Metropolitan Municipality's insistence, UKOME (*Ulaştırma Koordinasyon Merkezi* – Transportation Coordination Center) agreed on transferring 1,000 inactive minibus licenses to cab licenses. See https://www.haberturk.com/istanbul-a-bin-yeni-taksi-geliyor-haberler-3240340. (Accessed on 02/04/2022).

[6] https://www.sozcu.com.tr/2021/gundem/ekrem-imamoglu-istanbulluyu-yoran-ve-uzen-taksi-sistemi-degisecek-6679911/?utm_source=ilgili_haber&utm_medium=free&utm_campaign=ilgilihaber. (Accessed on 02/04/2022).

[7] Although there is an increasing demand for cabs from the public, the authorities seem to be in favor of cab driver associations' call for limiting cab licenses. For example, see https://tr.euronews.com/2021/10/28/taksi-problemi-suruculerde-kazanc-bask-s-ibb-de-cozum-aray-s-plaka-sahiplerinde-kay-p-kork (Accessed on 08/04/2021)

[8] Cab drivers without a license.

[9] Uber entered the Turkish market in 2014 and drew the wrath of cab associations. The dispute led to a court case as a result of which Uber limited its business in Turkey to working only with drivers with a cab license in 2019.

[10] See https://onedio.com/haber/taksicilerle-yasadiklari-komik-anlari-paylasarak-herkesi-gulduren-15-kisi-753742 (Accessed on 07/04/2021); and https://www.turkiyegazetesi.com.tr/gundem/839313.aspx (Accessed on 07/04/2021).

[11] Although not specifically on taxi drivers, we should note two important studies that focus on driving in İstanbul traffic: (Nuhrat, 2020; Yazici, 2013).

[12] We would like to thank our friends who participated in this study: Dila Nur Başbuğa, Efsun Pırıl Yener, Ezgi Sancak, Gamze Nur Kurt, Hilal Erol, İrem Nur Dabak, Kamuran Gülcan Çakan, Merve Ak, Merve Ayvaz, Özgenur Karıksız, Özlem Pulat, Pelin Mert.

1. DISPUTES AND LEGAL CONSCIOUSNESS

Not all injuries are translated into disputes. Felstiner, Abel, and Sarat, in their classic article (Felstiner, Abel, & Sarat, 1981) determine three crucial steps through which injuries are transformed into disputes: 1) Naming an injury; 2) Blaming another party turns it into a grievance; 3) Claiming turns the grievance into a dispute when it is rejected. Identifying these transformations as "subjective, unstable, reactive, complicated, and incomplete" (Felstiner et al., 1981: 637), the authors emphasize the fact that disputes are only a fraction of the perceived injuries, and that the sociology of law has to delve into these mundane acts of naming, blaming, and claiming to unearth the meaning-making and negotiations that take place in the shadow of law.

The concept of legal consciousness aims to address the contextuality of law at the level of the individual or groups of individuals. One of the earliest definitions of the term is: "The ways people understand and use law"(Merry, 1990, p. 5). Ewick and Silbey (1998) define the study of legal consciousness as "how legality is experienced and understood by ordinary people as they engage, avoid, or resist the law and legal meanings" (p. 35). A more recent study defines legal consciousness as "encompassing a person's attitudes toward, willingness to mobilize, suppositions about, and experiences of the law" (Young, 2014, p. 501). The studies on legal consciousness range from those that emphasize the role of past experiences with law and demographics on legal consciousness (e.g., Abrego, 2011; Boittin, 2013; Hoffmann, 2005; Nielsen, 2000) to those that underline the role of the institutional setting and social relations on legal consciousness (e.g., Gallagher, 2006; Hoffmann, 2003; Marshall, 2003, 2005). For example, Nielsen (2000) interviews people on what they think about sexual harassment on the street to find out that there is almost universal resistance against legal mobilization despite a clear sense of injury. However, she argues, different demographic groups (women, African Americans, and white men) resist legal mobilization in these instances for completely different reasons. In another example, Hoffmann (2003) compares dispute resolution mechanisms of two different cab companies: a privately owned one and a cooperatively owned one. In her account, cab drivers in the cooperative preferred formal or informal dispute resolution mechanisms, whereas cab drivers in the privately-owned company used only informal dispute resolution mechanisms or they simply resigned. All these studies investigate how differently situated individuals or groups of individuals deal with and make sense of the law in different ways[13]. In this study, we follow the example of works that focus on the legal consciousness of marginalized groups such as sex workers, immigrants, same-sex couples, and LGBT people (e.g., Abrego, 2011; Boittin, 2013; Hull, 2003, 2016).

Legal consciousness also has a relational character. Kathryne Young (2014) introduces the concept of "second-order legal consciousness" in a relatively recent ethnographic essay on cockfighters in Hawaii to underline this relational character of legal consciousness. She asserts that "a person's beliefs about the legal consciousness of any individual besides herself, or of any group whether or not she is part of it" is also an important factor that affects an individual's legal consciousness" (Young, 2014, p. 502). For example, the cockfighters believe that despite the illegality of their activity, they are upstanding citizens who follow the law, and that the police implicitly recognize that. They believe that the police engage only in noon-time busts as long as cockfighters monitor themselves by avoiding violence and drug trade.[14] Despite the apparent illegality of the affair, the cockfighters enforce order and derive a sense of legitimacy, based on their understanding of an implicit pact with the police. In other words, cockfighters organize their affairs in clear relation to the law, based on their assumptions of the police's legal consciousness, i.e. a second-order layer of legal consciousness. The concept of second-order layer of legal consciousness enables us to focus on the relational factors that affect the individual's or a group of individuals' legal consciousness.

[13] For recent comprehensive studies that categorize and evaluate different approaches to the concept of legal consciousness, see (Chua & Engel, 2019; Lehoucq & Taylor, 2019).

[14] For methodological and ethical reasons, Young had not interviewed the police, so we do not know the extent to which the cockfighters' interpretations of police intent are realistic.

Another article that underlines the relational character of legal consciousness is Leisy Abrego's study that focuses on how U.S. citizens with mixed-status family members practice and understand citizenship (Abrego, 2019). Abrego argues that these individuals' legal consciousness of their citizenship is "based on lived experiences of privilege, responsibility, and guilt – and all of these rooted in the love they feel for their families" (Abrego, 2019: 665). For example, when some citizens had older siblings (without citizenship status), they experienced their citizenship based on their feelings about the struggles of their older sibling. In many instances, the older sibling had failed to continue university education due to lack of financial support that is ordinarily provided to citizens. As a result, some of the younger siblings with citizenship status refused to make use of their citizenship, feeling guilty of their privilege; whereas some of them showed an extra effort to make use of their citizenship, feeling responsibility for their entire family. Abrego succinctly demonstrates the ways in which feelings for other family members shape how citizenship is experienced, a very good example for the relational character of legal consciousness (Abrego, 2019).

We rely on the relational character of legal consciousness to illustrate the different approaches that the cab drivers in Istanbul take when they are faced with different types of grievances. We argue in this article that when cab drivers face problems at the cab station, a place where they feel themselves as legitimate partners, they mobilize mostly informal mechanisms to resolve their grievances. How they imagine the cab station and their place in it – undoubtedly a relational configuration – plays a very important role in how they identify their grievances and the ways to resolve them. However, when they face a conflict that is grander in scale, such as Uber's encroachment, they "lump it," i.e. they do not mobilize their rights either formally or informally. We argue that this lack of mobilization is a consequence of an overwhelming sense of marginalization. They feel economically, socially, and bureaucratically marginalized. In the society that cab drivers imagine, they themselves appear as untrustworthy and second-class citizens. Consequently, they feel disempowered to initiate any meaningful action to address their grievances.

2. TAXI DRIVERS IN İSTANBUL

İstanbul is a gigantic metropole of approximately fifteen million people.[15] A relatively recent article, reports the total number of daily commuters in İstanbul around nine million (Öztürk & Öztürk, 2010, p. 4980). A striking 89.40% of these commuters use road transport (which includes buses, cars, minibuses, cabs, personnel service vehicles, and school buses), while only a meager 7.91% rely on rail transport. Furthermore, the share of water transportation is quite insignificant even though İstanbul is a coastal city separated by the scenic Bosphorus and with long coastal lines stretching across the Marmara Sea. Although, most of the commuters rely on road transport in İstanbul, cabs carry only 2.99% of the total commuters.[16]

Even though cabs constitute a small share of the total vehicles in İstanbul, the sector has traditionally been quite lucrative. Cabs require a license to operate. These licenses are owned by individuals and are then issued to a specific car. Until recently, all iconic yellow taxi cars were Segment C vehicles, i.e. compact cars, or medium cars. Since May 2018, taxi licenses in İstanbul can accommodate larger segment D turquoise vehicles, and even larger Segment E black VIP vehicles. Regardless of the new vehicle types, the total number of cab licenses in Istanbul stayed the same in İstanbul, 17,395 to be exact, (*İstanbul Yıllık Ulaşım Raporu 2017*, 2018) since 1986.[17] Only recently in November 2021, with an additional 1,000 cab licenses, the total has increased to 18,395. Although the

[15] According to recent TÜİK (Turkish Statistical Institute) reports 18,71% of Turkey's population lives in İstanbul; in total 15.840.900.

[16] These numbers translate as approximately twenty customers for each cab. We would like to note that this is significantly less than what some cab drivers told us in interviews. The drivers mentioned approximately twenty customers for each day but considering that most cabs employ two drivers per day, the total rides would be approximately forty for each taxi.

[17] Interview with Hüseyin Duman, the chairman of the United Taxi Drivers Association (*Birleşik Taksi Şoförleri Derneği*) on 27/02/2019.

underlying reasons for this situation are beyond the scope of this study, we should note that cab licenses have become incredibly expensive in the past years. In 2018, a cab license was approximately 1,5000,000 TL[18], about thirty times the cost a of brand-new segment C taxi vehicle. The relative dearth of license plates (in a city that continuously grows) plays an important role in shaping the labor market for cab drivers and the class structure within the taxi business overall. A recent study found out that only 21% of the cab drivers own the cab license (Munzuroğlu, Şeker, & Musaoğlu, 2017). 25% of the cab drivers are renting the cab license, and the majority (54%) are just wage-laborers. Most taxis have two drivers that work in twelve-hour shifts. However, it is possible to come across three eight-hour shifts, or a license owner that works alone in his vehicle. We will further discuss the economic structure of the cab business, especially the important role that *Otocenter*s play in the industry, in the following sections.

At the time of our fieldwork there were 511 cab stations in İstanbul as indicated in a recent municipal report.(*Istanbul Yıllık Ulaşım Raporu 2017*, 2018) Cab stations are run by an individual or a board (constituted by some of the drivers). To our knowledge, cab stations do not operate as companies for profit. They do not take a share of the drivers' earnings. Drivers usually pay a weekly fee around 10 - 100 TL to pay for the expenses of the station, including the wages of the dispatchers. Although we do not have reliable information on the cab station membership ratio among the cab drivers, it would be safe to assume that at least half of the drivers are cab station members. There are no legal requirements to become a member of a cab station,[19] but such membership entails a steady demand for taxi services through phone calls. All the vehicles are equipped with push-to-talk radio equipment, and the "station owner" (sometimes called the "station president") works as the dispatcher. Cab stations also provide solidarity, exchange of know-how, beverages, and other types of social and logistical support. In this study, we focused only on those drivers who are associated with a cab station, and we will not be able to comment on the business practices of those cab drivers who are not members of a cab station.

There are also several cab driver representative organizations such as İstanbul Chamber of Taxi Drivers (*İstanbul Taksiciler Esnaf Odası)*, İstanbul Taxi Drivers Association (*İstanbul Taksiciler Birliği)* and United Taxi Drivers Association (*Birleşik Taksi Şoförleri Derneği, UTDA)*. Although we tried to interview the representatives from each of these associations, we were only able to reach the chairman of the UTDA. We now turn to the main issue of this essay: Cab drivers' major grievances and how they deal with them. We will focus on two problems: problems with dispatch order and problems with Uber.

2.1. Problems with dispatch order

During our research, one of the most common grievances that the cab drivers mentioned was about dispatch order. Currently, there are six ways through which a cab can get customers: hailing in traffic, smartphone applications (such as *itaksi*, *bitaksi*, or uber), customer arrival at the cab station, customer call through the cab station, customer call to the driver himself, and waiting at suitable spots in traffic. Problems with dispatch order are about how customer calls are directed to the drivers. In most cab stations, the dispatcher keeps a list of the waiting drivers that is continuously updated upon each dispatch and arrival. Especially during periods of low demand, customer calls become more valuable, as drivers might end up waiting for hours for a customer. There is also a hierarchy within the customer calls: longer distances mean increased profit compared to a short ride within the

[18] Unless specified, all the prices in this essay are of 2018 and in TL. According to the 'Inactive USD/TRY Banknote Buying Exchange Rate on 02/01/2018' that has been announced by the Central Bank of Turkey, the conversion rate was 3,76. Retrieved from https://www.tcmb.gov.tr/kurlar/201801/02012018.xml

[19] During our field work, we have come across some cab stations that require a clean criminal record for new drivers, although it is not legally required.

neighborhood. Consequently, the set of rules through which customer calls are allocated at cab stations seems to be a permanently sensitive issue for cab drivers.

2.2. The encroachment of Uber

Uber, the US-based share-riding smartphone application had been operating in Turkey since 2014. Unlike other contemporary apps in Turkey such as *itaksi* and *bitaksi*, Uber works with vehicles that do not have the special cab license.[20] In other words, while other apps link customers and cab drivers for a fee, Uber additionally works with other vehicles, especially those with D2 licenses. D2 licenses are issued by the Ministry of Transportation and Infrastructure for domestic transportation. Traditionally, travel agencies and hotels own or rent such vehicles for the transportation of tourists. D2 licenses cost around 25,000 TL and are not subject to a quota as taxi licenses are. These are larger vehicles that can carry big groups. The most popular brands as of writing are Volkswagen Caravelle and Mercedes Vito. These vehicles, currently priced around 150,000 - 200,000 TL, are presumably the only requirement (in addition to acquiring a D2 license) to sign up for Uber and start carrying passengers. During our research, many cab drivers voiced concerns about Uber. In the following sections, we discuss these issues and how cab drivers addressed them.[21]

3. METHODS

In this study, we used two methods to develop our understanding of cab drivers' reliance on grievance resolution mechanisms.[22] The first method comes out of a senior level course offered by one of the authors at a university in İstanbul in Fall 2017.[23] After theoretical preparation in the first half of the course, the students spent the second half formulating a research question and the questions they would like to ask to cab drivers in semi-structured interviews. Although, the instructor's initial course design aimed to investigate why cab drivers engaged in frequent rule-breaking in traffic, after the first half, the class collectively decided on pursuing a different line of questioning: What are the cab drivers' major grievances and what do they do about them? After the students conducted pilot interviews (in groups of two), the class met again and re-evaluated the research question and interview questions. Keeping in mind our concerns about the interviewers' safety and finding suitable locations for interviews, which were expected to last between half an hour to an hour, we decided to focus only on drivers associated with a cab station. Each of the student groups chose different districts[24] in Istanbul. Provided with an introductory letter from the instructor, each group of two students conducted two more interviews during December 2017 – January 2018. Except for two of them, all the interviewees were members of cab stations on the European side of İstanbul and male.[25] After transcribing the interviews, and uploading them to the course website, each student wrote a term paper using the collected data, which consisted of a total of twenty-five interviews. As our first method in this study, we use a portion of the collected data set in this course. After a careful review, we left out some of the interviews because they failed to follow the interview protocol. In this paper, we rely on nineteen interviews with cab drivers who are members of a cab station. We coded these interviews to categorize the type of grievances and grievance resolution mechanisms. The average age of the cab drivers was

[20] Uber has stopped operating with vehicles that do not own a cab license with an announcement in late May 2019.

[21] Multiple lawsuits (united in a single lawsuit in February 20, 2019) have been filed against Uber by different taxi associations since 2016. In December 2019, the court decided on the status of Uber and stated that they were causing unfair competition in the market. Thus, the Uber website and application have received a blockade in Turkey, and Uber stopped its XL service in Turkey.

[22] We did not attempt to contact Uber representatives as our goal in this essay was to understand how taxi drivers perceived their grievances and attempted to resolve them.

[23] Two of the authors were among the fifteen students in the course, which was offered at the Sociology Department of Altınbaş University in Fall 2017.

[24] We aimed to target districts with different socio-economic backgrounds.

[25] Our survey crew heard of a female cab driver and tried unsuccessfully to reach her for an interview. Consequently, all the interviewees were men. We do not have a demographic account of the taxi drivers, however in the study sample of a relatively recent study that focused on taxi drivers in İstanbul, 99% of the drivers were men (e.g., Dursun, Aytaç, & Akıncı, 2011).

fifty. Most of them were middle school graduates with a monthly income of approximately 3,500 TL.[26] Thirteen drivers told us that they were the sole breadwinner for the household. Except for one driver, all of them were married. Nine of them considered their occupation as a cab driver but the rest stated otherwise. Three of them stated that they were retired. And finally, twelve of them were wage laborers, and seven of them were cab license owners.

Our second method of investigating cab drivers' disputes and dispute resolution mechanisms is based on participant observation. One of the authors spent approximately fifty hours (a total of fifteen visits over three months) at an Istanbul cab station, dubbed as the Yellow Cab Station from here on. He approached the cab drivers with full disclosure on the content and purpose of the study. He spent his time at the cab station initially as an observer, but over time ended up working as an apprentice dispatcher. We understand that a senior level college student's positionality might be different than some of the cab drivers' backgrounds. However, there are student drivers within the cab driver community, and we strongly believe he was not an outlier in terms of age and background. On the contrary, his identity as a young student might have contributed to the rather warm reception he experienced at the station. Short of a full ethnographic study of the cab stations, we believe this type of a participant observation enabled us to develop a better understanding of the grievances (and the plausible options of resolution) a cab driver faces in daily life. The detailed field notes, which were approximately fifty pages long overall, were kept daily. They were coded at the end of the field work to categorize the type of grievances and grievance resolution mechanisms.

4. DATA AND DISCUSSION

Our main goal in the interviews was identifying what the cab drivers' main grievances were and what they did about them. Fifteen out of nineteen interviewees said that they encountered problems at the cab station, and almost all of them identified dispatch order as one of the major problems. When they were asked if they did anything about it, ten interviewees said they solved it through informal mechanisms such as traditions, intervention of elders, or mediation. The most common method of resolution was the vague phrase: "We solve it among ourselves" (*Kendi aramızda çözeriz*). Five of the interviewees indicated that the cab station president would resolve the issue. When asked about Uber, eighteen out of nineteen interviewees said they had a problem with the company. However, when we asked if they did something about it, only five of them indicated that they did: Four of them had officially complained to the police or the municipality, and only one cab driver had been involved in grassroots mobilization.

When the cab drivers were quite successful in resolving their grievances at the cab station through informal grievance resolution mechanisms or the involvement of the cab station president, they were "lumping" their grievances against Uber. In this study, we set this discrepancy as our main question. In other words, why were cab drivers forced to inaction in their grievances against Uber, while they were able to resolve their grievances in the cab station? We argue that cab drivers are more likely to mobilize their rights if they believe they are legitimate and rights-bearing subjects (as they are in the cab station). However, they are less likely to mobilize their rights if they believe they are marginalized and disreputable members of the society (as in the case of Uber).

4.1. Problems at the Cab Station: "We Solve It Among Ourselves"

- Okay, do you encounter disagreements at the station?
- You run into arguments everywhere, every workplace, every society. But not fistfights. Well, that happens sometimes too… "Why did you pull your car there? Park it a bit further... Why

[26] Monthly minimum wage in Turkey was approximately 1,600 TL in 2018.

did you step on my foot?"… Since we are a family, we solve it among ourselves. That is just a momentary flash… (Hasan, Kadıköy, December 2017)[27]

When we asked cab drivers about how they solve their problems at the cab station, the most common answer we got was "we solve it among ourselves." Another common answer was that the cab station president would solve it. Our field work indicated that these two answers are strongly related. During our interviews, even in the few stations where we came across formal rules and regulations for the cab station, the cab station president was usually the final adjudicator. As one cab driver noted:[28] "Everyone here trusts the justice distributed by the one here [points at the dispatcher's desk]. If they trust this one's justice, no one causes any problems about dispatch order." However, the cab drivers did not hesitate to criticize the decisions or negotiate for different interpretations. In other words, the phrase "we solve it among ourselves" does not necessarily mean a democratic participation in decision-making, yet the cab drivers think that they sufficiently belong to the cab station community to contest and negotiate. For example, when asked about how they solve problems at the cab station, another cab driver responded:[29] "The station owner resolves them… That person and the station owner meet. If I had a problem with a friend, me, him, and the station owner; the three of us meet. If there is a witness, we invite him as well and ask for his account." In other words, "we solve it among ourselves" is a collaborative process where the station owner is the unquestionable leader, but the cab drivers can participate in meaningful ways. We have heard of instances where a cab driver was so distraught by the decisions of a cab station president that he decided to leave the station for another one. We have also come across cab stations where the cab station president was very authoritarian. However, in most cases, the cab drivers had a significant role in decision-making processes.

We have also observed that although there seemed to be clear rules around dispatch order, these rules were continuously negotiated. For example, when a cab driver told us about the clear rules that govern dispatch order, he immediately continued with an exception:

- Now, we have some rules at the station. They are traditional. No one can break that tradition that easily. It is similar to picking your queue number at the bank. Whoever pushes the button first at the bank, gets the first queue number, and waits for her turn. It is the same here. Whoever comes first, his plate number is written down, and he is dispatched first. But there is something like this, sometimes you can take the initiative. For example, you know a customer will be going to Aksaray. And then one of your friends has a business of his own there. But normally he is eighth or tenth in the queue. It doesn't matter. You can take the initiative and send him there. But no one can jump in like a thug and say "I go first!"… (Faruk, Bakırköy, December 2017)

It is clear from Faruk's remarks that although the "first come, first served" rule seems simple, in practice there are clear exceptions. Sometimes you need to "take the initiative." When one of us was a participant observer at the Yellow Cab Station, he came across many examples of how the rules of dispatch were negotiated among cab drivers. The excerpt below is a very good example for such a negotiation:

- Well, Mahmut [the dispatcher], I have a complaint. Only certain people should respond to push-to-talk.
- I hope nothing's wrong. What happened?
- Last night I was coming from the marketplace. There was an announcement: "Is there a vehicle close to the shopping mall? Customers are waiting!" I responded: "I am close. I can go there." Isn't it my right to pick up that customer?

[27] For anonymity, we are not using the cab drivers' real names.
[28] Yellow Cab Station, April 2018.
[29] Kemal, Küçük Çekmece, December 2017.

- [Another cab driver, Erol intervenes] If you were there on the spot, that would be your right but otherwise the cab in the list gets that customer.
- But brother, I am changing my path to go there! I am not going in the dispatch queue and I am saying so. How is it not my right?
- Brother, if we allow that, everyone would say "I can go there!" even when they are 10-15 minutes away. Don't act as if you don't know anything about the cab driver folks! (Yellow Cab Station, April 2018)

Demonstrated in the quote above, but also visible in many interviews, we observed that cab drivers share a common understanding about the rules of the cab station as a community. These rules are quite stable, but they are also open to adaptation. The last quote from the Yellow Cab Station very clearly shows how fairness of the rules is daily negotiated. In all these examples, the cab drivers perceive themselves as legitimate members of the station community and are actively involved in negotiating and reinterpreting the rules that govern conduct. Thus, it is a clear representation of how the meaning-making of the cab drivers in dispute resolution mechanisms is shaped in relation to their surroundings. They do not hold themselves back from actively participating in the negotiation process when they feel like equal members of the community. As we will see in the following sections, this is not present when the cab drivers are in an environment where they do not feel as equal members.

4.2. Grievances against Uber: "What's there to do?"

- Do you know whether the state had introduced any regulations about Uber?
- Our chamber deals with that topic. But I think not.
- Okay but have you ever tried to carry your complaints to the relevant institutions?
- What's there to do as an individual? Does it matter if I go and apply on my own? What would come out of it? Besides, do I even have time for that for God's sake? (Ekrem, Bahçelievler, December 2017)

When we asked cab drivers what they were doing about Uber's encroachment, the most common answer was: "What's there to do?" (*Ne yapabilirim ki?*) It was usually accompanied with directing us towards the cab station president or cab driver association representatives. Most of the drivers did not feel sufficiently qualified to do something about Uber. In other words, most of the cab drivers did not think they could play a meaningful individual role in such a grand scale conflict, although they were aggrieved by it. In our field work, we have observed that cab drivers posited themselves as subjects of economic, social, and bureaucratic marginalization. We argue that such sense of marginalization plays an important role in the cab drivers' lack of legal mobilization against Uber. In the rest of this section, we will focus on each sense of marginalization to underline how cab drivers refrain from mobilizing their rights at the societal scale.

4.2.1. Economic marginalization

During our fieldwork, we observed that cab drivers blame the economic structure of the cab industry for the declining quality of their work and the workforce. In their accounts, the ill reputation of Istanbul cab drivers is due to either the difficult working conditions, or the unqualified workers these conditions seem to attract. In other words, most of the cab drivers argue that they are increasingly exploited and economically marginalized by the major actors in the industry: *Otocenter*s and cab license owners.

As we mentioned earlier, based on a relatively recent study (Munzuroğlu et al., 2017), only 21% of the cab drivers own their own cab licenses. 54% of the cab drivers work as wage laborers. These wage laborers are rarely hired by the cab license owners themselves. In most cases, the cab license owner uses *Otocenter*s as intermediaries for a monthly lease, usually paid in cash. The *Otocenter*, then, either finds two wage laborers to work the cab, or re-leases the cab license to a cab driver, who himself

hires a wage laborer to drive the cab for the other half of the day. The *Otocenter*s might also require the drivers to purchase the vehicle from them for prices above market value.

Almost all our interviewees who were wage laborers complained about high daily fees and offered an account such as the one below:

- I mean these fees are too high! You had to pay 170TL in the past. It is 200TL after the price raise. Gas prices increased. Diesel price rose 19%. It jumped from 4.40 to 5.50... And we pay 20 TL for the station. When you add all these daily expenses up, I am already 325-330 TL behind. (Ekrem, Bahçelievler, December 2017)

The term 'wage laborers' in the cab industry is a misnomer. Wage laborers like Ekrem do not work for a wage. On the contrary, they pay the cab license owner a daily fee. When we were conducting interviews in late 2017 and early 2018, the daily rate for a cab driver was 170-220 TL. (Considering the fact that two drivers work a car, the cab license owner or *Otocenter* earns approximately 400 TL per day as a "daily wage.") When other daily expenses such as gas, food, cigarettes, cab station fee, and car cleaning are included, cab drivers argue that they start the day with approximately 300-350 TL in debt (e.g., Nuhrat, 2020, p. 9). Many argue that they need to earn a daily total of at least 450-500 TL to count it as a successful day, and that is not always possible in a city that is notorious for its slow traffic, especially during rush hours. In addition, almost all wage laborers told us that they paid for their own social security fees although it is the employer's duty to do so. Most of the cab drivers believe that this business model is the underlying cause in their economic marginalization as the wage laborers have a very hard time making ends meet.

During our fieldwork, we observed the plight of the wage laborers in two distinct but related discourses. The first discourse acknowledges the malpractices of cab drivers but accounts for them by underlining the difficult working conditions (e.g., Nuhrat, 2020, p. 10). A wage laborer explained to us why some wage laborers started to drive for Uber:

- Look brother, the reason for Uber's rise is not the cab drivers, it is the Otocenters. Because, if my daily fees were lower, I'd enter dead ends or accept short rides. But I am in a time race because I cannot earn my money efficiently. Going home without earnings is very hard. Especially after driving in Istanbul traffic. A nut job. The reason for Uber's popularity is Otocenters and cab license owners. The cab driver does not pick the customer for a short ride and the customer calls Uber. Uber does not need to pay a daily fee. He keeps it for himself whether he makes 100TL or 500TL that day. (Okan, Bahçelievler, December 2017)

This cab driver, Okan, underlines the structural inequalities of the cab industry that relies on high daily fees which are collected by intermediaries such as Otocenters. Another cab driver held cab license owners as ultimately responsible:

- In my opinion, the owners are the most important. The owner says that he gets his money and does not care about the rest. He does not care how or from whom the money got there. This is why the cab driver suffers. That is why he doesn't stop on a red light; that is why he is in conflict with the police. (Yakup, Bayrampaşa, January 2018)

Perhaps the most common complaint about cab drivers in Istanbul is their occasional hesitance in taking customers for short distances. As we see in both quotes above, cab drivers argue that the underlying reason for this is their economic exploitation by *Otocenter*s and cab license owners.

The second discourse also acknowledges the malpractices of cab drivers but blames the *Otocenter* business model for attracting unskilled, unexperienced, and non-professional workers. A cab driver gave us a detailed account of how the driver working force transformed overtime:

- Our problems are mostly because people do not see this as a profession. Thirty years ago, 90% of the cab license owners would work. They would drive their own cars. But the price raises in

> meters were very lopsided. Let's say the minimum wage increases 100 TL per year. Even though with a small margin, it still increases. But there were times when the cab drivers did not get a raise for two years straight. I mean price of gas increases, then your expenses increase, but what you earn decreases. When things go like that, people no longer see a profit in this business. People stay away from this business. He thinks that he could get a job with a salary of 1700 TL – not much – but at least he knows how much he will be making. When these people move on to those kinds of jobs, these cars won't be lying here empty. Some people will be running them. They picked some people up from the coffee houses, a custodian from here and there, and then we ended up with rented cab licenses. All that quality was lost. And it is not just the Otocenters. Another one rents his license in the neighborhood, to his friend or neighbor. Nobody wants to deal with it. If this had been put in order in time, all could be very different now. (Faruk, Bakırköy, December 2017)

This is a very detailed account of how Faruk held the transformations of the cab industry responsible for forcing high-quality experienced drivers out and attracting low-quality inexperienced and uneducated drivers to do the job. Another driver gave us a similar account: "Every man and his dog is a cab driver now. The layabout, the drunkard, the thief are the cab drivers. Why? Because, as long as they bring 200 TL, it doesn't matter who drives the cab."[30] In this discourse, cab drivers themselves complain about their fellow drivers who are the vagabonds, the layabouts, the drunkards and the rude people (*boştakiler, işsiz, güçsüz, ayyaş, kaba saba insanlar*). In their account, the main culprit in such a degeneration of the workforce is the business model promoted by cab license owners and *Otocenter*s. In an industry led by these actors, cab drivers perceive themselves (and other cab drivers) as marginalized.

4.2.2. Social marginalization

Although many cab drivers complained about the quality of the work force in the cab business, they were also concerned about how the customers (and the society in general) perceived the cab drivers. During our fieldwork, we observed that almost all cab drivers thought that the public saw them simply as untrustworthy. This discourse of social marginalization was inevitably related with, and contributed to, the discourse of economic marginalization we discussed in the previous section. A cab driver summarized their sense of marginalization very clearly:

- For example, if a cab driver stopped somewhere, everyone would start honking. But if a civilian vehicle had stopped there, no one would say anything. Whenever it is a cab driver, people come ready for a fight. Ten civilian cars pass, but they stop me to make way for a truck. But when I wait, I lose my income. (Metin, Bayrampaşa, January 2018)

In Metin's account, the society in general is so prejudiced against the cab driver that people go out of their way to grieve them. Another cab driver told us that "people see the cab driver as forlorn, a second-class citizen;"[31] and another cab driver used almost the same words: "The cab driver is a second-class citizen in the eyes of the people. They see him as a thief, a scammer."[32] In all these accounts, the cab driver thinks that the public or the customer perceives him as a second-class citizen. In this discourse on how the public sees cab drivers, they are the scum. They think the public sees them as thieves and thugs, or at least simply as unruly and untrustworthy. Cab drivers think of themselves as socially marginalized. When they discursively construct their relationship with the public, cab drivers attribute a hierarchical world view to the customers, in which the drivers themselves appear worthless. In these accounts, cab drivers appear as disfavored (and ultimately illegitimate) participants in this industry (and in society in general). Consequently, they hesitate in seeking resolution for their grievances at the grander societal scale.

[30] Okan, Bahçelievler, December 2017.
[31] Yakup, Bayrampaşa, January 2018.
[32] Yusuf, Beşiktaş, December 2017.

4.2.3. Bureaucratic marginalization

The final discourse on marginalization that we observed during our fieldwork was bureaucratic marginalization. In this discourse on how the state officials perceive cab drivers, they appear (once again) at the bottom of the social hierarchy. Especially when the police officers are concerned, cab drivers describe a world where the police go out of their way to grieve cab drivers.

- The police don't like us. They take on us. The other day I pulled over on Vatan Street to rest for two minutes. The police came and asked: "Shall I fuck you now or later?" I said: "You never know who fucks whom" and left. This is how the police deal with us. (Yakup, Bayrampaşa, January 2018)

- The police see us as enemies. He gives a ticket with no mercy or tolerance. You have pulled over somewhere, for example. He could have told you to move on but instead he immediately gives you a ticket. And the ticket is for 180 TL or 200 TL. But when they see Uber, they do not follow the regulations so strictly. Can you imagine? This man works day and night for a daily income of 80-90 TL and when that disappears for a ticket, he goes home hungry. They should be more considerate. (Ege, Bakırköy, December 2017)

In both these accounts, the police are described as having a very antagonistic relationship with the cab drivers. It appears in this discourse that the police, very much like the customers in general, think of cab drivers as scum, and treat them accordingly.

Bureaucratic marginalization emerges as the final discourse of marginalization that we observed during our fieldwork. Very similar to economic and social marginalization, when cab drivers describe their relationships with public officials (especially the police), they believe that public officials look down upon them. In the eyes of public officials, cab drivers believe that they are inferior and disfavored. When we combine these three discourses of marginalization, we face a complete picture of rejection. Many cab drivers believe that all the major actors in the cab industry (*Otocenter*s, cab license owners, customers, police) approach cab drivers as untrustworthy second-class citizens. Consequently, when they face a major problem such as Uber's encroachment, they feel the game is rigged against them. When cab drivers believe that they are perceived as disreputable partners by multiple actors, they feel clueless and helpless. The most common response from a cab driver about what they are doing against Uber is simply: "What's there to do?"

4.3. Discussion

The data that we gathered from our interviews with cab drivers and participant observation at a cab station support our argument that sense of belonging plays a crucial role in whether (and how) cab drivers mobilize their rights. When they faced problems at the level of the cab station such as dispatch order, cab drivers relied predominantly on the authority of the cab station president to solve the problems. However, most of the time, they felt confident enough to challenge and negotiate these decisions because they felt as a part of the station community. When the cab drivers faced a problem at the grander societal level such as Uber's encroachment, cab drivers chose to "lump it." They simply remained passive facing a global competitor that challenged their livelihood. The question "what's there to do?" reflects a sense of helplessness which repeatedly came out during our interviews and observations. Cab drivers describe an industry in which they appear as marginalized and exploited. In their accounts, not only the major actors of the cab industry such as Otocenters and cab license owners, but also the public in general and official authorities such as the police, despise them. This overwhelming sense of marginalization inevitably leads to a fear and lack of rights mobilization against Uber at the broader societal level.

This analysis shows that cab drivers' understanding and participation in dispute resolution mechanisms are contingent on the context, i.e., it is relational. If they perceive themselves as equal members of the community, they tend to proceed with dispute resolution and take part in the

negotiation process. On the contrary, if can drivers perceive themselves as marginalized members of the community, they tend not to seek dispute resolution. Cab drivers assume that their relative 'weakness' in this context will prevent them from reaching a positive outcome. Consequently, they simply "lump it".

CONCLUSION

Uber has been active in the Turkish market since 2014. The company has stopped its Uber XL service[33] in Turkey in 2019 on its own after the İstanbul Chamber of Taxi Drivers and some other taxi associations have gone to local court against Uber mainly for this service. In December 2019, the court decided on the status of Uber and stated that they were causing unfair competition in the market. Thus, the Uber website and application were blocked in Turkey. Although, it is beyond the scope of this article, we suspect that this decision had a lot to do with the lobbying of cab driver associations (with strong social and political connections) just before the repeated municipal elections in Istanbul in June 2019. It is very likely that the government wanted to appease cab drivers for economic or political reasons. However, Uber took the case to the appellate court. The court annulled the lower court's ruling and lifted the sanctions against Uber in December 2020. Although Uber could have participated in the market upon that decision, they have turned their services into 'UberTaksi' and continued to operate only with drivers with a cab license. The company announced through their social media channels that Uber XL service will be revived on February 21, 2022 and the public will have access to the so-called 'VIP' style black minibuses through the online application again. After the decision of the local court was annulled in January 2021, the İstanbul Chamber of Taxi Drivers lodged an appeal with the Supreme Court. The Supreme Court has not made an official decision on the result of the case, as this manuscript was being prepared for publication. Regardless of how Uber's story continues to unfold in Istanbul, our interest in this article has been on individual cab drivers' legal consciousness to investigate how and why they decide to mobilize their rights or choose not to do so.[34]

In this article, we investigated why cab drivers in Istanbul were more successful in addressing problems they faced at cab stations than the increasing threat of Uber. We argue that this discrepancy stems from whether cab drivers perceive themselves as legitimate partners of a legal order or not. When cab drivers faced problems at the cab station, such as dispatch order, they relied on the intervention of cab station presidents or more experienced drivers. However, as we demonstrated above, they were not hesitant to contest and negotiate those decisions. Perceiving themselves as legitimate partners of the cab station community, they were willing to challenge the decisions that they did not agree with. On the other hand, cab drivers were simply helpless when they faced the encroachment of Uber. A significant majority of our respondents did not know what they could do to challenge Uber, when they were very clearly aggrieved by the company's practices. We argued that the main underlying reason for this paralysis was an overwhelming sense of marginalization shared by most of the cab drivers. They believed that they were economically, socially, and bureaucratically marginalized. In other words, the cab drivers believed that all the major actors in the cab industry (such as *Otocenter*s, cab license owners, customers, and public officials) looked down upon them. We observed a widespread belief among the cab drivers that they were the black sheep of this industry – undermined and exploited at every turn. We argue that this belief in their marginalized status in the cab industry is the main reason for their paralysis in their mobilization against Uber. Considering

[33] Uber XL service is identified as "affordable rides for groups up to six." https://www.uber.com/us/en/ride/ride-options/. (Accessed on 08/04/2022). Within the Turkish market, it refers to uber services with vehicles that operate on D2 licenses.

[34] The fact that courts and legal mobilization played an important role in forcing Uber out of the market (at least for the moment) is not a rebuttal of our argument. The fact that except for one cab driver, none of our interviewees were involved in grassroots mobilization against Uber demonstrates the elite character of the fight against Uber to underline the fact that actual cab drivers, mostly wage laborers, were left out of this struggle. This might be a testimony to the sense of marginalization that cab drivers have described during our interviews.

themselves as marginalized and disreputable members of the industry (and the society in general), they simply "lump it".

As we mentioned above, we did not attempt to evaluate whether this sense of marginalization had a legitimate basis. In other words, we did not try to check if these other actors such as the police or *Otocenter*s did indeed discriminate against cab drivers. Our main goal in this essay was to try and investigate how the cab drivers "experienced and understood legality", in the broadest sense of the term. We found out that whether they chose to mobilize their rights or not was heavily dependent on the extent to which they considered themselves as part of the relevant group. We strongly believe that such an approach, which tries to investigate the mundane meanings we associate with the law, is lacking in contemporary works on Turkey. Our focus here was on cab drivers, but we need more works that investigate the daily life of the law in Turkey. Nevertheless, we also want to underline that this was a limited effort in identifying the relationship between feelings about being a legitimate partner in a legal order and rights mobilization. Relying on the data we collected, we believe we present a good comparative case for this relationship. However, further research is required to investigate the mechanisms in this relationship.

As we discussed earlier, the literature covers various factors that affect legal consciousness, ranging from demographic factors to institutional setting. In this study, we focused on the effects of social relations on legal consciousness, especially how the individual situates herself in relation to the community she sees herself a part of. We argued that as cab drivers feel more marginalized, it is less likely that they mobilize their rights. Although we interviewed cab drivers in this study, our goal was to make a modest contribution to the study of social change and legal consciousness by focusing on the lack of rights mobilization in a 'marginalized group' that is challenged by a global competitor. Even though one's sense of belonging in each situation can change based on the context, we believe that we could confidently highlight the importance of equal membership in affecting people's participation in dispute resolution mechanisms. Cab stations do not necessarily appear as beacons of democracy in our study, but we argue that as spaces that foster a sense of belonging, they facilitate rights mobilization. Further research in this area can illuminate the important role that sense of belonging plays in active participation in social processes and may inspire policymakers to take steps towards this direction.

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